



VILLAGE OF SUTTONS BAY

Via Remote Access

Village Planning Commission

420 Front Street, Suttons Bay

February 9, 2022 at 5:00 pm

Agenda

Due to continuing concerns about COVID-19 transmission, there will also be a Zoom link (which can be found on our website at www.suttonsbayvillage.org) for remote attendance for those members of the public wishing to participate. Members of the public participating in person will be required to wear a mask.

1. Call to order
2. Roll call and notation of quorum
3. Approval of Agenda
4. Member conflict of interest on any item on the Agenda
5. Approval of minutes -January 12, 2022
6. Public comment/Written communications (Reserved time for items listed on the Agenda). Please limit remarks to no more than three (3) minutes
7. Old Business
 - a. **Public Hearing:** On Premise/Off Premise Tasting Room definitions and permitted areas of use
8. New Business
9. Public comment
10. Reports
 - a. Zoning Administration Report
 - b. ZBA Report
 - c. Village Council Updates
11. Good of the order
12. Announcements: The next meeting date is March 9, 2022
13. Adjournment



VILLAGE OF SUTTONS BAY
PLANNING COMMISSION
MEETING MINUTES OF JANUARY 12, 2022

The meeting was called to order at 5:00 p.m. by Jared Pontius.

Present: Richard Hylwa, Steve Feringa, Pete Ostrowski, Jared Pontius and Roger Suppes
Absent: Gail Hetler and Frank Smith
Staff present: Shar Fay and Sara Kopriva

Approval of Agenda

Suppes moved, Ostrowski seconded, CARRIED, to approve the agenda as presented.
Ayes: 5, No: 0.

Approval of Minutes

Suppes moved, Ostrowski seconded, CARRIED, to approve the December 8, 2021, Planning Commission meeting minutes as presented. Ayes: 5, No: 0.

Public Comment

Geoff Hamelin, Verterra Wineries, stated that off-premise tasting rooms would be a fantastic addition to the downtown Suttons Bay, offering financial and economical support. He stated he operates off-premise tasting rooms in other Villages in Leelanau County.

Public Hearing

Hylwa moved, Ostrowski seconded, CARRIED, to open the public hearing at 5:04 p.m. Having heard no public comment, Ostrowski moved, Suppes seconded, CARRIED, to close the public hearing. It was then determined that the Zoom portion of the public hearing was not available to the public, therefore the public hearing was reopened. Ostrowski moved, Suppes seconded, CARRIED to reopen the public hearing. Having heard no public comment, the public hearing was closed. Ostrowski moved, Hylwa seconded, CARRIED, to accept the Standards of Approval and findings, and approve the request from S.A.S. Lutke, LLC, for a Special Use permit to operate a small distillery, small winery, and microbrewery out of an existing building, at 650 S. West Bay Shore Drive, Suttons Bay, MI, Parcel ID # 043-828-014-20. Ayes: 5, No: 0.

Container Bathrooms

Pontius responded to questions regarding the container bathroom units, such as HVAC, hauling, location, permanency, aesthetics and funding. Suppes questioned why the Planning Commission is involved in bathrooms for the Village. Kopriva stated that the Planning Commission took it upon themselves to investigate new bathrooms for the Village, but that they were not asked to do so by Village Council, which typically would be protocol. Following discussion, it was the consensus of Commissioners for Pontius to submit a request to be on the February Village Council agenda for a presentation of the container bathrooms.

Off/On Premise Tasting Rooms Language discussion

Kopriva stated the amended language for consideration and found in the packet would include the On-Premises Tasting Room and Off-Premise Tasting Room definitions, as a use permitted by right in the Central, North and South gateways. This would be a use open to anyone who has a State of Michigan licensed facility associated with a wine maker or small wine maker license, distillery or small distillery license, or similar. Commissioners discussed concerns such as tour busses. Geoff Hamelin explained that it is a universal business policy to not allow tour busses. Ostrowski moved, Suppes seconded, CARRIED, to schedule a public hearing on the amended language for the next regular Planning Commission meeting in February. Ayes: 5, No: 0.

2022 Meeting Dates and Times

Hylwa moved, Suppes seconded, CARRIED, to hold Planning Commission meetings on the second Wednesday of each month, at 5:00 p.m.

Election of Officers

Commissioners nominated Hetler as Chair, Smith as Vice-chair, and Pontius as Secretary. Suppes moved, Ostrowski seconded, CARRIED, to appoint Gail Hetler as Chair, Frank Smith as Vice-chair and Jared Pontius as Secretary of the Planning Commission. Ayes: 5, No: 0.

2021 Planning Report

Suppes moved, Hylwa seconded, CARRIED, to accept and forward the 2021 Planning Commission Annual Report to the Village Council for acceptance at their January 18, 2022 meeting. Ayes: 5, No: 0.

Ex-Parte Communication/By-laws

Commissioners discussed ex-parte communication and the By-laws, specifically section 6.41. Kopriva explained it further, stating that all business should be conducted at a public meeting alleviating perceptions that ex-parte communication is taking place. Conversations outside of a public meeting should be limited to conversations on matters not pending. If a commissioner is seeking information presented at meetings, it is best to reach out to staff for assistance. Commissioners are of the opinion the section is not reasonable and is restrictive and would like to revisit that section of the bylaws at the next Planning Commission meeting, further requesting Kopriva to check with legal about the language in 6.41.

Public Comment

Lois Bahle commented on the ex-parte communication language assuming constituents should be able to speak with board members. She further stated difficulty in logging in to the zoom meeting. She said that there is lots of noise in the room during this zoom meeting and suggests adding soft materials. She believes Commissioners should have the Zoning Map with them during meetings. She stated that bathrooms are listed in the DDA plan as a high priority, and that the DDA has the ability to borrow money or assess businesses in the district for new bathrooms. She believes that container bathrooms are a stellar way to solve the bathroom issue.

Gail Hetler stated she can only participate during public comment when not in person. She thanked Pontius for chairing. Hetler requested Kopriva to look into the ability to participate as a

committee member during Parks and Rec meetings. Kopriva believes Hetler would only be able to speak during public comment, but will confirm with the Manager.

Reports

The Zoning Administration report was submitted by Couturier and can be found in this meeting packet.

Good of the order

Ostrowski asked if anyone participated in the webinar on the revitalization and place making program, believing the Village should look into the possibility for obtaining some of the funding available through COVID distribution, for perhaps empty buildings or obtainable housing.

Adjournment

Ostrowski moved, Hylwa seconded, CARRIED, to adjourn the meeting. The meeting adjourned at 6:18 p.m. Ayes: 5, No: 0.

Meeting minutes submitted by Shar Fay, Village Clerk.

From: Michelle Baldwin <michellevbaldwin@gmail.com>
Sent: Friday, January 28, 2022 11:55 AM
To: suttonsbay@suttonsbayvillage.org
Cc: Richard Baldwin
Subject: February Meeting

Hello. Richard and Michelle Baldwin, 222 Adams Street and 349 West First Street, will be attending the village meeting on Wednesday February 9th to talk about a current Village Ordinance regarding Accessory Dwelling Units during the public comment portion. Just wanted to let you know if it needed to be put on the agenda.

Regards,
Michelle V. Baldwin
231-883-9955

To: Village of Suttons Bay
420 N. Front St; PO Box 395
Suttons Bay, MI 49682

Attn: Zoning Administrator

Date: January 27, 2022

From: Fred and Nancy Elmore
337 W. First St; PO Box 692
Suttons Bay, MI 49682

To whom it may concern:

We are neighbors of Richard and Michelle Baldwin and are writing in support of their zoning request dated January 25, 2022. It is a win-win idea; another affordable housing unit and increased property tax revenue for the village. We know you will give that request serious consideration.

We feel that ADUs are a great way to increase the number of affordable units within the village. We are planning to build one over our garage at 337 First. We also own and rent out at an affordable rated house (333 First) next to our residence. For over 20 years we have opted to rent that house and have resisted the temptation to increase our income by using the house as an STR. If we could add an ADU and rent it also, we could increase our income. As stated above, the village would get one more affordable unit and an increase in tax revenue. Or we could just sell it, pocket our investment earnings, and watch it go the route of so many other small home sales in Suttons Bay, i.e. a bidding war, a purchase by some wealthy absentee owner, rental as a STR, and yet another step in the wrong direction for our community.

We are requesting that the owner occupancy restrictions be removed from the ADU requirements. We are willing to consider a stipulation that such an arrangement could not be used for STRs.

We look forward to hearing from you. Please let us know if there is a meeting/hearing that we should attend.

Sincerely,

Fred Elmore
231.631.0405

Nancy Elmore
231.631.0831

From: Fred Elmore <fredelmore0405@gmail.com>
Sent: Friday, January 28, 2022 12:53 PM
To: suttonsbay@suttonsbayvillage.org
Subject: Re: February Meeting

Just a follow up to let you know that Fred and Nancy Elmore, 337 First St., will also be in attendance and also requesting that the owner occupancy requirements for ADUs be eliminated.

Thank you, Fred

On Fri, Jan 28, 2022 at 12:40 PM Michelle Baldwin <michellevbaldwin@gmail.com> wrote:

FYI

----- Forwarded message -----

From: **Michelle Baldwin** <michellevbaldwin@gmail.com>
Date: Fri, Jan 28, 2022 at 11:54 AM
Subject: February Meeting
To: <suttonsbay@suttonsbayvillage.org>
Cc: Richard Baldwin <info@baldwinhomesland.com>

Hello. Richard and Michelle Baldwin, 222 Adams Street and 349 West First Street, will be attending the village meeting on Wednesday February 9th to talk about a current Village Ordinance regarding Accessory Dwelling Units during the public comment portion. Just wanted to let you know if it needed to be put on the agenda.

Regards,
Michelle V. Baldwin
231-883-9955

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Michelle V. Baldwin
231-883-9955

To: Suttons Bay Village Planning Commission

From: Sara Kopriva, AICP

Date: February 2, 2022

RE: Tasting Room Zoning Amendment

Last month the Planning Commission made a motion to schedule a public hearing to add tasting room language to the Zoning Ordinance. This amendment will add definitions for both on-premise and off-premise tasting rooms and also allow the use as a permitted use in the commercial zoning districts.

Following the public hearing, if the Planning Commission is satisfied with the language, the Planning Commission should make a motion to recommend approval to Village Council.

STATE OF MICHIGAN
COUNTY OF LEELANAU

VILLAGE OF SUTTONS BAY
PUBLIC HEARING

AMENDMENT TO THE VILLAGE ZONING ORDINANCE

The Village of Suttons Bay Planning Commission will hold a public hearing to consider the following Zoning Ordinance Amendment(s) at their regular planning commission meeting scheduled for Wednesday, February 9, 2022 at 5:00 P.M.

Add the following to Section 20-12 (B), Definitions U-V, in alphabetical order and renumber accordingly.

Off Premise Tasting Room - A State of Michigan licensed facility affiliated with a wine maker or small wine maker license, distillery or small distillery license or similar use that serves samples for the purpose of selling the product manufactured at the facility at an offsite location.

On Premises Tasting Room - A State of Michigan licensed facility affiliated with a wine maker or small wine maker license, distillery or small distillery license or similar use that serves samples for the purpose of selling the product manufactured at the facility.

Add the following to Table 5-2 Schedule of Uses: Mixed Use Districts

Under Accommodation, Hospitality, Entertainment, in alphabetical order

Off Premise Tasting Room- Permitted Use "P" in CB, NG, SG

On Premises Tasting Room- Permitted Use "P" in CB, NG, SG

Information regarding the amendment may be examined by contacting the Office of Planning & Zoning at the Village of Suttons Bay, during regular business hours of 8:00 a.m. – 4:00 p.m., Monday through Thursday, and 8:00 a.m. – Noon on Friday, at 231-271-3051 or by email at suttonsbay@suttonsbayvillage.org. Comments may be made in writing, addressed to Planner, c/o Village of Suttons Bay, PO BOX 395, Suttons Bay, Michigan 49682.

Section 5-1 Intent and Purpose

- A. *Central Business (CB)*. The CB district protects the traditional, small town character of the downtown and enhances a pedestrian-oriented environment. The district accommodates a mix of retail stores, offices, entertainment, civic spaces, residential uses and related activities that are mutually supporting and serve the needs of the Village. The intent of this district is to encourage a lively social environment and economically viable downtown with a wide variety of uses in a pedestrian oriented and unified setting.
- B. *North Gateway (NG)*. The NG district accommodates a mix of residential and commercial uses while maintaining residential neighborhood design characteristics to the north of the CBD.
- C. *South Gateway (SG)*. The SG district accommodates a mix of residential and commercial uses while maintaining residential neighborhood design characteristics to the south of the CBD.
- D. *Bay View (BV)*. The BV district is a mixed use district intended to accommodate residential use at a variety of densities, civic use, office space and retail, in addition to mixed use buildings.

Section 5-2 Table of Uses

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of *Table 5-2* may be used for the purposes denoted by the following abbreviations:

- A. *Permitted Use (P)*. The use may be established by right on land and/or within buildings in the applicable zoning district, subject to all other applicable provisions of this ordinance.
- B. *Special Land Use (SLU)*. The use is subject to discretionary review by the Planning Commission.
- C. *Specific Conditions*. Indicates requirements or conditions that are applicable to specific uses.

Table 5-2 Schedule of Uses: Mixed Use Districts					
Use	CB	NG	SG	BV	Specific Conditions
ACCESSORY					
Accessory dwelling		P	P	P	Section 9-2
Accessory building	P	P	P	P	Section 2-3
Accessory sidewalk cafés and sales	SLU	SLU	SLU	SLU	Section 9-3
Home occupation		P	P	P	Section 9-6
Primary caregiver		P	P	P	Section 9-10
ACCOMMODATIONS, HOSPITALITY, ENTERTAINMENT					
Banquet hall	P	SLU	SLU	P	
Bed and breakfast	P	P	P		Section 9-4
Ecotourism	P			P	
Hotel/motel	P			P	
Marina	P			P	
Off Premise Tasting Room	P	P	P		
On Premises Tasting Room	P	P	P		
Restaurant	P	SLU	SLU	P	
Restaurant with micro-brewery, small distillery, or small winery	P	SLU	SLU	P	

Table 5-2 Schedule of Uses: Mixed Use Districts					
Use	CB	NG	SG	BV	Specific Conditions
Restaurant with accessory outdoor cooking, dining and entertainment	SLU	SLU	SLU	P	Section 9-3
Tavern	P				
Theater	P				
INDUSTRIAL, MANUFACTURING, ASSEMBLY					
Distillery, small	P	SLU	SLU		
Micro-brewery	P	SLU	SLU		
Winery, small	P	SLU	SLU		
INFRASTRUCTURE, TRANSPORTATION, COMMUNICATIONS					
Essential service	P	P	P	P	Section 2-7
INSTITUTIONAL/CIVIC					
Community oriented cultural facility	P	P	P		
Community public safety	P				
Meeting facility		P	P	P	
Parks, playgrounds, outdoor recreation areas	P			P	
Place of worship	P	P	P	P	
OFFICES AND SERVICES					
Animal services, animal clinic/hospital	P				
Child care center	P	SLU	SLU	P	
General offices and services	P	SLU	SLU	P	
RESIDENTIAL					
Day care (children), family day care home		P	P	P	
Day care (children), group day care home		SLU	SLU	SLU	
Dwellings, multi-family				P	Section 9-7
Dwellings, single-family detached		P	P	P	
Dwellings, two-family		P	P	P	
Dwellings, units on upper floors of buildings with non-residential uses at street level (single or multiple)	P	P	P	P	
Foster care home (adult), adult foster care family home		P	P	P	
Foster family home (children), foster family home		P	P	P	
Home, convalescent or nursing				P	
Housing, independent and assisted living				P	
RETAIL					
General retail (indoor), less than 5,000 SF	P	SLU	SLU	P	
General retail (indoor), 5,000 SF or greater				P	
OTHER					
Similar uses	SLU/ P	SLU/ P	SLU/ P	SLU/ P	Section 3-5

preservation, conservation, and sustainability. This use shall include at least two of the following characteristics:

- a. Located near or within a wilderness setting, park, or protected area;
 - b. Interpretive educational program with or without guides;
 - c. Outdoor activities; or
 - d. Cultural experiences.
4. **HOTEL/MOTEL** means a building under single management that provides rooms or suites intended primarily as sleeping accommodations for public rental on a daily basis for registered guests. A hotel (as distinct from a motel) contains a central interior lobby and provides daily room cleaning and linen changes. Other supportive facilities may also be included such as, but not limited to, meeting rooms, incidental retail sales, restaurants, lounges, swimming pools, recreational and fitness facilities and similar facilities/services intended principally to serve registered guests.
5. **OFF PREMISE TASTING ROOM** means a State of Michigan licensed facility affiliated with a wine maker or small wine maker license, distillery or small distillery license or similar use that serves samples for the purpose of selling the product manufactured at the facility at an offsite location.
6. **ON PREMISE TASTING ROOM** means a State of Michigan licensed facility affiliated with a wine maker or small wine maker license, distillery or small distillery license or similar use that serves samples for the purpose of selling the product manufactured at the facility.
7. **RECREATION FACILITY: COMMERCIAL INDOOR** means an establishment providing indoor amusement and entertainment services, often for a fee or admission charge, including, but not limited to: bowling alleys, coin-operated amusement arcades, movie theaters, electronic game arcades (video games, pinball, etc.), indoor ice skating and roller skating rinks, pool and billiard rooms as primary uses. Does not include adult-oriented businesses. May include bars and restaurants as accessory uses. Any establishment with four or more electronic games or amusement devices (e.g., pool or billiard tables, pinball machines, etc.) or a premise where 50 percent or more of the floor area is occupied by electronic games or amusement devices is considered an indoor recreation facility; three or fewer machines or devices are not considered a use separate from the primary use of the site.
8. **RECREATION FACILITY: COMMERCIAL OUTDOOR** means a facility for outdoor recreational activities where a fee is often charged for use. Examples include, but are not limited to, amusement and theme parks; go-cart tracks; golf driving ranges; miniature golf courses; marinas; watercraft rentals; and water parks. May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc. Marinas may include marine-related retail (bait and tackle, boat supplies), fuel sales, minor boat repair, and boat storage. This use does not include golf courses or campgrounds.
9. **RESTAURANT** means a business establishment whose method of operation involves either the delivery of prepared food by servers to customers seated at indoor or outdoor areas, or prepared food is acquired by customers at a counter or cafeteria line and consumed at tables within a completely enclosed building, but does not include drive-through services, which are separately defined and regulated.
- a. **RESTAURANT WITH MICRO-BREWERY** means a restaurant, as defined in this ordinance, that includes a facility that brews ales, beers, meads, and/or



VILLAGE OF SUTTONS BAY
ZONING ADMINISTRATOR REPORT

Prepared:	02/04/2022	Pages:	1 of 1
Meeting:	02/09/2022	Attachments:	0 <input type="checkbox"/>
Subject:	Zoning Administrator Report		

STAFF COMMENT:

As of 2/4/2022 no Land Use Permits Applications have been submitted to the Zoning Administrator.

Staff has received numerous calls regarding Accessory Dwelling Units (ADUs), and requests to allow ADUs on parcels where the owner does not reside, allowing for another long term rental unit on the property

As of this time staff has no complaints that they are working on.

ACTION REQUESTED: NONE