



VILLAGE OF SUTTONS BAY

Via Remote Access

Village Planning Commission

420 Front Street, Suttons Bay

January 12, 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 -December 8, 2021
6. Public comment/Written communications (Reserved time for items listed on the Agenda). Please limit remarks to no more than three (3) minutes
7. **Public Hearing:** Parcel # 043-828-014-20-Hop Lot Brewery LLC- a request from S.A.S. Lutke, LLC for a Special Land Use permit to operate a small distillery with a tasting room/restaurant located at 650 S West Bay Shore Dr.
8. Old Business
 - a. Follow-up report from Jared Pontius-Container Bathrooms Quote
9. New Business
 - a. Off/On Premise Tasting Rooms Language Discussion
 - b. 2022 Meeting Dates Approval
 - c. Election of Officers
 - d. 2021 Planning Report
 - e. Ex-Parte Communication-By-Laws
10. Public comment
11. Reports
 - a. Zoning Administration Report
 - b. ZBA Report
 - c. Village Council Updates
12. Good of the order
13. Announcements: The next meeting date is February 9, 2022
14. Adjournment

Village of Suttons Bay is inviting you to a scheduled Zoom meeting.

Topic: Planning Commission

Time: Jan 12, 2022 05:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/88320563801?pwd=aUZpdVBKOBHBMnNJOU0zVTgwYk53QT09>

Meeting ID: 883 2056 3801

Passcode: 645163

One tap mobile

+13126266799,,88320563801#,,,,*645163# US (Chicago)

+19294362866,,88320563801#,,,,*645163# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Washington DC)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 883 2056 3801

Passcode: 645163

Find your local number: <https://us02web.zoom.us/j/k9jkYpXL>



VILLAGE OF SUTTONS BAY
PLANNING COMMISSION
MEETING MINUTES OF DECEMBER 8, 2021

The meeting was called to order at 5:00 p.m. by Chairperson Hetler.

Present: Hetler, Ostrowski, Pontius, Smith and Suppes
Absent: Hylwa
Staff present: Fay and Kopriva

Approval of Agenda

Ostrowski moved, Smith seconded, CARRIED, to approve the agenda as presented, with an affirmative unanimous roll call vote. Ayes: 5, No: 0.

Approval of Minutes

Suppes moved, Ostrowski seconded, CARRIED, to approve the Planning Commission meeting minutes of November 10, 2021, with an affirmative unanimous roll call vote. Ayes: 5, No: 0.

Follow-up report from Jared Pontius – Container bathrooms

Pontius informed Commissioners that he has not yet received a quote on a container bathroom. It was the consensus of Commissioners to place this item on the Agenda for January, pending a quote on a container bathroom.

Community Land Trusts – Larry Mawby

Larry Mawby introduced the concept of a Community Land Trust, as explained in the handout found in the packet. Mawby stated Peninsula Housing is a very new group which has identified the Village of Suttons Bay as a potential project, largely due to its walkability and close proximity to employment, public transportation, and any services that a resident would need, for apartment rental/work force housing units that would remain affordable for a very long time. The first small project identified and being negotiated would be for 30-40 units, but current zoning does not support this. Mawby encourages this concept be placed in the Master Plan, allowing zoning to be developed from there. If Commissioners are interested in learning more about it, please contact Mawby individually.

Hop Lot Distillery Plan Review

Steve Lutke introduced his request for a special land use permit, (change of use) to operate a small distillery, small winery and microbrewery out of an existing building. Lutke stated that upon approval, the Michigan Liquor Control would view both 658 and 650 W. Bay Shore Drive as one licensed premise. The building needs a lot of interior work to prepare it as a distillery. At a later date, Lutke may be back to request changes to the exterior, such as windows, and a possible expansion. Parking will be discussed at a later date as well. Kopriva clarified that

page 17, Section 3, of the old document should be disregarded. Ostrowski moved, Suppes seconded, CARRIED, to schedule a public hearing for 650 S. West Bay Shore Drive on an application for a special land use permit, for January 12th, 2022, at 5:00 p.m., with an affirmative unanimous roll call vote. Ayes: 5, No: 0.

Off Premise Tasting Rooms Language Discussion

Kopriva stated the Village has had recent requests for off premise tasting rooms within the Village; therefore, has brought forth for consideration, amending the ordinance to allow for this use. Kopriva informed Commissioners that if they choose not to consider amending the ordinance at this time, interested persons could file an application to amend the language in the ordinance.

Commissioners discussed the following:

- Concerns about tour busses and over intoxication
- More access to alcohol
- Can a limit be placed on how many tastings rooms the Village can have?
- Could tasting rooms be allowed in certain areas only, such as the S. Gateway?
- Can tasting rooms be limited to serving Leelanau County produced spirits, only?

Following discussion, it was the consensus of Commissioners to wait to consider amending the ordinance pending an application to amend the ordinance to allow for off premise tasting rooms.

2022 Meeting dates

It was the consensus of Commissioners to hold the first Planning Commission meeting in 2022 on January 12, 2022, at 5:00 p.m. Commissioners would like this item placed back on the January 2022 agenda to further discuss dates and times for 2022, in order to hear from the Zoning Administrator about her availability to attend meetings. Commissioners would like the Zoning Administrator to attend meetings monthly, or at least bi-monthly.

Public Comment

Karen Pontius, Village business and property owner, expressed support for off premise tasting rooms, noting the Village has become a year-round destiny. She supports this sort of diversity within the Village.

Jeff and Paul Hamelin, owners of Verterra Winery, stated they have had a successful tasting room in Leland for 11 years, and have brought a lot of customers to that area. They stated the Village of Suttons Bay is the only Village in Leelanau County that does not have tasting rooms. They only provide products manufactured in Leelanau County. The hours of operation are the same as the store owners and do not remain open in the evening like the restaurants and bars do. They also highly restrict large groups and busses, unless by appointment only, which is also stated online and on their printed materials.

Steve Lutke stated his support for showcasing locally made products, but would prefer it be restricted to Leelanau County produced products.

Lois Bahle stated the S B Chamber put out a survey on affordable housing, and although the response was low, businesses who did respond support work force housing. She asked for a

timeline on the Master Plan update. Hetler stated the 2022 budget was just approved, so sometime in 2022.

Having heard public comments relative to off premise tasting rooms, Commissioner's requested Kopriva investigate whether restrictions can be placed in the Ordinance to reflect tasting rooms with Leelanau County manufactured spirits only, and to report back at the January 2022 meeting. Kopriva stated she will reach out for legal advice.

Reports

Zoning Administration Report – A report was submitted by Leslie Couturier, Zoning Administrator, and can be found in this meeting packet.

Village Council updates – Suppes stated the proposed budget was approved at the Village Council Special meeting.

Adjournment

Smith moved, Ostrowski seconded, CARRIED, to adjourn the meeting. The meeting adjourned at 6:24 p.m.

Meeting minutes submitted by Shar Fay, Village Clerk.

STATE OF MICHIGAN
COUNTY OF LEE LANAU

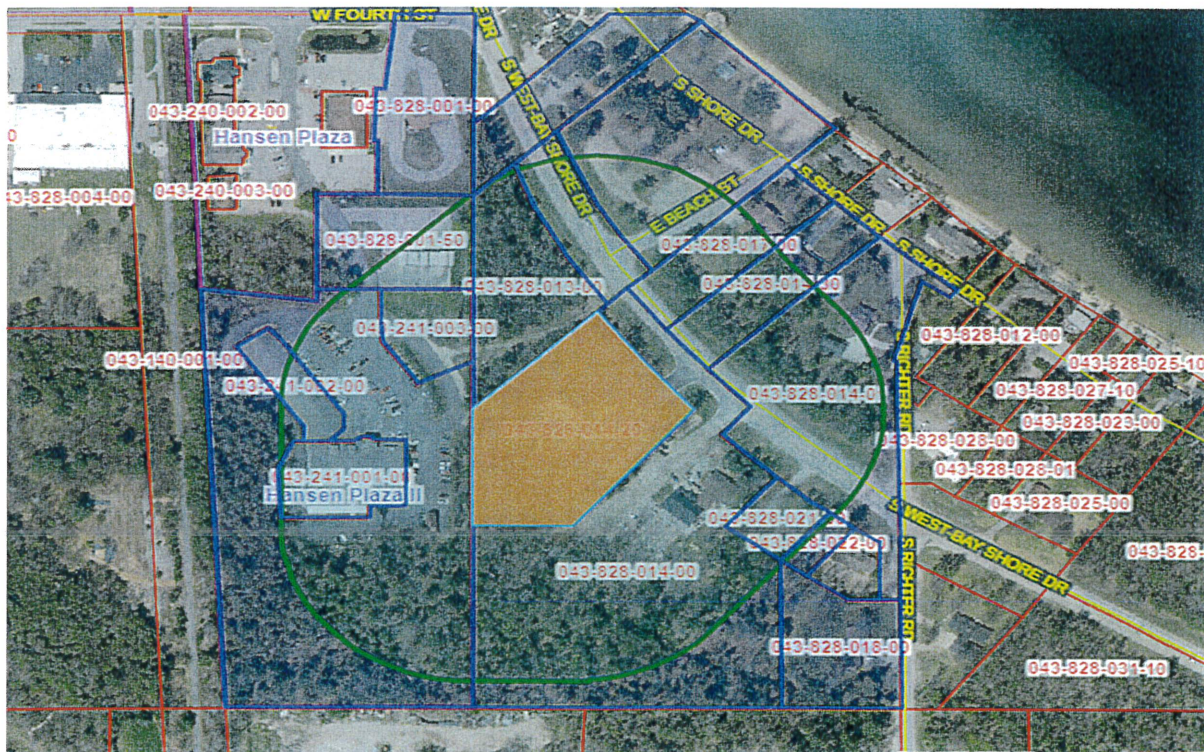
VILLAGE OF SUTTONS BAY

Public Hearing Notice

The Village of Suttons Bay Planning Commission will hold a public hearing on January 12, 2022 at 5:00 p.m. at 420 N Front Street, Suttons Bay Michigan to consider a request from S.A.S. Lutke, LLC for a Special Land Use permit to operate a small distillery with a tasting room/restaurant located at 650 S West Bay Shore Dr. Parcel # 043-828-014-20.

Complete copies of the Application are available at the Village office and can be found online at suttonsbayvillage.org. Comments regarding this request can be sent in writing to Village of Suttons Bay, PO BOX 395, Suttons Bay MI 49682, or email to suttonsbay@suttonsbayvillage.org

Information regarding the request 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.



CATTON RICHARD M JR & JOA...
964 S RICHTER RD
SUTTONS BAY, MI, 49682

HANSEN DEVELOPMENT OF S...
86 N PLUM ST
HART, MI, 49420

HOUSTON HOLDINGS III LLC
1324 TIMMINS DR
ANN ARBOR, MI, 48103

CIPICCHIO RICHARD F COLLEE...
1243 ROSEBANK DR
COLUMBUS, OH, 43235

FORTON LOUIS JR & MERLE T...
38 FOUNTAIN SQUARE PLAZA ...
CINCINNATI, OH, 45263

WILSON RAYNE & SAMS JUSTI...
670 S WEST-BAY SHORE DR
SUTTONS BAY, MI, 49682

FROST FAMILY MARKET LLC
91 W FOURTH ST
SUTTONS BAY, MI, 49682

SAS LUTKE LLC
658 S WEST-BAY SHORE DR
SUTTONS BAY, MI, 49682

CASTINE FARMS LLC
PO BOX 386
SUTTONS BAY, MI, 49682

ONON NICHOLAS M & FAYE RO...
PO BOX 277
SUTTONS BAY, MI, 49682

VILLAGE OF SUTTONS BAY
PO BOX 395
SUTTONS BAY, MI, 49682

SUTTONS BAY MEDICAL PROP...
6227 FRANKFORT HWY
BENZONIA, MI, 49616

HANSEN DEVELOPMENT OF S...
86 N PLUM ST
HART, MI, 49420

VILLAGE OF SUTTONS BAY
PO BOX 395
SUTTONS BAY, MI, 49682

CFG ENTERPRISES LLC
195 S SHORE DR
SUTTONS BAY, MI, 49682

SUTTONS BAY LAND LLC
8211 E DUCK LAKE RD
SUTTONS BAY, MI, 49682

TJ&J MANAGEMENT LLC
3680 CASS RD
TRAVERSE CITY, MI, 49684

To: Village of Suttons Bay Planning Commission

From: Sara Kopriva, AICP

Date: January 6, 2022

RE: **Public Hearing** 650 S West Bay Shore Dr, Request for small distillery, small winery, and microbrewery with tasting room/restaurant

Recommended Action:

Motion to approve the special use permit for 650 S West Bay Shore Dr as requested.

At the December meeting, the Planning Commission was introduced to this project and schedule a public hearing for the application. Following the public hearing, the Planning Commission will need to review Section 13-3, Standards for Approval, before making a decision on the application. The Standards are listed below with suggested draft findings. These are only suggested findings and can be modified by the Planning Commission.

The applicant is requesting a special use permit to operate a small distillery, small winery, and microbrewery out of an existing building. (Urgent Care) This application is for a change of use only, there will be no exterior changes to the property.

Below are the relevant sections of the Ordinance that will be able to this project.

Zoning District: South Gateway

Uses Allowed:

Restaurant with micro-brewery, small distillery, or small winery- allowed with special land use

Small distillery- allowed with special land use

Microbrewery includes tasting room- allowed with special land use

Small winery-allowed with special land use

There are no specific use requirements for any of these uses in Article 9 of the Zoning Ordinance.

Section 5-7 South Gateway (Commercial Uses Only) Form Requirements

A. Facades.

1. Parallel to Street. The front building façade shall be parallel to the adjacent front street.

Provided

B. Vernacular. All new commercial structures shall be designed as to reflect a rustic residential character that resembles that of a modern beam or timber frame construction.

N/A- Existing Building

C. Roofs.

1. Overhangs. Roof overhangs shall have a minimum one (1) foot overhang at the eave and rake.

Provided-Existing Building

2. Eaves. Simple eaves and exposed rafter tails are encouraged.

Provided-Existing Building

D. Windows. Windows facing streets are subject to the following conditions:

1. Type. Windows shall be designed with large windows to emphasize the front façade and resulting in an expansive windowed first floor.

Provided- Existing Building

E. Walls.

1. Materials. Exterior walls shall be a combination of the following materials clad in wood, brick or stone, and/or other comparable materials acceptable to the Administrator to reflect the residential character described in (b) above.

Provided-Existing Building

F. Accessory Structures. If an alley exists, accessory structure overhead doors shall be oriented toward back alleys. If there is no ally, overhead doors shall not face the street.

N/A

G. Trash Storage. All trash storage shall be screened from view from the streets by means of fence or shrubbery that is a minimum of 4 ft in height.

Provided

H. Parking. Parking areas shall be located to the side or rear of the buildings and screened from view from adjacent parcels and streets.

Provided

I. Loading Areas and Docks. If an alley exists, accessory structure overhead doors shall be oriented toward back alleys. If there is no ally, overhead doors shall not face the street

N/A

Table 10-3 Parking Requirements

South Gateway – One (1) space per employee

Article 11 Landscaping

This section does not apply since this is not a new building and there no work being done outside. Should an addition be proposed or any other site work be done, then compliance with the landscaping provisions would be required.

Section 13-2 Application Procedures (Special Land Use)

B. Information Required in Application. An application for special land use permit shall include:

1. Application Form. An application form which includes, at a minimum:

a. The applicant's name and address. **Provided**

b. Signature of land owner and the applicant, if different than the landowner. **Provided**

c. The address and legal description of the property. **Provided**

d. A specific statement and supporting information demonstrating that compliance with the standards for special land use permit approved as provided in Section 13-3. **Provided**

e. A complete description of the proposed development including the following assessments and statements, as applicable:

(1) Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of sewage for treatment, volume of water consumption related to community system capacity, change in traffic volume on adjacent streets and other factors that may apply to the particular development. **Provided**

(2) Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment. **Not Applicable**

Section 13-3 General Standards for Approval

The Planning Commission shall find that all of the following are met prior to issuing a permit.

A. Special Land Use Permit Standards. The Planning Commission shall review the particular circumstances and facts applicable to each proposed special land use with respect to the following standards and requirements and the proposed site plan:

1. It will be in accordance with the general objectives, intent and purposes of this ordinance.

Satisfied- The application is for a use allowed by special use in the Zoning Ordinance and also allows for the re-use of an existing building.

2. It will be in accordance with the goals and objectives of the Master Plan.

Satisfied- This property is located in the Mixed Use South future land use area and the application is providing for the commercial re-use of an existing commercial building. Goal 5 of the Master Plan is to strengthen and direct development towards the Village. This application continues to do meet this goal.

3. It will be designed, constructed, operated and maintained in harmony with the existing or intended character of the general vicinity and will not change the essential character of the area in which it is proposed.

Satisfied- The application meets the requirements of the South Gateway design criteria and is the re-use of an existing building.

4. It will not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.

Satisfied- This use will be conducted indoors and not disturbing neighboring properties.

5. It will be adequately served by essential infrastructure, such as highways, roads, stormwater drainage, refuse disposal, water and sewage facilities.

Satisfied- This property is located on M22 and has all the appropriate infrastructure.

6. It will not create excessive additional requirements at public cost for infrastructure and will not be detrimental to the economic welfare of the community.

Satisfied- It is not anticipated that there will be any additional public costs for this project.

7. It will not involve uses, activities, processes, materials and equipment, or conditions of operation that will be detrimental to persons, property or general welfare by reason of excessive traffic, noise, vibration, smoke, fumes, glare or odors.

Satisfied- There will be no excessive traffic, noise, vibration, smoke, fumes, glare or odors from this project.

8. It will ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and topographic modifications, which result in maximum harmony with adjacent areas.

Satisfied- There are not changes to the site as proposed.

9. It will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.

Satisfied- This is the re-use of an existing building and will have no impact on the neighboring properties.

10. The use complies with other general and specific standards of this ordinance, the respective area, and general provisions of this ordinance.

Satisfied- This use is allowed by special use in the South Gateway District and meets the requirements of the South Gateway District.



420 N Front St., PO Box 395
Suttons Bay, Michigan 49688

Phone (231) 271-3051

Office of
Planning & Zoning

APPLICATION FOR SPECIAL LAND USE AND SITE PLAN APPROVAL

(As Amended)

(For office use only)

File No. SLU /SPR Fee Paid \$ Escrow Paid \$
Check # Check #

Section 1. Applicant Information

Applicant/Authorized Agent's Name Steve Lutke

Address 424 N. School Hill Ct Phone No. (231) 893-5924

Nature of Applicant's Relationship to Property: Owner

Applicant/Authorized Agent's Signature

I hereby depose and say, under the penalties of perjury, that all of the statements and/or information contained herein or submitted with this application are true.

Signature

Date

7-8-21



Owner's Name S.A.S. Lutke LLC

Address 658 S. West Bay Shore Dr. Phone No. (231) 883-5924

Owner's Signature (application cannot be processed without owner's signature)

I hereby depose and say, under the penalties of perjury, that all of the statements and/or information contained herein or submitted with this application are true.

Signature

Date

7-8-21



Designer's Name _____

Address _____ Phone No. () _____

Section 2. Property Information

Property Identification Numbers (PIN), list all parcels affected: 043-828-014-20

Legal Description, if any new property divisions are proposed (may be attached): Attached

Address of subject parcel 650 S. West Bay Shore Dr.

Existing Use(s) Office / medical building

Zoning District SGW Area of Property

1.93 ☒ Acres ☐ Sq. feet

For properties of less than one acre, use square feet.

Section 3. Special Land Use Information

Project Description. Attach a written description of your proposed project. For residential projects, indicate the number of dwelling units, broken down by occupancy type (rental or owner occupied), target market segment (i.e., "singles, young families, empty-nesters, elderly, etc.") anticipated rent or sale-price range, and the number of bedrooms. Describe any state or federal rental or purchase assistance program that may apply to your project. For all projects describe on-site amenities to be offered; any phasing planned for the development and the proposed development timetable. Indicate any county, state or federal licenses or permits or approvals that will be required and the status of each. Explain perpetual maintenance arrangements for open spaces.

Estimated Beginning Date 8/12/21 Estimated Date of Completion 11/1/2021

Site Plan Attached. Note, all special land uses require site plan approval prior to construction and The Village of Suttons Bay requires simultaneous processing to assure complete disclosure and expeditious processing.

Describe in detail the expected effect of the Special Land Use on the following. Attach additional sheets, as needed. Please respond to each item, unless it is waived by the Zoning Administrator. Provide quantified information where it is available.

Emergency service requirements (discuss police and fire protection needs of the project) See attached

Schools (discuss number of families with children expected) NA

Storm water systems (discuss extent of impervious surface, detention/retention plan)

Storm water will flow to the existing retention ponds, and NO impervious surface is being requested.

Automobile and truck circulation patterns (discuss access/egress, drives, parking and on-site circulation)

See attached

Local traffic volumes (discuss daily trip generation and peak hour demands)

See attached

Additional material necessary to consider the impact of the project upon adjacent properties and the general public as required by the Village of Suttons Bay.

Check if Attached Section No.

Description



Section 4. Site Plan Check List

Use previously approved site plan?

Attach to this application ten (10) copies of the proposed site plan. Use this section to check that your site plan includes all required elements. At a minimum, the site plan shall include:

- ☐ A scaled drawing of the site and the proposed development including the date prepared and the date of the latest revision (if any) and the name and address of the preparer.
- ☒ Property parcel number(s) (from the Assessment Roll of the Township).
- ☐ Topography of the site and its relationship to adjoining land. Show existing and proposed contours at not more than two (2) foot intervals and show all adjoining structures within 100' of the property line.
- ☐ Itemization of existing man-made features.
- ☐ Dimensions of setbacks.
- ☐ Locations, heights and sizes of structures and other important features. Provide exterior elevations of major buildings or "typical" buildings in multiple building projects. Indicate exterior finish materials.
- ☐ Percentage of land covered by buildings and percentage reserved for open space.
- ☐ Dwelling unit density, where pertinent.
- ☐ Location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including grades and types of construction of those upon the site.
- ☐ Curb-cuts, driving lanes, parking and loading areas. For mixed-use, commercial, institutional or industrial developments, provide your parking detail and calculations.
- ☐ Location and type of drainage, sanitary sewers, storm sewers, watermain or wells, and all underground or overhead utility lines.
- ☐ Location and nature of fences, landscaping and screening.
- ☐ Proposed earth changes.
- ☐ Signs and on-site illumination. Provide lighting detail and include elevations of proposed signs.
- ☐ Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be requested by the Zoning Administrator or the Planning Commission.
- ☐ The site plan shall include a written landscape plan prepared in accord with Section 11-3 of the Zoning Ordinance.

Section 5. Additional Information

If applicable, provide the following further information:

	<u>Yes</u>	<u>No</u>	<u>Not Applicable</u>
A. Sanitary Sewer Service			
1. Does project require extension of public sewer line?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If yes, has a Utility Agreement been prepared?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Will a community wastewater system be installed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If yes, has a Utility Agreement been prepared?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If yes, provide construction plans and specifications			
3. Will on-site disposal be used?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, is it depicted on plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Water Service			
1. Does project require extension of public water main?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If yes, has a Utility Agreement been prepared?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Will a community water supply be installed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If yes, has a Utility Agreement been prepared?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If yes, provide construction plans and specifications			
C. Public utility easements required?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If yes, show on plan.			
D. Site Drainage			
1. County drain usage approved by County Drain Commissioner?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If so, attach approval letter.			
If no, are alternate measures shown?			
Note: Alternate measures must be designed and sealed by a registered Engineer.			
E. Roads and Circulation			
1. Are interior public streets proposed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If yes, has Village and MDOT approved (attach letter)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Will public streets connect to adjoining properties or future streets?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Are private roads or interior drives proposed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Will private drives connect to adjoining properties service roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Has the Village or MDOT approved curb cuts?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If yes, attach approved permit.			

Section 6. Special Land Use Review Standards

Indicate how your proposed special land use will respond to each of the following Special Use Permit Conditions as outlined in Section 8609 of the Village of Suttons Bay Zoning Ordinance. Note that the Planning Commission must review each special land use condition in light of these standards and any specific review standards provided in Article VI of the Zoning Ordinance. Your responses to the following items will help the Planning Commission to reach a decision. Attach additional sheets, if necessary.

A Special Land Use shall...

1. It will be in accordance with the general objectives, intent and proposed of the zoning ordinance.

2. It will be in accordance with goals and objectives of the Master Plan.
3. It will be designed, constructed, operated and in harmony with the existing or intended character of the general vicinity and will not change the essential character of the area in which it is proposed

4. It will not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.

5. It will be adequately served by essential infrastructure, such as highways, roads, stormwater drainage, refuse disposal, water and sewage facilities.

6. It will not create excessive additional requirements at public cost for infrastructure and will not be detrimental to the economic welfare of the community.

7. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to persons, property or general welfare by reason of excessive production of traffic, noise, vibration, smoke, fumes, glare or odors.

8. It will ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications that result in maximum harmony with adjacent areas.

9. It will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district

10. The use complies with the general and specific standards of this ordinance, the respective area, and general provisions of this ordinance.

Approval. If the Planning commission finds that all standards have been met, the permit shall be issued

SPECIAL LAND USE APPROVAL APPLICATION INFORMATION SHEET

Please read the following information before completing your application for approval of a special land use.

The Village of Suttons Bay Zoning Ordinance identifies some uses of land that may be appropriate in some districts with careful review and development. These are known as Special Land Uses and they are regulated by the Zoning Ordinance with detailed standards found in 13.

1. **Simultaneous Processing.** All special land uses require approval of both the use itself and the site plan. An application for review of a proposed special land use includes site plan review and approval, as well. Since some owners desire to obtain approval of their special land use before proceeding with engineering or other costly work required for a site plan, in limited circumstances, the Zoning Administrator may recommend a deferral of some required site plan elements until the special land use is approved. Under no circumstances will a land use permit be issued until a complete site plan, fully consistent with the special land use approval and including all required elements, is submitted and approved by the Planning Commission.
2. **General and Specific Standards.** The Zoning Ordinance includes general approval standards for all special land uses and the Planning Commission must review each application for conformance with those standards. In addition, many special land uses must also meet specific review standards structured to address possible impacts that may be generated by the use. These are set forth in Article VI of the Zoning Ordinance and the Zoning Administrator will provide any specific standards for your application.
3. **Pre-submission Meetings.** Pre-submission meetings with the Village Planner are available and encouraged. These meetings can help you structure your application in conformance with the requirements of the Zoning Ordinance. In addition, in some instances, portions of the submittal requirements may not apply to your application and could be omitted, but only if waived by the Zoning Administrator or Planner and approved by the Planning Commission. Therefore, these pre-submittal meetings can also make the application process more efficient.
4. **Submission Deadlines.** Please submit your completed application no later than **thirty (30) days** prior to the scheduled Planning Commission meeting at which you wish to appear. Along with the application materials, all required fees and escrows must be paid before the Village will begin processing. The Planning Commission meets on the second Wednesday of each month. If you are unsure of the meeting date and/or the deadline for submittal, please contact the Planning and Zoning Office. It is important that your application be complete prior to submittal because incomplete applications may be held off the agenda until all required information is provided.
5. **Processing Timetable.** After a complete special land use approval application is received by the Zoning Administrator it will be forwarded to the Village Planner, the Village Engineer, the Village Attorney and other local, County and/or State review agencies for review and report (if applicable). In addition, the application will be tentatively placed on the Planning Commission agenda for the next meeting scheduled to occur not less than thirty (30) days from the date the application is submitted. If the application is complete a public hearing will be held, if not, at the scheduled Planning Commission meeting, the application will be considered along with any reports or review comments received from staff or agencies. At this meeting, the applicant will be expected to present his/her application and respond to any questions the Planning Commission may ask. In addition, at this meeting, the Planning Commission will schedule a public hearing on the application. Under normal circumstances, the hearing is scheduled for the next monthly meeting of the Planning Commission. A notice of the hearing will be published and mailed to all property taxpayers within three hundred (300) feet of the project site. At the hearing, the applicant will be expected to present his/her application and the Planning Commission will hear comments from any citizen or resident in attendance. Following the hearing, the Planning Commission may approve the application, approve the application with conditions, deny the application or table the application for more information. Following approval by the Planning Commission of the special land use and site plan applications and proper fulfilling of any conditions attached to those approvals, the Zoning Administrator will issue a land use permit.

Parcel Number:
043-828-014-20

OWNERS ADDRESS:
SAS LUTKE LLC

658 S WEST BAY SHORE DR
SUTTONS BAY, MI 49682

PROPERTY ADDRESS:
650 S WEST-BAY SHORE DR
SUTTONS BAY, MI 49682

DATE PRINTED: 07/08/2021

2021 LEGAL DESCRIPTION:

L326 P197 L498 P502/98 L648 P143/02 PRT GOVT LOT 4 COM S 1/4 COR SD SEC TH
N89 DEG 52' 10" W 1326.81 FT ALG S LN SD SEC TH N 00 DEG 20' 25" E 350.21 FT
ALG W LN SD GOVT LOT 4 TO POB TH N 00 DEG 20' 25" E 222 FT ALG SD W LN TH N
46 DEG 56' 23" E 269.15 FT POINT ON SWLY R/W LN M-22 TH SELY 239.84 FT ALG SD
R/W LN & ARC OF 1707.30 FT RADIUS CURVE TO LEFT CH-S 38 DEG 26' 38" E 239.65
FT TH S 41 DEG 18' 51" W 290.80 FT TH N 89 DEG 52' 10" W 154.99 FT PARALLEL
WITH SD S SEC LN TO POB SEC 28 T30N R11W. 1.93 A.

Section 3.

S.A.S. Lutke LLC, on behalf of Hop Lot Brewing Company, is requesting a special land use permit to operate a small distillery with a tasting room/restaurant, that will be constructed within the existing structure (formerly Urgent Care) located at 650 S. West Bay Shore Dr. Distilled spirits will be produced and packaged in this structure, along with a tasting room that will serve food. Hop Lot Brewing Company LLC, will operate the small distillery and tasting room. Hop Lot Brewing Company LLC, has received local government approval from the Suttons Bay Village Council, and has submitted both state (MLCC) and federal (TTB) paperwork to obtain a Small Distillery License, and Distilled Spirits Plant permit, respectively. The Michigan Liquor Control Commission has already approved the license, pending a final investigation of the structure, and the approval of the Federal Permit.

Emergency service requirements- No additional police services are required for this project. Fire protection needs will be met by Suttons Bay Township Fire Department. The structure will be housing distilled spirits that are flammable. The building will be renovated to meet all local and state building code requirements to produce and store the spirits.

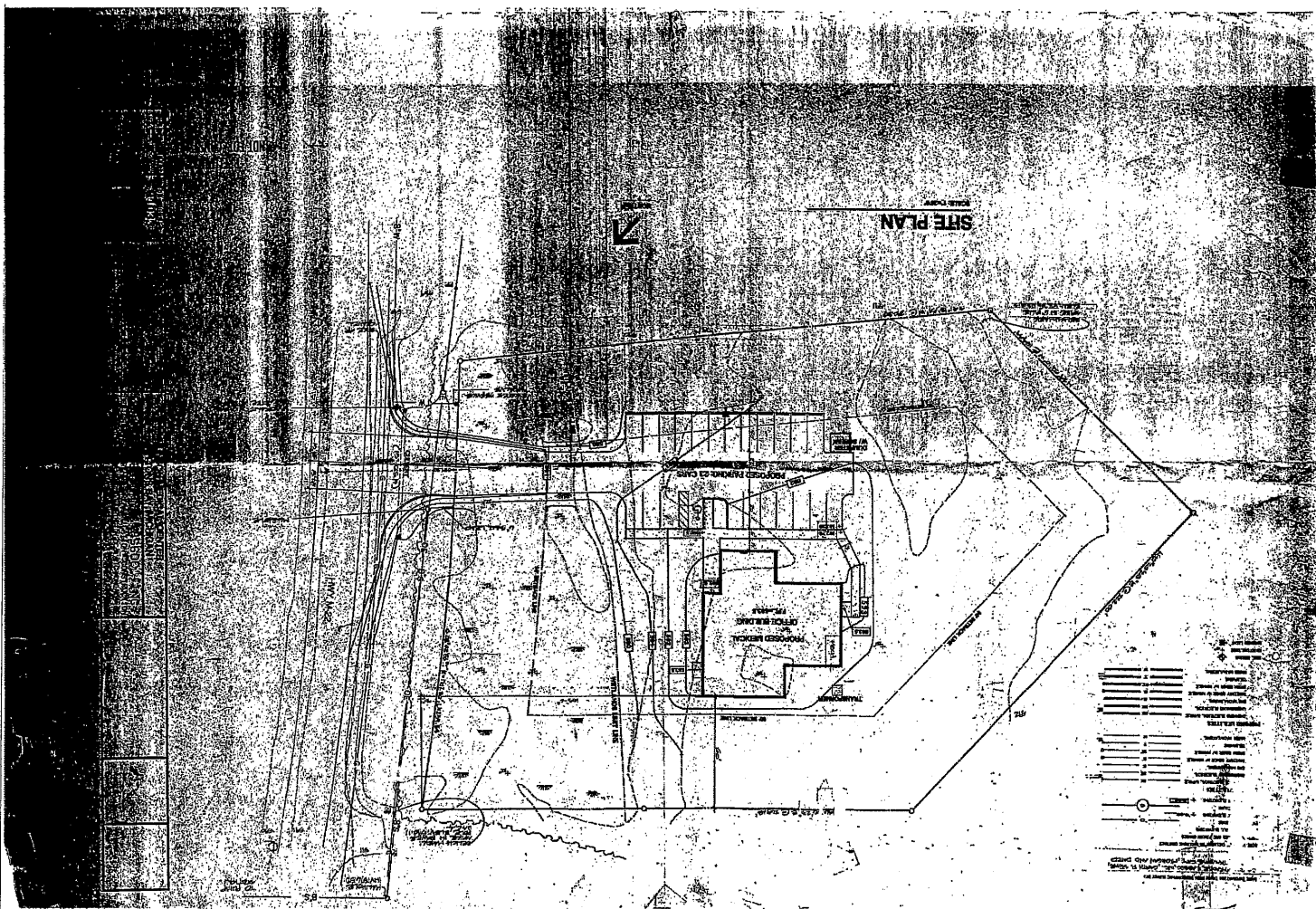
Automobile and truck circulation patterns are expected to continue as is already occurring. Traffic will enter the parking lot from M22. The parking lot and drive is shared with the adjacent property (Hop Lot Brewing Company). Any deliveries to this facility are likely to be scheduled prior to peak traffic times.

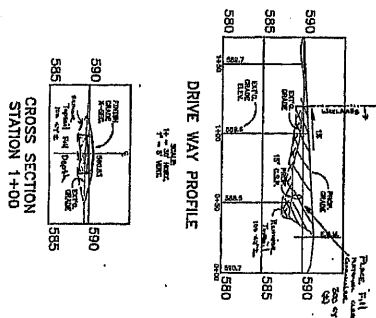
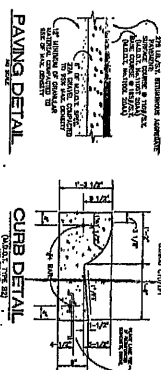
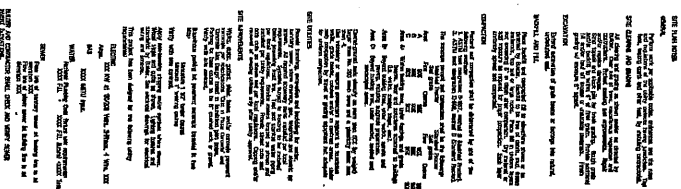
Local traffic volumes – Local traffic patterns are expected to continue as is already occurring. Peak hours are expected to be a typical dinner times (5-8)PM. The site is located directly off M22 and on-site parking is available.

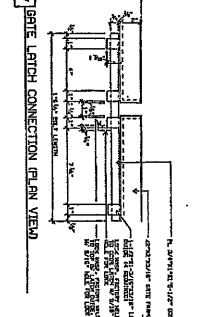
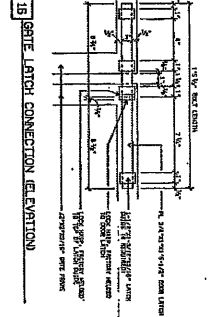
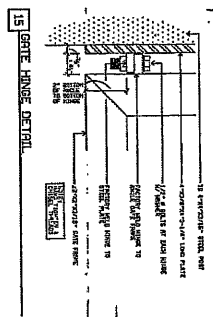
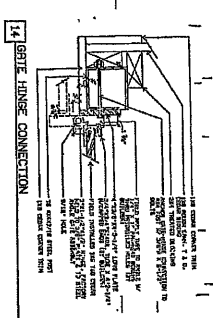
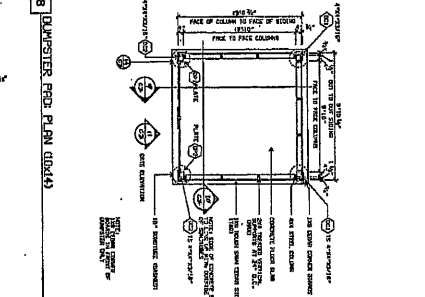
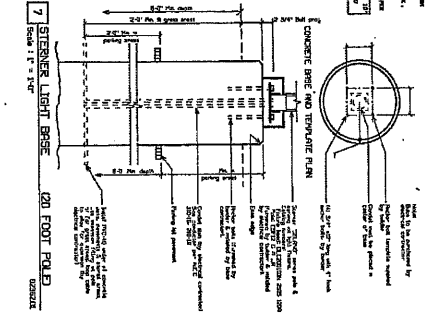
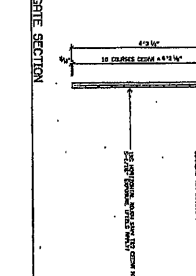
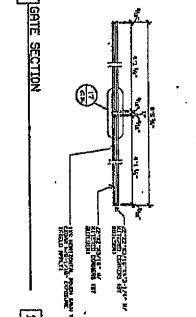
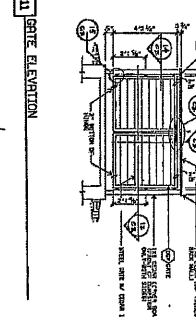
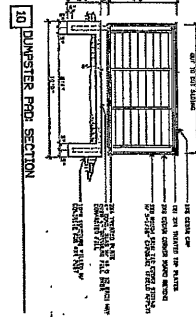
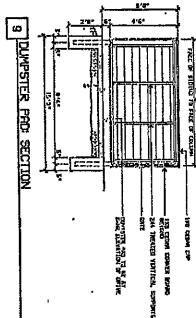
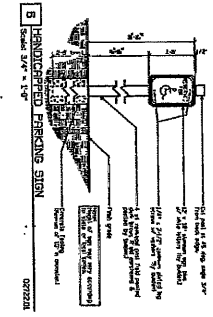
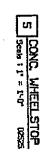
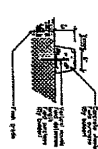
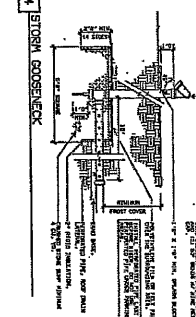
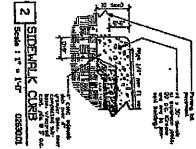
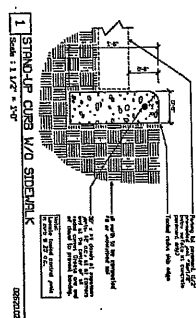
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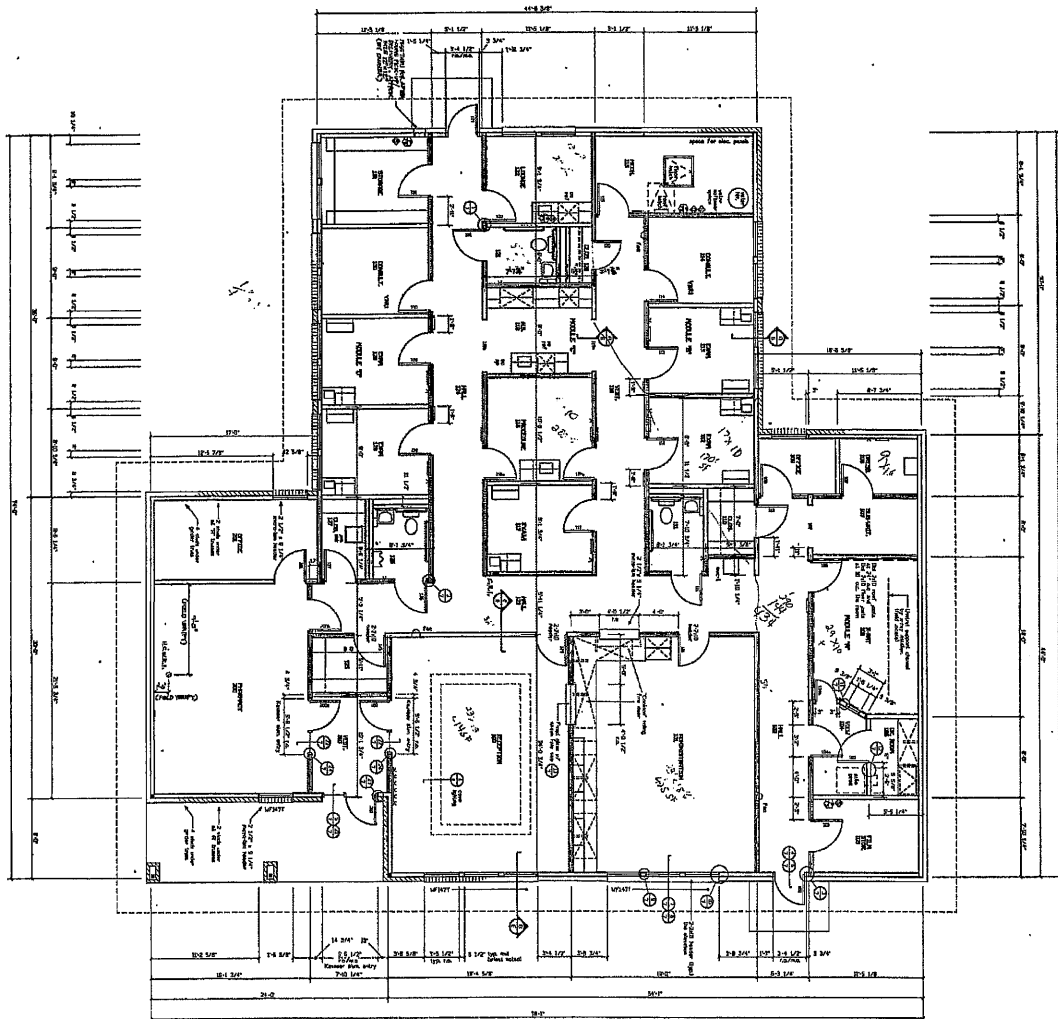
1. Per the ordinance, A small distillery is a permitted use by Special Land Use.
2. The intention of this project is to support continued development of an existing, Suttons Bay Village business. In addition, locally grown agricultural products (apples, corn, grains, cherries) will be used to produce products.
3. The existing building was already approved. The operation of the small distillery is a direct production extension of an existing business located on the adjacent property.
4. Operated properly, a small distillery is not a hazardous use, and will not be disturbing to existing or future uses in the same general vicinity, and in the community as a whole. The operation of the distillery will be an extension of an existing business located on the adjacent property.
5. All existing infrastructure will be used. No additional infrastructure (per item 5) is required.
6. No additional public costs for infrastructure are required. Jobs will be created for the community.
7. We will not be involving uses, activities, processes, materials, and equipment that will be detrimental to persons, property, or general welfare by reason of excessive production of traffic, noise, vibration, smoke, fumes, glare or odors. Production is will take place within the structure. We expect to distill spirits 3-4 days per week, for up to 6 hours at a time. No excessive production of traffic, noise, vibration, smoke, fumes, glare, or odors is expected.
8. We will be using the existing, approved structure on this site. No additional building is being proposed at this time.

9. The special land use that is being requested, benefits an adjacent property, and will not impede the normal and orderly development and improvement of other surrounding properties for uses permitted in the zoning district.
10. A small distillery is a permitted use by special land use permit in the South Gateway Zoning District.



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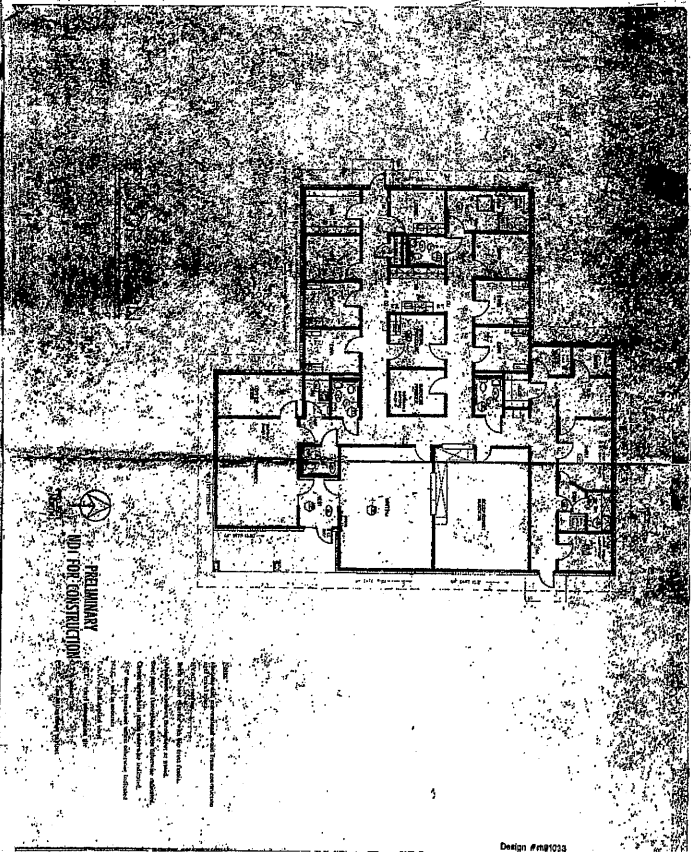




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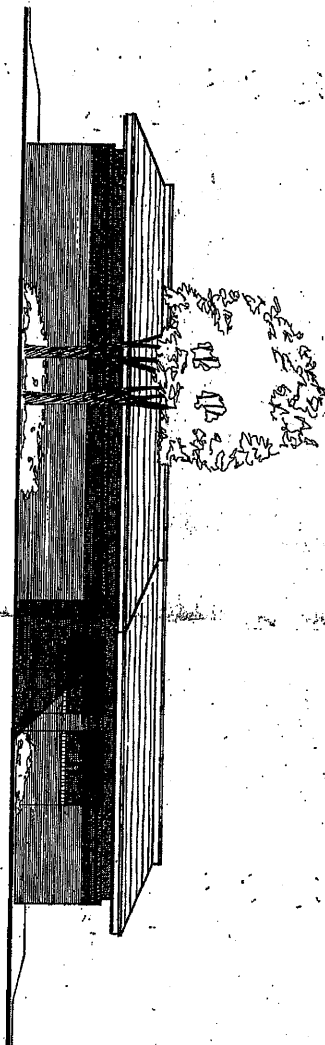
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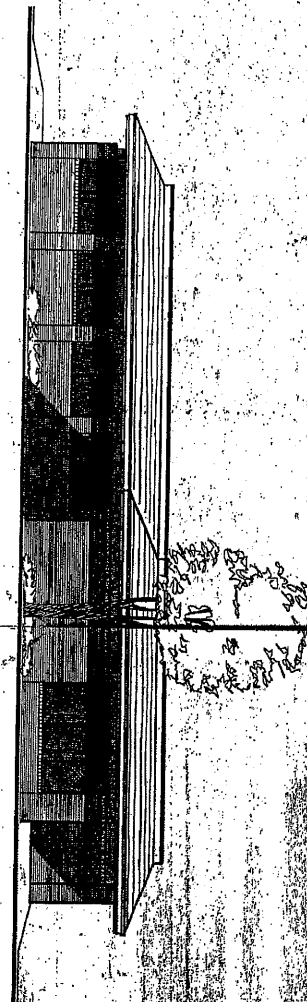


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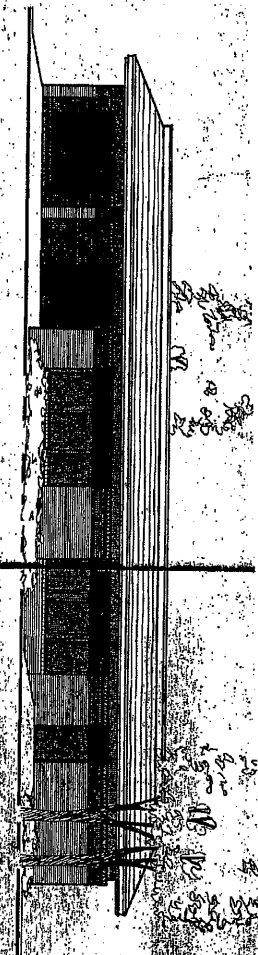
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Marshall Erdman and Associates, Inc.

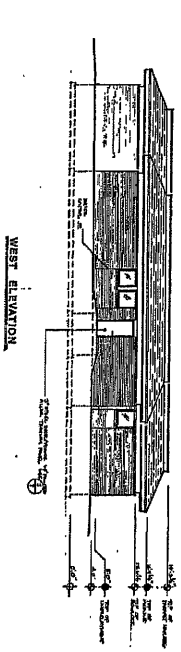
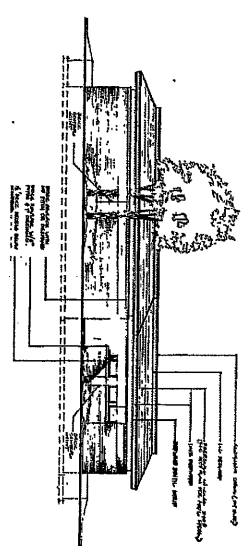
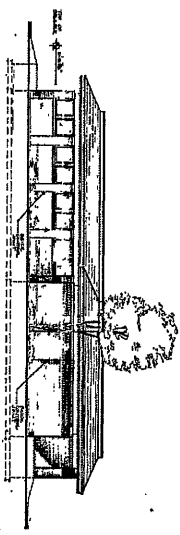
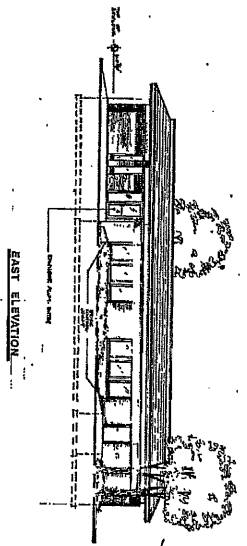
Excellence in the Design and Construction of Ambulatory Health Care Facilities
Madison Hartford Washington, DC Richmond Atlanta Dallas Denver

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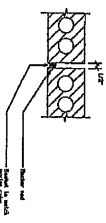
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To: Village of Suttons Bay Planning Commission

From: Sara Kopriva, AICP

Date: January 6, 2022

RE: Tasting Room Language

Recommended Motion: Motion to schedule a public hearing at the next regular Planning Commission meeting.

OVERVIEW

As discussed at the December Planning Commission meeting, the Village has seen an increase in requests from local wineries and spirit manufacturers wanting to open tasting rooms within the Village Central Business, North and South Gateway Districts. This type of business is not new to the region, however, as they gain in popularity the demand for a tasting room has increased.

Our Ordinance does not currently permit the use and therefore it is before you for consideration.

A winery, distillery, brewery etc is permitted to serve their product (onsite) as an accessory use to the business currently manufacturing the product. We have clarified the use by adding the On-premise Tasting Room definition.

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.

The Off Premise Tasting Room has also been defined to address the reason for this amendment request. This use should be considered in the Central Business, North and South Gateway as a use permitted by right. This use has proven to be a draw for people looking to sample local wines, beer and spirits before they purchase the product. The tasting room operators are then able to sell the patron a bottle of wine to take with them. These tasting rooms differ from a bar in that you purchase a sample for the purpose of purchasing the product, rather than simply consuming the product.

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.

2022 MEETING SCHEDULE

FOR THE

VILLAGE OF SUTTONS BAY

PLANNING COMMISSION		
January	12	5:00 P.M.
February	9	5:00 P.M.
March	9	5:00 P.M.
April	13	5:00 P.M.
May	11	5:00 P.M.
June	8	5:00 P.M.
July	13	5:00 P.M.
August	10	5:00 P.M.
September	14	5:00 P.M.
October	12	5:00 P.M.
November	9	5:00 P.M.
December	14	5:00 P.M.

DDA		
January	12	9:00am
April	13	9:00am
September	14	9:00am
November	9	9:00am
Quarterly		

VILLAGE COUNCIL		
January	*18	5:30 P.M.
February	*22	5:30 P.M.
March	21	5:30 P.M.
April	18	5:30 P.M.
May	16	5:30 P.M.
June	20	5:30 P.M.
July	18	5:30 P.M.
August	15	5:30 P.M.
September	19	5:30 P.M.
October	17	5:30 P.M.
November	21	5:30 P.M.
December	19	5:30 P.M.
* Tuesday following Holiday		


ZBA		
January	19	5:30 P.M.
February	16	5:30 P.M.
March	16	5:30 P.M.
April	20	5:30 P.M.
May	18	5:30 P.M.
June	15	5:30 P.M.
July	20	5:30 P.M.
August	17	5:30 P.M.
September	21	5:30 P.M.
October	19	5:30 P.M.
November	16	5:30 P.M.
December	21	5:30 P.M.

UTILITY / MARINA		
Mondays		
January	3	8:10 a.m.
March	7	8:10 a.m.
April	4	
June	6	8:10 a.m.
August	1	8:10 a.m.
October	3	8:10 a.m.
November	7	8:10 a.m.

GENERAL SERVICE COMMITTEE		
Tuesdays		
January	4	8:10 a.m.
March	8	8:10 a.m.
April	5	
June	7	8:10 a.m.
August	2	8:10 a.m.
October	4	8:10 a.m.
November	8	8:10 a.m.

ADMIN / PERSONNEL		
Wednesdays		
January	5	8:10 a.m.
March	9	8:10 a.m.
April	6	8:10 a.m.
June	8	8:10 a.m.
August	3	8:10 a.m.
October	5	8:10 a.m.
November	9	8:10 a.m.

COMMITTEE OF THE WHOLE- Tuesday		
February	1	8:10 a.m.
May	3	8:10 a.m.
September	6	8:10 a.m.
December	6	8:10 a.m.

		VILLAGE OF SUTTONS BAY	
		REPORT VSB -2022-02	
Prepared:	January 2, 2021	Pages:	1 of 2
Meeting:	January 12, 2022 & January 18, 2022	Attachments:	<input type="checkbox"/>
Subject:	PC Annual Report		

Introduction

This 2021 annual Planning Report was prepared pursuant to the requirements of Section 19(2) of the Michigan Planning Enabling Act, which states:

"A planning commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development."

This report is intended to serve as the Planning Commission's report to the Village Council, as required above, and will also outline the activities of Staff in the 2021 year.

Administration

Staff was responsible for generating 62 reports in 2021, to the Village Council, Village Planning Commission, DDA, and Parks and Recreation Committee. This number has been consistent of the past two years. Routine tasks also include site visits, dialogue with the development community, reviewing and amending the 2018 Village Zoning Ordinance & Zoning Map, continuing work on the new Parks & Recreation plan, and applying for and administering grants.

Planning Consultant

A Planning Consultant was hired this year to help guide the planning commission. Sara Kopriva, AICP, has worked in local government as a planner and/or zoning administrator for over 15 years. She also used to chair her local planning commission. She is the main staff to the planning commission working on zoning amendment, special use permits, and site plans.

Zoning Administration

Leslie Couturier issued 24 Land Use Permits, participated in the zoning ordinance review and discussions, and continues to enforce the adopted ordinance.

Planning Commission

The Planning Commission meets the second Wednesday of each month and is responsible for reviewing development applications, preparing plans, and advising the Village Council on development matters and zoning amendments. This schedule will continue throughout 2022.

Village Zoning Ordinance

The Village Zoning Ordinance was adopted in 2018; however, the format has proven to be less than user friendly. Much of 2022 will be spent on reviewing zoning amendments.

S:\Users\Administration\Reports\2022\Report VSB-2022-02 PC Annual Report.docx

PLANNING COMMISSION & VILLAGE COUNCIL

- A Map amendment to the Bayview PUD area was adopted in February, 2021. Three parcels were erroneously assigned to the PUD and the planning commission corrected this action and they are now New Village Residential.
- An Amendment was made to Article 2-21 Walls and Fences that eliminated the 1-foot setback for fence placement.
- The planning commission, after an extensive walking tour, held a public hearing on an amendment to the South Gateway District Design Standards.
- Discussion began regarding off premise tasting rooms. It was determined that due to requests from interested wineries/distilleries language would be drafted and discussed in January.

Parks & Recreation Plan

Work continued on the Parks and Recreation plan. Mapping was contracted out to Leelanau County Equalization Department. Covid-19 continues to stall work at the Federal level. The 2020 Census numbers remain unavailable. The hope is to have them soon.

Master Plan: The Planning Commission completed review of the Community Survey which results will be used to gather information for the Master Plan.

Zoning Board of Appeals:

No meetings were held in 2021.

Conclusion

2022 should prove to be a very busy and exciting year as we anticipate continued work on the Zoning Ordinance, holding public hearings on the Parks and Rec plan and beginning the process for drafting a new Master Plan.

Discussion will continue on Attainable housing as we work through the Master Plan.

Public Hearings for amendments introduced at the December 2021 PC meeting:

- On-site/Off-site tasting room language,

Future amendments to be introduced include looking at Accessory Dwelling Units, Multi-Family Development, and routine housekeeping.

Planning Commission Recommendation – January 12, 2022

The Planning Commission accepted and forwarded the 2021 Annual Report to the Village Council for acceptance at their January 18, 2022 meeting:

Village of Suttons Bay Planning Commission

December 30, 2021

Sometime on the afternoon of December 28, I think it was the 28th, it may have been the 27th, while walking around my block, I encountered Commissioner Ostrowski and his wife beginning a walk of their own. We began to chat. At some point in our conversation, Commissioner Ostrowski mentioned that he had attended a virtual conference on the use of ARP funds for affordable housing. [That conference had been brought to his attention, appropriately, by my wife in her role as Chair of the Leelanau County Housing Action Committee]. He said he thought that this might be applicable to the old Silvertree building in Suttons Bay. I agreed that it might, and said that that housing on the second floor had been part of the plan the previous owner of the building had for that building.

It was at this point that I realized we should not be having this conversation. I warned Commissioner Ostrowski [who expressed surprise] that the Village Planning Commission ByLaws were very strict on *ex parte* communications between Commissioners and others. We immediately ceased our conversation and went on about our separate walks.

I do not believe that Commissioner Ostrowski initiated that portion of our conversation from inappropriate motives, but rather from ignorance of your rules.

I report this incident out of an abundance of caution with regard to section 6.4.1 of your bylaws, relieving, I trust, Commissioner Ostrowski of the responsibility to so disclose our *ex parte* contact.

Note also, that I emailed Commissioner Ostrowski a copy of this prior to sending it to the Commission [that email communication was a selfish act of neighborliness, but still, reportable].

Further, I caution all commissioners to log in future, and report to the Commission, any conversations with anyone about anything that may come before the Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Mawby". The signature is fluid and cursive, with the first name "Larry" and last name "Mawby" clearly distinguishable.

Larry Mawby

Resident & Board Chair, Peninsula Housing

**VILLAGE OF SUTTONS BAY
PLANNING COMMISSION**

Bylaws

Adopted: September 11, 2019

1. **PURPOSE.** These Bylaws are adopted to provide for the efficient and uniform administration of the Village of Suttons Bay Village Planning Commission.
2. **MEMBERSHIP.** The Planning Commission shall be composed of seven (7), members as provided in Village of Suttons Bay Ordinance No.1 of 2009 and as authorized by the Michigan Planning Enabling Act, Act No. 33 of the Public Acts of 2008, as amended. The commission shall consist of 5 qualified electors, maximum of two (2) ex-officio members or 2 *non*-qualified electors.
 - 2.1 **Duties of the Planning Commission.** The Planning Commission shall perform the following duties:
 - a. Prepare, review and update a master plan as a guide for development within the Village's planning jurisdiction.
 - b. Take such action on petitions, staff proposals and Village Council requests for amendments to the Village master plan, zoning ordinance and zoning map as required.
 - c. Prepare an annual written report to the Village Council of the Planning Commission's operations and the status of planning activities, including recommendations regarding actions by the Village Council related to planning and development.
 - d. Take such actions as authorized or required by law.
 - e. Review site plan proposals and recommend appropriate actions to the Village Council.
 - f. Perform other duties and responsibilities or respond as requested by Village Council.
3. **OFFICERS AND COMMITTEES.**
 - 3.1 **Officers.** The officers of the Planning Commission shall be a Chairperson, Vice Chairperson, and Secretary.
 - 3.2 **Election of Officers.** The officers of the Planning Commission shall be elected by its members at its first regular meeting held in each year. A Village *ex officio* member of the Planning Commission shall not be eligible to serve as Chairperson or Vice

Chairperson. The term of office for each officer shall be one (1) year, or until his or her successor is chosen and assumes office.

- 3.3 **Chairperson.** The Chairperson shall preside over all meetings of the Planning Commission.
- 3.4 **Vice Chairperson.** The Vice Chairperson shall perform the duties of the Chairperson during the absence or disability of the Chairperson.
- 3.5 **Secretary.** The Secretary shall oversee the preparation of the minutes of all meetings of the Planning Commission and the issuance of notices as required by law. The Secretary shall perform such other duties as may be assigned by the Chairperson or the Planning Commission. The administrative duties of the Secretary may be assigned the Village Clerk or designated appointee. If assigned, the Clerk, or designated appointee, shall act as the Recording Secretary of the Planning Commission, shall be responsible for the preparation of minutes, the maintenance of the records for the Planning Commission, the delivering of communications, petitions, reports and related items of business and administrative duties as assigned by the Planning Commission. The position of Secretary is largely ceremonial when the duties are assigned to the Clerk or designated appointee.
- 3.6 **Vacancies.** If a vacancy occurs in the office of Chairperson, the Vice Chairperson shall assume the office of Chairperson for the remainder of the term. Other vacancies in offices shall be filled by the Planning Commission from its members for the unexpired term of the office.

3.7 **Committees**

Advisory Committees. The Commission or Chair may establish and appoint advisory committees for limited and special purposes. If the advisory committee is made up of commission members, no more than three members, or a minority of voting members of the current Commission, may be appointed to such committee. Bylaws of the Planning Commission apply to any advisory committee. The chair of the committee, or designated appointee, shall keep minutes of the committee meetings in the same format used by the Commission. Committee meetings are intended to be held in a manner consistent with Michigan's Open Meetings Act, MCL 15.261 et seq. ("OMA").

4. **MEETINGS**

- 4.1 **Regular Schedule.** The Planning Commission shall hold at least 4 regular meetings each year, and shall by resolution determine the time and place of regular

meetings consistent with the OMA.

- 4.2 Special Meetings.** Special meetings of the Planning Commission shall be held at the call of the Chairperson or upon written request of two (2) of the members of the Planning Commission filed with the Secretary. No less than eighteen (18) hours before the scheduled special meeting, the Secretary or his/her designee shall provide each member of the Planning Commission with a written notice of the special meeting, specifying the date, time, place, and purpose of the special meeting. This written notice shall be mailed, emailed or given personally to each member, or left at the member's usual place of residence.
- 4.3 Place of Meeting.** Meetings of the Planning Commission, when held, shall be held at the Suttons Bay Village Hall, unless the Planning Commission, by a vote of a majority of its members, specifies a different meeting place. Whenever the Chairperson determines that the place of the meeting will likely have inadequate space for members of the public, the location of the meeting may be changed to a larger meeting facility. A notice of the change in meeting location shall be prominently posted at the Village Hall so that it is visible from outside.
- 4.4 Time of Meetings.** Meetings of the Planning Commission, when held, shall be held on the second Wednesday of the month beginning at 5:30 p.m., unless the Planning Commission, by a vote of a majority of its members, specifies a different starting time. The Planning Commission shall not begin considering any matter on the agenda after 8:00 p.m., except by unanimous consent of the members present. Matters on the agenda which have not been considered may be heard at an adjourned meeting /hearing, provided a motion specifies the time, date, and place of the adjourned meeting/hearing, or shall be placed on the agenda of the next regular meeting, or on the agenda of a special meeting, if one is called.
- 4.5 Change in Schedule.** If a quorum is not present at a regular meeting, the meeting shall be rescheduled, and a notice of the rescheduled regular meeting shall be posted as required in Section 5.3.
- 4.6 Meeting Attendance.** Each member of the Planning Commission shall attend all regular and special meetings of the Planning Commission, unless excused by the Chairperson for good cause. A member of the Planning Commission with three (3) consecutive unexcused absences may be removed from office by the Village President subject to confirmation of the removal by the Village Council, following written notice and a hearing before the Village Council.

5. PUBLIC NOTICE OF MEETINGS

- 5.1 Public Notice of Meetings.** The Secretary or designee shall provide notice of all meetings of the Planning Commission consistent with the OMA and other legal requirements.
- 5.2 Regular Meetings.** The Secretary or designee shall post at the Village Hall so that it is visible from outside a notice within ten (10) days after the first meeting of the Planning Commission in each calendar year indicating the dates, times, and places of regular meetings.
- 5.3 Schedule Change.** Whenever the Planning Commission changes its schedule of regular meetings, the Secretary or designee shall, within three (3) days after the regular meeting at which the change was made, post at the Village Hall so that it is visible from outside a public notice stating the dates, times, and places of the new schedule of regular meetings.
- 5.4 Special Meetings.** No less than eighteen (18) hours before any scheduled special meeting, the Secretary or designee shall post at the Village Hall so that it is visible from outside a notice of the special meeting, including the purpose for which the special meeting is called.

6. QUORUM AND VOTING

- 6.1 Quorum.** A majority of the members of the entire Planning Commission shall constitute a quorum.
- 6.2 Voting.** The affirmative vote of a majority of the entire Planning Commission is necessary to approve the Village Master Plan and any amendment to the Master Plan. Unless otherwise provided in these bylaws or unless the Village of Suttons Bay Zoning Ordinance requires otherwise, the affirmative vote of a majority of the Planning Commission members present is necessary take all other actions.

6.3 Conflict of Interest

Before participating in any discussion or casting a vote on a matter on which a Planning Commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by these bylaws constitutes malfeasance in office. A Planning Commission member shall declare a conflict of interest and abstain from participating in Planning Commission deliberations and voting on a request, when:

- a. An immediate family member is involved in any request for which the Planning Commission is asked to make a decision. "Immediate family member" is defined as a spouse, child, step-child, grandchild, parent, brother, sister, grandparent, parent in-law, grandparent in-law, nephew, niece, aunt, uncle or a member of his or her household.
- b. The Planning Commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association.
- c. The Planning Commission member owns or has a financial interest in neighboring property.
- d. The Planning Commission member has advocated for or against the application outside of the decision-making process, that reasonably suggest they cannot remain impartial, or represent the Village in an impartial manner.
- e. There is a reasonable appearance of a conflict of interest.

6.3.1 Determination

If there is a question whether a conflict of interest exists or not, the question shall be put before the Planning Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Planning Commission. In the event the Planning Commission makes the determination, the Planning Commission shall apply to the extent possible Section 6.3 above.

6.3.2 Required Actions

When a conflict of interest exists, the member of the Planning Commission, or committee, shall do all the following immediately, upon first knowledge of the case and determining that a conflict exists:

- a. During deliberation of the agenda item before the Planning Commission or committee, leave the meeting or remove one's self from the front table where members of the Planning Commission or committee sit, until that agenda item is concluded.

6.4 Duties of all Members

6.4.1 *Ex Parte* contact

- a. Members shall avoid *Ex Parte* contact with an applicant and members of the public about cases where an administrative decision is or will be pending before the Planning Commission.
- b. Despite one's best efforts it is sometimes not possible to avoid *Ex Parte* contact. When that happens, the member should take detailed notes on what was said and report to the Planning Commission at a public meeting or hearing what was said, so that every member and other interested parties are made aware of the discussion.

6.4.2 Deliberation to Occur at Public Meetings

- a. Free and open debate, based on the facts presented, should take place on issues before the Planning Commission.
- b. Such debate shall only occur at meetings of the Planning Commission and should not give the appearance that a Planning Commissioner is representing the applicant but representing the best interest of the community.
- c. Following a decision of the Planning Commission, the duty of the planning commission member is to publicly represent the majority view of the commission, refrain from negatively discussing the decision, or resign from the commission.

6.4.3 Accepting gifts

- a. A member of the Planning Commission or a liaison thereto shall not accept any gift from anyone connected with an agenda item before the Planning Commission.
- b. This section does not apply to the Planning Commission accepting gifts for the exercise of its functions pursuant to M.C.L. 125.3823(3), §23(3) of the Michigan Planning Enabling Act.

6.4.4 Training

- a. Provided the Village of Suttons Bay budget includes funds to pay for necessary registration, and travel expenses, each member shall make every effort to attend at least four hours per year of training in planning and/or zoning during the member's current term of office.
- b. Newly appointed Planning Commissioners shall attend a training on the basics of planning and zoning to familiarize themselves with the basic functions of their duties as a member representing the community.
- c. Failure without cause to meet the training requirements shall be grounds for the member not being reappointed to the Planning Commission.

6.5 Teleconferencing/Videoconferencing Participation.

- a. With the prior permission of the Chairperson, members of the Planning Commission shall be permitted to participate in a regular or special meeting for purposes of discussion by teleconferencing or videoconferencing.
- b. Members participating via teleconferencing or videoconferencing shall not be counted toward a quorum and shall not be permitted to vote.

- C. The Planning Commissioner responsible to chair a meeting may not do so via teleconferencing or videoconferencing and must be physically present at the designated location of the meeting.

7. Regular Meeting Agenda

7.1 Regular Meeting Agenda. The agenda for a regular meeting of the Planning Commission shall be substantially as follows:

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 dated:
6. Public comment/Written Communications (Reserved time for items listed on the Agenda) Please limit remarks to no more than three (3) minutes
7. Unfinished business
8. New business
9. Public comment - Please limit remarks to no more than three (3) minutes
10. Reports: Zoning Administrator
Zoning Board of Appeals
Village Council
11. Good of the order
12. Announcements
13. Adjournment

The Planning Commission reserves the right to alter the agenda by a majority vote of the members present at a meeting.

7.2 Special Meeting Agenda. Whenever the Planning Commission schedules a special meeting, the matters to be considered shall be stated in the notice of the special meeting. No other matters shall be considered, except when all members

of the Planning Commission are present and concur.

8. Conduct of Meetings

8.1 Public Hearing Procedure. The procedure for a public hearing of the Planning Commission shall be as follows:

- a. The Chairperson shall open the public hearing by announcing the matter to be heard and summarizing the standards or other regulations of the zoning ordinance on which the Planning Commission's decision must be based.
- b. Determination by the Chairperson whether a time limitation will be imposed on members of the public wishing to address the Planning Commission during the public hearing. Individual comments may be limited to 3 minutes, provided, however, that an individual representing a group may be granted additional time to speak.
- c. Staff report, if applicable.
- d. Compilation of list of all exhibits to be considered by the Planning Commission when making its decision.
- e. Presentation by the applicant or applicant's attorney or other agents.
- f. Correspondence and/or persons speaking in favor of the application.
- g. Correspondence and/or persons speaking in opposition to the application.
- h. Rebuttal comments by the applicant or applicant's attorney or other agents.
- i. Chairperson declares public hearing portion of the case closed.
- j. The Planning Commission begins its deliberations on the case.
 1. During deliberations, the Planning Commission may solicit information from the applicant, applicant's attorney or other agents, or from members of the public. However, the solicitation of additional information shall not be construed as the reopening of the public hearing, unless so declared by the Chairperson. If the public hearing portion of the case is reopened, then the procedures for the original public hearing shall be followed.

2. If during deliberations the Planning Commission determines that additional information is needed to make its decision, it may adjourn the case to a specific time, date, and place to receive that additional information. At the adjourned time, date, and place, the public hearing portion of the case shall be reopened, but only to receive the requested additional information and other information relative to the issue.
 - k. At the conclusion of its deliberations, the Planning Commission shall adopt a motion documenting its decision including the findings of fact on which it bases its decision.
- 8.2 **Members of the Public.** Members of the public wishing to address the Planning Commission during the meeting or during a public hearing shall first be recognized by the Chairperson, and each person who speaks shall be requested to state his or her name and shall address the entire Planning Commission.
 - 8.3 **Time for Public Comments.** The public comment portion of the meeting (outside public hearings) shall be limited to 15 minutes, unless extended by a majority vote of the Planning Commission members present.
 - 8.4 **Opportunity for Public Comment.** Each member of the public desiring to address the Planning Commission (outside public hearings) shall be given an opportunity to speak equal to the time allotted for public comments divided by the number of speakers desiring to address the Planning Commission during the public comment period, or three (3) minutes, whichever is less.
 - 8.5 **Written Statements Submitted by the Public.** All written statements (both during public hearings and outside public hearings) should be given to the Secretary or designee prior to the commencement of the meeting or public hearing. All written statements and documents presented to the Planning Commission by an individual are considered public documents and shall be retained in the public record of the meeting.
 - 8.6 **Disorderly Conduct at Meetings.** Individuals addressing the Planning Commission (both during public hearings and outside public hearings) should take into consideration the rules of common courtesy. The comments by members of the public cannot be used to make personal attacks against members of the Planning Commission or Village staff. The Chairperson shall advise any person who is being disorderly or otherwise disrupting the meeting, failing to be germane, speaking longer than the allotted time, yelling, shouting or speaking vulgarities that speaker is out of order. Such person shall thereupon be seated until the

Chairperson determines whether the person is in order. If a person is called out of order, he or she shall not be permitted to continue to speak at the same meeting or public hearing, except by a majority vote of the Planning Commission members present. If the person continues to be disorderly to the extent that the Planning Commission cannot continue to conduct business, the Chairperson shall consider the person to be in breach of the peace and may request the assistance of a law enforcement officer to remove the person from the meeting. The Planning Commission shall have the right to adjourn the meeting if it is interrupted due to the disorderly conduct of any person. No person shall be removed from a public meeting, except for an actual breach of the peace committed at the meeting.

- 8.7 **Robert's Rules of Order.** Except as modified by these Bylaws and state or federal law, the Planning Commission shall follow Robert's Rules of Order, as Revised, for all procedural questions.

9. **RECORD OF MEETINGS.**

- 9.1 **Recording Responsibility.** The Secretary or designee shall oversee the preparation of official records and minutes of each meeting of the Planning Commission. The minutes shall include all the actions of the Planning Commission with respect to motions. The minutes shall include the names of Planning Commission members who present motions and Planning Commission members who second motions as well as the vote of the Planning Commission on such motions. If a roll call vote is taken, the record shall show the "yes" and "no" votes. However, if all members vote "yes" or "no", the minutes may then reflect motion carried or defeated by unanimous vote.
- 9.2 **Voting.** Whenever a question is put by the Chairperson, every Planning Commission member present shall vote on the question. If a member has a conflict of interest, such conflict of interest shall be fully stated on the record. If a question exists whether the circumstances actually present a conflict of interest, the Planning Commission may, by majority vote of the members present, adjourn the case to a specific time, date, and place in order to obtain a written opinion from the Village attorney. Once the conflict of interest is declared or confirmed, the Planning Commission member with the conflict of interest shall abstain from participating and voting in the case.
- 9.3 **Requests for Remarks to be Included.** Any Planning Commission member may request to have his or her comments printed as part of the minutes. If there are no objections by any Planning Commission member, the comments may be included. If there is an objection to including the requested comments in the minutes, the Planning Commission shall decide the matter by a majority vote of the Planning

Commission members present.

- 9.4 **Public Access to Meeting Records.** Public records of the Planning Commission shall be maintained and made available consistent with Michigan's Freedom of Information Act, MCL 15.231 et seq.
10. **AMENDMENTS.** These Bylaws may be added to, amended or repealed in whole or in part. Proposed changes to these Bylaws must be submitted in writing to the members of the Planning Commission at least one (1) month in advance of the meeting at which the proposed changes will be considered. A majority vote of the entire Planning Commission members shall be required to amend these Bylaws.
11. **SEVERABILITY.** If any section, provision or clause of these Bylaws or the application thereof to any person or circumstance shall be invalid, such invalidity shall not affect any remaining portion or application of these Bylaws which can be given effect without the invalid portion or application.

These Bylaws were adopted by the VILLAGE OF SUTTONS BAY Village Planning Commission on September 11, 2019.

VILLAGE OF SUTTONS BAY
PLANNING COMMISSION

By: Gail Hetler
Gail Hetler
Its: Chairperson

By: Kathryn Danielson
Kathryn Danielson
Its: Secretary

		VILLAGE OF SUTTONS BAY	
		ZONING ADMINISTRATOR REPORT	
Prepared:	12/03/2021	Pages:	1 of 1
Meeting:	12/08/2021	Attachments:	1 <input type="checkbox"/>
Subject:	Zoning Administrator Report – Leslie Couturier		

STAFF COMMENT:

As of 12/03/2021 the Village has approved 20 permits:

- 2 – New Homes
- 5 – Residential Additions
- 1 – Condominium Development (Harbor Heights)
- 4 – Driveway Permits
- 6 – Miscellaneous (Fences, Decks, Accessory Structures)
- 6 – Sign Permits

As of this time staff has no enforcements that are being worked on.

Unfortunately I've been out of the office quite a bit due to surgery and recovery, but I am back up and running now!

ACTION REQUESTED: NONE