



**VILLAGE OF SUTTONS BAY PLANNING COMMISSION
REGULAR MEETING November 13, 2019 ~ 5:30 PM**

AGENDA

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: October 9, 2019
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. Zoning Map Discussion
 - b. Waterfront Parcel Study
8. New business
 - a. 2020 Meeting Dates
 - b. 2020 Budget
9. Public comment
10. Reports:
 - a. Zoning Administration Rpt.
 - b. Manager Report VSB 2019-74
 - c. ZBA Report
 - d. Village Council updates
 - e. Parks Committee-set meeting dates
 - f. Master Plan Workshop-Hetler
 - g. Housing Summit Update-Ostrowski
11. Good of the order
12. Announcements
13. Next Meeting Date: December 11, 2019
14. Adjournment



VILLAGE OF SUTTONS BAY
PLANNING COMMISSION
Meeting Minutes of October 9, 2019

The meeting was called to order at 5:30 p.m., by Chairperson Hetler.

Present: Danielson, Hetler, Hylwa, Ostrowski, Pontius, Smith and Suppes

Staff present: Couturier and Fay

Approval of Agenda

Hylwa moved, Suppes seconded, CARRIED, to approve the Agenda as amended, noting the next meeting date as November 13th, not December 11th, as stated in item 13.

Ayes: 7, No: 0.

Approval of Minutes

Suppes moved, Smith seconded, CARRIED, to approve the September 11, 2019, Planning Commission meeting minutes submitted by Fay. The meeting minutes can be found in this meeting packet. Ayes: 7, No: 0.

Old business

Commissioners requested the Planning Commission Bylaws be distributed to Commissioners, with the approved changes, at the next Planning Commission meeting.

New Business

Bahle Request for Zoning Text Amendment; Discussion and Direction

Couturier stated the Zoning text amendment would first require a study, conducted by a firm of expertise. Village Manager Larrea has tentative plans to work on this amendment this winter, however, if the applicants would like it done sooner, they would need to pay for the study that may cost between \$10,000 and \$15,000. If the study is done by the Village this winter, there would be no cost to the applicant. A Zoning Text Amendment would also require Council approval and a public hearing. The section reference is 4:3, Spatial Requirements, and if adopted it would change all properties within that district. Applicant Rich Bahle of Bahle Properties stated he is skeptical about the study and was never told about the cost of the study, nor was he told there was a guarantee of the study this winter. He encourages Commissioners to look at the impact and how it affects all of the approximate 25 properties in the district. He stated there are current, ongoing activities on the shoreline that is increasing the density. Bahle stated they have inquired repeatedly about the zoning text amendment over the

past several months, however it was noted that the conversations have been casual and informal. Bahle stated that his measurements etc., would all need to be verified.

Following discussion on the need to wait for the winter months, Commissioners recommend the Village Manager proceed with obtaining a formal quote on the study within the next month, and provide the quote to the applicants for consideration.

Zoning Map Discrepancies: Discussion

The discussion is in reference to Ordinance No. 3 of 2007, which refers to two lots that were never changed on the Zoning Map. Couturier and Larrea will compare maps, and provide correction/updates as the Zoning Map review takes place.

Public Comment

Lois Bahle suggested looking at the minutes and/or perhaps consult with individuals who might have knowledge as to why the Zoning Map was not changed in 2007.

Reports

ZBA – Couturier stated a variance request will be before the ZBA next week.

Village Council – Suppes stated a new employee, Dave Miller, DPW Director of Facilities, has been hired and is now on board.

Good of the Order

Hetler informed Commissioners the Parks and Rec Committee have met and reviewed several items of Parks and Rec plan. They have focused on items that can be done without a public survey. Hetler encouraged everyone that if they have not yet filled out a survey, to please do so. She stated the survey will be taken to the public school for students to complete as they are a targeted age group of the survey. Pontius stated the link to the survey was not working; however, he will try again and if he is still unable to access the survey, he would notify the Village office. The Village's new website is: suttonsbayvillage.org. Hetler noted conversations took place regarding a type of collaboration with the Township whereas the township will use the township park as an ice rink in the winter and the Village will then use it in the summer as an enhanced park. Ideas for the park included donated lawn games and picnic tables around the perimeter. LIFT used the park this summer as a movie venue, which proved to be successful. Hetler stated a suggestion was received from a young man with the idea of putting in a skate park. Ostrowski stated Northern Michigan Mountain bike group has requested a pump track demo take place next spring in the parking lot of Herman Park. Hetler reminded Commissioners of the upcoming Master Plan workshop. Ostrowski will be attending the Housing Summit. Hetler requested reporting from these two workshop sessions be placed on the next Planning Commission agenda.

Announcements


The next meet Planning Commission meeting will be November 13, 2019.

Adjournment

Smith moved, Ostrowski seconded, CARRIED, to adjourn the meeting. Ayes: 7, No: 0.

The meeting adjourned at 6:14 p.m.

Meeting minutes submitted by Shar Fay, Village Clerk.

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|---|---------------------------------|---|--------------------------|
|  | | VILLAGE OF SUTTONS BAY REPORT VSB -2019- 79 | |
| Prepared: | November 7, 2019 | Pages: | 1 of 1 |
| Meeting: | November 18, 2019 | Attachments: | <input type="checkbox"/> |
| Subject: | Lakefront Lot Dimensional Study | | |

PURPOSE

To provide an understanding of the lakefront study, its variables and timeline.

BACKGROUND

- December 15, 1970 - Interim Zoning Ordinance was adopted by the Village Council
- June 17, 1974 – Adoption of New Zoning Ordinance / Repeal of 1970 Interim Ordinance
- August 7, 1991 – Adoption of new Zoning Ordinance / Repeal of 1974 Zoning Ordinance
- November 20, 2006 - Adoption of New Zoning Ordinance / Repeal of 1991 Zoning Ordinance
- August 20, 2018 - Adoption of New Zoning Ordinance / Repeal of 2006 Zoning Ordinance

We will need to review the dimensional standards of these ordinances, dimensional variances, and historic files on how we got to the current dimensional standards. Some of the questions we need to know regarding the lakefront district include:

- How many parcels were already established at the time the original ordinance was passed?
- How were the lakefront lot dimensions determined originally?
- How have they evolved over the years? Have they increased/decreased in size?
- What were the setbacks? Why were they changed? Did they become more restrictive or less restrictive?
- What were the variances requested at the time? Is there a pattern for variance requests? What were the reasons for those decisions? Was it based on solid reasoning? If so, what was it?
- Where were/are they located?
- What are the current dimensions as compared to the established land use pattern?
- How many non-conformities exist today?
- How will a change affect the non-conformities?
- Will new standards create additional non-conformities?

These are some of the questions we will need to address to make a solid determination on what we have, how we got here, and where we are headed. We will need to establish a reasoning that will withstand judicial scrutiny if an aggrieved party chooses to challenge the findings.

It has been stated that there are a number of lots that are currently nonconforming in the waterfront district. With that said, if the Planning Commission is supportive of evaluating the lakefront dimensional standards to determine if a change is necessary, staff will begin researching historic documents in mid-January. The zoning administrator and I have concurred that this is an area that needs to be addressed.

ACTION REQUESTED:

MOTION TO support the Village initiative to move forward with the Lakefront Lot dimensional study as identified in Report VSB-2019-79.

2020 Calendar

January

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VILLAGE OF SUTTONS BAY

REPORT VSB -2019-77

| | | | |
|-----------|---------------------------------|--------------|--------------------------|
| Prepared: | November 7, 2019 | Pages: | 1 of 1 |
| Meeting: | November 13, 2019 | Attachments: | <input type="checkbox"/> |
| Subject: | Planning Commission Budget 2020 | | |

2020 Budget

Attached you will find the proposed 2020 budget for your review and approval. Changes to the Planning Commission budget are minimal. You will notice that the Contractual service has increased with the intent of incorporating additional office hours and improving customer service and efficiency.


This year the focus for the planning commission will be the continued work on the parks and recreation plan as well as looking at the Master Plan as we get ready to update the same. The 2020 census begins next year which will provide accurate demographics for the Village which can be used to update the plan.

Please review the budget and I will be happy to answer any questions you might have.

Motion for Consideration:

MOTION THAT the 2020 Planning Commission budget be adopted for approval to the Village Council.

| | 2018 | 2019 | 2019 | 2020 |
|------------------------------------|---------------|---------------|---------------|---------------|
| | Actual | Adopted | Requested | Proposed |
| Planning & Zoning | | | | |
| Administrative Wages | 11,842 | 14,075 | 15,700 | 19,700 |
| Wages | 0 | 1,600 | 2,000 | |
| Wages - Planning Commission | 2,080 | 4,825 | 4,825 | 4,825 |
| Wages - Zoning Board of Appeals | 0 | 850 | 850 | 850 |
| FICA Contribution | 872 | 2,025 | 1,600 | 1,600 |
| Medical Insurance | 1,776 | 1,500 | 1,100 | 1,200 |
| Workers Compensation Insurance | 82 | 125 | 125 | 125 |
| Retirement Contribution | 557 | 1,375 | 1,570 | 1,375 |
| Life, AD&D Insurance | 93 | 150 | 175 | 200 |
| Unemployment Insurance | 2 | 200 | 100 | 125 |
| Office Supplies | 406 | 1,000 | 600 | 700 |
| Postage | 20 | 200 | 200 | 200 |
| Professional Planning Services | 3,255 | 1,000 | 500 | 500 |
| Zoning Ordinance - Planning | 1,869 | 2,000 | 500 | 500 |
| Legal Fees | 560 | 4,000 | 2,000 | 4,000 |
| Contractual Services | 6,070 | 7,050 | 7,450 | 11,500 |
| Printing & Publishing | 698 | 1,500 | 1,200 | 1,500 |
| Education, Training & Dues | 40 | 1,250 | 2,250 | 2,250 |
| Total Planning & Zoning | 18,380 | 30,650 | 27,045 | 31,450 |

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|  | | VILLAGE OF SUTTONS BAY REPORT VSB -2019- 76 | |
| Prepared: | October 30, 2019 | Pages: | 1 of 3 |
| Meeting: | Planning Commission 11-13, 2019 | Attachments: | <input type="checkbox"/> |
| Subject: | MANAGER'S REPORT | | |

PROJECT OVERVIEW AND UPDATES

1. VILLAGE HALL LANDSCAPING

Thanks to Good Nature Gardens, the Village Hall landscaping has been completed. Irrigation to supplement the newly transplanted vegetation has also been installed. Good Nature Gardens were able to create the perfect blend of rock-scape, plants and vegetation that has garnered a tremendous number of compliments. A fun fact about the large 600-pound stone that is standing upright, is that it was placed in a manner that points due north. Thank you, Good Nature Gardens!

2. FORESTER EVALUATION

Two contracts have been signed regarding tree removal located within our forested area near Bahle Hut and a storm damaged tree located on Village property and within the fall zone of a home. We anticipate these two contracts to be fulfilled by week’s end.

3. HARBOR MASTER CONTRACT

Without a doubt the Harbor Master position is the most unique and seasonally demanding position the Village has. In addition, the position requires a special skill, and tremendous amount of knowledge of boats and marina operations. It is my belief that in order to do a job correctly and efficiently you must have pride in your everyday accomplishments and want to excel daily. I observed these traits, over the past year, while we were dealing with the high-water issues and Marina improvements. Our Harbor Master demonstrated she was capable of critical decision making, while at the same time keeping the Village residents and visitors at the forefront of her decisions. Based on my observations, our discussions and authority provided to my office by Section 5 (b)(3) of Village Manager Ordinance No.4 of 2004, it is my intent to extend the Harbor Master contract two-years to expire December 31, 2022, at a salary of \$40,040.

4. ZONING ADMINISTRATOR CONTRACT

The Zoning Administrator contract is set to expire on December 31, 2019. Our Zoning Administrator has demonstrated that she is capable of evaluating, reviewing and processing zoning requests and permits in a professional and efficient manner. There are numerous resources available to zoning administrators in other communities that are not presently available to ours. By incorporating additional programs, building our file system and incorporating additional office hours, we will improve customer service and efficiency. Based on my observations, our discussions and authority provided to my office by Section 5 (b)(3) of Village Manager Ordinance No.4 of 2004, it is my intent to extend the Zoning Administrator contract two-years to expire December 31, 2022.

MANAGERS REPORT

5. LAW ENFORCEMENT CONTRACT

On going negotiations have been mostly positive regarding the new Law Enforcement contract. However, we are still working through various issues. I anticipate we will be able to finalize a contract in the near future, although I am uncertain if it will be prior to year's end. I will keep you posted on our progress.

6. COAL DOCK IMPROVEMENTS

A contract to improve the Coal Dock and North Pier was entered between the Village and Elmer's on 10-23-19. The project had been engineered and permitted to occur this year, however, due to the Marina improvements, we had tentatively slated the project for 2020. In discussions with Elmer's, we were able to extend our partnership and make the improvements yet this fall. The project is intended to be completed in the next few days. Thank you, Elmer's!

7. MUNICIPAL VEHICLES

- a. We are still awaiting the completion of the repairs associated with the plow truck. This has been a very slow process, spanning several months. It is our hope that we receive the vehicle very soon. We will keep you posted on our progress.
- b. We began the process of ordering a new utility vehicle in March through a Mi Deal participant the Village has used in the past. Apart from this experience, purchasing a vehicle through MI Deal has always been positive. The vehicle was finally delivered to Truck and Trailer in Boyne on October 9, 2019, nearly 7 months after the order was placed and is now awaiting its utility box.
- c. We have begun the process of pricing a second vehicle for purchase, albeit through a different vendor. Once we finalize our initial purchase of the utility vehicle, we will have a better understanding whether this will occur in 2019 or 2020. We will keep you posted.

8. GRANTS

- a. With the assistance of Fleis & Vandenbrink, we were able to secure grant funding from EGLE for our Wellhead Protection Program. This is a State mandated requirement and was outlined in the 2018 Water System Sanitary Survey provided to the Village by the State and in accordance with the Michigan Safe Drinking Water Act. This is one of many items we are addressing that was identified in the report. Thank you, F&V!
- b. We have applied for a 50/50 grant through the Par Plan for security cameras. The grant request is specific to Sutton Park and would provide video surveillance of our park, parking area, and lift station. We will keep you posted on its progress.

9. 2020 FEE ADJUSTMENT'S PROPOSED

- a. Water and sewer fees will remain the same for 2020 but will likely increase in 2021.
- b. Marina Fees will see a minimal increase for 2020.
- c. Planning and zoning application and review fees will be raised to be more in line with other communities.
- d. ZBA meeting fees and special meeting requests will be increased.
- e. Waste hauler fees will increase from .04 to .06 cents per gallon.
- f. Mass Gathering Fees will increase for 2020
- g. School Parade fees will be waived for 2020 and beyond.

MANAGERS REPORT

10. **BLIGHT ORDINANCE**

The Village currently has an antiquated nuisance ordinance that combines noise, junk, and blight under one ordinance. These are all considered nuisance issues however because of this they tend to be challenged frequently in the court system. When these are combined, the ordinance language becomes generalized rather than specific and the ordinance becomes less effective. We have begun the process of individualizing the ordinances to include proper and specific language. The Blight Ordinance has been drafted and is being reviewed by the Village attorney. Once comments and suggestions are received, we can finalize the first of the three ordinances. The intent is to finalize and adopt all three ordinances at one meeting and rescind the current ordinance at that time.

11. **DDA FERRY UPDATE**

Following a presentation by DDA member Kim Pontius at the October meeting, the DDA has requested support by the Village Council to continue the process. Mr. Pontius will be presenting before the Village Council at their November 18th meeting.