

VILLAGE OF ONEKAMA
PLANNING COMMISSION MEETING MINUTES
Tuesday, November 8th, 2022, 6:00 P.M.

Call to order 6:05 p.m.

Roll Call – Debby Storms, Christopher Forth, Susan Halloran, Wendy Kamaloski; Katie Mehl from Manistee County Planning Department

Accept/Amend Agenda – Susan moved, Chris seconded, approved

Public Comments (3 Minutes) *on agenda items only* –

Joe Suchocki, 8280 Zosel, commends planning commissioners on taking training courses, and hopes that the commission will consider the need for economic development in the Village in its decision-making process, balanced with environmental concerns about the lake.

New Business

1. Presentation of Draft Coastal Sustainability Assessment by Lee Maynard, Community Planner of Land Information Access Association (LIAA), which was funded by a grant from the Michigan Coastal Management Program, by NOAA through EGLE. Assessment includes 14 maps that can be included in the Master Plan. See www.ResilientMichigan.org for more information.

- Four pillars of resiliency: Economic Vitality, Quality of Life, Reliable Systems and Conservation of Resources for present and future generations.
- The Assessment considered local zoning, hazard mitigation plan and other technical resources.
- What is Coastal Resilience? 1. Responding to shocks (like major floods); 2. Adapting to stresses (daily, recurring impacts like lake levels and erosion).
- First task of coastal assessment: Mapping of community vulnerabilities (vulnerability = exposure + sensitivity). Small size of Village relative to larger size of census block makes the maps appear to lack detail. The Village is only a portion of one census block. 2020 data was used.
- Demographics were used to assess vulnerabilities, such as the elderly and lower income populations being more susceptible to heat events.
- Second task: Community assessment based on knowledge of local officials and existing plans.
- Third task: Community outreach. Document is posted online until December 8th. Comments will be incorporated into the document at that time.
- Examples of Planning Process: Lake Charlevoix communities, which also have the impact of the fluctuating levels of Lake Michigan like Portage Lake; typically, sustainability goals are developed by a community, informed by the assessment; the goals and methods for achieving them are then included in the updated Master Plan.
- Sustainability Assessment Categories: Ordinances, Critical Facilities and Infrastructure, Disaster and Hazard Planning & Training.
- Sustainability Assessment Summary:

Best practices include --

- A Portage Lake Overlay Zone;
- Infrastructure Projects planned and implemented with consideration of hazard mitigation and sustainability;

- Compared to other Villages, we have a relatively high amount of pervious surfaces, which is good for mitigation of the effects of high water and flooding;

Opportunities for improvement --

- Approve Portage Lake Overlay Zone Map
 - Strongly encourage perennial native riparian buffer strip
 - Partner with neighboring jurisdictions
 - Protect from erosion, because Lake Michigan has severe water level fluctuations
 - Change zoning ordinance to address legal uncertainties associated with varying high water marks, which are not constant (technically 580.5 IGLD, but sometimes this level does not get enforced in land use decisions)
- Public Input Being Sought (see online form on www.resilientmichigan.org Onekama page)
 - Public Input So Far...
 - Define "Low Impact" development
 - Need better information about building outside of the 100-year floodplain
 - Require coastal homes to be designed to work with the natural features of the site

[5 minute recess]

2. Re-appointment of officers of planning commission, due to vacant seats

Motion to appoint Chris as chair by Susan, seconded by Debby, approved

Motion to appoint Debby as vice-chair by Susan, seconded by Chris, approved

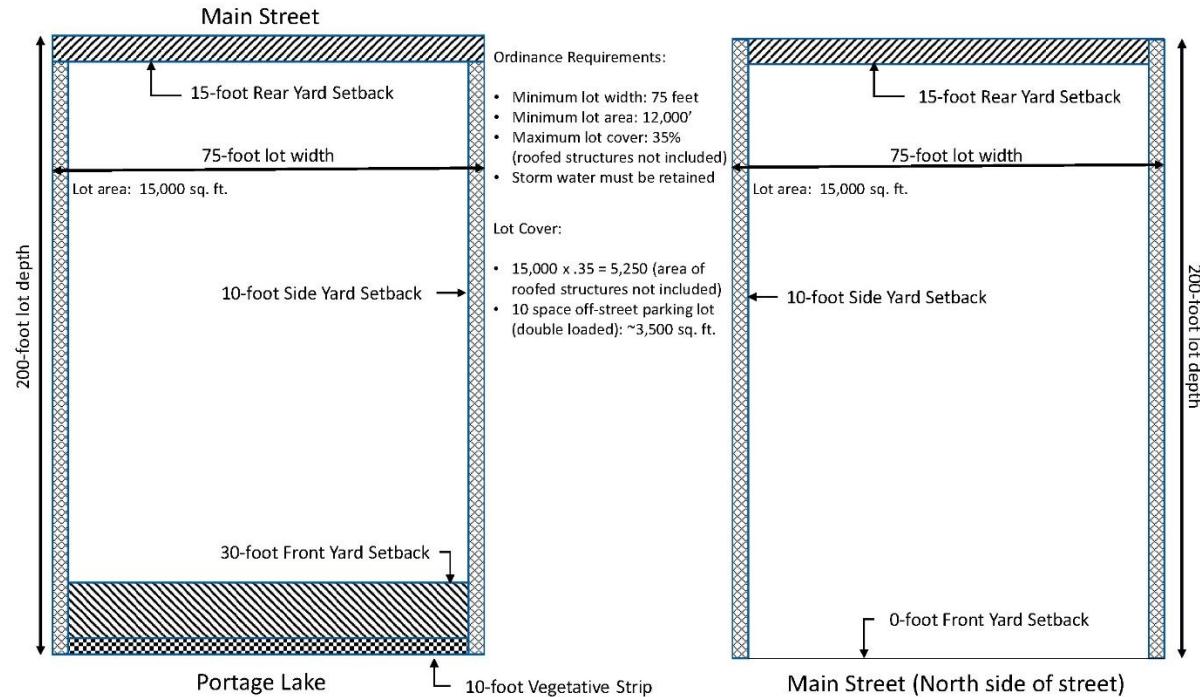
Motion to appoint Wendy as secretary by Susan, seconded by Debby, approved.

Old Business

1. Action on proposed Portage Lake Overlay Zoning District Map

Chris – when the 2008 and 2019 Portage Lake Watershed Plans and the 2010 Master Plan were put together, a substantial amount of public input was obtained, and the public was supportive of the protective measures of the Portage Lake Overlay Zone; the overlay zone and riparian buffers implements the recommendation of the adopted planning documents.

Chris – example comparing two lots, the left in the overlay zone and the other not (see figure below).



The site development requirements are similar for a parcel located in the overlay district and outside the overlay district. The exceptions for a parcel located in the overlay district include a 10-foot vegetative buffer along Portage Lake, 30-foot front yard setback from Portage Lake and a 15-foot setback from Main Street. If located outside the overlay district, the setback from Main Street is 0 feet. The overlay district doesn't require specific types of plants in the vegetative buffer strip but strongly requires native plants. Roofed structures are excluded from the 35% impervious cover allowed in both the overlay and other zones

Katie – existing uses are “grandfathered-in” but future improvements require implementation of a riparian buffer if a person requests a change to their building or a special land use; for comparison, Onekama Township has a 40-foot waterfront setback where no structures are allowed.

Chris – The County Planning Department provided information regarding the number of nonconforming properties in the overlay district. According to County information there are 120 taxable properties and of the 120 properties, 59 are nonconforming since they are less than the required minimum of 12,000 sq. ft. in area. There are additional nonconforming properties since they do not meet the minimum lot width of 75 feet; however, the County was not able to perform a lot width query. Even though there are many properties that do not meet minimum requirements for either lot width, area or both, they are still considered buildable if they are a platted lot of record.

Katie – the zoning ordinance has provisions for non-conforming lots, non-conforming uses, and non-conforming structures (for example, ways to build on a lot-of-record that is vacant); some expansion of structures is typically allowed, up to a certain amount; see the zoning ordinance; structure maintenance and replacement is typically allowed in the existing footprint.

Chris – It has been suggested that the Planning Commission delay the zoning map recommendation to the Village Council to further research the impacts of the ordinance, which would likely result in the

preparation of text amendments. This process would necessitate many hours of volunteer work and before this process begins, input from the Village Council would appropriate. It would be unfortunate to invest a significant amount of work only to have it dismissed by the Village Council since it was never requested.

Katie – When the Master Plan was developed and approved, public engagement happened and a lot of research was done to develop the right regulations, which have been enforced for years; the intent all along has been to enforce the overlay zoning that was approved with public input.

Chris – Asks the audience whether concerns are related to site development requirements or the review/approval process.

Joe Suchocki, 8280 Zosel – Says he misunderstood the location of the overlay district; he wants to see multi-use buildings (retail below and apartments above) which is what he thinks developers want to do in Onekama.

Doug May, 3300 Crescent Beach Road – Says he thinks the requirements are unpredictable for real estate developers, and he thinks that a land use permit review would be at the whim of the reviewers; he thinks the overlay is having a negative effect on development.

Chris – The reasons to deny a special land use permit request must be stated for the public record. There are standards of review in the Zoning Ordinance to help the Village Council and Planning Commission determine if the proposed use is appropriate at a specific location. The site development requirements in the overlay district are not significantly different than the commercial residential district. The concerns shared by business leaders about the special land use permitting process is an issue that the Planning Commission and Village Council should hear more about and address. There is a process that needs to be followed to amend the zoning ordinance to allow the desired development.

Katie – Property owners have the right to pay a fee and request a zoning ordinance amendment if they want it changed; the County does not pursue amendments for the sake of individuals, it is up to the public to canvas their Village Council to build support for an amendment; a proposal to the planning commission is sometimes moved forward because it seems like a good idea that would benefit many people, without the public having to pay a fee; there seems to be confusion about special land use approval: if a proposal meets the zoning requirements, it must be approved, but provides an opportunity for special conditions (it is not at the whim of the reviewers).

Chris – The special land uses in the overlay district are principal permitted uses in the commercial residential district on the north side of Main Street (i.e. they don't require any special approval). Some types of land uses do require careful consideration due to activities associated with the business or the size/appearance of the building, for example, that may impact adjacent land uses or municipal services. However, not all the uses listed as special land uses in the overlay district fall into that category. A gas station, however, is a good example of a special land use that needs more review and consideration. Regarding mixed use developments (multi-use like residential above retail), the Zoning Code doesn't permit that type of land use in the Village so a text amendment would be necessary.

Katie – The overlay has been enforced since 2016 and existing businesses have been grandfathered in; there isn't any evidence that the overlay has had a negative effect on businesses.

Wendy – A current or potential business owner located in the overlay may feel that the guidelines are too restrictive.

Debby – There is a need to finalize what has already been adopted [the zoning ordinance text]; it will be a long process to change the existing zoning; we can begin that process while finalizing what was done before.

Chris – There is a process for pursuing a Zoning Code amendment: A property owner can submit an application for review and consideration or the Village Council/Planning Commission can initiate.

Susan – What will be the ramifications if the overlay is not finalized?

Katie – If Council does not approve the overlay map, there will be no waterfront setback and no riparian buffer protection.

Wendy – Some of the text in the ordinances should be discussed to see if it fits with the updated Master Plan. It may be easier to update and/or change before the overlay is adopted. The version we are working with is old and may not fit the current needs and vision for the Village.

Chris – The question before us is whether to recommend adopting the map; amendment of the ordinance is a separate process.

Susan – Updating the Master Plan needs to happen too, should that happen first?

Chris – It is not anticipated the water quality protection provisions in the Master Plan would change since there is broad public support for those provisions and they are consistent with best management practices.

Katie – The job of the planning commission is to bring an unbiased interpretation of Council's approved planning documents such as the Master Plan to its public process.

Debby – Would like to make a motion:

To (1) recommend to Village Council that the Zoning Map be amended to apply the Overlay District to properties on the south side of M-22 as described in the zoning ordinance, and (2) to consider amending the zoning ordinance language regarding the overlay to address the concerns raised by the planning commissioners, county staff and property owners.

Chris – supported the motion.

Discussion –

Wendy - This decision is happening too soon, and is interfering with business development; would prefer to deny this for now and figure out how to do mixed use development.

Chris – The presented diagrams show there is not a significant difference in site development requirements between the overlay and the commercial residential district. If the primary concern is the political process, it's good practice for the Commission to not get involved.

Katie – The overlay has nothing to do with building a business that has an apartment above (mixed-use); these are two separate issues.

Wendy – Article 70 seems not to allow someone who is not an owner of a property to use its lakefront.

Chris – This is "keyhole" language that prevents the owner of a 50-foot strip to funnel a large number of people to use the lake, but it could be modified to allow renters to use the lake.

Katie – Accessory uses to a single-family dwelling protect use of the lakefront by property occupants; this language is meant to prevent a vacant property from being used for lake access as part of a commercial business.

Vote on Debby's motion: Susan – yes, Debby – yes, Wendy – no, Chris – yes. Motion approved.

Public Comments (3 Minutes)

Nola Teye – Concerned about the chemicals that Onekama Township is putting into the lake for invasive species control; the MSDS sheets show how toxic these chemicals are; concerned about effects for water quality.

Joe Suchocki – Complemented the planning commission for the public dialog and thinks the right recommendation was made.

Meeting was adjourned at 8:22 p.m.

Respectively submitted,

Christopher Forth, AICP
Chairperson