

VILLAGE OF ONEKAMA PLANNING COMMISSION SPECIAL MEETING
FEBRUARY 22, 2016

The meeting was called to order by Chairman, Bonnie Miller at 11:05 a.m.

Present: Miller, Huebner, Beauvais, Milasich and Hendricks.

Also present: Marcia Rogers and Becky Klein

Set Agenda

Milasich requested that "Resolution" be added to Old Business.

Minutes of Previous meetings

Heubner made a motion, second by Beauvais to approve the minutes of February 12, 2016. Motion carried.

Heubner made a motion, second by Beauvais to approve the minutes of February 15, 2016. Motion carried.

Approval of Transcript of Village of Onekama Public Hearing February, 12, 2016 recorded by: Julie K. Brakora, CER 1365; Firm 8446 Certified Electronic Recorder 231/723-2591.

Motion was made by Miller, second by Beauvais to approve/accept the transcript with the following changes:

Page 1 Remove Milasich as a commission member and identify him as a liaison.

Page 12 line 5 replace forge with afford.

Page 14 line 18 add T to he (making it The)

Page 8 line 23 remove "I recommend that we work on that," as it was not in the letter.

Motion carried.

Old Business

Milasich requested that amending item 9803A be added to the resolution as follows:

9803 Approval of Amendments, Vote by Village council, Notice of Adoption

- A Upon receipt by the Village Clerk of the summary of public comments and the recommendations decision from the Planning Commission, the Village Clerk shall place the Ordinance amendments on the Agenda for the next Regular Meeting or for a Special Meeting with notice given as required by law.

A motion made by Heubner, second by Beauvais to approve amending section 9803A.

Vote: Yes: Beauvais, Miller and Hendricks, No: none, Abstain: Heubner. Motion carried.

Future meetings:

Planning Commission Wednesday March 9, 2016 1 p.m.

Village Council: Wednesday March 9, 2016 7 p.m.

Meeting adjourned at 1:15 p.m.

Respectfully submitted
Alice E. Hendricks

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VILLAGE OF ONEKAMA

PUBLIC HEARING

Friday, February 12, 2016

PRESENT:

Village of Onekama Planning
Commission Members:

Ms. Bonnie Miller
Ms. Alice Hendricks
Ms. Sandy Beauvais
Ms. Cecilia Huebner

Mr. Robert Hall
Zoning Administrator

Mr. Rudi Milasich
Liaison

RECORDED BY:

Julie K. Brakora
CER 1365; Firm 8446
Certified Electronic Recorder
231/723-2591

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ATTACHMENTS

Letter of Ms. Linda English

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Onkama, Michigan

Friday, February 12, 2016 - 7:04 p.m.

MS. MILLER: Okay. Can we proceed then?

MR. MILASICH: There are rules that are on the back sheet of the agenda, just in case anyone hasn't read them. The major one will be going to try to limit public comment to five minutes. If after you've made your statement and everyone has spoken, then you can ask to be heard again, and we'll hear what you have further to say.

MS. MILLER: Well, there must be somebody that has something to say.

MR. KALIS: Are we going to have—excuse me.

MS. MILLER: Yes.

MR. KALIS: Doug Kalis, 4957 Dock Street, on the water. Could somebody explain what the change is or what this amendment entails, so we have the proper questions? A summary, a brief summary, of what this means. The purpose of it.

MR. HALL: Well, I suppose you could repeat that the public hearing notice was published and an opportunity was made; that the language amendments have been available here at the Village offices for anybody that wanted to come in and view them.

MR. MILASICH: Well, I'll read that section of the notice which has been published in the newspaper and in the library.

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MR. KALIS: Not everybody gets the newspaper, Rudy.

MR. MILASICH: No, I know, but they were also here, and they were online, and they were in the library, but I'll read it, Doug, no problem at all.

MR. KALIS: Read it. Then I'll ask a question.

MR. MILASICH: Sure.

"The amendments as proposed affect every property in the Village and include: extending the 35% limit placed on the amount of land area allowed to be covered by impervious surfaces to all parcels in the Village; narrowing the definition of impervious surfaces to exclude the area covered by roofed structures provided that the storm water runoff from these structures is treated and/or disposed of on the parcel by utilizing innovative storm water runoff techniques; adding a definition of digital signs and adding regulations concerning their use; adding as permitted uses in the Village's Portage Lake Overlay Zone".

That zone is the area between M-22 and the lake from the east end of the Village all the way to the west end. That's the overlay zone.

"Signs, public administration, state licensed residential facilities and collocation of wireless communication equipment".

Those would be the permitted uses which will be added, as well as the ones which are presently in there.

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1 "Adding as Special Uses in the Overlay Zone-retail
2 trade, finance, insurance, real estate and licensed
3 professionals and support services, restaurants, water
4 transportation, marinas, duplexes and multiple family dwellings;
5 clarifying the Overlay Zone regulations and standards concerning
6 parcel setbacks and widths; and, restricting an accessory
7 building on a nonconforming lot of record in the Overlay Zone on
8 which"--"on which lot the principal structure is a temporary
9 seasonal dock", and the maximum height of the accessory building
10 will be six and a half feet. That's mainly the 25-foot lots,
11 which we have a number of them down at the west end of the--of
12 the Village. So that's the substance of the amendments.

13 MR. KALIS: When I purchased my home, I was zoned
14 residential/commercial. Is that being changed?

15 MR. MILASICH: No.

16 MR. KALIS: Is anybody's zoning being changed?

17 MR. MILASICH: Well, what happened was that the Portage
18 Lake Overlay Zone was clarified to have all of the lots in
19 between the lake and M-22, from the west to the east end
20 boundary. That Overlay Zone was amended in 2014 to say that the
21 only permitted uses were residential and various
22 associated--things associated with residential uses.

23 That--that created a potential difficulty for
24 businesses, because they became non-conforming uses. It's not
25 what we intended, but that's what happened, and, therefore,

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1 these amendments will cure that by making all of the businesses
2 that exist or want to come in on this side of M-22 into special
3 uses, and so they will go through a permitting process.

4 But with respect to the residences, there's been
5 absolutely no change at all.

6 MR. KALIS: The special permitting process, what does
7 that cost?

8 MR. MILASICH: A land use permit for a business, where
9 it's just a land use permit, is \$500.00. For a special use,
10 it's \$600.00.

11 MR. KALIS: Which—which before 2014, was non-existent.

12 MR. MILASICH: No. It's always been that way.

13 MS. ENGLISH: It's always been zoned—

14 MR. MILASICH: No, the permit.

15 MR. KALIS: Not the zoning. I'm talking about—

16 MR. MILASICH: The permit. The permit prices.
17 That's—those—that's what they've always been. For residential,
18 I don't have it in my mind, but it's much less.

19 MS. ENGLISH: I have a letter—

20 MS. MILLER: Okay.

21 MS. ENGLISH: —I'd like to read.

22 MS. MILLER: Okay.

23 MS. ENGLISH: Okay.

24 REPORTER: Would you identify yourself for me, please,
25 just—

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MS. ENGLISH: I-

REPORTER: Identify yourself for me, please, for the record.

MS. ENGLISH: I will.

REPORTER: Okay. Thank you.

MS. ENGLISH: May I stand over here, so I can see the Planning Commission and the public.

REPORTER: I need you near the mike.

MS. ENGLISH: Can I take the mike?

REPORTER: I suppose so.

MS. ENGLISH: I'm sorry. I just like to look at both when I speak.

REPORTER: I understand.

MS. MILLER: It's okay.

MS. ENGLISH: Good evening Planning Commission and interested residents of Onekama. My name is Linda English. I am the owner of Appearance Salon and Spa. I'm also a Michigan licensed realtor.

The reason for my letter is to voice my support for the proposed Blarney Castle project at the end of the Village, where Saco's Market now stands. A new modern gas station with grocery store will be a very positive thing for our community.

The second reason that I urge you to consider going back to the original zoning for the business district. Your recent changes—at least recently I found out about the

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1 changes—make it very difficult for a business to survive in the
2 Village. As a business owner for 16 years in Onekama, I have to
3 say that it's a struggle. More commerce would help the
4 businesses in the Village. Also, remember that our Village is
5 the first stop on M-22, a nationally recognized highway. First
6 impressions are important.

7 Some of the goals I would recommend that we study
8 would, number 1, putting a streetscape. Manton got their
9 streetscape for exactly zero. I've spoken to the director of
10 their Chamber of Commerce, and that can be achieved.

11 The next thing I would recommend is a band shell in
12 the park. That would be a very positive thing for our
13 community. I recommend that we work on that.

14 The third is a municipal marina in the Village.

15 And if these goals could be achieved, the Village
16 would thrive. It's well known that you must look successful to
17 be successful.

18 And, also, I would like my letter printed in the
19 minutes. Thank you.

20 Who do I give this to?

21 MS. MILLER: Julie. Thank you, Linda.

22 MS. ENGLISH: You're welcome.

23 MS. MILLER: Anybody else have anything on the proposed
24 amendments.

25 MR. HALL: Are you referring to public comment?

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MS. MILLER: I'm referring to public, yes.

MR. HALL: Okay.

MS. MILLER: We'll wait a minute. I suspect she may have something.

(at 7:15 p.m., an Liz Coryell woman arrived)

MS. MILLER: We're into public comment. Kind of figured you might have one, so we're waiting.

MS. CORYELL: Oh, you waited for me?

MS. MILLER: Yeah.

MS. CORYELL: I don't really have a public comment.

MS. MILLER: Okay. Alright.

MS. CORYELL: But thank you for waiting.

MS. MILLER: Alright. So then do we have any staff comments on the proposed amendments?

MS. HENDRICKS: I don't.

MS. HUEBNER: No.

MS. BEAUVAIS: I don't.

MS. MILLER: No, no. Yes?

MR. HALL: I do. I guess, first of all, I want to commend the Planning Commission. You know, sometimes when you do a zoning ordinance amendment, it does affect, you know, people in various ways, and it's difficult to understand some of the consequences, whether they're intended or not. And I think one of the best things that a community can do is, if unintended consequences are brought to their attention, is be proactive

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1 and, you know, just be able to look at yourselves and say, oh,
2 we didn't intend that to happen; now what do we need to do to
3 make it right.

4 And from a zoning standpoint, I was looking through
5 the language, and, again, it's very clear that, you know, as far
6 as the definitions of signs, we certainly needed that.
7 Impervious surfaces, that came about when the Planning
8 Commission was actually reviewing their own work and had
9 questions about the intent and the purpose of it.

10 But, more importantly, from a zoning administration
11 standpoint, as I was looking at the special uses that will now
12 be the designation given to all of the existing business in the
13 Portage Lake Overlay Zone, which lies between M-22 and the lake,
14 is how you handle it. The State enabling statutes are pretty
15 much silent on that particular subject. There's no case law.
16 It's never been litigated, but as I continued into the old
17 language of the ordinance, we tried to attack it in Article 80,
18 Section 8005, and it referred to the old building code for the
19 Village of Onekama and talked about that those special uses will
20 be treated in a particular way. But when I referenced that
21 building code, the building code doesn't reference those uses,
22 so we were still left without guidance.

23 What I've given you this evening is some more
24 recommended language. It's not much. It's, actually, just a
25 few strikeouts and additions of sentences that will recognize

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1 those special uses as they exist now. If they want to expand,
2 it's simply treated as an amendment to the preapproved special
3 use.

4 There's an opportunity, also, in that language—there's
5 not much change, but if a business wanted to come in, that the
6 Planning Commission would certify a site plan. If they wanted
7 to bring it in and say this is my parcel, this is the business
8 that's here, this is how it will exist, you would certify that.
9 And I believe it says at no charge. Yes, it does. I don't see
10 many people wanting to do that, but the most important thing, I
11 think, the recommended changes I've shown you there, is that we
12 will recognize these businesses as the pre-existing approved
13 special use, not a non-conforming use, forge them a much greater
14 latitude in their property rights, and more than that, just
15 gives the Village guidance on how to review any expansion from
16 here going forward. And I would ask that the Planning
17 Commission take that language under consideration during this
18 public hearing.

19 MS. MILLER: Okay.

20 MR. HALL: On that hot pink paper, that's the language—

21 MS. MILLER: Yes.

22 MR. HALL: —Right out of the ordinance. You see very
23 few strikeouts and a few bolds in there that, basically, I
24 think, just clarifies the purpose and the intent and how we will
25 recognize those special uses.

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1 MS. MILLER: Okay. And you wanted some action taken on
2 that, 'cause we have a-

3 MR. HALL: I would like that added to the language that
4 you already before you and the language that was publicized.

5 MS. MILLER: Okay. So is there anything in here that
6 the general public would not be noticing as they are reading
7 their own?

8 MR. HALL: Yes, because they would not have this. This
9 is the recommendation. I-

10 MS. MILLER: Can you maybe explain to them exactly-

11 MR. MILASICH: I put it up.

12 MR. HALL: Oh, did you put it up there? Okay. Then
13 they have it. They have a nice and white sheet, instead of a
14 bright pink sheet.

15 MS. MILLER: Okay. Okay. So it's clear.

16 MR. HALL: Yes. And, again, just to reemphasize to the
17 Planning Commission and to the public, the only changes are
18 either in bold or strikeouts on there, and, again, it clarifies
19 the purpose and the intent and guides the Village on how we'll
20 treat those for special uses.

21 MS. HUEBNER: Can I clarify that this is what we were
22 voting on, and this is your suggestion? Is that right?

23 MR. HALL: That is the exact same thing with the
24 strikeouts omitted and the bolds, yes.

25 MS. HUEBNER: Okay.

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MR. HALL: Exact same thing. That's all I have.

MS. HENDRICKS: Does this addition require notice, 15 days, and this, and that, and the other thing?

MR. HALL: Absolutely not. The Planning Commission—that's the purpose of a public hearing. A planning commission can accept additional facts, or comments from the public, or anything that's brought to their attention, deliberate on that additional information, and make their recommendation to the council.

MR. MILASICH: Alright. Based on our last public hearing in 2014, there were a number of comments which were made. We made a total of, I guess, somewhere around ten to fifteen changes in the proposals in line with what was said at the public hearing.

Is there any more public comment?

Yes, in the back.

MS. KLINE: Rebecca Kline. I've got a question on the digital signs. As you know, Trinity put up a new sign down here. We went through you and got all the specifications and so on. I see in here that you're changing—I don't know if you're changing it, but, anyway, it says nine square feet in area, which I think we are okay with, and shall be not more than three feet above ~~The~~ top edge of the sign shall be no more than three feet above the ground level. What's that all about? The top edge of the sign.

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1 MR. MILASICH: Well, number one, that sign is---where
2 it is, it is a non-conforming use, and it's not covered by this.
3 This--this amendment only looks forward for future signs.

4 MS. KLINE: Alright.

5 MR. MILASICH: So it doesn't affect that sign at all.

6 MS. KLINE: Alright. Well, I know they went through the
7 boards--

8 MR. MILASICH: They did.

9 MS. KLINE: --And got the recommendations of what they
10 should have when they put it up.

11 MR. MILASICH: Right. And--

12 MS. MILLER: It was, basically, the size and all they
13 had--that they had. Changed format, but.

14 MS. KLINE: And as far as all of the setting it up,
15 setting the message up, and so on, that's why I was kind of
16 being quiet for a while hoping that a couple of the people from
17 church who do the--put the things on the sign would be here
18 tonight, but they live out county, and I think they finally
19 decided they just wouldn't try to get in here. But I figured
20 they ought to be here to talk on that, because I know nothing
21 about digital signs or whatever.

22 MR. MILASICH: Right. And, again, that particular
23 regulation of digital signs applies to signs which are put up in
24 the Village in the future.

25 MS. KLINE: Okay.

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1 MR. MILASICH: Your sign is there. We like you to—I
2 know that you did make some alterations to the frequency of the
3 change of message on the sign. That was very helpful, but this
4 particular ordinance—this particular portion of the zoning
5 ordinances does not apply to you, because it looks only forward
6 looking to new signs that are put up in the Village.

7 MS. KLINE: That's like—that's kind of grandfathered in
8 like some of—

9 MR. MILASICH: You got it.

10 MS. MILLER: It's also on the other side of the road.

11 MR. MILASICH: Right.

12 MS. KLINE: The other thing, the 75 feet wide, I take
13 it, on lots. I have two 25-foot lots on the other end of town,
14 and most of those are 25-feet. So I put the two together, I've
15 got 50, but I still don't have the 75, but that's looking
16 forward, too?

17 MR. MILASICH: No. In the case of—you have two 25-foot
18 platted—what we call a platted lot.

19 MS. KLINE: Yeah.

20 MR. MILASICH: In other words, it's in the plat that
21 they are 25 feet.

22 MS. KLINE: Right.

23 MR. MILASICH: So the minimum width for a platted lot
24 is the platted width. So the 75 feet doesn't—doesn't govern a
25 platted lot. You're 25 feet on the plat. Your plat will show

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1 that it's 25--the plat down at the county will show that it's a
2 25-foot platted lot. That is the minimum distance for a platted
3 lot. The platted distance, length, width is the--is the minimum
4 requirement. Seventy-five feet doesn't govern that lot.

5 MR. ENGLISH: You can build on that 25 feet.

6 MS. KLINE: I was told I couldn't.

7 MR. HALL: I didn't tell you that.

8 MS. KLINE: I don't know that I talked to you.

9 MR. ENGLISH: Well, you know, it's been tested, and you
10 could build on that lot. The average person's not gonna want to
11 build on a 25 foot--

12 MS. KLINE: Twenty-five foot lot, you're not gonna have
13 anything on either side of ya.

14 MS. MILLER: Five foot--five foot house.

15 MR. ENGLISH: If you started marketing your 25 foot
16 lot, you could do that, and--or you could building on it yourself
17 or whatever. It can be built on, and it's a good 50-foot
18 lakefront lot.

19 MS. KLINE: Right.

20 MR. ENGLISH: You could do it.

21 MR. MILASICH: Well, I would recommend you come in and
22 just--you're here a lot--talk to the zoning administrator on
23 Wednesday.

24 MS. MILLER: You have to conform to setbacks and all.

25 MS. KLINE: I need to do that yet, because--

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MR. MILASICH: Sure.

MS. KLINE: --Because I've got questions that haven't been answered so far. And when the taxes quadrupled on it when I inherited it, that didn't go over well either with me, and I want to know some more information on that.

MS. MILLER: You won't get that from this floor.

MR. MILASICH: Nine o'clock on Wednesday morning 'til two, and the zoning administrator's there. Just come on in and talk to him. He'll explain it to you.

MS. KLINE: Okay. Alright.

MS. MILLER: That's above our pay grade.

Alright. Do we have any more public comment?

(No response)

MS. MILLER: Everybody had ample opportunity? Yes.

MS. CORYELL: Okay. Okay. I'm Liz Coryell. I was here at the other meetings, and I guess I'm just thinking about a question about her question about the sign the top edge of which can't be further 30-or 3 feet off the ground. So any signs that are put up in the future have to be like this--down--from here down (indicating).

MS. MILLER: That does not sound right.

MR. MILASICH: No, that's not--

MS. MILLER: That does not sound right.

MS. CORYELL: Okay. I guess I was--maybe I'm interpreting it wrong.

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1 MS. KLINE: It doesn't sound right to me, but.

2 MR. MILASICH: The section relates to signs on parcels
3 in the residential district. That is not the
4 residential-commercial/residential district. It is not the
5 Overlay district. Those are—my house is in the residential
6 district. If I want to put up a sign, it cannot exceed nine
7 square feet in area, and the top edge of the sign shall not be
8 more than three feet above the ground. And that's—that's
9 the—that's the sign (sic) of a normal political sign or any-any
10 other type sign—or for sale sign.

11 MS. CORYELL: Okay. So it doesn't apply to this
12 Overlay area?

13 MR. MILASICH: Does not.

14 MS. MILLER: No.

15 MS. CORYELL: Okay.

16 MR. MILASICH: It's only in the residential district.

17 MS. MILLER: Yes.

18 MR. MILASICH: You have to say your name, so she
19 catches it.

20 MS. HUDSON: I am Ruth Hudson, and when you're talking
21 about the signs, so all the signs that are out there now, like
22 by the café and everything, those—those signs are what are
23 grandfathered in, but if somebody else wants to put up a sign,
24 they have to go according to this?

25 MS. MILLER: We're talking about, like, yard sale sign

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or something in the residential. That's-

MR. MILASICH: That limitation of three feet above the ground is only in the residential district. It does not govern the signs in the overlay district or in the commercial/residential district.

MS. CORYELL: Oh, okay. Alright. Okay.

MR. MILASICH: And-well, that's it.

MS. MILLER: That answers-

MS. CORYELL: Yup.

MS. KLINE: Those are kind of like removable type signs, not something that's put in the ground like Trinity's was anchored-cemented in.

MR. MILASICH: Right. And that sign is fine, because it's in the commercial/residential district, so.

MS. MILLER: Anything else?

(No response)

MS. MILLER: Alright. I will then entertain a motion to close the public hearing.

MS. HUEBNER: I'll make a motion to close the public hearing.

MS. HENDRICKS: I'd second it.

MS. MILLER: Moved and seconded. All in favor?

MS. HUEBNER: Aye.

MS. HENDRICKS: Aye.

MS. BEAUVAIS: Aye.

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NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Village of Onekama Planning Commission will conduct a Public Hearing concerning Proposed Amendments to the Onekama Village Zoning Ordinance at a Meeting to be held at 7:00 o'clock p.m. on February 12, 2016 at the Village Hall located in the Farr Center, 5283 Main Street, Onekama, MI 49675 (Telephone 889-3171).

The Amendments, as proposed, affect every property in the Village and include: extending the 35% limit placed on the amount of the land area allowed to be covered by impervious surfaces to all parcels in the Village; narrowing the definition of impervious surfaces to exclude the area covered by roofed structures provided that the storm water runoff from these structures is treated and /or disposed of on the parcel by utilizing innovative storm water runoff techniques; adding a definition of Digital Signs and adding regulations concerning their use; adding as permitted uses in the Village's Portage Lake Overlay Zone--signs, public administration, state licensed residential facilities and collocation of wireless communication equipment; adding as Special Uses in the Overlay Zone--retail trade, finance, insurance, real estate and licensed professionals and supporting services, restaurants, water transportation, marinas, duplexes and multiple family dwellings; clarifying Overlay Zone regulations and standards concerning parcel setbacks and widths; and, restricting an accessory building on a nonconforming lot of record in the Overlay Zone on which the principal structure is a temporary seasonal dock to a maximum height of 6 1/2 feet.

The text of the Proposed Amendments are available for examination at the Village Office from 9 a.m. to 2 p.m. on Monday through Wednesday, at the Onekama Branch Library during normal business hours, and online at the Village Website, www.onekama.info/village/, from today through the Hearing date. Comments from the Public will be received at the Hearing. Written comments will be received either by delivery to the Village Office or by mail to Village of Onekama, P.O. Box 477, Onekama, MI 49675, and in order to be considered, written comments must be received prior to the beginning of the Public Hearing.

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Onkama Planning Commission.

I am Linda English, owner of Appearance Salon and Spa and also a Licensed Realtor in the State of Michigan.

The first reason for my letter is to voice my support for the proposed Blarney Castle Project at the east end of the Village where Sacko's market now stands. A new modern gas station with a grocery store will be a very positive thing for our village.

The second Reason is that I urge you to consider going back the original zoning for the business district. Your recent changes make it very hard for new business to want to come to our village. As a business owner for sixteen years in Onkama I have to say that it is a struggle. More commerce would help all the businesses in the village. Also remember that our village is the first stop on M22 a nationally recognized highway and first impressions are important.

Some of the goals that I would recommend would be #1 a Street Scape, Manton got theirs for virtually nothing. #2, a Band Shell for the Park, #3, a Municipal Marina in our village. If these goals could be achieved the village would thrive. It is well known that you must look successful to be successful.

Respectfully,

Linda English