

VILLAGE OF LAKE ODESSA
PLANNING COMMISSION

AGENDA

MONDAY, MAY 23, 2022 - 6:30 P.M.
PAGE MEMORIAL BUILDING
839 FOURTH AVENUE
LAKE ODESSA, MI 48849

1. Call to Order / Roll Call
2. Approval of Agenda
3. Public Comment
Under the Open Meetings Act, any citizen may come forward at this time and make comment on items that appear on the agenda. Comments will be limited to five minutes per person. Anyone who would like to speak shall state his/her name and address for the record. Remarks should be confined to the question at hand and addressed to the chair in a courteous tone. No person shall have the right to speak more than once on any particular subject until all other persons wishing to be heard on that subject have had the opportunity to speak.
4. Minutes
 - a. Approval of Planning Commission Meeting Minutes from:
 - i. January 24, 2022 Regular Meeting
5. Public Hearing
 - a. None
6. Action and Discussion items:
 - a. Discussion and Action: Stuart Ventures, LLC Rezoning Application
 - i. Overview
 - ii. Public Hearing
 - b. Discussion: Zoning Administrator's Memo Regarding the Proposed Amendment of Village Zoning Ordinance 36-63(a)
7. Board member comments
8. Adjournment

VILLAGE OF LAKE ODESSA
PLANNING COMMISSION

DRAFT

MINUTES
January 24, 2022 REGULAR MEETING
Page Memorial Building
Lake Odessa, Michigan

Present: Karen Banks, Al Hamp, Meg Wheeler, Patrick Reagan
Absent: Beth Barrone
Staff: None
Visitors: Bill King

Meeting called to order by Chairperson Wheeler at 6:32 p.m.

APPROVAL OF AGENDA: motion by Banks, supported by Reagan, to approve the agenda with the addition of business item “Election of Officers” and the removal of item 6(b) “Discussion: Zoning Administrator’s Opinion on Possible Repeal of Village Zoning Ordinance, Sec 36-63(a)(1). Voice vote. Approved 4-0.

PUBLIC COMMENT – Bill King, from the Lake Odessa Fair Board, asked about the Village’s Five-Year Recreation Plan.

MINUTES – Motion by Banks, supported by Hamp, to approve the minutes from the regular meeting of September 27, 2021 and the special meeting of October 18, 2021. Voice vote. Approved 4-0.

PUBLIC HEARING – None.

ACTION & DISCUSSION ITEMS:

a) 2022 Planning Commission Meeting Dates and Times – Banks made the motion, supported by Wheeler, to hold Planning Commission meetings on the fourth Monday of every-other month, beginning at 6:00 pm. Discussion took place. Voice vote. Motion approved 4-0. Meetings will take place at 6:00 pm on the following dates:

- January 24, 2022
- March 28, 2022
- May 23, 2022
- July 25, 2022
- September 26, 2022
- November 28, 2022

b) Election of Officers – Reagan made the motion, supported by Banks, to keep the same officers (Chair: Wheeler; Vice-Chair: Barrone) as during the previous year. Voice vote. Motion approved 4-0.

BOARD MEMBER COMMENTS: None

ADJOURNMENT: Motion by Banks, support by Wheeler, to adjourn the meeting at 6:46 pm. All ayes; motion carried, 4-0. Meeting adjourned at 6:46 p.m.

Respectfully submitted,

Patrick Reagan, Village Manager/ Clerk

ARTICLE VII. AMENDMENTS¹

Sec. 36-171. Village council may amend.

The regulations and provisions stated in the tables and text of this chapter and the boundaries of zoning districts shown on the Zoning Map of Lake Odessa may be amended, supplemented, or changed by the village council in accordance with Public Act No. 207 of 1921 (MCL 125.581 et seq.).

(Ord. No. 119, § 7.0, 8-1993)

Sec. 36-172. Initiation of amendments.

Proposals for amendments, supplements or changes may be initiated by the village council on its own motion, by the planning commission, or by written request of (or petition of) one or more owners of property to be affected by the proposed amendment.

(Ord. No. 119, § 7.1, 8-1993)

Sec. 36-173. Amendment procedure.

- (a) *Written request or petition to village council.* Except for those initiated by planning commission or village council, all written requests by one or more owners for an amendment shall be submitted to the village council.
- (b) *Referral to planning commission/public hearing.* The village council shall refer every proposed amendment, supplement or change to the planning commission for the holding of a required public hearing thereon and for review and recommended action.
- (c) *Planning commission recommendation.* The planning commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to the individual proposal and in terms of the likely effect of such proposal upon the village land use plan. The planning commission may recommend any additions or modifications to the original amendment proposal. The planning commission shall transmit a written report with recommendation within 60 working days to the village council setting forth the reasons for the acceptance, denial or modification of the amendment proposal.
- (d) *Action by village council.* If the village council deems any amendment, changes, additions or departures are advisable to the proposed text or district boundaries recommended by the planning commission, it shall refer the same back to the planning commission for a further report thereon within a time specified by the village council. Before any amendments shall become effective, the village council may on its own, conduct a public hearing on the proposed amendment. Thereafter, the village council may adopt the amendment with or without any changes or may refer the same again to the planning commission for further report.

¹State law reference(s)—Zoning ordinance adoption, MCL 125.584.

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- (e) *Public hearing procedure and notification.* For any required public hearing conducted by the planning commission or any additional public hearings by the village council on a proposed amendment to this chapter, the following procedure and notice requirements shall apply:
- (1) Notice of the public hearing shall be given by publishing said notice at least once in a newspaper of general circulation in the village, stating the time and place of such hearing and the substance of the proposed amendment, and in the event of a proposed change in the amendment, and in the event of a proposed change in the zoning map, the district boundary lines affected shall also be stated. This shall appear in said newspaper at least 15 days prior to the date set for the public hearing. Furthermore, not less than 15 days notice of the time and place of such public hearing shall first be given by United States mail to each public utility or railroad within the districts or zones affected, and a hearing be granted any person interested at the time and place specified. An affidavit of mailing shall be maintained.
 - (2) Notice of the proposed zoning change shall also be made by the village clerk, with notification by first-class mail to the person or firm to whom the property is assessed, and to all persons or firms to whom property within 300 feet are assessed. An affidavit of mailing shall be maintained.
- (f) *Effect of protest to proposed amendment.* Upon presentation of a protest petition meeting the requirements of this subsection, an amendment to a zoning ordinance which is the object of the petition shall be passed only by a three-fourths vote of the village council. The protest petition shall be presented to the village council before final legislative action on the amendment and shall be signed by one of the following:
- (1) The owners of at least 20 percent of the area of land included in the proposed change.
 - (2) The owners of at least 20 percent of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.
- (g) *Exclusion of publicly owned land from calculation of land area requirement.* For purposes of subsection (f) of this section, publicly owned land shall be excluded in calculating the 20 percent land area requirement.
- (h) *Publication of notice of adoption.* Following adoption of a zoning ordinance and subsequent amendments by the village council, one notice of adoption shall be published in a newspaper of general circulation in the village within 15 days after adoption.
- (i) *Contents of notice of adoption.* The notice of adoption under subsection (h) of this section shall include the following information:
- (1) In the case of a newly adopted zoning ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the village council of the village of Lake Odessa."
 - (2) In the case of an amendment to an existing ordinance, either a summary or the regulatory effect or the amendment, including the geographic area affected, or the text of the amendment.
 - (3) The effective date of the ordinance.
 - (4) The place and time where a copy of the ordinance may be purchased or inspected.
- (j) *Resubmittal of application for rezoning.* No application for a rezoning which has been denied by the village council shall be resubmitted for a period of one year from the date of the last denial, except on grounds of newly-discovered evidence or proof of changed conditions found upon inspection by the village council to be valid.
- (k) *Comprehensive review of zoning ordinance.* The planning commission shall, from time to time at intervals of not more than five years, examine the provisions of this chapter and the location of zoning district boundary lines and shall submit a report to the village council recommending changes and amendments, if any, which are deemed to be desirable in the interest of public health, safety, and general welfare.

(Ord. No. 119, § 7.2, 8-1993)

(Supp. No. 28)

Created: 2021-10-25 10:07:22 [EST]

PAID

MAY 10 2022

✓ # 1016 \$400.00
KSF



Lake Odessa
Page Memorial Building
839 Fourth Avenue
Lake Odessa, MI 48849

Phone: (616) 374-7110

Fax: (616) 374-0040

website: www.lakeodessa.org

Village of Lake Odessa Rezoning Application

This application must be completed in full and approved by the Village of Lake Odessa Council before beginning any construction, excavation or use regulated by the Village of Lake Odessa Zoning Ordinance.

Applicant Information

Name Stuart Ventures, LLC

Address 7357 Woodland Rd

City Lake Odessa State MI Zip 48849

Phone Numbers (269) 367.4152 () ()

Property Owner Information (if different from applicant) Same as applicant - except for Lot 7 of Block 15 (information below)

Name Lakewood Public Schools

Address 639 Jordan Lake St

City Lake Odessa State MI Zip 48849

Phone Numbers (616) 374.8043 () ()

(Attach separate pages if additional owners)

Present Use of the Property(s)

Present use _____

Block 15, Lot 7: Driveway ingress/egress

Block 23, Lots 1-4 & 9-12: Vacant with mowed grass

Block 24, Lots 1-4: Vacant with mowed grass

Village of Lake Odessa Rezoning Application (page 2)

Property Information

Parcel Tax ID Number Block 15, Lot 7: 34-101-200-000-655-00
Block 23, Lots 1-4 & 9-12, Block 24, Lots 1-4: 34-101-200-001-060-10

Attach legal description(s) of proposed parcel(s) requested to be rezoned

Attach scaled map(s) of proposed parcels(s) requested to be rezoned

Address(es) of property(s) proposed to be rezoned

Block 15, Lot 7: 826 Third Ave, Lake Odessa, MI 48849
Block 23, Lots 1-4 & 9-12, Block 24, Lots 1-4: Second Ave, Lake Odessa, MI 48849

Attach separate pages for any additional parcels

Proposed Desired Rezoning Change and Reason for the Requested Change:

Present Zoning District(s) Block 15, Lot 7: R-3 Low/Medium Density Residential
Block 23, Lots 1-4 & 9-12, Block 24, Lots 1-4: R-1 Low Density Residential

Proposed Zoning District(s) MF Medium High Density Multiple Family

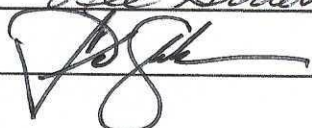
The intent of the project is to redevelop the property with multi-family homes and an assisted living center.

Village of Lake Odessa Rezoning Application (page 3)

Affidavit

I certify and affirm that I am the property owner(s) or the owner's authorized agent(s) and that I agree to conform to applicable zoning laws of Village of Lake Odessa. I also certify and affirm that this application is accurate and complete to the best of my knowledge. I hereby give permission for Village representatives to visit this location. I understand that if my request is granted, other ordinance requirements may be applicable.

Signature(s)

Lee Stuart member Stuart Ventures LLC
 STEVEN C. SKALKA LAKEWOOD PUBLIC SCHOOLS

Date 5/9/22

Attach separate sheet for additional signatures

Administrative Use

Fee paid _____ Date received _____

Date of Hearing _____ Date Published _____ Date 300' Notices sent _____

Date Posted at Village Office _____

Village of Lake Odessa Planning Commission Recommendation

Application Approved _____

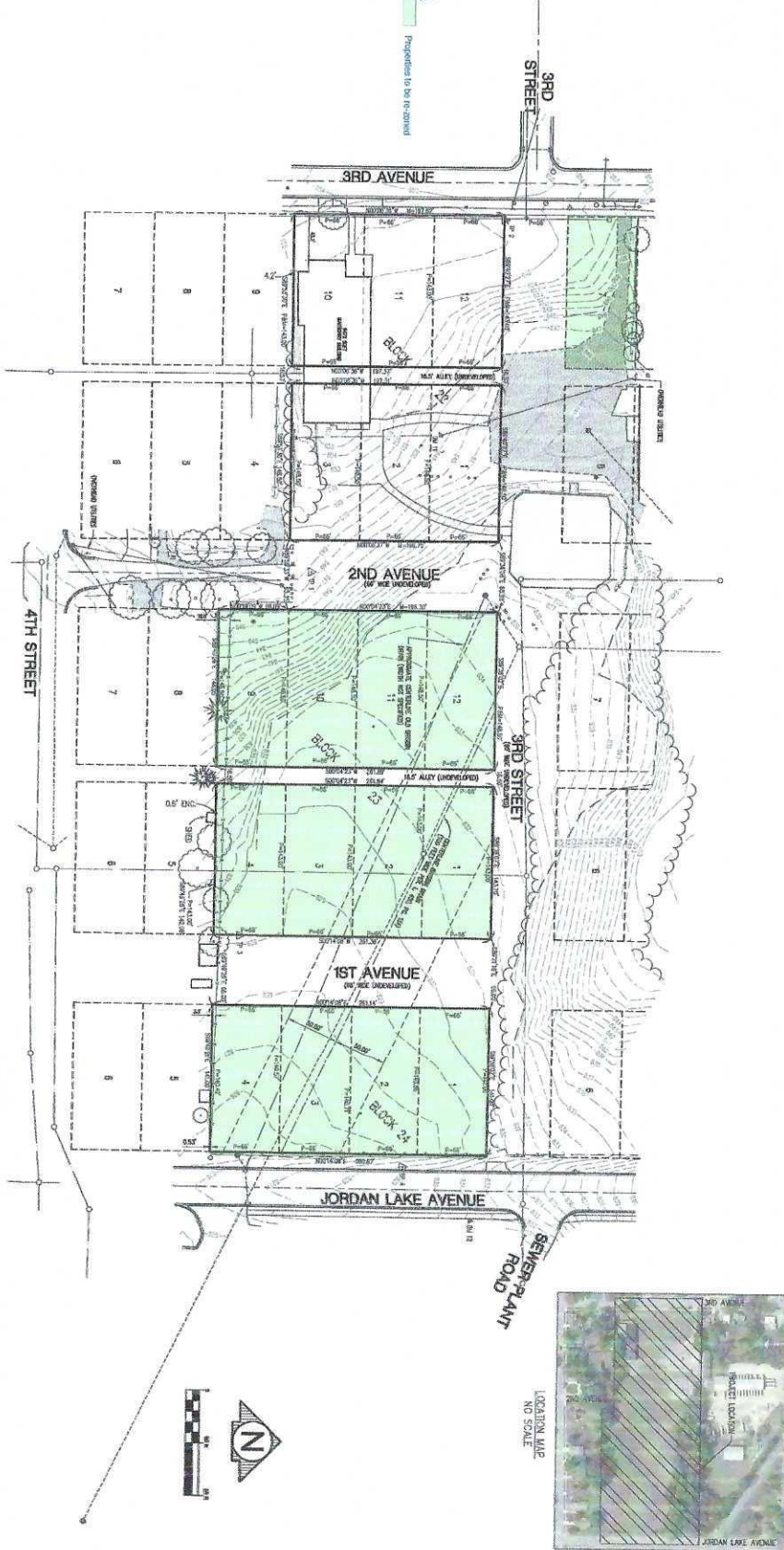
Application Denied _____

Reasons

PROPOSED PARCELS TO BE REZONED

LOTS 1, 2, 3, 4, 9, 10, 11, AND 12 OF BLOCK 23; LOTS 1, 2, 3, AND 4 OF BLOCK 24; ALSO, LOT 7 OF BLOCK 15 OF THE VILLAGE OF LAKE ODESSA, IONIA COUNTY MICHIGAN, ACCORDING TO THE PLAT THEREOF.

LEGEND
Proposed to be retained



NOTES

1. THE INFORMATION CONTAINED HEREON IS FOR GENERAL INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT. THE CONTRACT IS THE SET OF DRAWINGS AND SPECIFICATIONS.

2. THE DESIGNER HAS CONDUCTED VISUAL INSPECTION OF THE SITE AND HAS FOUND THE INFORMATION TO BE CORRECT AND COMPLETE.

3. THE DESIGNER HAS CONDUCTED VISUAL INSPECTION OF THE ADJACENT PROPERTIES AND HAS FOUND THE INFORMATION TO BE CORRECT AND COMPLETE.

4. THE DESIGNER HAS CONDUCTED VISUAL INSPECTION OF THE PUBLIC RECORDS AND HAS FOUND THE INFORMATION TO BE CORRECT AND COMPLETE.

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BENCHMARK DATA TABLE

MARK	ELEVATION
BM 11	4877.08
BM 12	4877.15
BM 13	4877.15
BM 14	4877.15
BM 15	4877.15
BM 16	4877.15
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TRAVERSE POINT DATA TABLE

MARK	ELEVATION
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TP 2	4877.15
TP 3	4877.15
TP 4	4877.15
TP 5	4877.15
TP 6	4877.15
TP 7	4877.15
TP 8	4877.15
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TP 50	4877.15

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LEGEND

	SHANTYMAN'S LINE
	STORM SEWER LINE
	UNDERDRAIN A/T, PRE-PLUMB
	PLAY LINE
	EXISTING CENTER LINE ROADWAY
	EXISTING CURB AND GUTTER
	EXISTING OVERHEAD UTILITIES
	EXISTING CONTOURS MAJOR
	EXISTING CONTOURS MINOR
	EXISTING DIVISIONS PAVEMENT
	EXISTING CONCRETE
	EXISTING GRAVEL
	FLATBED
	MARSHBED

STATE OF MICHIGAN
DEPARTMENT OF LAND AND NATURAL RESOURCES
REGISTERED PROFESSIONAL SURVEYOR
WILLIAM J. ...

PREPARED FOR
STUART VENTURES LLC
ASSISTED LIVING DEVELOPMENT
PARCEL A
PART OF SECTION 33, T5N, R7W, IONIA CO., MI

ROWE PROFESSIONAL SERVICES COMPANY
4345 44th Street SE, Suite A
Kentwood, MI 48512
C: (616) 272-7125
F: (600) 974-1704
www.rowepsc.com

PLAN DATE:	12/15/2021
PROJECT MGR:	AW
DRAWN BY:	WEG
SCALE:	1" = 50'

SHEET 1 OF 1
105 105 210000

MEMO TO LAKE ODESSA PLANNING COMMISSION

FROM ZONING ADMINISTRATOR – Jeanne Vandersloot

REGARDING: Section 36-63 (a) (1)

5-11-22

I am pasting in the section below. I suggest rewording the part of (a) that all buildings require a zoning permit as well as fences. The suggested changes are shown in red below. Number 1 will be removed, and number 2 will be renumbered. We historically have required permits for all buildings and fences. This could be added to any upcoming public hearing or scheduled separately.

Sec. 36-63. - General regulations.

- (a) *Zoning permit required; conformance to zoning.* In accordance with other village codes, ordinances, and regulations duly adopted by the village council, and in accordance with this chapter, no building or sign shall hereafter be erected, relocated, or altered in its exterior dimension or use, and no excavation for any building shall be begun until a zoning permit has been issued. With respect to this zoning ordinance, eligibility for a zoning permit shall be established upon conformance with the provisions contained herein. This shall apply to all new construction of buildings, fences and all major improvements to existing structures and signs. (See article V of this chapter for application procedures.)
- (1) ~~In the case of detached accessory buildings and structures, a zoning permit is required for accessories only where the total floor area to be constructed is greater than 120 square feet and has a permanent foundation.~~
- (2)(1) Zoning permits will not be necessary for normal repairs to existing structures or signs, nor for minor improvements such as unenclosed patios, painting, plumbing, new roofs, etc.

Jeanne Vandersloot - Zoning Administrator

616-897-4242

Email - zoningadmin@msn.com