

MEMO

May 6, 2024

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To: Suttons Bay Township PC

From: Steve Patmore, Zoning Administrator

Re: Request from Tony Biddix regarding S. Richter Road Property

We received the following (informal) request from Mr. Biddix regarding a property at 1800 South Richter Road that is currently zoned Waste Management in Suttons Bay Township.

This item is not on the meeting agenda, as no formal Application has been submitted to the township.

I had a meeting with Mr. Biddix, his Surveyor, and a Zoning/Planning Consultant earlier this year and the following was discussed:

- The proposed use of the property as a contractor and small business development could be approved right now under the current ordinance provided that setbacks, Site Plan Review standards, and agency approval requirements are met. He was encouraged to finalize his Site Plan for formal submittal.
- However, at the meeting, and not mentioned in his April 22, 2024 memo, his desire is to develop the property as Condominiums and sell the buildings individually. The current zoning ordinance does not provide for that, and a potential zoning amendment was discussed.
- It was mentioned to Mr. Biddix and his team that the PC is in the middle of developing a new zoning ordinance, and, when the new ordinance is completed, the current ordinance would not be in effect. The latest draft of the new ordinance calls for a new C-2 Commercial District in the area of this property.
- The team was encouraged to research how other township's in the area treat these storage condominiums and submit their language to Suttons Bay. (This has not been done)
- It was noted that there have been comments and complaints about the number of new storage containers that have been placed on the 1800 S. Richter Rd property, and that this should have come to the township for Site Plan Review.
- It was noted that Suttons Bay Township would require Health Department Approval for bathrooms if the buildings were to contain businesses.

As I said earlier, the Use is ok for that district right now, however, the current zoning ordinance or the new proposed draft contemplates small lot sizes / or condominium ownership.

I have significant comments regarding the attached proposed language that was presented for your review. I think that the Planning Consultant should be involved. Timing will depend on the timing of the new ordinance.

The Property Owner also has the option of formally submitting language for approval.

OVERVIEW

Zoning Text Amendments

Suttons Bay Township

SWP – 5/07/2024

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From time-to time it is necessary to amend the text of the Zoning Ordinance.

Typically, this is triggered by the Planning Commission (PC) recognizing the need to clarify, add language, add a use, or fix an issue that arose.

Sometimes the amendment is suggested by the Township Board.

Occasionally, a citizen or property owner points out the need to the planning commission, and, if the PC deems the request reasonable, the PC might initiate the amendment. **The PC is under no obligation to implement or proceed with an informal request by a property owner or citizen.**

An affected property owner also has the right to **formally apply** to the township for a text amendment to the zoning ordinance. This formal application includes the proposed text and an associated fee. In this case, the PC must conduct a Public Hearing and review the request, similar to a rezoning request. The recommendation then goes through the County Planning Commission, then to the Township Board for a final answer.

It is my understanding that, if a formal application is received, the PC cannot change the language submitted without the consent of the applicant. (similar to a conditional rezoning). The PC can suggest changes, but votes on what is formally submitted to the township.

The legal process for adopting a text amendment is covered by the Michigan Zoning Enabling Act and the township zoning ordinance.

Submitted to the Suttons Bay Township Planning Commission on May 7, 2024.

April 22, 2024

Suttons Bay Township Planning Commission

95 W. Fourth St.

Suttons Bay, MI 49682

Re: Zoning Ordinance Amendment\Letter of Intent

Dear Planning Commission Board members,

Since acquiring a parcel of land in 2020 on South Ritcher Road; I have started to move my business to this location. Additionally, as a member of the community I often think of how to best utilize the property. Many land owners have seen a large inflation in contracting, which mostly is in the form of sub-contractors, plumbing, electrical, roofing.....

A contractor barn is a structure that holds equipment and supplies that is used for supporting a small business. There currently is a demand for such buildings, and if said buildings became available, it would give start up small businesses a location at an affordable rate. These structures are often 30'x40' buildings with no retail or office space. The owner of a small business will store his tools and supplies in the buildings and take only the tools and supplies needed that day to the job Site.

In order for a development like this to get approved at the township level, changes to the current zoning ordinance would be required. After a discussion with Steve Patmore about the concept, he encouraged us to draft the language for the alteration of the zoning ordinance. On March 27, 2024, I presented the draft language for review to Steve Patmore to get on the agenda for public comment. As of today, I have not been able to confirm I am on the agenda to set a public comment meeting for the proposed zoning changes. This letter is legal notice that I am requesting the planning commission to set a public comment meeting for the June docket. Additionally, I am seeking input from the Planning commission on the subject. I am also planning on attending the May meeting to present this concept to the planning commission.

Respectfully submitted,



Tony Biddix

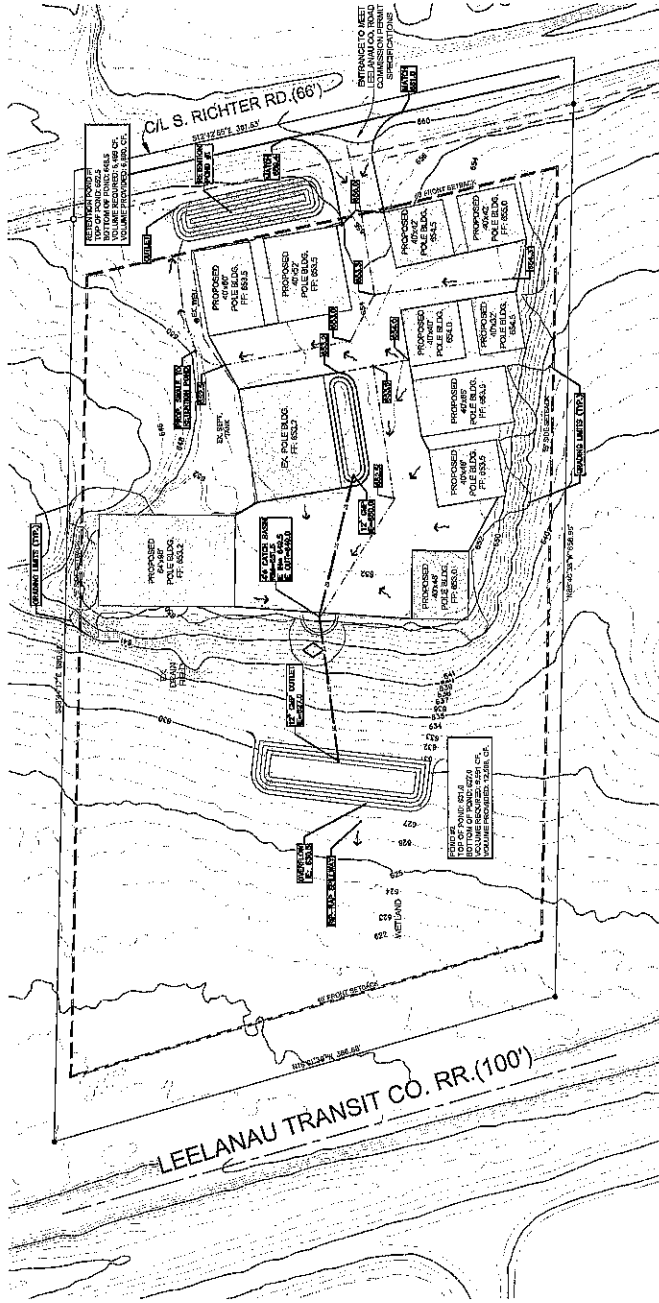
125 N Stony Point Rd.

Suttons Bay MI 49682

Attached letter from March 27, 2024 CC: Steve Patmore, ZA & planning

SITE PLAN

SECTION 33, T30N, R11W, SUITONS BAY TOWNSHIP
LEELANAU COUNTY, MICHIGAN



LOCATION OF EXISTING UTILITIES

1. EXISTING PUBLIC AND PRIVATE UNDERGROUND UTILITIES ARE SHOWN ON THE PLAN. THE LOCATION OF EXISTING UTILITIES IS BASED ON THE LOCATION OF THE UTILITIES AS SHOWN ON THE PLAN. THE LOCATION OF EXISTING UTILITIES IS BASED ON THE LOCATION OF THE UTILITIES AS SHOWN ON THE PLAN. THE LOCATION OF EXISTING UTILITIES IS BASED ON THE LOCATION OF THE UTILITIES AS SHOWN ON THE PLAN. THE LOCATION OF EXISTING UTILITIES IS BASED ON THE LOCATION OF THE UTILITIES AS SHOWN ON THE PLAN.



Know what's below.
Call before you dig.

GROUND-WATER NETWORK CALCULATIONS:
EXISTING SITE WAS CALCULATED WITH ASSUMED CAPACITY THROUGHOUT THE ENTIRE SITE.
A 20% RETENTION APPROACH MEETS THE NATIONAL METHODS TOTAL REQUIRED SURFACE STORAGE OF 38,000 GALS.
TOTAL REQUIRED SURFACE STORAGE OF 38,000 GALS.
POLE BUILDINGS ARE LOCATED ON THE ONLY GRADE PORTION OF THE PARCEL. 25% OF THE PARCEL IS WETLAND. THE POINT CAN BE LOCATED ON THE PARCEL. OTHER PORTS ARE SHOWN BECAUSE OF UTILITY CONFLICTS.

SITE PLAN

SECTION 33, T30N, R11W, SUITONS BAY TOWNSHIP
LEELANAU COUNTY, MICHIGAN

PROJECT NUMBER: 2020257
JOB NO.: C

SHEET 1 OF 1

BOB MITCHELL & ASSOCIATES
SURVEYING MANAGEMENT
140 Park St. Ste. 100
East Lansing, Michigan 48824
Tel: (517) 333-8222
Fax: (517) 333-8223
Email: bmitche@bmc.com

PROJECT NUMBER: 2020257
JOB NO.: C
SHEET 1 OF 1

PLAN LEGEND

- PROPERTY LINE
- SETBACK
- SETBACK
- CURB
- CONCRETE
- OUTSIDE ELECTRICAL

SITE DATA

OWNER: SUITONS BAY TOWNSHIP
DESIGNER: BOB MITCHELL & ASSOCIATES
DATE: 12/15/2020
PROJECT NUMBER: 2020257
JOB NO.: C

DISCLAIMER: A portion of this plan is the property of SUITONS BAY TOWNSHIP. ALL RIGHTS ARE RESERVED. NO PART OF THIS PLAN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BOB MITCHELL & ASSOCIATES. THIS PLAN IS NOT TO BE USED FOR ANY OTHER PROJECT OR PURPOSE WITHOUT THE WRITTEN PERMISSION OF BOB MITCHELL & ASSOCIATES.

March 27, 2024

Steve Patmore
Suttons Bay Township Zoning Administrator
95 W. Fourth St.
Suttons Bay, Michigan 49682

RE: Industrial Parcel, 1800 S. Richter Road

Good morning Steve,

We are ready to proceed with the Industrial Storage Project we presented in our informal meeting last month. Per your request we are presenting the required Amendments to the Zoning Ordinance. It is our intention to proceed quickly and present the formal submittal fees and documents soon.

Therefore, I am requesting an informal meeting with you, followed by a meeting with the Planning Commission at the next meeting. We would like to informally present and discuss:

- Present ideas of our plan to Develop the entire Site
- Understand the current zoning.
- Review the Zoning Ordinance, with you, to properly proceed.
- Establish informal timeline for approvals and submittal dates.

I have put together a team including Marketing, Engineering, Legal and Development Consulting to proceed with the most effective process.

The Zoning Ordinance changes (see attached) are limited to:

— Section 3.6— Schedule of Regulations -footnotes.

—Section 17—Condominium Subdivisions-additions to include Industrial Subdivisions

Respectfully Requested and Best Regards,

Tony Biddix
125 N. Stony Point Rd.
Suttons Bay, MI 49682
Ph: 810.560.1647
E-mail: tony@rci-roofinginc.com

Section 3.6 SCHEDULE OF AREA, HEIGHT, AND PLACEMENT REGULATIONS

**(ADD) the following footnote numbers to Schedule
(n) (o) (p) (q) (r)**

SECTION 3.6 SCHEDULE OF AREA, HEIGHT, AND PLACEMENT REGULATIONS

ZONING DISTRICT-----	AGRICULTURE	RESIDENTIAL	COMMERCIAL	INDUSTRIAL
Minimum Lot Area	2 acres	1 acre	1 acre (c) (n)(q)	1 acre (n)(q)
Minimum Lot Width	200 feet	150 feet	150 feet (p)	150 feet (p)
Maximum Height of Structure	30 feet (d)	30 feet	30 feet	30 feet
Minimum Area of Dwelling Structure	700 sq. ft.	700 sq. ft.	700 sq. ft.	
Minimum Setbacks	Front	40 ft.	40 feet (k)	40 ft. (o) (g) (b) (o)
	Side	35 feet (f)	10 feet	10 feet (o) (a) (o)
	Rear	35 feet (f)	30 feet	30 feet (o) (a) (o)
	Shoreline	50 feet	50 feet (j)	50 feet
Maximum Lot Area covered by structures.	25 percent	25 percent (h)	25 percent (r)	80 percent (R)

(ADD) the following footnotes

(n) Industrial District may use Condominium Subdivision (see Article 17, section 17.3.B.5)

(o) Minimum Setbacks may vary and may be 0 feet (Zero feet) when using Condominium Subdivision (see Article 17, section 17.3.B.5)

(p) Minimum Lot Width may vary and may be 0 feet (Zero feet) when using Condominium Subdivision (see Article 17, section 17.3.B.5)

(q) In Commercial and Industrial Districts when using Condominium Subdivision (see Article 17, section 17.3.B.5), the Maximum Lot Density is 5 Units/Acre. The Total number of units per Development determined by: Total Development Gross Acreage, and any fraction thereof, times Five (5).

(r) Maximum Lot Coverage may be 100% feet when using Condominium Subdivision (see Article 17, section 17.3.B.5)

(ADD) the following 3 insertions to ARTICLE 17

ARTICLE 17 CONDOMINIUM SUBDIVISIONS

SECTION 17.1 INTENT

It is the intent of this Article to establish and implement the goals of the Suttons Bay Township Master Plan, which directs the Township to retain the rural atmosphere of Suttons Bay Township, and to protect the wetlands, farmlands, woodlands, and other open space by encouraging clustering for residential **(ADD) , Industrial,** and commercial uses. The greater flexibility afforded by allowing site condominium developments should make development of difficult sites easier and more aesthetically pleasing.

SECTION 17.2 GENERAL PROVISIONS

For the purpose of this section, a Site Condominium Subdivision shall include any residential or commercial development proposed under the provisions of the Condominium Act [Public Act 59 of 1978, as amended ("PA 59")] consisting of two (2) or more single family detached/attached residential structures **(ADD) , and/or Industrial units,** and/or commercial units on a single parcel, including single family residential structures developed as "clustered housing developments", as reviewed and approved through the Article 16 Open Space Residential Land Development, when ownership is "condominium" rather than "fee simple". The Township's zoning review of condominium projects is based upon section 141 of 1978 PA 59 (MCL 559.241).

SECTION 17.3 PROJECT CONSIDERATIONS AND REQUIREMENTS

A. Site Condominium Lots -

The Condominium Subdivision Plan shall indicate specific parcel dimensions with front, rear and side site condominium lot lines allocated to each condominium unit intended for separate ownership. For the purpose of this Article, and to assure compliance with the provisions herein, condominium units as defined in PA 59, shall be referred to as site condominium lots.

B. Area and Bulk Requirements -

Each site condominium dwelling unit shall be located within a site condominium lot.

1. Each site condominium lot, with regard to lot size, building heights, setbacks, and lot coverage shall conform with the requirements of the zoning district in which it is located, as indicated in Section 3.6 Schedule of Area, Height, and Placement Regulations of this Ordinance.

2. The site condominium lot size and the required setbacks shall be measured from the designated front, rear and side site condominium lot lines.

3. A twenty (20) foot wide landscaped easement shall be maintained on all site condominium lots which border M-22 and other County Primary Roads, to restrict access to the primary road, to minimize noise, and to protect outdoor living areas.

4. Unless the circumstances are such that the land area is not of sufficient size to develop secondary roads, all site condominium lots shall front on secondary roads. Site condominium lots along M-22 and other County Primary Roads shall either back up to such roads or shall front onto a service drive.

(ADD) 5. Commercial and Industrial Zonings may have access on Private Driveways.