

LELAND TOWNSHIP PLANNING COMMISSION

Wednesday, November 3, 2021 – 7:00pm
Leland Township Library Munnecke Room
123 N. St. Joseph St., Lake Leelanau, MI

PRESENT: Chair Dan Korson; Clint Mitchell, Township Board Rep; Ross Satterwhite, ZBA Rep; Sam Simpson, Secretary, and Vice Chair Skip Telgard

NOT PRESENT: None

STAFF: Tim Cypher, Zoning Administrator and Larry Sullivan, Planner

GUESTS: Members of the public present.

CALL TO ORDER: Chair Dan Korson called the meeting to order at 7:00pm with the Pledge of Allegiance.

AGENDA: Korson called for a motion to approve the October meeting agenda. Satterwhite moved to approve the November 3, 2021, meeting agenda as presented; seconded by Simpson. All in favor, motion carried.

DECLARATION OF POTENTIAL CONFLICTS OF INTEREST: None.

APPROVAL OF MINUTES: Korson asked for a motion to approve minutes from the October 6, 2021, meeting. On page 1 and 2, under public comment, clarifications were made to public comments. It was noted that Ross Satterwhite was absent, not present. Clarifications were made to the discussion under the Public Hearing.

Telgard moved to approve the October 6, 2021, minutes as amended; Simpson seconded. All in favor, motion carried.

PUBLIC COMMENT: Steve Mikowski – He asked if there will be a public hearing for the Siddall project. Cypher stated that there will be no public hearing, as this is a use-by-right and as such requires only a site plan review as a commercial building. Therefore, there will be no public notices or 300' letters. It will go in front of the Township Board for allocation the REUs. Steve Mikowski asked if there would be an opportunity for public comment later regarding the project. Korson responded that there would be.

REPORT FROM TOWNSHIP BOARD REP: Mitchell reported that the millage failed in the November election; the PC briefly discussed. The PC briefly discussed the closing of the recycling site at Suttons Bay school, and other possible locations for recycling sites.

REPORT FROM ZBA REP: Satterwhite had no report.

NEW BUSINESS – Siddall Mixed Use Building

1. Site Plan Review

1. Open Site Plan Review by chair and Presentation by Applicant – Korson reopened the discussion into the Siddall project, as begun at the October meeting.
2. PC Questions / Discussion with Applicant/- Korson asked whether the REU discussion by the Township Board could change the project or affect the approval with conditions by the PC. The PC briefly discussed the REU approval process, and whether they want to continue the Siddall project discussion before the Board makes a decision on the REUs. Cypher asked the project engineer whether he had spoken with the Road Commission yet – the engineer responded that he had reached out to the Road Commission multiple times and has not yet received a response. There has been a preliminary review by the county code office, but there has been nothing received in writing from them. The PC discussed the timeline and history of the project with the applicant’s engineer, including the evolution of the residential and commercial spaces within the proposed project.

Sullivan asked if the construction code office had any concerns regarding the lack of an elevator – the engineer replied no, they are not required in this type of building. Sullivan asked if there was any concern with the doors on the second floor opening into the stairwell – the engineer replied that the entire building is fire separated and is required to have a sprinkler system. The doors will swing into a landing, not onto the stairs themselves. Cypher requested that the engineer have the code office forward any documentation that they have to him. In addition, Cypher reminded the PC that if they approve the project with conditions tonight, the project will come back to the PC if anything changes to make the project unable to meet the conditions or if there are major changes to the project.

Korson asked whether the PC has the ability to put a performance guarantee on the project. Cypher stated that the PC can put a performance guarantee on any project that requires a land use permit. He also requested that the PC return to the discussion of page 8 of the draft Findings of Fact, to discuss the general standards. Cypher also requested that, since there are members of the PC and audience present that were not at the October meeting, the applicant give a brief presentation on the project and on what has changed or been done since the October meeting. Cypher was asked whether the PC has the ability to hold a public hearing on projects that don’t require them; Cypher stated that it would be unfair to change procedures on an applicant midstream, that a public hearing is not required for this project, and reminded the PC that conditions can be placed on the project in the process of the Site Plan Review. The PC and staff discussed the possibilities for requiring public hearings for additional projects in the future – this would likely require an amendment to the Zoning Ordinance in order to be enforced fairly.

The applicant’s engineer then proceeded to give a brief history and description of the project. Since the last meeting, the largest change is that the proposed building has been moved 15’ to the west, which allowed the parking along St. Joseph Street to move from 90 degrees to parallel and added additional green space. They will also be

placing 15' of no-parking asphalt along the north side of the building to improve the maneuverable area for postal trucks, instead of placing landscaping there. A letter was distributed to the PC from the applicant, detailing other, more minor changes and communications. The PC, staff, and applicant discussed the parking and loading area at the post office – the applicants are trying to be good neighbors, but there is no formal easement to allow postal customers, trucks, and snow storage on their property. The PC and applicant discussed the setbacks, landscaping, snow removal, sidewalks, access and parking.

The applicant stated that the aesthetics of the proposed building will be very similar to that of the existing dentist's office, including building color. The applicant and PC discussed the access to the residential spaces and the look of the building windows and other details in both the commercial and residential areas. Each unit will have 300 square feet of storage inside the building; there will be no external storage. Cypher requested that the applicant possibly mark the sidewalk along the roadway as separate from the driving area in some way; contingent on what the Road Commission determines. The PC discussed, and Cypher recommended that the final review by the Road Commission be one of the final conditions, despite the difficulty in contacting them. The PC discussed the zoning of the district, and the process for moving forward with the approval of the project. The Road Commission review and the Township Board discussion of the REUs are the two major non-PC pieces of the approval left.

The PC then returned to the discussion of whether they should move forward with an approval with conditions at this meeting, or wait until the approvals from the Road Commission and Township Board were received. The PC briefly discussed the plans for the building, and the exterior lighting on the building, which is what is required for exterior doors and is night-sky compliant. Some PC members are uncomfortable with approving the project without seeing the approvals or reviews from other bodies. The PC and others discussed the various available commercial uses for the building. If, in the future, the owner wanted to convert the building to condominium units, it would have to come back before the PC.

3. Public Comment (limited to three minutes per person unless extended by chair) – Korson then opened the floor to comments from the public.

Steve Mikowski – He finds it odd that the SPR is proceeding without a determinant of the REUs, as that could change the entire project. He thinks that if the Township Board deems it necessary, they can order a public hearing. He feels that it is risky to put an additional 6 REUs into the sewer system, which is already overloaded. Mikowski covered the history of the sewer system in the area, and the costs which have already been incurred to maintain and improve the system. Leland Township has a duty to reserve the available capacity of the system for additional residential units on unbuilt lots. If the capacity is filled with large commercial units, all of the existing users will take the financial burden of having to upgrade the system.

4. Applicant's Response to Public Comment, directing statements to PC – The comment was made that the REUs were applied for back in August, along with the initial request for comment from the Road Commission. Both the Township Sewer Commission and the Road Commission are substantially delinquent in responding to these requests. The group discussed the timeline for this process. The applicant requested an approval conditional upon approval by the Road Commission and Township Board.
5. PC discussion with staff (if required) – None at this time
6. Findings of Fact – No further discussion
7. Deliberation/Motion – Korson asked whether the PC was prepared to move forward with a motion, or if the members would prefer to wait until after the determination by the Township Board. If the PC were to give an approval conditional upon approval from the Road Commission and Township Board, and those bodies did not approve the project, there would need to be substantial changes to the project, which would require the project to then come back before the PC.

The PC extensively discussed whether to approve with conditions tonight or to wait until after additional approvals are received. Korson wants to make sure that if the PC approves the project, that decision is not seen as a reason for the Township Board to approve the REUs. PC members are also concerned about the fact that they are missing other information, including finalized drawings and written county code review. However, they also acknowledge that the delays in approval and communication from the Township Sewer Commission and the Road Commission have hampered the applicant's ability to provide all necessary information to the PC.

Korson asked who follows up to make sure that the conditions are met in an approval of this sort; Cypher replied that is part of his position, and that a land use permit is not issued if the conditions are not met. The PC continued the extensive discussion of whether to approve the project tonight with conditions or wait for additional information. **Satterwhite moved to table the Siddall Site Plan Review until approvals are received from the Road Commission and the Township Board. Korson seconded.** The applicant stated that moving the approval back by a month would make it so that they would not be able to start the project until spring. If there was an approval received from the PC tonight, and they were able to get approvals from the Township Board and Road Commission next week, they would be able to get the footings set in November, before the cold weather moves in. The board continued an extensive discussion of which approval should come first, focusing mainly on the needed approval of the additional REUs from the Township Board. **Vote: 2 ayes, 3 nays. Motion failed.**

The PC then continued a discussion of the draft Findings of Fact and the conditions that would be set on an approval with conditions. The PC discussed the general standards for site plan reviews. The PC briefly discussed setting allowed hours of

business, and decided not to. The PC then discussed whether to set a performance guarantee. The amount of a performance guarantee would be set by staff, based on documentation provided by the applicants, with additional discussion with the Township Treasurer and legal counsel. The PC also discussed tying the performance guarantee to the construction timeline.

The PC discussed the current landscaping plan and whether they can require additional landscaping. The developer stated that adding additional landscaping would require either removing parking spaces or removing the additional pavement that will give the post office maneuvering room. The PC then returned to a discussion of potential conditions for approval, including the number and designation of parking spaces, and the process if amendments were needed to the project.

Satterwhite moved, Telgard to approve the Siddall Site Plan Review with the following conditions:

Conditions:

- **Approval of additional REUs by Township Board**
- **Approval by Leelanau County Road Commission**
- **Finalized engineered drawings**
- **Written comments from County Code Office**
- **All landscaping, parking, and lighting to comply with Zoning Ordinance standards**
- **A performance guarantee, to be set by Township zoning staff.**
- **A construction timeline submitted to Township zoning staff**

Roll call vote: Telgard (yes), Satterwhite (yes), Korson (yes), Mitchell (no), Simpson (yes); motion carried.

It was suggested that the applicants approach Patricia Soutas-Little about any help she could give them on moving forward with the Road Commission. Cypher requested 3 copies of the sealed final plans; the applicant agreed to get them to Cypher this week.

OLD BUSINESS

- **Bunbury Zoning Amendment – Status – Lot Coverage/Character Clause**
Work on this is ongoing.
- **Master Plan – Status – Chapter 6 – Update from Planner**
Sullivan sent a revised Chapter 6, along with other documentation. Sullivan will resend these documents, and the discussion will be tabled until the next meeting.
- **Short Term Rentals – Update status from State of Michigan**
Cypher distributed an update last week on short-term rentals. The bill has been passed by the House, and is now in the Senate. The PC and staff briefly discussed.

OTHER BUSINESS (as required) - No other business presented.

Zoning Administrator Comment: Cypher reviewed the October Zoning Administrator report emailed to PC members prior to tonight's meeting. There is currently a cease and desist against Mountain Harbor for moving forward on their project without proper approvals; Cypher summarized the issues.

Planning Commission Comment: None.

Public Comment: Steve Mikowski – He thinks that the PC should have scheduled a special meeting after the Township Board meeting to finalize the decision on the Siddall project. In addition, the process feels very piecemeal.

The next meeting is scheduled for Wednesday, December 1, 2021, 7:00pm, at the Leland Township Library Munnecke Room.

Adjournment: There being no objection, Chair Korson adjourned the meeting at 9:30 pm

Respectfully Submitted

Dana Boomer, Acting Recording Secretary

Date Approved: