

SUBMITTAL TO LEELANAU TOWNSHIP BOARD

Zoning Amendment for Rezoning of Property **10929 E. Melkild Rd., Northport, MI** **From Agricultural to the R-1 Residential Zoning District**

NOVEMBER 9, 2021

Content of Packet:

- Proposed Ordinance to Amend the Leelanau Township Zoning Ordinance.
- Leelanau County Planning Commission Review
- Application and Supplemental Information Submitted by the Applicant.
- Written Public Comment received by Leelanau Township.

Background:

Craig Pepple, 10929 E. Melkild Rd., submitted an application to rezone his property at 10929 E. Melkild Road from Agricultural Zoning to R-1 or R-2 Residential Zoning. The Application did not include any voluntary offer of conditions. The subject property is adjacent to the Village of Northport on Melkild Rd, and is currently zoned Agricultural.

It should be noted that the proposed lot lines shown on the Application have not been reviewed or approved by Leelanau Township, and was not part of the re-zoning consideration.

The Public Hearing was held on August 26, 2021. The Planning Commission reviewed and approved General Findings of Fact, and Findings of Fact on Rezoning Standards. Based upon these findings, the PC recommended approval of the Application to the Leelanau Township Board.

County Planning Commission Review:

The Leelanau County Planning Commission reviewed the recommendation on October 26, 2021 and forwarded their comments to the township.

**LEELANAU TOWNSHIP
LEELANAU COUNTY, MICHIGAN**

Ordinance No. ____ of 2021

AN ORDINANCE TO AMEND THE LEELANAU TOWNSHIP
ZONING ORDINANCE BY AMENDING SECTION 3.2.C – ZONING MAP

THE TOWNSHIP OF LEELANAU ORDAINS:

Leelanau Township Ordinance Part 1: Amendment of Section 3.2.C

The zoning map incorporated into Section 3.2.C of the Leelanau Township Zoning Ordinance is hereby amended to rezone the following property situated in the Township of Leelanau, County of Leelanau, State of Michigan and described as:

Part of the Southeast ¼ of the Southeast ¼ of Section 33, Town 32 North, Range 11 West, Leelanau Township, Leelanau County, Michigan, described more fully as follows:

PT SE 1/4 OF SE 1/4 SEC 33 LYING N OF MELKILD RD EXC BEG 175 FT W OF NE COR OF SE 1/4 OF SE 1/4 SD SEC TH W 665 FT TH S 262 FT TH E 665 FT TH N 262 FT TO POB ALSO EXC W 480 FT SE 1/4 OF SE 1/4 SEC 33 T32N R11W 11.27 A ML

10929 E. Melkild Road, Northport, MI 49670
Parcel Number 45-008-233-026-00.

from the Agricultural Zoning District to the R-1 Residential District, as authorized by Section 405 of the Michigan Zoning Enabling Act, being MCL 125.3405.

~~Leelanau~~ **Township Ordinance Part 2: Severability**

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not effect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

~~Leelanau~~ **Township Ordinance Part 3: Effective Date**

This Ordinance shall become effective eight (8) days after publication in a newspaper of general circulation within the township.

Ordinance No. ___ of 2021 was hereby adopted on the ___ day of _____, 2021 by the Bingham Township Board of Trustees as follows:

Motion by: _____
Seconded by: _____
Yeas: _____
Nays: _____
Absent: _____

MOTION

I certify that this is a true copy of Ordinance No. ___ of 2021 that was adopted at a regular meeting of the Leelanau Township Board on _____ and published in the Leelanau Enterprise on _____.

Dated: _____

Monica Diaz,
Leelanau Township Clerk

Date of Township Approval: _____

Date of Publication: _____

Effective Date: _____

NOTICE OF MEETING

A Regular Meeting of the Leelanau County Planning Commission (LCPC) will be held at **5:30 pm Tuesday, OCTOBER 26, 2021** in the Leelanau County Government Center – 1st floor.

(Please silence any unnecessary cellular/electronic devices)

DRAFT AGENDA

CALL TO ORDER & PLEDGE OF ALLEGIANCE

ROLL CALL

CONSIDERATION OF AGENDA

CONFLICT OF INTEREST *(refer to Section 3.7 of the Bylaws)*

PUBLIC COMMENT

STAFF COMMENTS

CONSIDERATION OF AUGUST 24, 2021 MEETING MINUTES *pgs 2-7*

NEW BUSINESS

- A. PC12-2021-08 Leelanau Township, Rezoning Ag. To R1 or R2. *pgs 8-37*
- B. Member Terms Expiring

REPORTS

- 1. Education Committee *(no meeting)*
- 2. Housing Action Committee *(no meeting)*
- 3. Parks & Recreation Committee *(Noonan)*
- 4. Report from LCPC members of attendance at township/village meetings, or Other Meetings/Trainings

COMMUNICATIONS

PUBLIC COMMENTS

STAFF COMMENTS

COMMISSIONER & CHAIRPERSON COMMENTS

ADJOURN

LCPC Members

Steve Yoder, Chairman
Casey Noonan, Vice-Chairman
Melvin Black, Chair Pro-Tem
Dan Hubbell
Melinda Lautner
Gail Carlson
Robert Miller
Tom Nixon
Kim Todd
Nathan Griswold
Amy Trumbull

REZONING REQUEST

PC12-2021-08 Leelanau Township

Rezoning Request Agricultural to Residential 1 or Residential 2

Reviewing Entity: Leelanau County Planning Commission
Date of Review: October 26, 2021
Date Request Received: October 19, 2021
Last Day of Review Period: November 18, 2021 (30-day review period under the Michigan Zoning Enabling Act)
Requested Action: Review and comment on a rezoning request in Leelanau Township for approximately 11.27 acres from Agricultural to Residential 1 or Residential 2.

Applicant: Craig Pepple
 10929 E. Melkild Rd.

Owner: Craig Pepple

General Location:

The subject parcel, property tax number 45-008-233-026-00, is situated on the north side of E. Melkild Rd., adjacent to a parcel owned by the Northport Public School and abutting the Village of Northport limits on the east side.

A copy of the application is included in the Appendix.

Existing Land Use: Residential, farmhouse on previously farmed land, wooded.
Adjacent Land Use and Zoning¹

NORTH	Land Use: Zoning:	Residential, single-family dwellings. Agricultural and Residential Conservation.
SOUTH	Land Use: Zoning:	Two residential single-family dwellings, and one vacant commercial parcel. Residential 1 and Commercial.
EAST	Land Use: Zoning:	Northport School soccer fields (Village of Northport) Rural Residential.
WEST	Land Use: Zoning:	Residential, single-family dwelling. Agricultural.

¹ 2017 Spring Aerials, 2000 Land Use Data, and Leelanau Township Maps.

Property Description:

The subject parcel is approximately 11.27 acres in size according to county records (application states 12.76 acres) and located on the north side of E. Melkild Rd./W. Third St. at the intersection of N. Morning Side Dr., Section 33, Town 32 North, Range 11 West, Leelanau Township.

Significant Elements of the Master Plan:

Leelanau Township Master Plan: (adopted 8-26-2010) The Leelanau Township Future Land Use Map calls for High Density Residential in this area which includes three R3 districts which provide a variety of high-density residential developments.

Leelanau General Plan: The Leelanau General Plan (Amended 2019) Chapter 5, Growth Guidelines and Decision Maps describes the location of the subject property as Urban Center. The Leelanau General Plan, Chapter 4, encourages a Balanced Growth Strategy including encouraging compact development with common open space (Figure 4.1) Most new development will be residential, but local regulations need to be changed to improve opportunities for jobs and affordable housing, especially in existing villages. New development should occur when, and only in locations which have or are guaranteed adequate public services to support the public service needs of new development. The density of new development will respect the character of the surrounding area, the capacities of necessary public services and not needlessly squander land resources. New development will occur in response to market demand and not speculatively, or ahead of necessary public facilities.

Relevant Sections of the Zoning Ordinance:

Current and Proposed Zoning District – Link to the Township Zoning Ordinance at: <https://www.leelanau.cc/leelanautwp.com>

OTHER AGENCY INPUT

Township Planning Commission:

A public re-hearing of the prior public hearing on June 17, 2021, was held on August 26, 2021. Township minutes indicate that possibly not all property owners were notified of the public hearing and it was decided to hold another public hearing to resolve any potential problems. The township minutes from August 26, 2021 indicate a letter was received from a neighbor in favor of the rezoning to R-1. After the public hearing was closed, the following motion was made:

Motion by Weber to recommend approval of the Application submitted by Craig Pepple to rezone the subject property at 10929 E. Melkild Road from Agricultural Zoning District to R1 Residential Zoning District based upon the above Planning Commission Findings on the Zoning Criteria.

Seconded by Harder.

Discussion: None

Ayes: All

Nays: None

Absent: None

Motion Carried

STAFF ANALYSIS AND FINDINGS

Would rezoning be consistent with other zones and land uses in the area? Yes.

Would rezoning be consistent with development in the area:

Rezoning to the Residential 1 or 2 district would be consistent with the residential development in the area.

Will the proposed use be consistent with both the policies and uses proposed for the area in the Leelanau Township Master Plan? Yes.

Are uses in the existing zone reasonable? Yes.

Do current regulations leave the applicant without economically beneficial or productive options? No.

STAFF COMMENTS

It is important when reviewing rezoning requests to look at the current uses, the uses allowed in the proposed zoning district, the Master Plan, and the surrounding uses and zoning districts. This stretch of E. Melkild Rd and W. Third St. includes Agricultural on the north side of the road, and Residential 1 and Governmental on the south side.

Some of the current permitted uses in the Agricultural district include:

- One single-family dwelling per ten (10) acre parcel or legal lot.
- Agricultural activities such as field crops, horticulture, horticultural nurseries, forestry, vineyards, truck gardens and beekeeping.
- Non-intensive livestock operations including poultry and egg production, milk production, and animal husbandry.

Some of the current permitted accessory uses include:

- Any use customarily incidental to the permitted principal uses, including barns, sheds, and processing operations incidental to the harvesting, packing, storage, and transporting of agricultural products.
- Home occupations and businesses as regulated in Article 16.
- Bed and Breakfast operations with a maximum of five rental rooms and with provisions for one off-street parking space for each guest room and for each of the regular occupants' vehicles.
- Roadside stands.
- State of Michigan licensed housing for 5 or more agricultural workers.

Some of the permitted uses in the proposed Residential 1 and 2 zoning districts include:

- Single-family detached (both R1 and R2)
- Two-family attached (R2)
- Home occupations (R1 and R2)
- Home business (R1)
- Bed and Breakfast (R1 and R2)

The Leelanau Township Future Land Use Map calls for High Density Residential for the subject parcel. High Density Residential includes three R3 districts which are to be located on or with public access to major thoroughfares and close to the Villages of Northport and Omena or in locations where they can serve as transition zones between commercial or light industrial uses and less intensive residential areas. R3 developments shall have increased setback from primary public roads. The driveway access to an

individual lot shall be restricted to an interior street or service drive. Lot size specifications are a function of the availability of public or approved common water and sanitary systems.²

The Leelanau Township Planning Commission found that the subject property did not meet the current definition to qualify for High Density Residential.

Staff has not seen a prior request from an applicant asking for a rezoning to either one or another type of zoning. Usually, the applicant requests a rezoning of a parcel to another specific zoning district. It does not include two choices, with the township deciding the specific rezoning district.

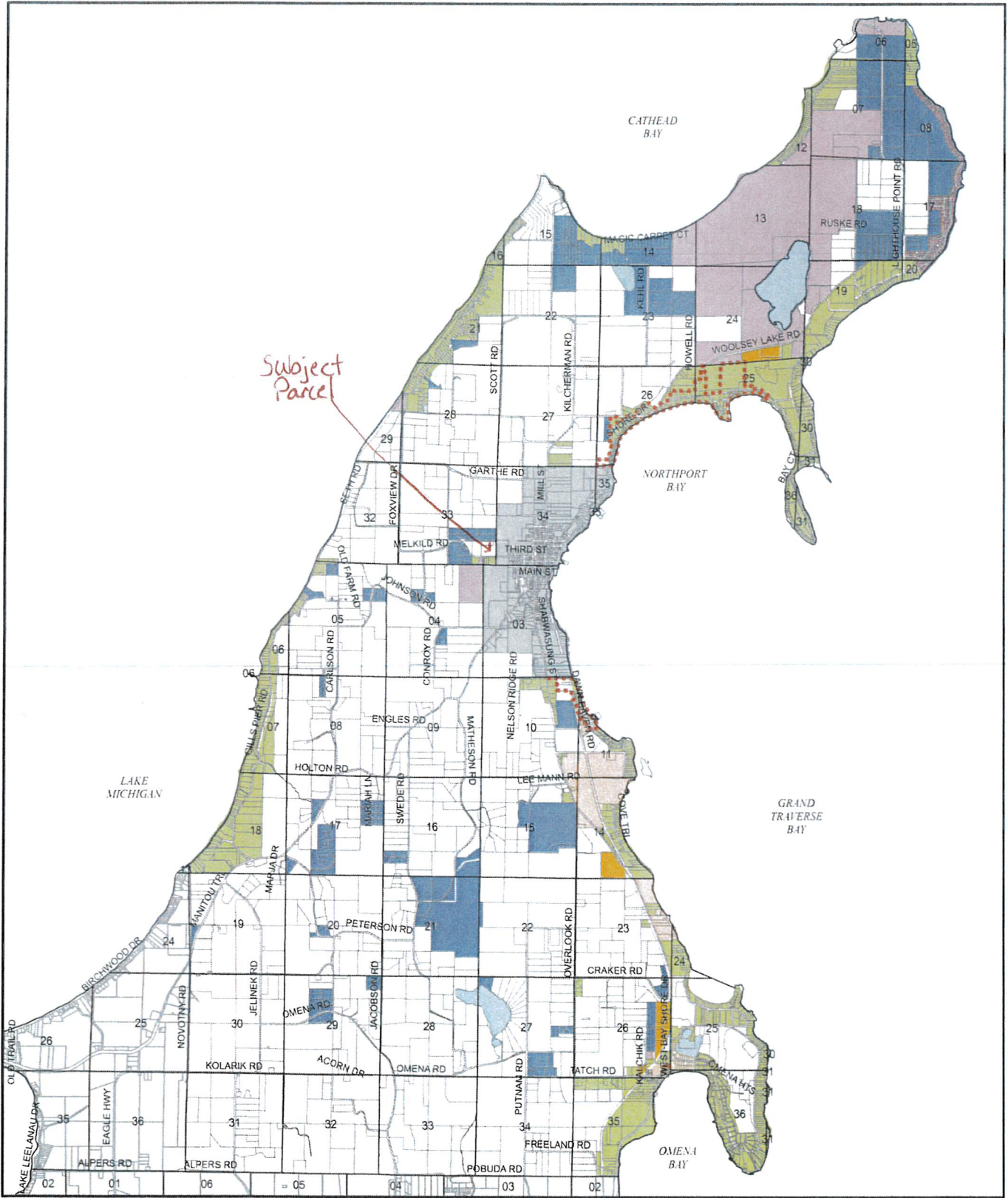
Staff notes that it looks like the applicant is proposing 5 divisions of the subject parcel, one for the existing home.

Staff also notes that the draft ordinance submitted for review by the township includes Bingham Township language under Part 2: Severability, Part 3: Effective Date and at the top of page 2 and should be corrected to say "Leelanau Township".

The township planning commission appears to have done a thorough job of reviewing this request, the requirements of the zoning ordinance, and putting together the Findings of Fact before making a recommendation to the Township Board to approve rezoning of the subject parcel.

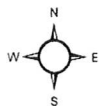
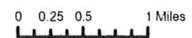
² Leelanau Township Zoning Ordinance (updated through August 2021)

LEELANAU TOWNSHIP

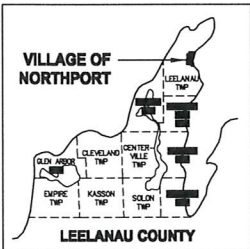


Zoning Districts

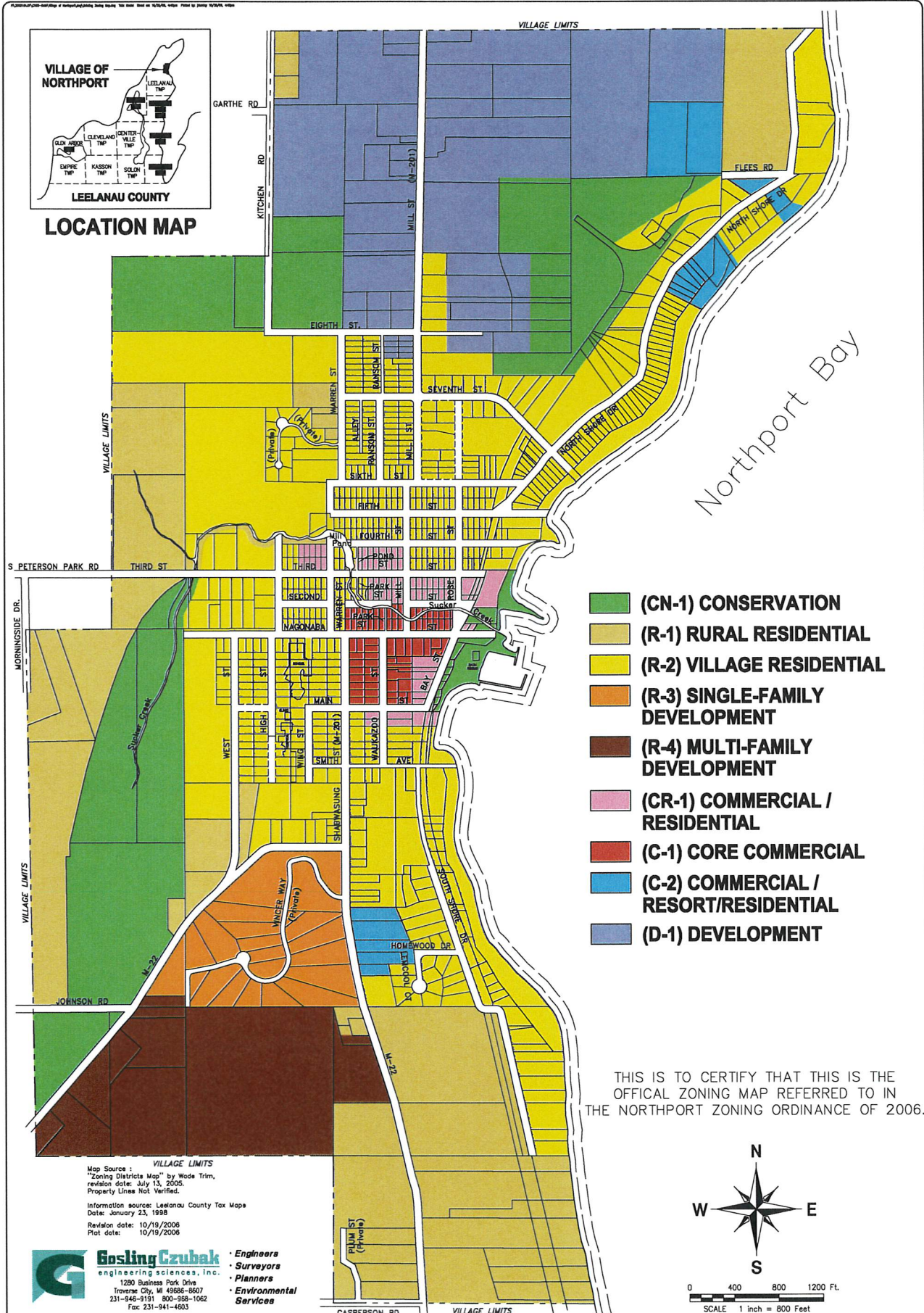
	Agricultural		Industrial		Residential Conservation
	Commercial		Residential 1		Township Sewer District
	Commercial Resort		Residential 2		Village of Northport
	Governmental		Residential 4		Lakes



MAP FOR REFERENCE PURPOSES ONLY
 Data from Leelanau Township
 Prepared by Leelanau County Planning & Community Development
 Updated & Printed May 2010

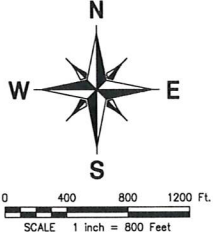


LOCATION MAP



- (CN-1) CONSERVATION**
- (R-1) RURAL RESIDENTIAL**
- (R-2) VILLAGE RESIDENTIAL**
- (R-3) SINGLE-FAMILY DEVELOPMENT**
- (R-4) MULTI-FAMILY DEVELOPMENT**
- (CR-1) COMMERCIAL / RESIDENTIAL**
- (C-1) CORE COMMERCIAL**
- (C-2) COMMERCIAL / RESORT/RESIDENTIAL**
- (D-1) DEVELOPMENT**

THIS IS TO CERTIFY THAT THIS IS THE OFFICAL ZONING MAP REFERRED TO IN THE NORTHPORT ZONING ORDINANCE OF 2006.



Map Source : **VILLAGE LIMITS**
 "Zoning Districts Map" by Wade Trim,
 revision date: July 13, 2005.
 Property Lines Not Verified.

Information source: Leelanau County Tax Maps
 Date: January 23, 1998

Revision date: 10/19/2006
 Plot date: 10/19/2006

Gosling Czubak • Engineers
 engineering sciences, inc. • Surveyors
 1280 Business Park Drive • Planners
 Traverse City, MI 49886-8807 • Environmental
 231-946-9191 800-988-1062 Services
 Fax: 231-941-4603

ZONING DISTRICTS MAP

VILLAGE OF NORTHPORT, LEELANAU COUNTY, MICHIGAN

DROPPED OF.

5/13/2021

- NOT SIGNED

- FEE PAID

APPLICATION FOR REZONING AMENDMENT

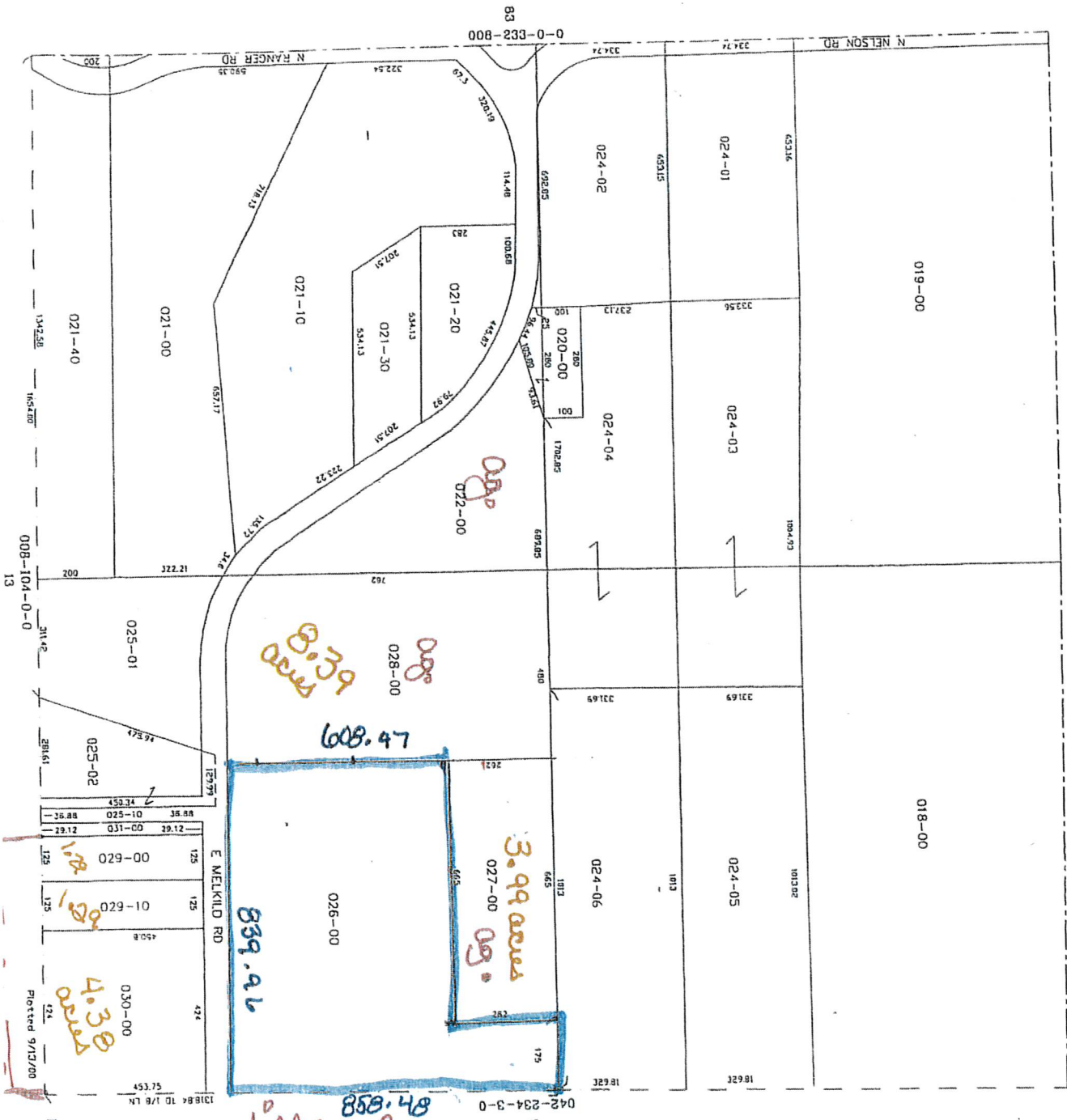
LEELANAU TOWNSHIP OFFICE OF PLANNING & ZONING
P.O. Box 338, 119 E. Nagonaba, Northport, Michigan, 49670
Phone (231) 386-5138x4 FAX (231) 386-7909

Date	Fee #350. PAID SP	Parcel I.D. Number 45-008-233-026-00
Property Owner(s) Name Craig Pepple	Agent's Name, if any	
Mailing Address 10929 E. Melkild	Agent's Mailing Address	
Phone 231-631-0013	Agent's Phone	
Current Zoning of Property Agricultural	Location & address of property 10929 E. Melkild Rd. Northport	
Proposed Zoning of Property R1 or R2	N S E W Side of North side Melkild Road	
Master Plan Designation of Property High Density Res	Total Acreage of Parcel 12.76 acres	

- All rezoning requests must be accompanied by a site diagram, drawn to scale. The following information must be included or the application will be determined incomplete and returned to you.
 - Dimensions of parcel with North directional arrow
 - All dimensions and setbacks of existing and proposed structures on site (including decks, porches, overhangs)
 - Indicate location of existing and proposed well, septic tank, and drain field
 - Indicate all existing and proposed driveways and/or easements
 - Location and names of existing and proposed public and/or private roads
 - Attach the legal description of property involved
- Property lines must be flagged at the site.
- Provide copies of other regulatory agency permits, if applicable, ie - health department permit, driveway permit, etc.
- All rezoning applications must be accompanied by a written explanation of the request.
- If the applicant is an agent for the property owner, a signed letter from the property owner designating such agent is required to be submitted with this application.
- A map indicating all adjacent parcels including parcel numbers with the zoning district of each adjacent parcel indicated.

Application is hereby made for a request to rezone the subject property. I certify that I am familiar with the information contained in the application, and that to the best of my knowledge and belief such information is true and accurate. I certify that I have the authority to request the proposed action. By signing this application, I understand to allow representatives of Leelanau Township to enter upon said property in order to inspect the proposed request. Application must be signed by property owner or his/her designated agent to be valid. Fee must accompany application and be made payable to Leelanau Township.

SIGNED: SIGNED COPY AT OFFICE Date: _____



B3
008-233-0-0

This map is for reference purposes only. Refer to property description and surveys for actual measurements and location.

Lacraman County Equalization
 P O Box 468
 113 S Grand Avenue
 Leland, MI 49654
 231-256-9823



SE 1/4
 SEC 33 132N R11W
 008-233-4-0
 LEBLANAU Page 84

Tax Parcel

Leelanau County,

Parcel, Last Name, or Address



Viewer



008-233-027-00

008-233-026-00

042-234-021-00

3-233-028-00

45 133 -85 52+ Degrees

100-233-025-02

008-233-029-00

008-233-029-10

008-233-029-00

MORNING SIDE DR





COMMITMENT FOR TITLE INSURANCE

SCHEDULE C

The Land is described as follows:

All that certain lot or parcel of land situated in the Township of Leelanau, County of Leelanau, State of Michigan, and being more particularly described as follows:

That part of the Southeast $\frac{1}{4}$ of Section 33, Township 32 North, Range 11 West, described as: Commencing at the East $\frac{1}{4}$ corner of said Section 33; thence South $00^{\circ}01'30''$ West, along the East section line of said Section 33, 1319.09 feet to the South $\frac{1}{8}$ corner on said section line and the Point of Beginning; thence South $00^{\circ}05'01''$ West, continuing along said section line, 858.46 feet to the centerline of South Peterson Park Road; thence South $89^{\circ}51'57''$ West, along said centerline, 839.96 feet; thence North $00^{\circ}05'01''$ East, 608.47 feet; thence South $89^{\circ}18'52''$ East, 665.00 feet; thence North $00^{\circ}05'01''$ East, 262.00 feet to a point on the South $\frac{1}{8}$ line of said Section 33; thence South $89^{\circ}18'52''$ East, along said South $\frac{1}{8}$ line, 175.00 feet to the Point of Beginning.

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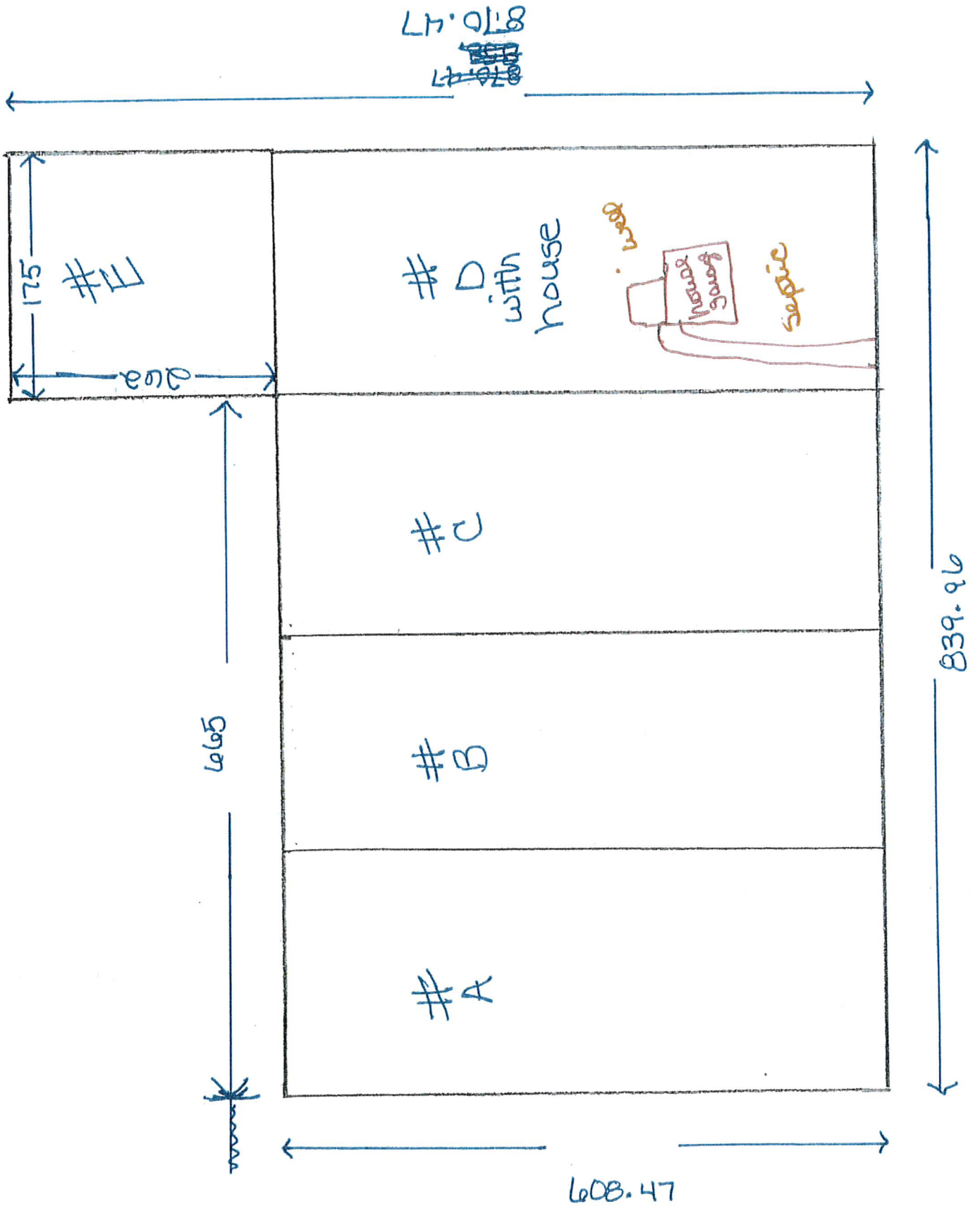
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AMERICAN
LAND TITLE
ASSOCIATION



ALTA Commitment for Title Insurance (08-01-16)
Schedule C

SB-1800699





Tax Parcel

Leelelanau County, HI

Parcel, Last Name, or Address



Viewer

Midleam

008-233-028-00

008-233-027-00

008-233-021-00

042-21-021-00

45.133 -85.627 Degrees

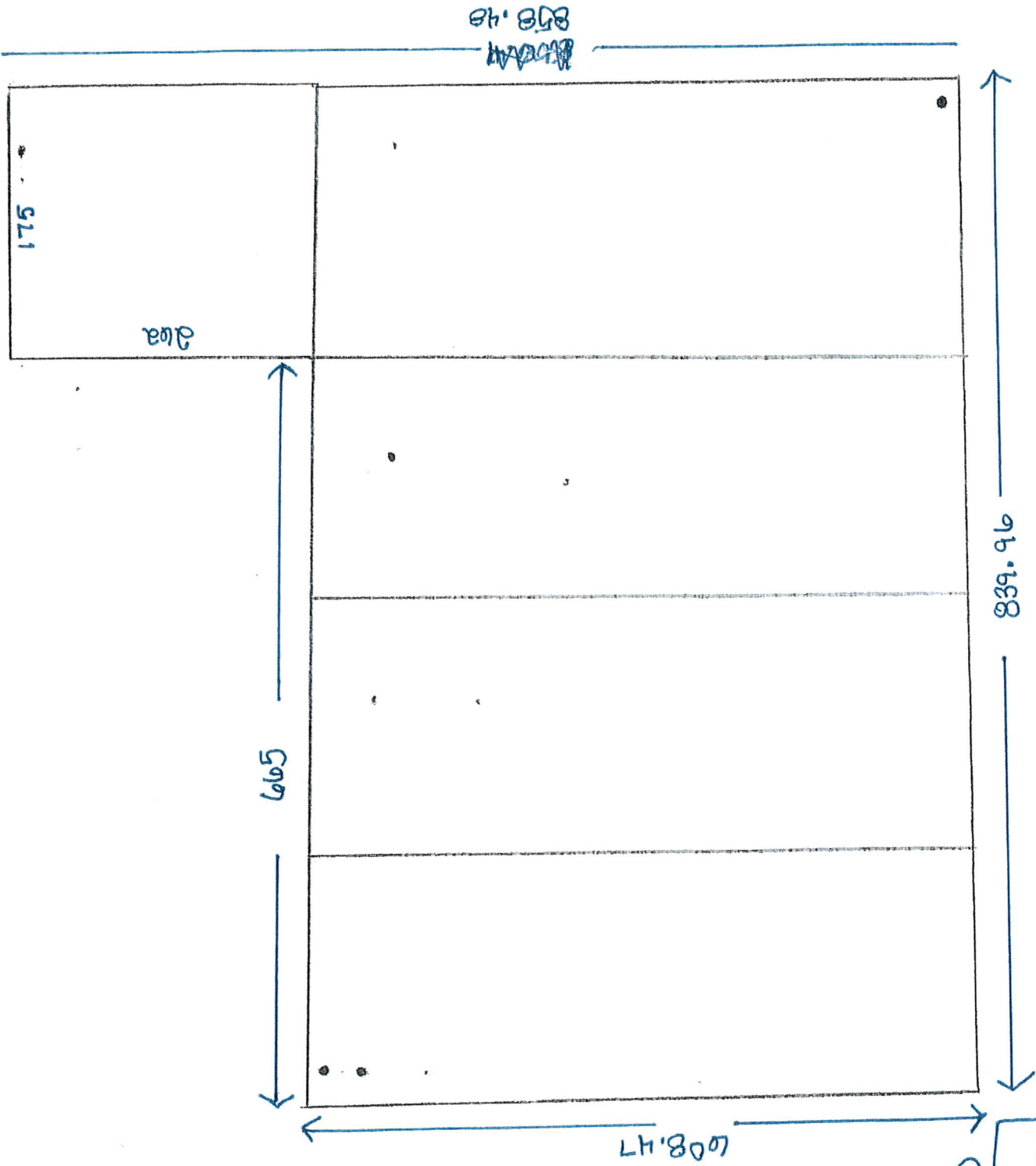
100ft 008-233-025-02

008-233-029-00

008-233-029-10

008-233-029-00





878.48

11.71 acres
 (608 x 839)

(268 x 175)
 1.05 acres

12.76 acres

Leelanau Twp. Planning Commission

c/o Steve Patmore

RECEIVED
8/20/2021
Leelanau Township

re: application of Craig Pepple

Dear Ladies and Gentlemen

My name is Nancy Fitzgerald. I am the principal adjacent owner to the applicant.

I support the action previously taken on the above application, namely, the rezoning to R-1.

Thank you for your consideration.

NancyFitzgerald

10841 E. Melkild Rd. Northport