

**CENTERVILLE TOWNSHIP  
PLANNING COMMISSION**

*Libby Kellogg, Chairperson, Vice-chair VACANT  
Joe Mosher, Secretary and Board Representative  
Mary Beeker, member, Noel Bielaczyc, member  
Recording Secretary, Cindy Kacin*

February 5, 2024, Regular Meeting, *Approved Minutes*

**Call to Order:** Lindy Kellogg, Chair, called the meeting to order at 6:33 p.m.

**Attendance:** Lindy Kellogg, Joe Mosher, Mary Beeker, Noel Bielaczyc

- **Staff Present:** Township Planner, Chris Grobbel; Attorney, Lauren Teichner
- **Public attendance:** 9 in person
- i. **Review Agenda**
  - a. Agenda reviewed by Chair Kellogg  
ACTION: Beeker move to approve the agenda as presented; supported by Kellogg. Motion carried.
- ii. **Public Comment Regarding the Agenda** – None
- iii. **Revise/Approve** – No additions or revisions to the agenda.
- iv. **Declaration of Conflict of Interest** – None
- v. **Revise/Approve Meeting Minutes:**
  - **December 4, 2023, Monthly Meeting Minutes** – The previous approval was rescinded because the findings of fact had not been incorporated into the original minutes.  
ACTION: Kellogg moved to amend the minutes to include the findings of fact, version #9, edits as reviewed by Chris Grobbel; supported by Beeker.  
DISCUSSION: Grobbel reviewed several items in the minutes to include the findings of fact and the Commission unanimously agreed to the edits.  
Mosher will make the edits to the draft minutes.  
Motion carried.
  - **December 4, 2023, Finding of Fact Northgate Site Plan Application**
  - ACTION: Mosher moved to adopt the findings of fact as amended and uphold the denial of application as noted in the December 4, 2023 minutes; supported by Beeker.

|                               |         |                 |
|-------------------------------|---------|-----------------|
| • ROLL CALL                   |         |                 |
| • Libby Kellogg, Chairperson  | Yes     |                 |
| • Joe Mosher, Sec./Board Rep. | Yes     |                 |
| • Mary Beeker, member         | Yes     |                 |
| • Noel Bielaczyc, member      | Abstain | Motion carried. |

This closes Northgate’s second application and may be the starting event of any appeals.

- January 15, 2024, Special Meeting Minutes  
ACTION: Beeker moved to approve the draft minutes of the special meeting of January 15, 2024; seconded by Bielaczyc. Motion carried.
- January 29, 2024, Special Meeting Minutes  
Beeker moved to approve the draft minutes of the special meeting on January 29, 2024; seconded by Bielaczyc.  
DISCUSSION: Sections printed in blue were for targeted homework and review by Commission members.  
Motion carried.

- vi. Report from Township Board Representative, Joe Mosher  
No meetings since the last Planning meeting. Hopefully, the Planning Commission vacancy will be filled. For reference, Grobbel read the bylaws as to appointing ZBA members. Joe Mosher will put the vacancy on the Board agenda. ZBA meets on an as-needed basis. The Planning Chairperson is allowed to be on the ZBA.
- vii. Report from ZBA Representative - None
- viii. Zoning Administrator’s Report - Tim Cypher has been sending in written reports. No report for this meeting.
- ix. Planning and Zoning Issues – The vice chair position is vacant. We are still accepting applications and have received 4. A recommendation will be made at the next meeting. Discussion of the duties of the vice chair will be on the March agenda. The fee schedule will also be reviewed. It was noted that if a planner or an engineer is needed in application, the applicant pays for that. Only the Township Board can change the fee schedule.
  - Old Business:
    - Vice Chair PC member seat is vacant, accepting applications.
    - Zoning Ordinance update status – The zoning ordinance is under moratorium as it is being reviewed and revised. Grobbel encouraged the Commission to spend some time in this meeting to continue revision of the zoning ordinance. The Commission decided to accept public comment at this time before the zoning ordinance discussion started.
    - Public Comment

John Popa – In regard to the Northgate application: ‘structure’ and ‘deck’ needs to be defined. The setback section does not make references to deck. Glen Arbor has an ordinance that is descriptive in regards to patios, sidewalks, and decks.

Hamilton – The zoning ordinance needs to address agri-tourism, especially glam camps and campgrounds.

Emma Rosie – Centerville Township bears a lot of the burden with having two resorts. The Township needs to decide how much of the Township should have resorts.

Barkley – He read aloud his written comment. He is opposed to having resorts in agricultural areas. He encouraged the Commission to not ignore the zoning and character of the land.

Nichole Coonradt - She commented on Section 3.2c. She is concerned with the sale of alcoholic beverages in areas that allows agri-tourism.

Barkley – He asked what is timeline for master plan.

- Commission’s continued discussion of the zoning ordinance.
  - The document will embrace ADA.
  - It will include a section on solar arrays. Commercial solar energy will not be a priority. Elmwood’s zoning ordinance can be a reference.
  - The Commission’s focus currently will be on the agri-tourism section, the shoreline water overlay, and special land use permits.
  - The Master Plan is the basis for the zoning ordinance. The Master Plan needs to be audited every 5 years.
  - There is a formal plan for engaging the public. The Master Plan is an extremely public process. The zoning planning is more formalized.
  - Comment: Rastetter – He commented that decisions on zoning goes back to the Master Plan. Don’t lose sight of the fact that there are improvements needed in the Master Plan. A regulatory framework language for the purpose of the zoning ordinance. Kellogg responded that the Commission has identified areas that need updating. General provisions will be discussed tonight and the special land use chapter will be addressed the next time.
  - The standard for the distance between structures is 20 feet. This is a safety measure to allow for the movement of emergency vehicles.
  - Keyholing was discussed and Grobbel reviewed the current language. Keyholing allows for residents adjacent to a waterfront lot to have an easement access to the water. This can only be limited by the public trust, the government, or Township regulation. Beeker suggested that we review draft language from other townships. An example of language is the allowance of one dock per 100 feet of waterfront. We have to allow keyholing, but we can regulate its use.
  - In section 3-10, the number of motorboats and non-motorized water vehicles allowed is addressed. Some communities don’t limit the number of watercraft but regulate how the watercrafts are stored on land or water. Jet skis are considered

motor vehicles. Kellogg suggested that it would be good to include the Lake Association in this discussion.

- Section 3:11 speaks to the maximum height of structures. No more than 32 feet which is considered 2 ½ stories, is allowed. This does not include antennas or communication towers. The topography of the county has a tree canopy of about 100 feet. Solar and wind power structures would have to go above the tree canopy to harness the maximum energy capacity. These are points to consider.
- Definitions need to be clarified concerning trailer homes, recreational vehicles, mobile homes, and park models. Sewer hook-ups need to be considered. How many of such structures per parcel needs to be clarified. Trailer home – 1 is allowed.
- It was reiterated that enforcement of the ordinance is complaint driven.
- Grobbel encouraged the Commission to collect comments, and bring their own thoughts about agri-tourism to the next meeting so it can be discussed and decisions can be made. Questions to be answered include: What is agri-tourism? When can it occur? What is ag-related? What kind of events are allowed? Alcohol related questions? What about eateries?
- Discussion of special uses as camping and glamping. What does agricultural camping look like? The Commission should review the current ordinance (page 60) and be prepared to discuss and make some decisions. Bielaczyc has a survey that was done in Vermont and he will share it with the members.
- The next meeting is Wednesday, February 21.
- o Amoritas/Under Canvas Site Plan – There has been no change since the last meeting. They are waiting for the moratorium to be lifted. It is anticipated that they will contend that this application was made before revision of the zoning ordinance and the old ordinance should be used in the application.
- New Business: None
- x. Public Comment
  - John Popa – He urged the commission to focus on those items that apply to the Northgate application. Other items can be dealt with later. He added an FYI that the state has passed a law that windmills and solar panels can be put anywhere. There is a petition circulating that endorses Township control of windmill/solar panels regulation rather than the State.
  - Emma Rosie – She thanked the Commission for being thorough and having thoughtful considerations.
  - Nichole Coonradt – She encouraged the Commission to respect and protect the farmers in this community.

*Additional sent-in written comments are attached.*

- xi. The meeting was adjourned at 8:38 p.m.  
Respectfully submitted, Cindy Kacin

Donald F. Baty, Jr.  
(313) 330-5386  
[donfbaty@outlook.com](mailto:donfbaty@outlook.com)

February 4, 2024

To: Centerville Township Planning Commission

Re: Zoning Ordinance Amendments

Ladies and Gentlemen:

I am pleased that the Planning Commission is being proactive in reviewing and revising the existing zoning ordinance. Your efforts are most appreciated.

While I hope to provide more detailed comments on the proposed shoreline overlay district amendments before your next meeting, I have comments on the draft revised ordinance and am providing suggested changes for your consideration.

A. Changes to help preserve and protect water quality and other natural resources.

The Ordinance should provide that all Marinas are prohibited in the township. I would suggest that the following be added as Section 12.4: Marinas are prohibited anywhere in the Township.

1. As I explained in an email sent to Ms. Kellogg and Dr. Grobbel on January 24, 2024, I believe the definition of Marina should be revised. I suggest the following definition (revised from the definition provided in my email):

Marina - a commercial facility or business that:

- (a) extends into or over an inland lake or stream, or is located on or near the shore of a lake or stream;
- (b) provides docking, mooring, launching, fueling or other services or goods for watercraft; and
- (c) is open to (i) the public, (ii) members of an association, club or similar group, or (iii) residents of, visitors to, or patrons of, a Trailer Park, a RV Park, a campground, or a business.

Also, for purposes of this Ordinance, a Marina includes a marina or a boat livery as those terms are used in the Michigan Natural Resources and Environmental Protection Act, or any successor law.

2. Apart from the definition and the proposed new section 12.4, the term Marina is only used two times in the Ordinance – in section 3.10.C and 12.3.A. As to Section 3.10.B, that clause is no longer relevant as marina operating permits are no longer required (Public Act 139 of 2009 removed the marina operating permit requirement and only permits for marina construction are required). And if Marinas are prohibited everywhere in the Township, Section 12.3.A should be amended to make it clear that it only applies to Marinas that are Non-Conforming Uses (this can be done by simply revising the provision to read “Marinas that are a Non-conforming Use.”).
3. Consistent with prohibiting Marinas, new boat launches should be prohibited. Although Section 3.10.C seems to prohibit new boat launches, I believe the provision could be interpreted in a way that it allow a new boat launch that is solely for the use of the owner of a parcel because the phrase “multiple party use” could be read to modify everything prior in the provision. To avoid any ambiguity, I recommend that (i) the provision be moved to Section 12 (Prohibited Land Uses) and revised to read something like “Shoreline alterations to riparian properties for on-site boat launching are prohibited.”
4. The allowance for the number of motorized watercraft in Section 3.10.B is not consistent with recognized best practices for maintaining water quality. For example, as drafted 7 motorized watercraft would be allowed on a 200-foot parcel. It is highly doubtful that a private landowner with that frontage would have so many motorized watercraft. And if 7 motorized watercraft are present on any parcel, it is very likely that keyholing, slip rental or other commercial activity is taking place. Because of both the significant impact motorized watercraft can have on water quality and the problems associated with keyholing, I believe the limitation should be 3 motorized watercraft for the first 100 feet and one additional motorized watercraft per additional 50 feet of frontage. Finally, to avoid any ambiguity about what is a “boat” and because boats are not typically referred to as vehicles, (a) the definition of Motor Boat could be replaced with the term motorized watercraft (defined as any watercraft having an engine or motor for propulsion), and (b) Section 3.10.B revised to read motorized watercraft (vs. motor-boat) and non-motorized watercraft (vs. “watercraft other than motor boats”).

#### B. Other comments and proposed revisions.

5. Page 7- while perhaps implied, to make it clear that the broad language in the paragraph under Limitations of Zoning Ordinance is not intended to affect the other limitations and conditions imposed on Non-Conforming Uses, add “Subject to Article XI,” before the words “The provisions.”
6. Page 7: Repeal of Previous Zoning Ordinance, paragraph 2 - because a violation of the

existing Ordinance may not have ripened into a “fine, penalty, forfeiture or liability,” add the word “violations” after both the phrase “rights acquired,” and the phrase “such rights.”

7. Page 7: Under Interpretation and Relationship to Other Regulations change the word “there” in the first line to “the.” Also, again to help ensure there is no ambiguity, consider adding the word “lawful” before easements in line 4.
8. Section 2.1 - Because defined terms are used both in capitalized and uncapitalized forms in the Ordinance, add a subpart H: “If a word or term is defined in this Ordinance, the term or word has the given meaning whether or not it is capitalized.”
9. For consistency, in the definition of Building, if a vehicle used for purposes of a building is within the defined term, Recreational Vehicle should also be included in the list of nontraditional items that are treated as Buildings.
10. The definition of Campground: (a) in the penultimate line, change *asa* to *as*; (b) there is a circular reference in the use of the word *campground* in the definition itself, and the term *campground sites* should just read *sites*; and (c) the purpose of the sentence “Campgrounds are regulated by. . .” is not clear, because as used, it is just a statement of fact – it is not stated as a requirement for an activity to within the definition of *campground*. Presumably the intent is that an activity will be a *campground* (and a special use permitted only with special approval) only if the location/activity is required to be licensed by the state, I believe the provision should be re-written as follows:

Campground—a parcel of land upon which five (5) or more sites are located, established or maintained for occupancy by recreational vehicles, tents, or other individual camping units, as temporary living quarters for recreational purposes, regardless of whether they are public or private or there are fees charged, where the activity is a “campground” regulated by the Michigan Department of Environment, Great Lakes and Energy.
11. In the definition of Campground - Instead of including a prohibition on park model recreational vehicles in the definition, from a statutory drafting standpoint, it is probably better to include the prohibition in the Article on prohibited land uses (and the words “from campgrounds” should read “in campgrounds”).
12. In the definitions of Buildings and Campground, the term park model recreational vehicles/units is used. While park model recreational vehicle is a defined term, is the addition of “/units” intended to mean something different than the defined term? If yes, a definition of park model recreational unit should be added. If the addition of “/units” is not a new concept and is intended to have the same meaning as park model recreational vehicle, the term “/unit(s)” should be deleted. Note that the term recreational

units/vehicle also is used in the definition of Recreational Vehicle and units/ should be deleted there too.

13. In the definition of Guest House, to avoid any issues regarding the interpretation of “income producing structure,” the last sentence should be revised to read: “Guest houses may not be rented or leased.”
14. The definition of Hotel references a building or physical structure. However, the last sentence (“Hotels and Inns do not include...”) introduces the concept of an activity (a stay). If the sentence is intended to mean farm related buildings used for meals and lodging are not within the definition of hotel or inn, the last sentence should read something like “Farm-related or ag-tourism buildings where lodging or meals are provided are not hotels or inns as those terms are used in this Ordinance.”
15. In the definition of Park Model Recreational Vehicle, there are three references that are ambiguous or invite interpretation disputes: (a) the parenthetical phrase (formerly referred to (sic.) recreational park trailers) should probably reference where that term was formerly used; (b) the term RV park is used (but not defined in the Ordinance) and because the definition of campground appears to include what would typically be referred to as an RV park (i.e. Leelanau Pines), is something different intended by adding RV park instead of just using campground in that definition? Note that the term RV park is also used in Section 6.2 and is redundant if the defined term campground includes what is commonly referred to as an RV park.
16. There may be some ambiguity as to the intent of Sections 6.6 and 7.7, the proposed changes to the definition of restaurant and the continued use of the term dining facilities. Assuming the intent is to restrict restaurants and dining facilities in the Commercial Resort District to those operated in conjunction with a hotel, inn, lodge or motel, and in the Recreational District to those related to otherwise permitted uses in the district, I believe both sections need to be revised and I offer the following for your consideration:

Section 6.7 Dining Facility and Restaurant Limitations

Dining facilities and restaurants are only permitted if attached to or operated in conjunction with inns, lodges, hotels or motels having accommodations for ten (10) or more individuals of family rental units.

Section 7.7 Dining Facility and Restaurant Limitations

Dining facilities and restaurants are only allowed if attached to or operated in conjunction with a use otherwise permitted in the district.

17. Although it may be implicit in the Ordinance, to avoid any doubt, language should be added to Section 14.5 to make it clear that any expansion, increase or change to an existing Special Land Use Permitted by Special Approval requires a new special land use approval.
18. Section 3.9 - Because keyholing can be done via boat slip rentals instead of true access easements, I believe Section 3.9 needs to be redrafted to include any use of lake frontage by parties other than an owner or renter of the parcel via an easement, slip rental or other arrangement.
19. The intent of Section 6.1.B and Section 6.2.B is not clear and those provisions may create an anomalous result with the same land use being both a use permitted by right and a use that requires special approval: a rental cottage in Section 6.2.B seems to also qualify as dwelling intended for rental in Section 6.1.A. Likewise, if a campground has rental cabins or cottages along with recreational vehicle sites (which occurs in some state parks), by application of Sections 6.1.B and 6.2.B, is a special use permit be required for the rental cabins or cottages because they are part of a campground covered by Section 6.2.C or are they permitted as a matter of right under section 6.1.B? I believe what is allowed in the district as a matter of right vs. only with special approval needs to be clarified.
20. Section 14.4.A.2 gives far too much discretion to the zoning administrator. An up to 25% increase in the land area occupied by the main or accessory uses, the size of the parking area, the number of parking spaces provided, occupancy load, capacity or membership, or traffic generation could be quite material, yet the provision says that they are minor. For example, allowing any increase in the size of a parking lot or land area occupied by a main or accessory use could put a project materially above a lot coverage limitation. I am sure this is not the intent. I believe the reference to 25% should be deleted and replaced with a phrase such as "An immaterial increase that is otherwise in compliance with this Ordinance."

\* \* \* \* \*

Thank you for considering my comments and proposed changes to the Ordinance. While I am not able to attend the Planning Commission meeting on February 5, I would be happy to answer any questions you have via email or on a telephone call.

Very truly yours,

/s/

Donald F. Baty, Jr.

To: Centerville Twp. Planning Commission

RE: Zoning Ordinance Updates, Section 3.20 Agritourism Tourism Discussion From: Derenda LeFevre,  
2197 S Popp Road, Lake Leelanau, MI 49653

Hi Lindy & Joe! Public Comment for tonight's agenda, in addition to the Public comment sent for the last meeting. Looking forward to being there tonight. Lindy, thank you for keeping ADA in the conversation!

## Article XIII

### 13.1 Site Plan Review

A. Addition A site plan shall be submitted to the Planning Commission for approval of any use in the Agricultural, Business, Commercial Resort, Recreational and R-II zones, and shall also be required in the following situations:

#### B.a.15 Addition

Written accessibility statement relative to site design, structures and amenities, pathways and connectors, service plans, employment practices, communications, signage, lighting, private or public passenger vessels, parking, etc.

This required accessibility statement shall also detail how the proposed site plan complies with the Americans with Disabilities Act of 2010, Title III, Standards for Accessible Design, and Standards for Effective Communication, as amended, which prohibits the discrimination on the basis of disability in public accommodation and commercial facilities including services and site design, and ensures that communication with people with vision, hearing or speech disabilities is equally effective as communication with people without disabilities.

#### B.b.22-23 Addition to follow 22

Identification of accessible features including but not limited to parking, pathways and connectors, entrances, signage, etc.

#### B.b.25-26 Addition to follow 25

Proof of Review and Approval by a qualified professional, of ADA compliance in site design and services in the form of a seal, letter, etc.