



Warner Norcross + Judd LLP

June 26, 2023

Leland Township Planning Commission  
PO Box 347  
Lake Leelanau, Michigan 49653-0347

Re: **Planned Unit Development Application**

Dear Planning Commissioners:

William and Main LLC (“Applicant”) is applying for PUD approval regarding a proposed project at vacant land more particularly described as Lots 10 and 11, Block 2, Village of Leland. (the “Property”). Applicant proposes to build a mixed use building consisting of retail units on the ground floor and residential units on the upper floor at the Property.

The Property is in the C-1 commercial District. The C-1 commercial district allows both of the proposed uses by right. More specifically, Section 12.01(B)(1) and (2) allow, respectively, any non-drive in retail business or personal service establishment, and Section 12.01(B)(4) allows “residential uses when occupying the second or third floors.” Applicant’s proposal is purely for these uses allowed by right. Although Applicant’s proposed use fully complies with the requirements for the C-1 district and is allowed by right, the Township staff have interpreted the Ordinance as requiring planned unit development approval for the reason that the Applicant intends to have the ownership of the units in the building placed under a condominium deed.<sup>1</sup>

Applicant respectfully requests that the Township Planning Commission approve its Application. Applicant’s proposal satisfies the Ordinance requirements. The proposal complies with Section 17.01(B)-(D), as it is a combination of uses permitted by right in the C-1 district. It will comply with the minimum parcel size and lot width requirements for the C-1 district, and will be developed under single ownership or control. As reflected in the enclosures, it complies with the remaining standards under the PUD procedures set forth in the Ordinance.

It also comports with the intent of the PUD objectives set forth in Section 7.01. A mixed use development like the project in question is precisely what the Ordinance contemplates and

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<sup>1</sup> As Applicant stated in prior communications with the Township planner and Township attorney, Applicant’s position is that PUD approval is not required for the proposed use under the plain language of the Ordinance. However, the Township has taken the position that the Ordinance requires PUD approval for Applicant’s use. Applicant disagrees, and maintains its position that PUD approval is not required. Applicant is submitting this application with the goal of obtaining PUD approval that will render the disagreement over interpretation moot. Applicant’s submittal of this application seeking PUD approval should not be construed as any acceptance of the Township’s interpretation by applicant or any waiver of Applicant’s position, and Applicant reserves all rights to challenge the Township’s interpretation of the Ordinance in the event that PUD approval is denied.

specifically authorizes in the C-1 district. It will encourage efficient use of land, promote walkability, encourage a less sprawling form of development, and ensure compatibility with surrounding uses.

Accordingly, the Applicant respectfully requests that the Planning Commission grant PUD approval pursuant to the enclosed Application.

Sincerely,

A handwritten signature in blue ink, appearing to read 'TMA', with a long horizontal flourish extending to the right.

Thomas M. Amon

TMA/tma