

# 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 – 1<sup>st</sup> 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

**A REGULAR MEETING OF THE LEELANAU COUNTY PLANNING COMMISSION WAS HELD ON TUESDAY, AUGUST 24, 2021, AT THE LEELANAU COUNTY GOVERNMENT CENTER.**

Proceedings of the meeting were recorded and are not the official record of the meeting. The formally approved written copy of the minutes will be the official record of the meeting.

Meeting was called to order at 5:30 p.m. by Chairman Yoder who led the Pledge of Allegiance. The Meeting was held at the Leelanau County Government Center, 8527 E. Government Center Dr., Suttons Bay, MI and via ZOOM.

**ROLL CALL**

**Members Present:** N. Griswold  
(via ZOOM)

**Members Present:** S. Yoder, G. Carlson, M. Lautner, T. Nixon  
(At Government Center) M. Black, R. Miller

**Members Absent:** D. Hubbell, A. Trumbull, K. Todd  
(prior notice)

**Members Absent:** C. Noonan

**Staff Present:** T. Galla, Director, G. Myer, Senior Planner  
(At Government Center)

**Public Present:** L. Oosse  
(At Government Center)

**CONSIDERATION OF AGENDA**

*Motion by Nixon, seconded by Miller, to accept the agenda as amended. Motion carried 7-0.*

**CONFLICT OF INTEREST** – None.

**PUBLIC COMMENT**

Linda Oosse, a Leland Township resident, said she was present to meet the members and was hoping they could help her present a site plan for a potential business she hopes to open next spring. She is currently going through the steps and one of the items is to present a site plan to the planning commission, so she is requesting that be added to next month's agenda. Yoder asked Galla to respond. Galla responded, saying that the County Planning Commission is not required by law to review site plans. Oosse may be referring to the step requiring her to submit a site plan to the township. The County Planning Commission will get a copy of it just like the Health Department and Fire Department etc. The township could ask the County Planning Commission to review it, but it would only be an advisory role. The township planning commission and the township board would be the ones taking action. She recommended Oosse double check with the zoning administrator on the process and the steps.

## **STAFF COMMENTS**

Galla reminded everyone of the last two HHW & Electronics Collections coming up on Monday, September 13<sup>th</sup>, in Peshawbestown, and Saturday, October 16<sup>th</sup> in Elmwood Township. Also, the 2022 dates have been set, which is a good thing, because the contractors are busy all through the state and outside of the state with collections. Galla concluded by saying she is hoping to do another tire collection as well.

## **CONSIDERATION OF JULY 27, 2021 MEETING MINUTES**

*Motion by Black, seconded by Nixon, to accept the minutes as presented. Motion carried 7-0.*

## **NEW BUSINESS**

### **PC10-2021-03 Cleveland Township – Text Amendment – Watershed Protection**

Galla reviewed the staff report, saying the township master plan mentions several objectives, in Chapter 6; regarding environment and water quality standards. The Leelanau General Plan states “The primary environmental goal of the General Plan is the protection of unique and sensitive lands and the water resources from inappropriate and poorly designed development.” (Chapter 3-Working With Nature, page 4, Stewardship Ethic)

Galla continued, saying that the township held a public meeting on August 4, 2021 and after the public hearing, the township planning commission unanimously passed a motion to send the amendments to the county for review. The minutes from this meeting had not been received prior to tonight’s review. Galla said staff found no history of similar amendments for Cleveland Township, but the township does have a Scenic Viewshed Preservation Overlay District, which was adopted as Ordinance No 2019-2 on December 10, 2019. Galla mentioned that there seemed to be some discrepancies between the proposed amendment and the zoning ordinance posted online with regard to the table of contents and numbering. The chairman of the Cleveland Township Planning Commission did email staff and say that the zoning ordinance posted online is not the most up-to-date version. Galla said she did suggest a couple options for getting the up-to-date version posted online.

Galla continued, saying that it appears this ordinance is an ‘overlay’ as #4 under Purpose of the proposed text states: “All other requirements shall be as required by the underlying zoning district, except that where specific requirements of the Watershed Protection vary or conflict with the regulations contained in the underlying zoning district, the stricter shall govern.” If this is an overlay district, it would be good to list it that way. There is an Intent section under Hardened Seawalls, which are prohibited, so why do they need the Intent section? Galla questioned how the township would follow-up on complaints? What happens if someone builds and uses 25% of the entire lot area with a gravel drive, then later decides to pave the drive. After paving the driveway, they will be over the 25% lot coverage according to this section. A new buyer could purchase a property and decide to pave before the township is even aware of it and then the 25% lot coverage is exceeded. The township will be responsible for following up on any issues or complaints. Galla concluded by saying this amendment has regulations which limit the amount of area that can be cleared, trees that can be trimmed, shoreline area that can be cleared and still maintain a buffer, and use of native vegetation. In some instances, site plan review will be required. There are also requirements for permits and compliance with other statutes and ordinances. The township will be responsible for upholding these regulations and following up on any violations.

Lautner questioned if the native plantings requirement was just for the strip of land from the shoreline to the dwelling that is under this protection? She hated to see it so restrictive that they didn't have a little leeway to plant other things.

Nixon said their prior Scenic Viewshed Preservation Overlay District was adopted in 2019, he would have expected to see that be the measure of what they are proposing here. He is surprised they didn't reference it.

Miller mentioned the fact that they are referencing paving on driveways as not "counting". He thinks it may be wise to change this to "impervious paving." Impervious paving would accomplish the same thing, because it would allow the water to percolate through it.

Griswold suggested adding a clarification that non-invasive, non-invasive adapted and/or native plant material be utilized because that is the language used by the Invasive Species Network (ISN) and would help to ensure invasive species are not used. ISN has lists of invasives that should no longer be used within the region. These invasives were once very commonly used by the landscape industry and now are causing problems throughout the region.

Yoder stated he had the same concerns that staff noted in their report and he did notice that there were no meeting minutes included. Yoder concluded by saying he was curious how the fertilizer use would be monitored.

***Motion by Lautner, seconded by Black, to forward staff report, minutes and all comments to Cleveland Township Planning Commission. Motion carried 7-0.***

**PC11-2021-05 Empire Township -Text Amendment RE: Glen Lake-Crystal River Watershed Overlay District.**

Galla reviewed the staff report, saying this request was received on August 17<sup>th</sup> and it is similar to the previous amendment reviewed tonight from Cleveland Township. The Empire Planning Commission held a public meeting on June 15<sup>th</sup>, and again on July 20<sup>th</sup>. Quite a few motions were made, and changes were made to the text as a result. This overlay district is what the Glen Lake Association has proposed to four different townships: Empire, Glen Arbor, Kasson and Cleveland. Galla continued, saying what is being proposed is an overlay water district. Staff has some of the same comments that were made regarding the previous agenda item tonight from Cleveland Township; such as the fertilizer use, tree trimming, and lot coverage.

Galla said the minutes from the Empire Township Planning Commission Public Hearing show that the Chairman stated he and the zoning administrator's prior background services to the Glen Lake Association (GLA). Staff wanted to point this out because "conflict of interest" has been discussed in the past. At the July meeting of the Empire Township Planning Commission, the Chairman noted the bylaws should be amended to cover recent changes to the Open Meetings Act (OMA) and potentially amend some language regarding conflict of interest. Based on prior staff reports for other townships regarding conflict of interest, staff commends the township on taking these actions.

Galla concluded by saying this was a very similar type of ordinance to what Cleveland Township is proposing. Empire went a little more detailed and included maps and rationale. The graphics are a nice touch and it is easy to look at. Galla stated she was surprised at the amount of area covered by this overlay. There are a lot of parcels that are nowhere near the shorelines that are included in the overlay district.



Lautner said she was a little uneasy about the size of the map with regard to the restrictions. She understands what they are trying to do, but it wasn't clear whether this was just for the shorelands and wetlands, or the whole district. It does mention no industrial processing, but it doesn't specifically say agricultural is exempt. You can have some processing in agricultural that isn't harmful. Lautner concluded by saying that she knows they are trying to protect the ridgeline, but she hopes it isn't so restrictive that those who do own property on a hilltop aren't prohibited from building a home.

Nixon said he liked the format, it was easy to read, instructional and educational. He commends people who have an earnest desire and are trying to preserve what's happening on the shorelines and waterways of Michigan. If the comments made by Dave Burton are true, 92% of the properties are already grandfathered. This may not have much of an impact, so education is the push that needs to be made. The township is indicating that they are trying to do that, but he suggests they hold public discussions with the people in the overlay district. Bring those educational topics and perhaps use resources like the Inland Seas Education Association or Watershed Center, which are great bodies that can educate the general public about what is happening along the shoreline. Nixon concluded by saying that if only 8% are going to be impacted by this, they really need to have a concentrated effort on helping their citizens really understand the nature of what is behind this proposal and what their responsibilities should be on the water side.

Black said he liked the 12% angle leading down to the water's edge and they have spelled out clearly what is going to be required. Black mentioned Muskegon County, saying there were a lot of problems with E. Coli, because there wasn't any "policing" of how people built or where they put their septic systems. Carlson liked the educational format of it, she thought they did a good job.

Griswold said they should include something restricting the cutting of trees along the shoreline as well as what can be planted. If trees are cut or erosion occurs due to vegetation removal a recommendation of adopting bioengineering practices should be made. The Michigan Department of Environment, Great Lakes and Energy (EGLE) and the Army Corps have adopted these as acceptable practices along inland lakes, the Great Lakes and other waterways. It should also be noted that removing vegetation between a structure and any body of water is not best practice and can lead to long term issues or problems.

Yoder stated he was impressed with the amendment; it was easy to understand and the graphics were nice. He commended the township for including the meeting minutes and comments received because it gave everyone a good idea of how the discussion went and how everything came about.

Lautner requested some clarification on the agricultural exemption. She would like the amendment to include a reference to the agriculture exemption. Lautner said she does think they are covered under the Michigan Right to Farm Act already, but they should recognize that piece of it. Lautner continued, saying that the size of this district does include some high, sandy, gravel areas and you are not going to run into the E. Coli problems mentioned previously by Black. She is also concerned because there is no way a small farm can fall under this district and still survive. Lautner said if all four townships adopt this type of amendment, she would like them to recognize that.

***Motion by Lautner, seconded by Miller, to forward staff report, minutes and all comments to Empire Township Planning Commission. Motion carried 7-0.***

## **Capital Improvement Program (CIP) – DRAFT.**

Galla reviewed the document, saying that some of the examples, on Page 3, that didn't really apply to Leelanau County had been removed. The 2020 census information has not been received yet, so page 5 still shows the 2019 population data. Starting on page 22 are the charts which show the Priority Group. Galla said she let the County Board know that those were not changed, that is up to them. If they don't agree with the Planning Commission, this is a working document and they have the right to change these numbers.

Galla continued, saying the 2016 projects are still there, the County Board will have to decide next year if those can be removed. Lautner said "or if we have successfully completed them, they can be removed." Galla said page 24 is new and includes: fishing access and safety pathway at Veronica Valley, information technology switch upgrades, UPS battery replacement, new server, work stations, software, Leland Dam maintenance, and tower improvement in Maple City. The total cost is nearly 7 million dollars, which is the largest amount she has seen for the CIP. The cost is spread out over a period of years, the brunt of it over the first 2-3 years. The County Board will review the document in September, so changes can be still be made.

Black asked about the government center tower, he didn't see it listed.

Discussion ensued.

Galla said she would check with M. Ansorge on the towers and costs.

Nixon asked Lautner for help understanding what role the Leelanau County Planning Commission plays in the County Board's decisions. Lautner mentioned the priority numbers assigned by the Planning Commission and said those recommendations carry a lot of weight. Don't ever feel like your work is lost. The County Board will look at issues one at a time and tackle them. Nixon questioned if it was worthwhile to have the Planning Commission prioritize items? Lautner said definitely. This document is more important than ever because we have this campus and three parks.

Lautner stated she would like to see the new updated census data if they can wait that long. Galla said it takes a while to "role out" the numbers. It is possible to get estimates from organizations like Networks Northwest.

**(6:18 Griswold lost connection via Zoom)**

Lautner said mentioned the "gifted" dollars the county will be receiving and said there is overwhelming support for broadband and fiber.

Yoder thanked staff for all their work.

***Motion by Black, supported by Carlson, to forward the amended CIP to the County Board. Motion carried 6-0.***

## **Update – September Training Session.**

Galla said the training session was set for Wednesday, September 29<sup>th</sup>, from 6:00 p.m. – 8:00 p.m. A Zoom option was requested, so Galla will check with the speaker about that. Some people are still hesitant to attend public gatherings. Also, people outside of Leelanau County are welcome to attend.

Galla mentioned the next Planning Commission meeting which is the night before the training session.

Discussion ensued on holding the meeting before the training session at 5 p.m.

Galla will do a poll as it gets closer to the date.

## **REPORTS**

Education Committee - Nothing to report.

Housing Action Committee - Nothing to report.

Parks & Recreation Committee

Lautner reported that they approved the walk for the area known as the putting green. There was an unsafe fishing area and they are going to reshape it and make a safe flat area to fish off of. Also, the storm damage at Myles Kimmerly Park has been cleaned and everything is open again.

### **Reports from LCPC members of attendance at township/village meetings, or other meetings/trainings.**

Lautner said that for a while Solon Township had a lake in town due to flooding.

Yoder reported that Solon Township was working on a final draft of their zoning ordinance and they are hoping to hold a public hearing in October.

## **COMMUNICATIONS**

Planning & Zoning News was available.

Yoder mentioned that he had received notice that Leelanau Township was updating their master plan.

**PUBLIC COMMENT** – None.

## **STAFF COMMENTS**

Galla said the Housing Action Committee met and they are working on a proposal to use some federal funds. Also, a press release was sent out today regarding cameras and signs at the Elmwood Township recycling site. Galla said they need electricity at each site, in order to install cameras, and this is causing delays. Grand funds are being used to partially fund the cameras.

## **COMMISSIONER & CHAIRPERSON COMMENTS**

Lautner stated that everyone should attend the Cedar Polka Fest and that there will be a pancake breakfast on Saturday morning before the parade. Also, the Solon Township children's park is now open! Yoder thanked staff for all their hard work.

## **ADJOURN**

*Meeting adjourned at 6:30 p.m.*

**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 Zoning<sup>1</sup>**

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

<sup>1</sup> 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.<sup>2</sup>

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".

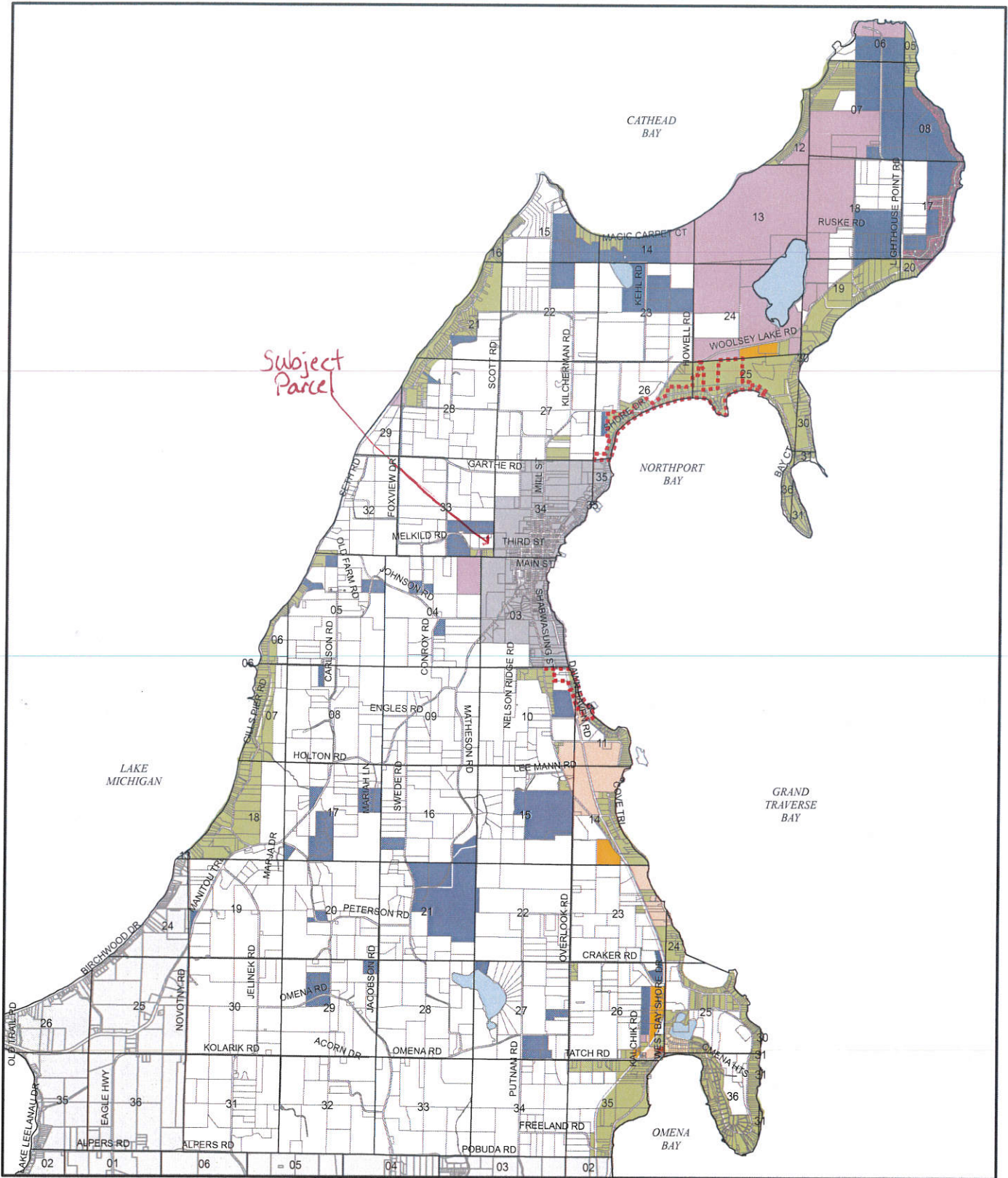
The township planning commission appears to have done a thorough job of reviewing this request, the requirements of the zoning ordinance, and putting together the Findings of Fact before making a recommendation to the Township Board to approve rezoning of the subject parcel.

<sup>2</sup> Leelanau Township Zoning Ordinance (updated through August 2021)



**Appendix - Transmittal from Leelanau Township**

# LEELANAU TOWNSHIP



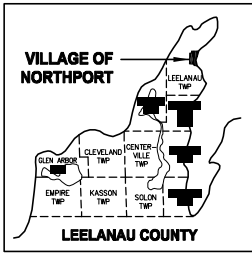
## Zoning Districts

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

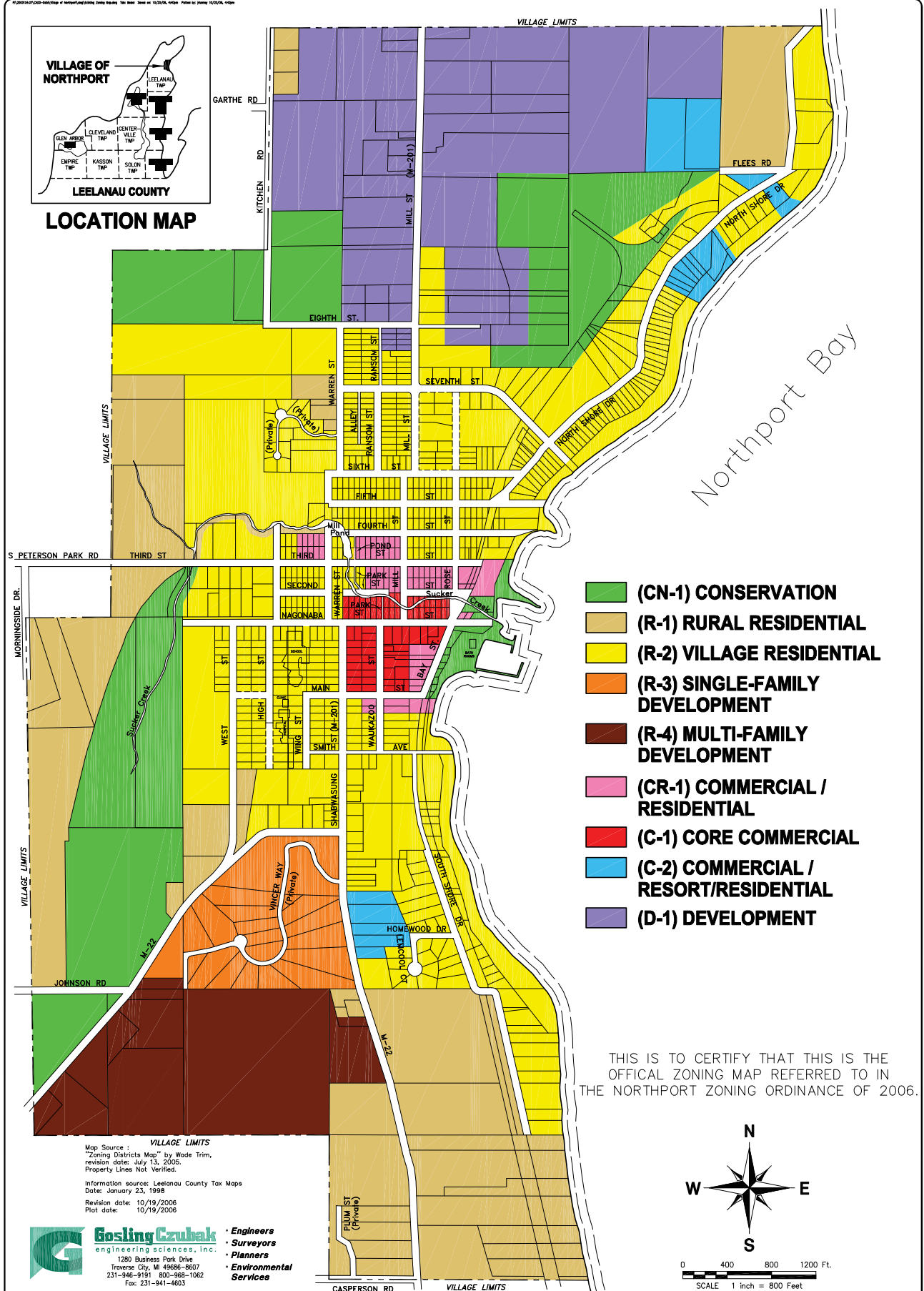


0 0.25 0.5 1 Miles

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

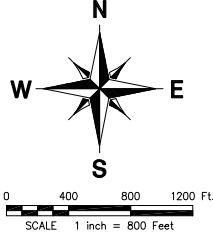


**LOCATION MAP**



- (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.



**VILLAGE LIMITS**  
 Map Source :  
 "Zoning Districts Map" by Wade Trim,  
 revision date: July 15, 2006.  
 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**  
 engineering sciences, inc.  
 1280 Business Park Drive  
 Traverse City, MI 49686-8607  
 231-946-9191 800-968-1062  
 Fax: 231-941-4603

- **Engineers**
- **Surveyors**
- **Planners**
- **Environmental Services**

# ZONING DISTRICTS MAP

VILLAGE OF NORTHPORT, LEELANAU COUNTY, MICHIGAN

**From:** [Steve Patmore](#)  
**To:** [Trudy Galla](#); [Gail Myer](#)  
**Subject:** Leelanau Township  
**Date:** Tuesday, October 19, 2021 9:33:56 AM  
**Attachments:** [Packet to County Planning.pdf](#)

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Sorry for the delay – things are sure getting crazier.

I will get the Minutes when I go up to Leelanau Township later today.

Thank You, Call with any questions on my cell – (231) 866-0799

Steve

**From:** [Steve Patmore](#)  
**To:** [Trudy Galla](#); [Gail Myer](#)  
**Subject:** Leelanau Township  
**Date:** Thursday, October 21, 2021 10:36:06 AM  
**Attachments:** [2021-08-26 Leelanau PC Draft Minutes - Excerpt.docx.pdf](#)

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Attached is an excerpt of the Leelanau PC Public Hearing

Sorry for the delay.

# SUBMITTAL TO LEELANAU COUNTY PLANNING COMMISSION

FROM THE LEELANAU TOWNSHIP PLANNING COMMISSION

**Zoning Amendment for Rezoning of Property**  
**10929 E. Melkild Rd., Northport, MI**  
**From Agricultural to the R-1 Residential Zoning District**  
**OCTOBER 2021**

## Content of Packet:

- **Cover Sheet with Background Information**
- **Proposed Ordinance to Amend the Leelanau Township Zoning Ordinance.**
- **Vicinity Map showing Subject Parcel.**
- **Application and Supplemental Information Submitted by the Applicant.**
- **Written Public Comment received by Leelanau Township.**
- **Planning Commission Rezoning Findings.**
- **Draft Leelanau Township Meeting Minutes from August 26, 2021**

## **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 has 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 Applicant's representative made some comments, the floor was opened to public comment, the PC reviewed and approved General Findings of Fact, and reviewed and approved Findings of Fact on Rezoning Standards. Based upon these findings, the PC recommended approval of the Application to the Leelanau Township Board.

## **Compliance with Master Plan:**

The Future Land Use Map in the 2010 Leelanau Township Master Plan Update (reviewed in 2016) shows the subject parcel as Multi-Family Residential.

In reviewing this Application, the PC found that the subject property did not meet the current definition to qualify for High Density Residential. Further, the Applicant desires to use the property for single-family or duplex lots. Also, public comment from neighbors only supported a rezoning to R-1 due to traffic concerns on Melkild Rd. / Third Street.



**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.

**Bingham 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.

**Bingham 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: \_\_\_\_\_

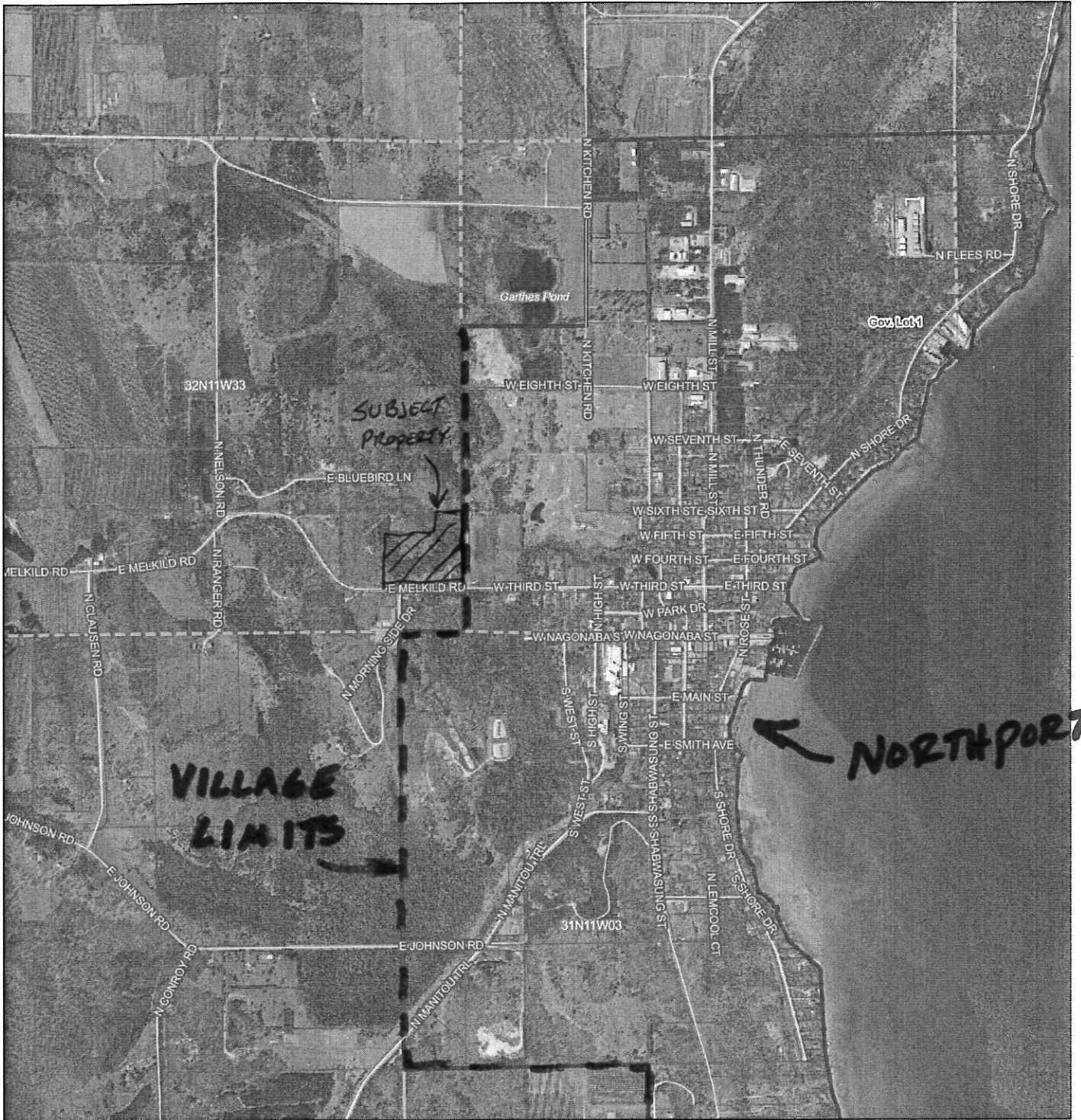
\_\_\_\_\_  
Monica Diaz,  
Leelanau Township Clerk

Date of Township Approval: \_\_\_\_\_

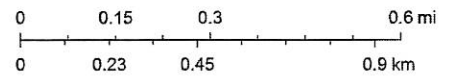
Date of Publication: \_\_\_\_\_

Effective Date: \_\_\_\_\_

# Leelanau Parcel Viewer



1:18,056



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

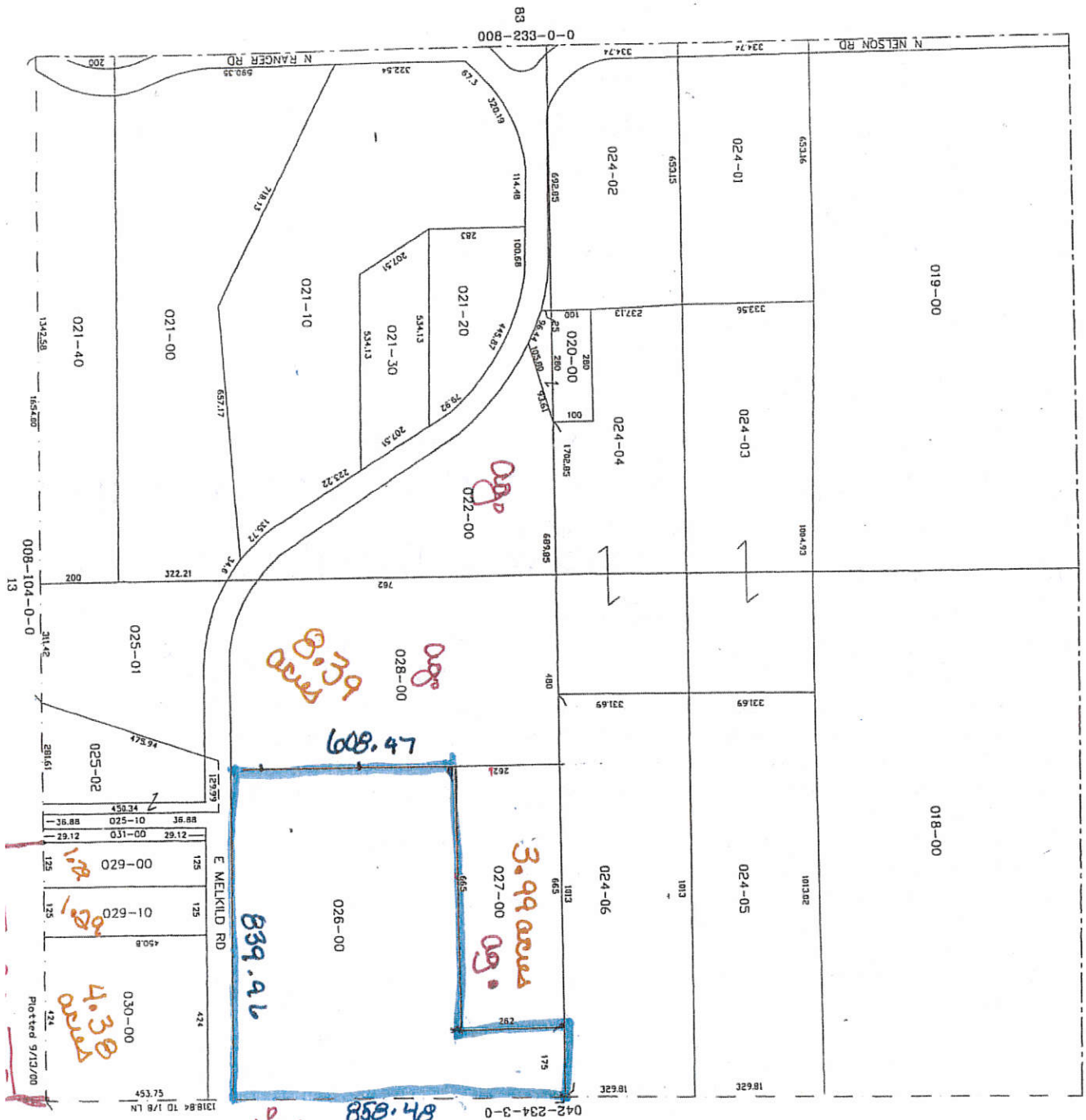
Date	Fee #350 PAID SP	Parcel I.D. Number 45-008-233-026-00
Property Owner(s) Name Craig Pepple		Agent's Name, if any
Mailing Address 10929 E. Melkild		Agent's Mailing Address
Phone 231-631-0013		Agent's Phone
Current Zoning of Property Agricultural		Location & address of property 10929 E. Melkild Rd. 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: \_\_\_\_\_





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

Leland 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, MI

Parcel, Last Name, or Address



Viewer

Michigan

8-233-028-00

008-233-027-00

008-233-026-00

042-234-021-00

45.133 -85.626 Degrees

100ft 8-233-025-02

008-233-029-00 008-233-029-10

008-233-029-00

MORNING STAR 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.

*This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.*

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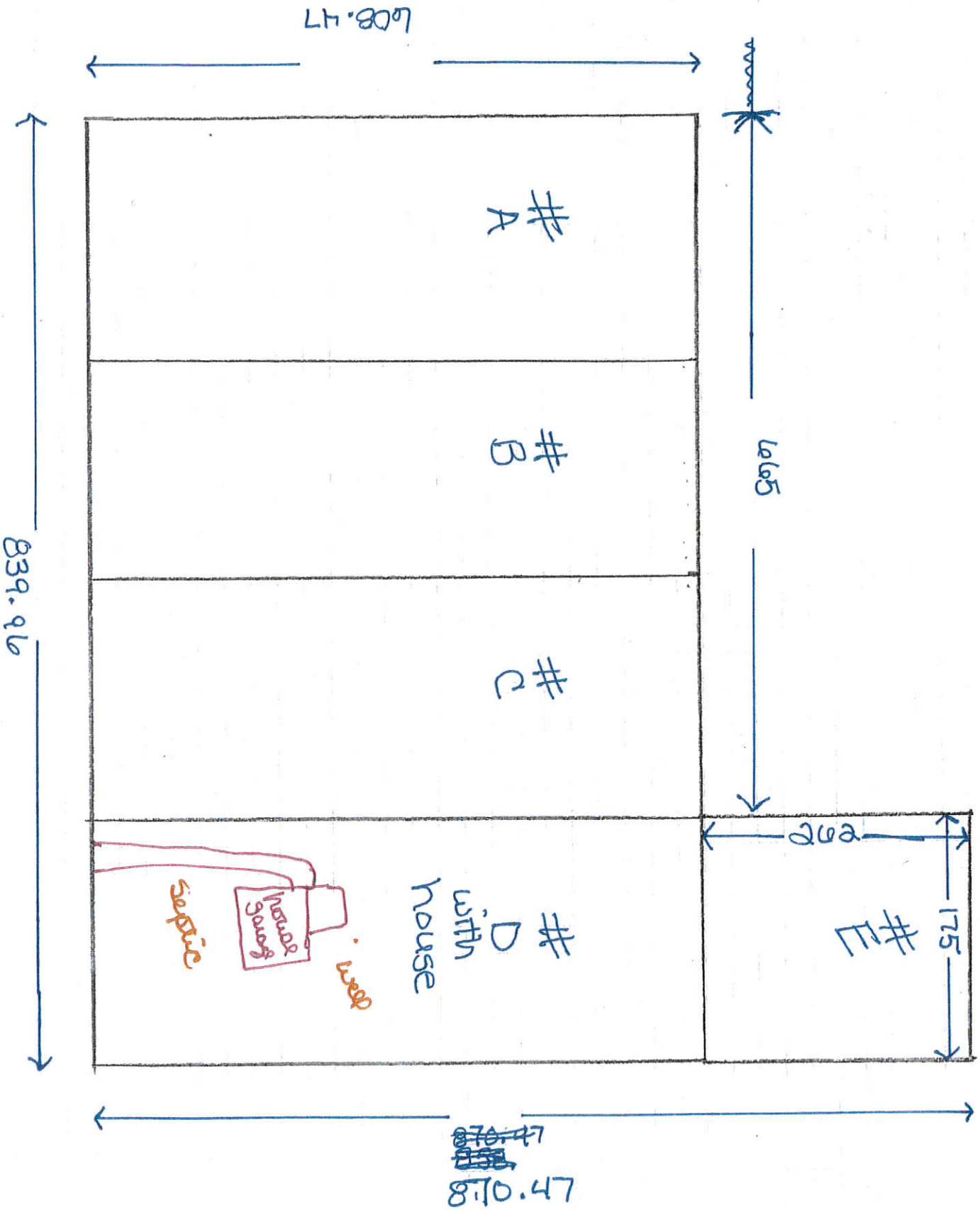
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AMERICAN  
LAND TITLE  
ASSOCIATION



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

SB-1800699





19-100000



Tax Parcel

Leelanau County

Parcel, Last Name, or Address



Viewer



08-233-028-00

45.133 -85.627 Degrees

1008-233-025-02

Michigan

008-233-027-00

008-233-02-00

008-233-029-00

008-233-029-10

008-233-029-00

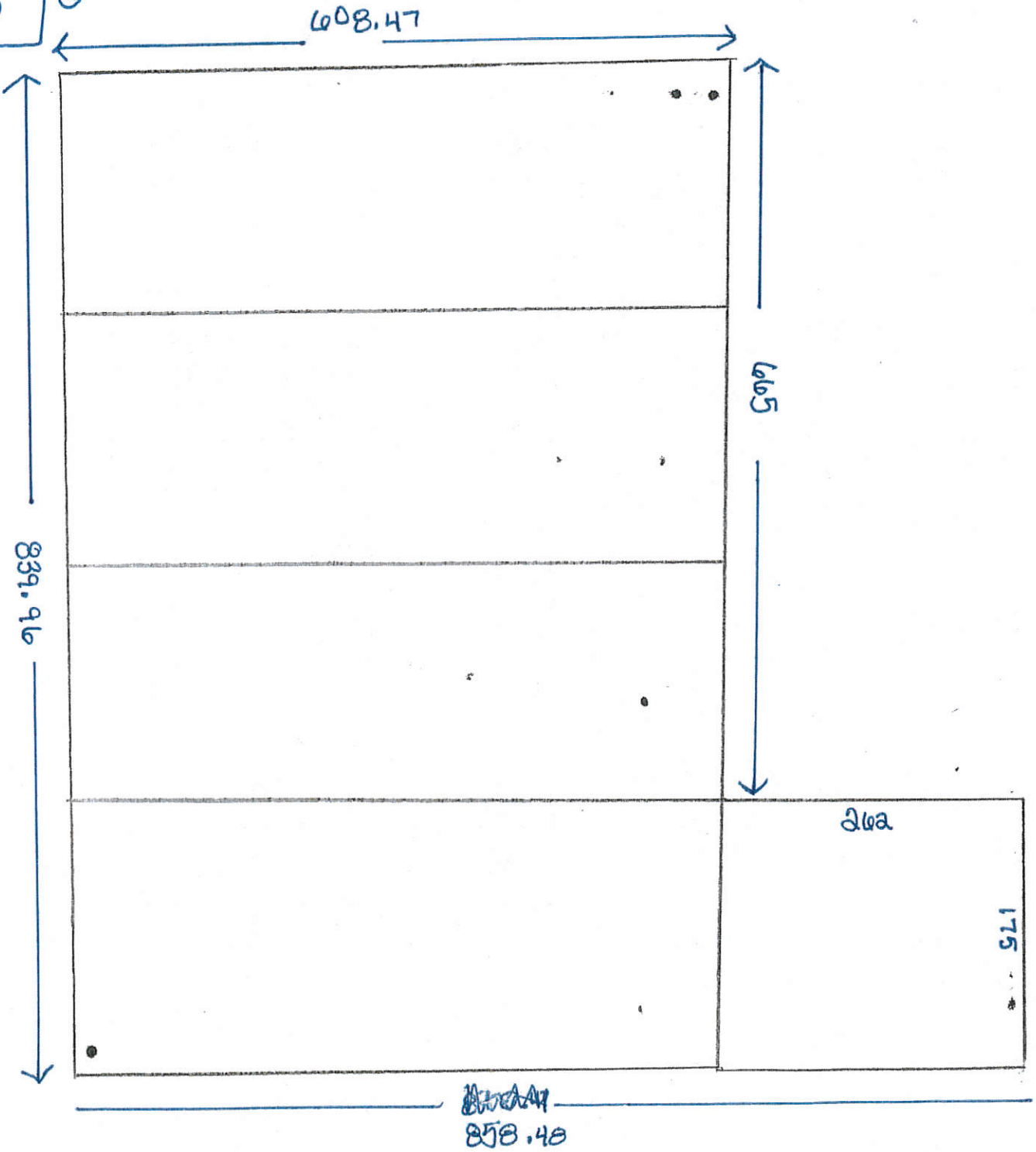
042-24-021-00







11.71 acres  
(608 x 839)  
(262 x 175)  
1.05 acres  
12.76 acres  
1729



Leelanau Twp. Planning Commission

c/o Steve Patmore

**RECEIVED**

8/22/2021

**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

REZONING FINDINGS - JUNE 2021  
LEELANAU TWP

SP

REVIEWED ON  
AUGUST 26, 2021

SP

**REQUEST:**

Rezone subject parcel from Agricultural to Residential-1 (R1) or Residential-2 (R2)

**PROCESS:**

A request for rezoning is a text amendment of the Official Zoning Map which is part of the zoning ordinance.

The process is the same as any text amendment of the zoning ordinance.

The Planning Commission reviews the Application, conducts a Public Hearing, and makes a recommendation to the township board. By statute, the Amendment must be reviewed by the County Planning Commission before it is submitted to the township board. The township board will then consider adopting an Ordinance to amend the zoning ordinance to amend the Official Zoning Map.

The criteria that the planning commission uses to review the Application depends on whether the Application includes voluntary conditions by the Applicant (referred as a conditional rezoning). The township cannot impose conditions.

Since this Application is not a Conditional Rezoning (Article 21), then the standards of 10.7.A apply.

**DEFINITIONS:**

**R1 DISTRICT - LOW DENSITY** - The R1 district serves as the low-density residential district. It includes much of the Township's shoreline areas. This district may serve as a transitional residential area between the Agricultural or Residential/Conservation districts and the higher density residential districts.

**R2 MEDIUM DENSITY RESIDENTIAL DISTRICT** - R2 districts are typically located adjacent to R1 properties and, in certain locations, serve as buffer zones between the R1 and commercial, light industrial, and higher density residential uses

**R3 HIGH DENSITY RESIDENTIAL DISTRICTS** This Section specifies three districts which provide for a variety of high-density residential developments. These include an R3A, Multiple Family Dwelling District; an R3M, Mobile Home Park District; and an R3S, Single Family Housing subdivision District. The R3 districts 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 setbacks 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.

**SECTION 10.7 ZONING AMENDMENT PROCEDURES.....**

A. **Rezoning Criteria** - The Planning Commission shall consider not less than the following criteria in its evaluation of a petition to rezone property within the Township prior to making its recommendation to the Township Board in accordance with Article IV of Act 110 of the Public Acts of Michigan of 2006, as amended.

Future Land Use Map

1. The Planning Commission should first consider whether or not the map change is appropriate; that is, whether the proposed use could be better accommodated by amending the zoning ordinance text itself to allow the use as permitted use or as a special condition land use.
  - *The 2010 Master Plan designates this area as residential.*
  - *The property is not used as Agricultural property.*
  - *The density of Agricultural zoned property is 10 acres per parcel.*



- *There is no current language that would allow additional density of this property.*
- *The Planning Commission does not recommend amending the zoning ordinance to allow additional density in the Ag. District at this time.*

***The Planning Commission finds that the Application (meets/does not meet) this standard.***

2. The applicant should demonstrate that there is evidence of a changed condition. This evidence can be provided in terms of an evaluation of land use trends in the vicinity or through the submittal of a marketing study.

- *The subject property is not conducive to agricultural use.*
- *Networks Northwest has performed recent studies that indicate a great need for <sup>more</sup> housing, especially ~~workforce~~ housing in Leelanau County.*

✓ ***The Planning Commission finds that the Application (meets/does not meet) this standard.***

3. The rezoning request should be evaluated for consistency with the adopted master plan. This includes the future land use plan map, any adopted sub-area development plan, as well as for consistency with the master plan narrative.

- *The Future Land Use Map in the 2010 Master Plan designates this Area as High Density Residential.*
- *Narrative:*

✓ ***The Planning Commission finds that the Application (meets/does not meet) this standard.***

4. The proposed zoning should be evaluated for its compatibility with the existing land use pattern. The community should ask itself if uses in the proposed zone are equally, less, or better suited to the area.

- ✓ • *Is residential use more compatible with the area than agricultural?*
- *The area consists of residential and recreational properties.*

***The Planning Commission finds that the Application (meets/does not meet) this standard.***

5. The evaluation of the rezoning should also consider if the proposed use could be built on the subject site if it were to be rezoned. Is the parcel size sufficient? Are there environmental restrictions (i.e., soils, wetlands, floodplains, etc.) that would make the site nonbuildable or are they showing that the property cannot be used as presently zoned due to these limitations.

- *The subject property is over 11 acres in size.*
- *There are no known soils, wetland, or other environmental issues with the site.*

✓ ***The Planning Commission finds that the Application (meets/does not meet) this standard.***

6. Is the site served by adequate public facilities or is the petitioner able to provide them?

- *There is Village Water available at the property.*
- *This property is not in the township sewer district – there is usually room on a one acre lot for an individual on-site septic system.*

✓ ***The Planning Commission finds that the Application (meets/does not meet) this standard***

7. Are there sites nearby already properly zoned that can be used for the intended purposes?
- *There are no other residential zoned properties in the township nearby.*

✓ ***The Planning Commission finds that the Application (meets/does not meet) this standard***

8. Is the proposal consistent with the established zoning pattern or does it represent spot zoning? For purposes of this Ordinance, spot zoning shall be defined as the assignment of a zoning classification different from the surrounding zoning classifications to a relatively small land parcel, intended to benefit a particular property owner, which is incompatible with the surrounding area and is also in violation of the community's master plan.

- *Is the proposed zoning consistent with the Master Plan?*
- *The subject property is adjacent to the Village and does not represent spot zoning.*

✓ ***The Planning Commission finds that the Application (meets/does not meet) this standard***

9. Would a lesser district classification be more appropriate? The petitioner may want a R-3 district; however, a R-2 district may permit the proposed use.

- *This is the time to discuss whether R-1 or R-2 is more appropriate.*
- *The single family lots mentioned by the Applicant would fit into the R-1 District*

***The Planning Commission finds that the (R-1) or R-2 is more appropriate.***

*Traffic concerns*

10. The community should evaluate whether other local remedies are available which are better suited to the circumstances of the petition.

***The Planning Commission finds that there (are/are not) other local remedies available.***

*Tom / GIWA*

***MOTION TO RECOMMEND (APPROVAL/DENIAL) OF THE APPLICATION SUBMITTED BY CRAIG PEPPE TO REZONE THE SUBJECT PROPERTY FROM AGRICULTURAL TO RESIDENTIAL (1 OR 2) BASED UPON THE PLANNING COMMISSION FINDINGS RELATED TO THE REZONING CRITERIA.***

*- Add Address - 10929 E. MELKILD Rd*

*ALL AYES*

*CLOSE Public Hearing*

**DRAFT MINUTES - EXCERPT**  
**LEELANAU TOWNSHIP PLANNING COMMISSION**  
**REGULAR MEETING**

**Thursday, August 26, 2021**

7:00 p.m.

Leelanau Township Hall

119 E. Nagonaba St., Northport, MI 49670

**1. PLANNING COMMISSION CALL TO ORDER, ROLL CALL, NOTATION OF QUORUM:**

This meeting was conducted in-person at the Township Hall with Zoom electronic remote access.

Zoom Meeting ID: 881 0982 5018 Passcode: 496700

The Meeting was called to order by Chair Kalchik at 7:00 p.m.

He asked each member to introduce themselves.

Members Present: Steve Kalchik, Gina Harder, Phyllis Rebori, Brian Mitchell, Tom Weber, Brigid Hart, and Dave Chakroff

Absent: None

**Quorum Established**

Staff: Zoning Administrator Steve Patmore (ZA)

Public and Officials: 25 others via Zoom Electronic Remote Access

Chair Kalchik welcomed new member Dave Chakroff, who was appointed on August 25, 2021 to fulfill the remainder of Clinton Sampson's term of office. He asked Dave to introduce himself.

Dave is a resident of the Omena Area, and has worked with the Omena Historical Society. He has a background and professional experience in the environment and sewer and water utilities.

Planning Commissioner and Township Board Member Gina Harder stated that the current make-up of the Planning Commission is very much in line with the Michigan Planning Enabling Act as it stipulates that a planning commission should represent the various business, industry, and community interests as well as the geographical areas in the community. She gave examples of how the current Planning Commission represents the agricultural, natural resources, recreation, education, government, environmental, architectural, and commerce segments of the community. She also added that the current Planning Commission represents the geographic regions of the township as well.

**2. APPROVAL OF AGENDA:** Chair Kalchik asked if there were any additions or changes to the draft Agenda.

*Motion by Harder to approve the draft Agenda as-presented.*

*Seconded by: Mitchell*

*Discussion: None.*

*Motion Carried by voice vote.*

**3. DECLARATION OF CONFLICT(S) OF INTEREST:**

Chair Kalchik asked Commissioner's if they had any conflict of interest on any item on this agenda.

All commissioners individually stated that there was no conflict of interest.



#### 4. **ANNOUNCEMENTS AND CORRESPONDENCE:**

Chair Kalchik asked Zoning Administrator Patmore if there were any Announcements or Correspondence. The following was offered:

- There is a workshop on September 29<sup>th</sup> on Agricultural Tourism at the Leelanau County Governmental Center sponsored by the Leelanau County Planning Commission. The speaker will be Mary Reilly from MSU Extension.
- There is a workshop on September 17<sup>th</sup> on housing development using Land Bank funds sponsored by Leelanau County at the Governmental Center.
- Letter received 8/24/2021 from Nancy Fitzgerald regarding the Melkild Rd. rezoning.
- Correspondence from Karen Mulvahill on the Master Plan Community Survey.
- One page letter from Rich Ishpording dated 8/20/2021 and received on 8/23/2021 regarding the RV Park Project.
- Memo dated 1/07/2021 (5 pages) from Rich Ishpording received on 8/23/2021 regarding Timber Shores RV camp and Resort.
- Email from Walt Johnson dated August 22, 2021 (2 pages) regarding review of RV Parks Public Survey, accompanied by a 6 page Review of RV Parks Survey Results.
- Email dated 8/20/2021 from Tom Oehmke accompanied by a 2 page memo dated 8/20/21 regarding a proposed text amendment to the zoning ordinance.
- Memo dated 8/17/2021 with accompanying map from Allan Dalzell regarding Timber Shores Application.
- Hand written completed RV Park & Campground Survey received on 8/17/2021 which was after the survey results were compiled, but added as public comment.
- Email dated 8/15/2021 from Dennis Turner (2 pages) regarding the zoning survey.

#### 5. **PUBLIC COMMENT:**

Chair Kalchik asked that Public Comment be limited to three minutes with each person speaking only once, and that all comments should be kept civil.

ZA Patmore noted that there was time allocated later for the Public Hearing on the re-zoning application.

- Julie Fitz, no address given, stated that she supports the Brovin's Amendment to the zoning ordinance. That is the amendment that prohibits special use zoning approval of any contiguous property to single family or multi family homes. It makes a lot of sense since most rv parks are located in more rural areas that don't impact residences and impact property values and the well being of the residential occupants that are already living there. She thinks it's a very smart amendment and hopes that the township looks at it seriously. Second, she would like to suggest that we have a public hearing regarding the Brovin's Amendment and hope that we can do this as soon as possible. Thank-you.
- Elizabeth Malleck, Northport Point Road, Supports the Brovin's Amendment and hopes that the planning commission will take it under serious consideration as well as having a public meeting on that. She supports what Julie just said. Appreciates the diligence that the planning commission is going through. Thank-you.

- John Neuman, has property on Indian Camp Road, Seconds Julie's comments on the Brovin's proposal. Think it makes a lot of sense and the kind of thing that once it gets written into zoning rules will prevent a lot of future fighting and splitting of the community, because it will be clear from the beginning what can and cannot be done relative to putting in an RV park next to private residences. Wants to give his support to that as well.
- There was no other public comment – the public was reminded that the Public Hearing on the re-zoning was coming up, but there is no other opportunity for general public comment on the agenda.

## **DISCUSSION/ACTION ITEMS:**

### **A. Public Hearing and Consideration of an Application to Rezone property at 10929 E. Melkild Rd. from Agricultural to R1 or R2 Residential. Submitted by Craig Pepple.**

Chair Kalchik opened the Public Hearing and asked ZA Patmore to introduce the topic.

Patmore explained that this Public Hearing is a re-hearing of the hearing held on June 17, 2021.

There was a neighbor that stated that they did not receive the written public hearing notice, and claimed that another property did not receive one as well.

Staff, with consensus of the Applicant, decided that re-doing the Public Hearing would resolve any potential problems down the road.

This time, Public Notices were sent out certified mail, and it should be noted that three of the notices came back as "un-accepted". Commissioner Mitchell stated that people did not want to accept certified mail from the township.

The request is to re-zone the property at 10929 Melkild Road from Agricultural Zoning to either R1 or R2 Residential Zoning.

- The subject property, 45-008-233-026-00, is adjacent to the Village of Northport Village Limits.
- Subject property is owned by Craig Pepple.
- Subject Property contains 12.76 acres according to the Application.
- Subject property is currently zoned Agricultural.
- The subject property is not actively farmed, nor is it conducive to farming.
- There is an existing single-family dwelling on the parcel.
- The Future Land Use Map in the 2010 Update of the Leelanau Township Master Plan designates this property as High Density Residential.

On June 17, 2021, the Planning Commission discussed the descriptions and definitions of the Residential Zoning Districts, and determined that R1 Residential was more compatible with the neighborhood. It was noted that two Village of Northport Residents spoke with concern over any zoning greater than R1 zoning.

It was noted that the submitted Application includes sketches of potential lot lines. The Planning Commission was reminded that, at this time, they were reviewing the entire property and not approving any lot lines. The Applicant will be required to come back and follow the process for any land divisions.

Chair Kalchik asked the Applicant if they had any comments at this time.

Realtor Denise Branch stated that she was watching the meeting remotely with Craig Pepple. They would be happy to answer any questions.

Planning Commission Questions:

- Does the Applicant have any preference with R1 or R2 Zoning District? Denise responded that they were ok with the R1 designation, since there is not a big difference between the physical lot requirements between the two districts.
- No further questions.

Chair Kalchik opened the floor to public comment at this time:

- Mr. Fredrickson, Foxview Drive, stated that he always thought that this property would be used for more intensive development because it does have city water and the sewer line is almost to this lot, so there could be a little bit more development on this, for say, workforce housing or something. It's a thought that he's had for several years, but has not talked with the property owner. There are advantages that other properties in the township do not have. Thanked the commission for the time.
- No other public comment at this time.
- It was noted that a letter was received from Nancy Fitzgerald supporting a rezoning to R1.

Chair Kalchik closed the Public Hearing at this time, and brought the request back to the Planning Commission.

ZA Patmore went through the Rezoning Findings:

- A. Request: Rezone subject property from Agricultural to R1 or R2 Residential.
- B. Process: Planning Commission conducts the Public Hearing and makes a recommendation. The recommendation is submitted to the County Planning Commission for review, then forwarded to the township board.
- C. Difference between Residential Zoning Districts: The definitions of R1, R2, R3 Residential Zoning Districts were reviewed and discussed.
- D. Section 10.7.A – Rezoning Criteria: It was noted that these criteria are intended to be used as a guide to the Planning Commission. It does not require that all of these criteria are satisfied, however, must be considered.
  1. The Planning Commission should first consider whether or not the map change is appropriate; that is, whether the proposed use could be better accommodated by amending the zoning ordinance text itself to allow the use as permitted use or as a special condition land use.

The Leelanau Township Planning Commission Finds:

- The 2010 Future Land Use Map designates this area as Residential.
- The property is not used as agricultural property.
- The density of the Agricultural Zoning District is 10 acres per parcel.
- There is no current language that would allow additional density on this property.
- The Planning Commission does not recommend amending the zoning ordinance to allow additional density in the Ag. District at this time.

*The Leelanau Township Planning Commission, by consensus, finds that the Application meets this standard.*

2. The applicant should demonstrate that there is evidence of a changed condition. This evidence can be provided in terms of an evaluation of land use trends in the vicinity or through the submittal of a marketing study.

The Leelanau Township Planning Commission Finds:

- The subject property is not conducive to agricultural use.
- Networks Northwest has performed recent studies that indicate a great need for more housing in Leelanau County.

*The Leelanau Township Planning Commission, by consensus, finds that the Application meets this standard.*

3. The rezoning request should be evaluated for consistency with the adopted master plan. This includes the future land use plan map, any adopted sub-area development plan, as well as for consistency with the master plan narrative.

The Leelanau Township Planning Commission Finds:

- The Future Land Use Map in the 2010 Master Plan Update designates this area as High Density Residential.
- The Planning Commission does not feel that the property meets the definition of High Density Residential. It is not located on a main street, it is not within the sewer district, residents in the area do not support high density at this time, and the property owner wishes to develop as single family residential.

*The Leelanau Township Planning Commission, by consensus, finds that although the Application is not for high density residential, the requested R1 or R2 Residential is more in conformance with Master Plan than Agricultural.*

4. The proposed zoning should be evaluated for its compatibility with the existing land use pattern. The community should ask itself if uses in the proposed zone are equally, less, or better suited to the area.

The Leelanau Township Planning Commission Finds:

- The immediate area consists of single-family residential and recreational uses.
- Residential is more compatible than agricultural.

*The Leelanau Township Planning Commission, by consensus, finds that the Application meets this standard.*

5. The evaluation of the rezoning should also consider if the proposed use could be built on the subject site if it were to be rezoned. Is the parcel size sufficient? Are there environmental restrictions (i.e., soils, wetlands, floodplains, etc.) that would make the site non-buildable or are they showing that the property cannot be used as presently zoned due to these limitations?

The Leelanau Township Planning Commission Finds:

- The subject property has sufficient size (over 12 acres)
- There are no known soils, wetlands, or other environmental issues with the site.

*The Leelanau Township Planning Commission, by consensus, finds that the Application meets this standard.*

6. Is the site served by adequate public facilities or is the petitioner able to provide them?

The Leelanau Township Planning Commission Finds:

- There is village water available at the property
- This property is not in the township sewer district.
- There is usually room on a two acre parcel for on-site septic systems.

*The Leelanau Township Planning Commission, by consensus, finds that the Application meets this standard.*

7. Are there sites nearby already properly zoned that can be used for the intended purposes? The Leelanau Township Planning Commission Finds that there are no other properties in the township nearby zoned residential.  
*The Leelanau Township Planning Commission, by consensus, finds that the Application meets this standard.*
8. Is the proposal consistent with the established zoning pattern or does it represent spot zoning? For purposes of this Ordinance, spot zoning shall be defined as the assignment of a zoning classification different from the surrounding zoning classifications to a relatively small land parcel, intended to benefit a particular property owner, which is incompatible with the surrounding area and is also in violation of the community's master plan.  
*The Leelanau Township Planning Commission, by consensus, finds that the Application does not constitute spot zoning and meets this standard.*
9. Would a lesser district classification be more appropriate? The petitioner may want a R-3 district; however, a R-2 district may permit the proposed use.  
The Leelanau Township Planning Commission Finds:
- There were concerns expressed about potential traffic with R2 zoning.
  - R1 zoning would allow the single family uses desired by the Applicant.
- The Leelanau Township Planning Commission, by consensus, finds that R1 zoning designation would fit best for this Application.*
10. The community should evaluate whether other local remedies are available which are better suited to the circumstances of the petition.  
*The Leelanau Township Planning Commission, by consensus, finds that there are not other local remedies available.*

Chair Kalchik asked if there was any further discussion, or was there a motion.

***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***