

NOTICE OF MEETING

A Regular Meeting of the Leelanau County Planning Commission (LCPC) will be held at **5:30 pm Tuesday, NOVEMBER 23, 2021** in the Leelanau County Government Center – 1st floor.

(Please silence any unnecessary cellular/electronic devices)

DRAFT AGENDA

CALL TO ORDER & PLEDGE OF ALLEGIANCE

ROLL CALL

CONSIDERATION OF AGENDA

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

PUBLIC COMMENT

STAFF COMMENTS

CONSIDERATION OF OCTOBER 26, 2021 MEETING MINUTES *pgs 2-6*

NEW BUSINESS

- A. PC13-2021-01 Bingham Township, Rezoning Rural Res. To Commercial *pgs 7-48*
- B. PC14-2021-10 Solon Township Zoning Ordinance *pgs 49-71*
- C. Recommendation to County Board RE: Appointments to Planning Commission (sent separately)
- D. Educational opportunities *pgs 72-73*

REPORTS

- 1. Education Committee *(no meeting)*
- 2. Housing Action Committee *(Lautner)*
- 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, OCTOBER 26, 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.

ROLL CALL

Members Present: S. Yoder, M. Black, R. Miller, T. Nixon, M. Lautner, A. Trumbull, G. Carlson

Members Absent: D. Hubbell, K. Todd, C. Noonan, N. Griswold
(prior notice)

Staff Present: T. Galla, Director, G. Myer, Senior Planner

Public Present: S. Patmore, Leelanau Township (5:45pm)

CONSIDERATION OF AGENDA

Motion by Lautner, seconded by Black, to accept the agenda as presented. Motion carried 7-0.

CONFLICT OF INTEREST – None.

PUBLIC COMMENT – None.

STAFF COMMENTS

Galla mentioned the training session with Mary Reilly and stated that it was being viewed online and she felt the event was a success. Galla continued, saying the HHW & Electronics Collections were done for the year. The collection held in Peshawbestown, on a Monday, was very successful and they will be holding it on a Monday again next year.

CONSIDERATION OF AUGUST 24, 2021 MEETING MINUTES

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

NEW BUSINESS

PC12-2021-08 Leelanau Township – Rezoning Ag. To Res 1 or Res. 2.

Myer reviewed the staff report stating the request was received on October 19 and the last day of review under the 30-day review period was November 18, 2021. The requested action was to review and comment on a rezoning request in Leelanau Township for approximately 11.27 acres from Agricultural to Residential 1 or Residential 2. The subject parcel is located on the north side of Melkild Rd., adjacent to a parcel owned by the Northport Public School and abutting the Village of Northport

limits on the east side. The existing land use is residential with a farmhouse on wooded land that was previously farmed. Myer continued, pointing out the surrounding zoning and land use. Zoning to the north is Agricultural and Residential Conservation with single-family dwellings. Zoning to the south is Residential 1 and Commercial. To the east, the zoning is Rural Residential and the Northport School soccer fields. To the west is Agricultural with a single-family dwelling.

Myer continued, saying 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. The Leelanau General Plan describes the location of the subject property as Urban Center and Chapter 4, encourages a Balanced Growth Strategy including encouraging compact development with common open space.

Myer continued, saying that 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. Myer said 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. Myer mentioned some of the current permitted uses and permitted accessory used in the Agricultural district: one single-family dwelling per ten-acre parcel, agricultural activities, non-intensive livestock operations, home occupations and businesses, bed and breakfast operations and roadside stands. Also, some of the permitted uses in the proposed Residential 1 and Residential 2 zoning district: single-family detached, two-family detached, home occupations, home business and bed and breakfast.

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

Myer said staff had 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. Myer also noted that it looked like the applicant was proposing five divisions of the subject parcel, one for the existing home.

Myer pointed out 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".

In conclusion, Myer said 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. Galla read commissioner Griswold's comments which were submitted prior to the meeting.

"I support the rezoning to add more development sites with the condition that the developer/owner is

required to limit the number of trees that are cut down, that green stormwater infrastructure is utilized to manage stormwater runoff and also only native landscaping is utilized. Limiting law are is also a good way to increase biodiversity for plants and animals as well as reduce chemical fertilizers being used. The increased density should come with these deed restrictions if possible.”

Galla stated that she informed Griswold that if these requirements were not already in the zoning ordinance, the township would not be able to enforce them on the developer.

Lautner questioned if one house was currently on the parcel which was all that is allowed on a 10-acre parcel under the current zoning. Galla spoke regarding the rezoning request to either R1 or R2 and said it was unusual. Usually, an applicant asks for a rezoning to a specific district. If it is not approved, the applicant can come back and ask to be rezoned to another district. Lautner didn't think the rezoning was too much to ask for this parcel.

(Patmore present)

Miller stated that he knew the split approval was not what they were reviewing, but, one parcel looks like it would be landlocked. Patmore said they were not looking at lot lines as part of the township review. There is a road that goes back to the golf course and the owners think they have access. They would have to come back with a land division and prove they have access.

Nixon commended Patmore for his work and said Patmore's work is always thorough and complete. Nixon continued, saying the idea of developing multi-housing that close to the village was a good plan and he is glad to see that property being used for residential housing. Black said he likes the size of the property, so often houses are crammed together. Carlson stated that it abuts the residential district, so it would be a good fit. Yoder said the township did a thorough job. It fits well and it is a great project.

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

Member Terms Expiring

Galla mentioned that Yoder, Black and Noonan all have terms that are expiring. Black is finishing out a partial term. Black said he did contact Laurel Evans and let her know he was interested in continuing. Galla explained the method of recommending appointments to the County Board. Yoder said he was also interested in continuing; he has one 3-year term left. Lautner doesn't think the County Board will have a problem reappointing Noonan, or anyone who hasn't used up their term limits. In the past, they might have pulled someone off due to representation not being spread evenly throughout the county. Lautner concluded by saying that it does help the County Board when recommendations are made.

Motion by Nixon, seconded by Miller, to recommend the reappointment of Noonan, Yoder, and Black, pending confirmation from Noonan he wishes to be considered for reappointment. Motion carried 7-0.

REPORTS

Education Committee

Nixon stated the training was well received. Suttons Bay Township had several planning commission members who attended and the information was carried back to their next township meeting. They will be reviewing solar at their next meeting. Galla mentioned Ryan Coffey Hoag who is the President of GAAMP's and stated that they may want to keep him in mind for a future session.

Lautner mentioned a comment made to her, that Reilly glossed over some of the “issues” brought up regarding solar. She thought the farm market part was very good and Ryan Coffey Hoag explained his answers very well. Lautner said this would be a good topic to repeat again in the future. Yoder commented that the majority of the people were there for the farm part of the session.

Discussion ensued on a spring session topic.

Lautner said the training could be a two-part session. A lot of the questions touched on the value-added piece and she thinks that would be a good angle to go down. Not just farm markets, but also wineries, tasting rooms, get into the weeds more. How to start selling things like jams, or pastries. Nixon mentioned the questions raised during the training session regarding selling lavender and said they were very interesting. They opened the door to other questions. Nixon stated that so much of our county is agricultural, another session in the spring on this would be well worth it. They spend a lot of time in his township discussing how they can support their farmers. It is even a major statement in their Master Plan. It would be interesting to draw in a number of farmers to have a discussion on what it means to be a part of this community and what can your local body of government do to protect, enhance and promote farming activities. Tourist activities or regular farming activities, is what this county is all about, which spins off into the tourist industry because everyone wants to enjoy the vistas which are farmland. Members agreed early April would be a good time to hold the spring training session.

Housing Action Committee

No meeting held.

Parks & Recreation Committee

Lautner reported that Veronica Valley Park has a new pathway around the old putting green that is eight foot wide, barrier free, and handicap accessible allowing access to the water. They have asked the county to give them up to \$200,000.00 to begin a one-mile loop at the Myles Kimmerly Park which would circle the ball diamonds, and ideally be paved. Tree debris and logs were also cleaned up there this summer. They are hoping to purchase a piece of playground equipment for Old Settlers Park to be put in place next spring. Lautner concluded by saying the pond at Veronica Valley was restocked with fish even though they didn't have their fishing day event.

Report from LCPC members of attendance at township/village meetings, or other meetings/trainings.

Nothing to report.

COMMUNICATIONS - None.

PUBLIC COMMENT - None.

STAFF COMMENTS

Galla said the 2021 aerials were flown this spring and will be in by the end of the year. She mentioned all of the land changes since 2017. Also, next year the Solid Waste Council (SWC) is hoping to get 2% funds for tire and mattress recycling. The mattress collection would be similar to the tire collection. Appointments will be required, as they are for all collections, and a small fee will be charged per/mattress. The SWC approved the requests and the County Board will be reviewing them next

month. Housing North held their annual Housing Summit last week and Galla recommended watching the keynote speaker who is an author and reporter and was outstanding. Galla continued, saying the bills on short term rentals are on the fast track again. These would allow short term rentals in all residential districts with no regulations by any communities. Regardless of how you feel about this, you can share your thoughts or concerns with your legislator.

Carlson inquired about finding a new recycling site in Suttons Bay. Galla said they are looking at the Road Commission property as a possible site, but it will take a while. Any site they are eventually able to locate will take time to get up and running. Some residents were surprised to see it gone and thought there should have been notification that it might be closing. Galla pointed out that the *Leelanau Enterprise* had been covering the possible closure since June. She has been receiving some suggestions from residents for a new site, including the Government Center campus as a possible site. All of the suggestions will be discussed at the SWC meeting next month. Nixon questioned if extra bins could be added to the Peshawbestown site and Galla stated that had already been done. Some of the bins also went to the Leland site. They are limited at each site to a certain number of bins though. Lautner said the Cedar site has a small bin off to the side now. Galla stated that was a special bin put in place for a resident who is not physically able to put items up into the larger bins.

Discussion ensued on curbside recycling.

Galla stated that when the SWC surveyed residents using the recycling sites, the majority did not want curbside. Those that do want it can contact Green For Life (GFL) or another hauler to check on the cost to pay for it themselves. It is just not feasible for the county to fund it through our recycling funds.

COMMISSIONER & CHAIRPERSON COMMENTS

Nixon mentioned the President's Award which Galla received from the Michigan Association of Planning and stated that it was nice to know that others recognized her brilliance.

Lautner added that she had the opportunity to work with Galla when she was the interim county administrator a few years ago and she rises to the top when it comes to the administrators she has worked with in the county. Lautner said the county board was a tough board because they ask a lot of questions and get into the details. Galla would come before the board and sometimes the board would say "yes" and sometimes "no", but Galla's demeanor would never change. You couldn't tell if she was disappointed or happy. Her professionalism still strikes her to this day and how well she did at that position. Yoder echoed the comments and stated it was an honor working with Galla.

Galla thanked everyone for the kind words.

ADJOURN

Meeting adjourned at 6:27 p.m.

REZONING REQUEST
PC13-2021-01 Bingham Township
Rezoning Request
Rural Residential to Commercial

Reviewing Entity: Leelanau County Planning Commission
Date of Review: November 23, 2021
Date Request Received: November 5, 2021
Last Day of Review Period: December 5, 2021 (30-day review period under the Michigan Zoning Enabling Act)
Requested Action: Review and comment on a rezoning request in Bingham Township for approximately 7 acres from Rural Residential to Commercial.

Applicant: Sarah Keever
Northview 22, LLC
Traverse City, MI 49684

Owner: Eric Harding Trust

General Location:

The subject parcel, property tax number 45-001-030-021-06, is situated just north of E. Bingham Rd. and the Commercial Zoning District.

A copy of the application is included in the Appendix.

Existing Land Use: The parcel is currently vacant.

Adjacent Land Use and Zoning¹

NORTH	Land Use:	Northwest Michigan Horticultural Research Center
	Zoning:	Agricultural
SOUTH/SOUTH WEST	Land Use:	Vacant parcel, pole barn w/living
	Zoning:	Rural Residential & Commercial
EAST	Land Use:	Single family home
	Zoning:	Rural Residential
WEST	Land Use:	Vacant (proposed future substation for Consumers Energy)
	Zoning:	Rural Residential

Property Description:

The subject parcel is approximately 7 acres in size and located north of E. Bingham Rd. and east of S. Whispering Hills Dr., Section 30, Town 29 North, Range 11 West, Bingham Township. The parcel is subject to and together with a 30-foot- wide easement.

¹ 2017 Spring Aerials, and Bingham Township Maps.

Zoning History

According to the application and township minutes – Sarah Keever of Northview 22, LLC, submitted an application on behalf of Eric Harding, Trustee of the Eric Harding Trust, to rezone the property at E. Bingham Rd. from Rural Residential to Commercial. The application did not include any voluntary offer of conditions. The subject parcel is adjacent to the commercial corridor on Bingham Rd. A Public Hearing was held on November 4, 2021. Public comments were made from several neighbors who supported the rezoning request and it was noted there was also a correspondence received in favor of the request from another adjacent property owner.

It was noted that since the commercial corridor parallels Bingham Rd and does not necessarily follow property lines, there has been a lot of discussion on “squaring up” the commercial district to follow property lines.

In 2016 the Grand Traverse Band of Ottawa and Chippewa Indians applied for and received approval for a rezoning of a sliver of property to commercial at 8595 E. Bingham Rd. (former PDM Lumber property) because that parcel had split zoning.

In 2017 the Planning Commission had a Public Hearing on a proposed Map Amendment that would have squared up the Commercial Zoning District and added parcels to the district, including the subject parcel in this application. The proposal failed by a 4-3 vote of the Planning Commission. When this proposal failed, the affected property owners were encouraged to apply individually if they wanted consideration for a rezoning. The owner of this parcel is now applying for rezoning of their parcel to the Commercial district.

In 2019 Jeff and Amy Sobeck, Hardbeck, LLC applied for and received approval for a rezoning from Rural Residential to Commercial for their property at 8531 E. Bingham Rd.

Significant Elements of the Comprehensive Plan:

Bingham Township Plan:

Township Plan: The **Future Land Use Map** of the Bingham Township Comprehensive Plan, calls for **Rural Residential** for the subject parcel. The Comprehensive Plan, Section 6 – Future Land Use, page 6-7 states: *Over 100 acres of land is designated for commercial development on the Future Land Use Map. The majority of this land is located on Bingham Road in an area already designated for commercial development. Ample land currently exists in this area to provide for future growth of businesses. The goal of commercial development in the Township will be to provide services to local residents, while not requiring public services such as sewer and water.*

Leelanau General Plan: The Leelanau General Plan (Amended 2019) **Future Land Use Map**, Map 5-2a, and Future Land Use Map Natural Features, Map 5-2b, does not specifically identify the subject parcel.

Relevant Sections of the Zoning Ordinance:

Current and Proposed Zoning District – Link to the Township Zoning Ordinance at: <https://www.leelanau.gov/binghamtwpord.asp>

OTHER AGENCY INPUT

Township Planning Commission:

Following a public hearing held on November 4, 2021, the township planning commission reviewed the Findings of Fact, and then passed the following motion at its regular meeting.

Jeff Layman/moved, Charlie Dashner/supported, to recommend approval of a request from Eric G. Harding Trust to rezone the subject property (property no. 45-001-030--021-06) from Rural Residential to Commercial Zoning, based upon the Application, Rezoning Standards, and the Public Hearing and Planning Commission discussion and that the rezoning be sent to Leelanau County Planning Commission for approval and to the Township Board. Motion passed.

STAFF ANALYSIS AND FINDINGS

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

Rezoning would be consistent with the Commercial zoning district and land uses to the south of the subject parcel.

Would rezoning be consistent with development in the area:

Rezoning to the Commercial district would be consistent with the commercial development to the south of the subject parcel.

Will the proposed use be consistent with both the policies and uses proposed for the area in the Bingham Township Plan?

The Bingham Township Master Plan has not been updated since 1999, although it has gone through several 5-year reviews. The township planning commission has noted that the Plan is due for an update. The Master Plan calls for Rural Residential for this property.

Are uses in the existing zone reasonable?

The uses in the existing zone are reasonable, although the applicant states that the ability to use this parcel in its present zoning classification (residential) is completely unnatural and unreasonable for the area.

Do current regulations leave the applicant without economically beneficial or productive options?

No. The applicant has the right to build any of the uses in the existing district.

STAFF COMMENTS

This request is for rezoning of a 7-acre parcel of land from Rural Residential to Commercial. The attached application and report from the township spell out the reasons the applicant has requested rezoning, and includes the Findings of Fact from the township planning commission and their motion to recommend the property be rezoned.

Changing the zoning designation on any property can have far reaching consequences. Therefore, a careful evaluation of a proposed rezoning is essential. As with any zoning decision, the use of standards is essential to reaching fair and consistent decisions - a number of court decisions and professional and legal writings have resulted in some common evaluation tools such as: what is allowed under current zoning, what is allowed under the proposed zoning, what is designated in the Master Plan(s), are uses consistent with adjoining uses?

A change in zoning is a change to a zoning ordinance. Zoning ordinances spell out the districts, and the text, along with a zoning map which visually depicts the zoning districts and boundaries. The Michigan Zoning Enabling Act (MZEAA) makes provision for the amendment of the zoning ordinance following its initial adoption: The legislative body...may provide by ordinance for the manner in which the regulations and boundaries of districts or zones shall be...amended or supplemented. Amendments or supplements to

the zoning ordinance shall be adopted in the same manner as provided under this act for the adoption of the original ordinance.

When reviewing rezoning requests, it is important to consider all the potential uses of the property under the proposed zoning.

According to the Bingham Township Zoning Ordinance, the intent of the Rural Residential District is to serve as a buffer between the denser residential areas of the Township and the productive agricultural lands of the Township. This district has standards on low density residential uses and agricultural uses that balance the impact on each other.

The uses permitted by right in the Rural Residential District include:

- Single Family Dwelling
- Farming
- Family Child Care Homes
- AFC Family Care Homes
- Short-Term Rentals
- Tasting Room
- Farm Market
- Wildlife Management Areas

The Commercial District is intended to accommodate those retail and business activities that serve the whole community in a way that respects the natural environment and encourages the rural character of Bingham Township. The uses permitted by right in the Commercial District include:

- Retail
- Services
- Professional/Office
- Residential:
 - a. One (1) single family home or one (1) duplex.
 - b. Upper story dwelling units.
 - c. Bed and Breakfast and Rooming House.
 - d. Short-term rental.
 - e. Family Child Care Home. For up to six (6) minor children provided it is licensed and approved by the State of Michigan.
 - f. Adult Foster Care (AFC) Family Care Homes. For up to six (6) adults provided it is licensed and approved by the State of Michigan.
- Private Wind Turbine Generator
- Business operated from within a motor vehicle, such as a food truck, provided that it complies with the setbacks, and all parking is off road and not in the right-of-way.
- Buildings or uses customarily accessory and clearly incidental to the principal permitted uses above.

The Schedule of Regulations for the Rural Residential District requires a 2-acre minimum lot area. There is no minimum lot area in the commercial district – the minimum lot area and lot width is that needed for the building(s) and the required space needed for the permitted well(s) and septic field(s) (Section 3.6 of the Township Zoning Ordinance) .

There are 4 parcels on the north end of this easement: the subject parcel, a parcel to the west owned by Consumers Energy Co., a parcel to the south owned by David & Danielle Wheelock, and a parcel to the southwest owned by Hardbeck LLC. A parcel further south (001-030-021-00) abutting E. Bingham Rd. (AB&E LLC), was given an address on October 11, 2005 for a pole barn and on September 16, 2019, two

additional addresses for a duplex were assigned. In September of 2021, AB&E LLC applied for and received another additional address for a proposed boat service and storage facility. (see attached aerial map from spring of 2017).

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 Bingham Road includes a Commercial zoning designation which does not follow parcel boundary lines. The subject parcel is north of the commercial zoning strip along Bingham Rd. and there are other commercial uses along Bingham Rd. east and west of this area.

The applicant has provided an application showing the background related to this parcel and the surrounding area, the development of a future substation on the Consumers Energy parcel to the west, and the commercial development to the south. 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.

The Bingham Township Zoning Map (updated May 2016) as well as the Future Land Use Map, shows Rural Residential Zoning for this parcel and the surrounding parcels. There have been significant changes in the area since the adoption of the Master Plan in 1999.

It is up to the Township to follow their Plan when applications are made to rezone properties. If it is determined a request is not in compliance with the Plan, the proper method to make a change would be to first amend the Plan to reflect the desires and needs of the community and then apply criteria to each rezoning request, including the guidance in the Plan.

If the township determines this rezoning should be approved, the Master Plan should be amended. As noted above, the proper way to do this would be to change the Plan first. If the rezoning is approved prior to any change to the Master Plan, Bingham Township should clearly spell out the reasons for approving a rezoning which is not consistent with the Future Land Use Map for the township. They could reference the changes that have occurred to this area over the past several years.

Appendix - Transmittal from Bingham Township



Tax

001-030-021-06



001-030-020-00

Show search results for 001...



Parcel Viewer Michigan

NORTHWEST MICHIGAN HORTICULTURAL RESEARCH CENTER

29N11W30

001-030-021-05

001-030-021-06

CONSUMERS ENERGY

SUBJECT PARCEL

001-030-021-07

MICHAM

001-030-021-08

HARDBECK LLC

AB&E LLC

001-030-021-12

001-030-021-10

001-030-021-00

001-030-016-01

001-030-021-13

001-770-002-00

001-031-019-00

001-770-004-00

001-031-010-00

001-770-005-00

44.882 -85.684 Degrees

001-770-006-00

001-770-007-00

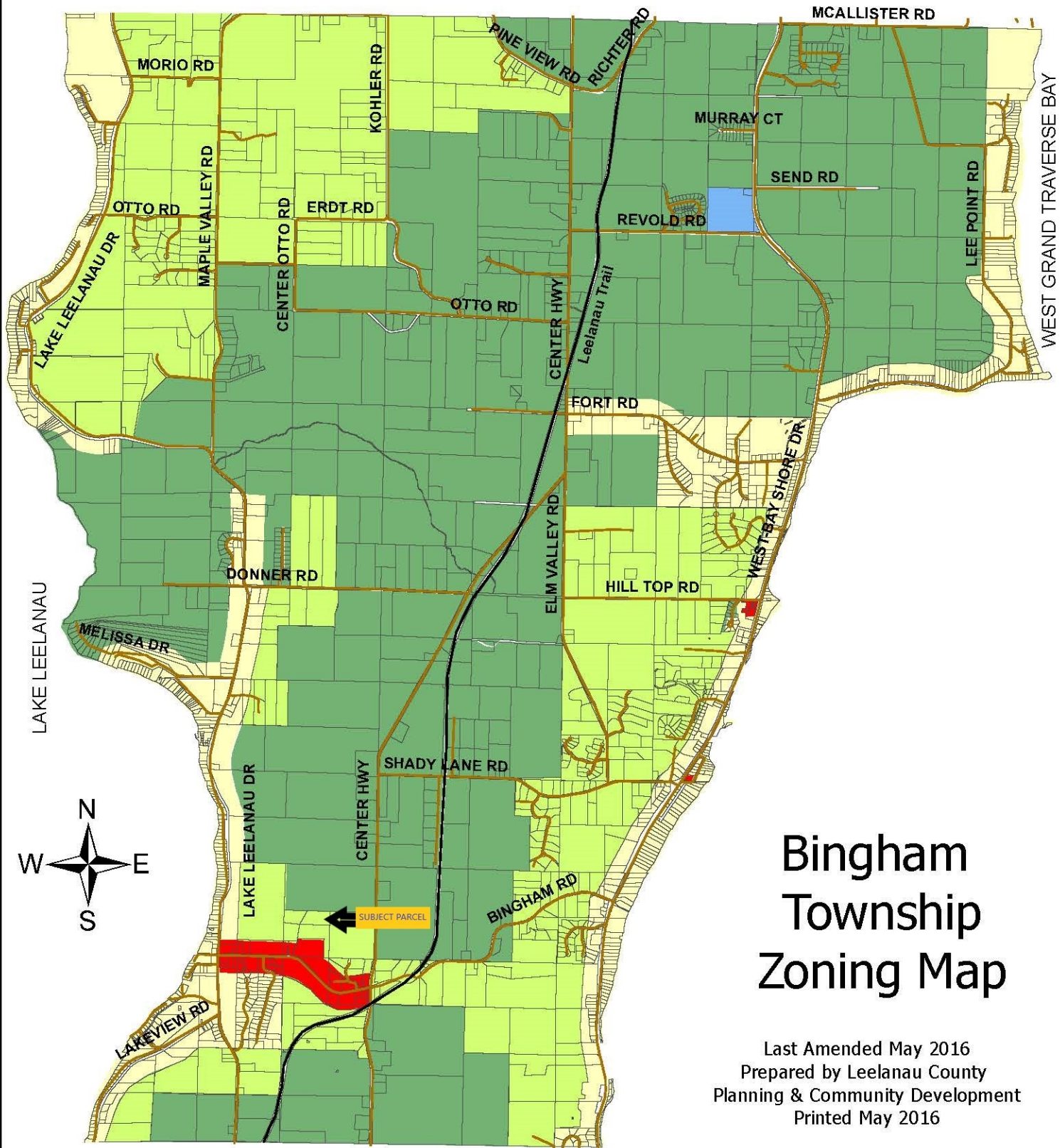
300ft

HILL DR

E BINGHAM RD



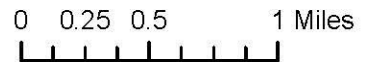
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ELMWOOD TOWNSHIP

Bingham Township Zoning Map

Last Amended May 2016
Prepared by Leelanau County
Planning & Community Development
Printed May 2016



- Rural Residential Zoning District
- Agricultural Zoning District
- Commercial Zoning District
- Industrial Zoning District
- Residential Zoning District

Where the Township Zoning Map shows that the edge of a zoning district extends parallel to, and beyond, a private or public road right of way ("ROW"), the boundary of the zoning district, determined roughly perpendicular to the ROW, shall be construed as extending 450 feet beyond the center line of the ROW, unless the Zoning Map shows the zoning district boundary terminates at the rear parcel line of a parcel that adjoins the ROW.

Gail Myer

From: Steve Patmore <zoningadmin@suttonsbaytwp.com>
Sent: Friday, November 5, 2021 12:33 PM
To: Trudy Galla; Gail Myer
Subject: Bingham Township Rezoning
Attachments: Application.pdf; Rezoning Standards - PC Worksheet.pdf; General Findings of Fact.pdf

The Bingham Township Planning Commission recommended approval of the following rezoning last night.

You may recall, the lot near this one was reviewed by you in 2019.

Attached are the:

- Application
- Draft Rezoning Standards worksheet (this draft was reviewed and completed by the PC last night – I will send an edited version)
- General Findings of Fact

I will send a cover sheet to you soon.

I will send the Minutes when available.

Let me know if you have any questions

Steve

Gail Myer

From: Steve Patmore <zoningadmin@suttonsbaytwp.com>
Sent: Wednesday, November 17, 2021 9:51 AM
To: Trudy Galla; Gail Myer
Subject: Draft Minutes from Bingham
Attachments: BingTwpPCMin11-4-2021REV.rtf

Here are the draft minutes I received from the recording secretary.

These look to be very rough and there are blanks to fill in.

Steve

GENERAL FINDINGS OF FACT

1. The subject parcel, 45-001-030-021-06, is located off of E. Bingham Rd.
2. The subject parcel currently is zoned Rural Residential.
3. The Legal Description of the Subject Parcel is: COM S 1/4 COR SEC 30 T29N R11W TH N 0 DEG 01'59" W 1334.34 FT TH S 89 DEG 47'36" E 668.91 FT TO POB TH CONT S 89 DEG 47' 36" E 662.40 FT TH S 0 DEG 08'58" E 400.22 FT TH N 89 DEG 47'36" W 865.32 FT TH N 26 DEG 48'36" E 447.60 FT TO POB. 7.01 A M/L. SUBJ TO & TOG W/ 30 FT W ING/EGR/UTILITY ESMT OF RECD & OTHER ESMTS & RESTS OF RECD IF ANY.
4. The subject parcel is owned by the Eric G. Harding Trust, 6845 E. Birch Point Road, Traverse City, MI 49684.
5. The total parcel size is 7.01 acres.
6. The Subject Parcel has access to Bingham Road by a shared private road easement.
7. The parcel is currently vacant.
8. The subject parcel was created by Land Division in 2006 by Varley-Kelly Properties.
9. The Applicant has applied to change the zoning to Commercial.
10. There were no voluntary conditions offered as part of the Application.
11. If approved, the Owners could apply for any use allowed by the Bingham Township Zoning Ordinance in the Commercial Zoning District.
12. Any change of use of this property to a commercial use would involve a Site Plan Review and possibly a Special Use Permit from the Bingham Township Planning Commission.
13. Site Plan Review would take into consideration the adequacy of the existing private access road to the property, as well as buffering.
14. In 2017, the Bingham Township Planning Commission considered changing the zoning designation of this property along with several others to Commercial. After a Public Hearing and discussion, this proposal was not approved.
15. In 2020, the lot to the southwest was rezoned from Rural Residential to Commercial.
16. The surrounding zoning is as follows:
 - South: Rural Residential
 - Southwest: Commercial
 - Southeast: Rural Residential
 - West: Rural Residential
 - North: Agricultural
 - East: Rural Residential

SECTION 23.3 REZONING STANDARDS

(Annotation: Section added by Amendment 18-002, effective November 2, 2018)

In reviewing an application for the rezoning of land, whether the application is made with or without an offer of conditions, **factors that should be considered by the Planning Commission and the Township Board include, but are not limited to, the following:**

A. The proposed rezoning is consistent with the surrounding uses.

1. The surrounding uses are as follows:
 - South: Vacant Parcel - Rural Residential Zoning – planned for single family dwelling. (9.97 acre parcel)
 - Further South: Former PDM Lumber being redeveloped as commercial.
 - Southwest: Single-Family/Storage Bldg. – recently rezoned to Commercial in 2020. (5.01 acre parcel)
 - West: Vacant Parcel – Rural Residential Zoning – owned by Consumers Energy, who has indicated that they intend to use this parcel for a future electrical substation. (5.01 acre parcel)
 - North: MSU Horticultural Research Station – Active Agricultural Farm – Agricultural Zoning. (80 acre parcel)
 - East: Single Family Residence + agriculture, Rural Residential Zoning, (10 acre parcel)
 - Southeast: Single Family Residence + agriculture, Rural Residential Zoning, (10 acre parcel)
2. On September 7, 2017, as part of a broader proposal to expand the commercial zoning district on Bingham Road, including this Subject Property, the BTPC made a finding that the broader proposal was consistent with surrounding uses, however, the broader proposal was ultimately not passed by the Planning Commission.
3. The Application notes that the subject parcel is adjacent to the commercial corridor in Bingham Township.
4. A letter was received from an adjacent property owner, Jeff Sobeck, supporting the proposal.
5. Potential Uses in the Rural Residential Zoning District include single family, farming, farm markets, Child Care & Adult Care homes, duplexes, bed & breakfast, etc. Wineries & Cideries requires a 10 acre parcel.
6. Potential Uses by Right in the Commercial Zoning District include single family, duplex, bed & breakfast, Child Care & Adult Care homes, retail, services, professional/offices, etc.
Potential Special Uses include multi-family, restaurant, hotel, motor vehicle related business, or commercial storage – with a Special Use Permit.

BINGHAM TOWNSHIP

APPLICATION FOR REZONING

OFFICE USE ONLY

DATE RECEIVED: FILE NUMBER
DATE APPLICATION DETERMINED COMPLETE: FEE:
DATE(S) REVIEWED BY PLANNING COMMISSION: RECEIPT NO:
DATE APPROVED:

Applicant Information:

Applicant: Eric Harding Trust
Address: 6845 E Birch Point Rd.
Traverse City, MI 49684
Phone: 231-883-2321 Fax:

Applicant's Interest / Relationship in the property (circle one): OWNER PURCHASER AGENT

Owner (If other than the Applicant)

Name:
Address:

Authorized Agent or Representative:

Name: Sarah Keever
Company: Northview 22, LLC
Address: 9908 E Walters Dr.
Traverse City, MI 49684
Phone: 231-342-4016 Fax:

Location of Property:

Property (Tax) Number: 45-001- 030-021-06
Street Address of Parcel: n/a
Current Zoning of Parcel: Rural Residential
Proposed Zoning of Parcel: Commercial

With Conditions Without Conditions

Acreage of Parcel: 7 ac.

Existing Structures on Parcel: None

Attach copy of Legal Description of Property or list here: Attached.

Draft Minutes

BINGHAM TOWNSHIP PLANNING COMMISSION

Thursday, November 4, 2021, 6:30 p.m.

1. Call to order

Mike Park, Chair, called the Bingham Township Planning Commission Meeting of November 4, 2021 to order at 6:30 p.m. at the Bingham Township Hall, 7171 Center Highway, Traverse City, Michigan, and via zoom.

Roll call:

Present: Mike Park, Charlie Dashner, Mary Woods,
Jim Pawlowicz, Cathy Jasinski, Dennis Grant,
Jeff Layman

Absent and excused: None

Staff Present: Steve Patmore, Matthew Cooke, Rob Carson

Zoom: Midge Werner, Bill Klein

2. Agenda Approval

Chair Park said the agenda is approved as amended by consensus, moving item b. master plan update to no. 1.

3. Public Comment

None.

4. Conflict of Interest

Jim Pawlowicz said his property abuts the subject property proposed to be rezoned. Steve Patmore said this statement does not conflict with bylaws. Jim did the right thing by disclosing this.

5. Items for Discussion/Consideration:

- B. Update Master Plan - Steve Patmore - said the township is updating the master plan. Rob Carson addressed the updated survey which will be on line. The PC commented on the survey. Rob Carson said there would be two public input sessions. He referred to the zoning map and explained how it would be used. Rob Carson said transportation plans are holding up the master plan.

- A. Public hearing and Consideration - Rezoning Request from Eric Harding Trust to rezone property 45-001-030-021-06, E. Bingham Road from Rural Residential to Commercial.

Jim Pawlowcisz recused himself from this rezoning request.

Steve Patmore said this is a text amendment which goes to County Planning and the Township Board.

Sarah Keever represented the applicant and submitted a 3 page letter regarding the proposed rezoning. Ms. Keever answered questions from the PC regarding the proposed uses of the property if rezoned to commercial.

Chair Park opened public comment.

Daniele Wheelock said she and her husband own the adjacent parcel and support the rezoning.

Jeff Sobeck sent a letter supporting the rezoning.

Jim Pawlowcisz said his property is directly east of the subject property, and he supports the rezoning.

Chair Park closed public comment.

Steve Patmore reviewed the General Findings of Fact.

1. The subject parcel, 45-001-020-021-06, is located off of E,

Bingham Rd.

2. The subject parcel current is zoned Rural Residential.
3. The Legal Description of the Subject Parcel is: COM S 1/4 & COR SEC 30 T29N R11W TH N 0 DEG 01'59"W 1334.34 FT TH S 89 DEG 47'36" E 668.91 TO POB TH CONT S 89 DEG 47'36" 662.40 FT TH S 0 DEG 08'58" E 400.22 FT TH N 89 DEG 47'36" W 865.32 FT TH N 26 DEG 48'36" E 447.60 FT TO POB. 7.01 A M/L SUB TO & TOG W 30 FT W ING/UTILITY ESMT OF RECD & OTHER ESMTS 7 RESTS OF RECD IF ANY.
4. The subject parcel is owned by the Eric G. Harding Trust, 6845 E. Birch Point Road, Traverse City, MI 49684.
5. The total parcel size is 7.01 acres.
6. The Subject Parcel has access to Bingham Road by a shared private road easement.
7. The parcel is currently vacant.
8. The subject parcel was created by Land Division in 2006 by Varley-Kelly Properties.
9. The Applicant has applied to change the zoning to Commercial.
10. There were no voluntary conditions offered as part of the Application.
11. If approved, the Owners could apply for any use allowed by the Bingham Township Zoning Ordinance in the Commercial Zoning District.
12. Any change of use of this property to a commercial use would involve a Site Plan Review and possibly a Special Use Permit from

the Bingham Township Planning Commission.

13. Site Plan Review would take into consideration the adequacy of the existing private access road to the property, as well as buffering.
14. In 2017, the Bingham Township Planning Commission considered changing the zoning designation of this property along with several others to Commercial. After a Public Hearing and discussion, this proposal was not approved.
15. In 2020, the lot to the southwest was rezoned Rural Residential to Commercial.
16. The surrounding zoning is as follows:

South:	Rural Residential
Southwest:	Commercial
Southeast:	Rural Residential
West:	Rural Residential
North:	Agricultural
East:	Rural Residential

SECTION 23.3 Rezoning Standards

In reviewing an application for the rezoning of land, whether the application is made with or without an offer of conditions, **factors that should be considered by the Planning Commission and the Township Board include, but are not limited to the following:**

A. The proposed rezoning is consistent with the surrounding uses.

1. The surrounding uses are as follows:

South:	Vacant Parcel - Rural Residential Zoning - planned for single family dwelling (9.97 acre parcel)
Further South:	Former PDM Lumber being redeveloped as commercial.
Southwest:	Single-Family/Storage Bldg - recently rezoned to Commercial in 2020. (5.01 acre parcel)
West:	Vacant Parcel-Rural Residential Zoning-owned by

Consumers Energy, who has indicated that they intend to use this parcel for a future electrical substation. (5.01 acre parcel).

- North: MSU Horticultural Research Station-Active Agricultural Farm- Agricultural Zoning. (80 acre parcel)
- East: Single Family Residence + agriculture, Rural Residential Zoning. (10 acre parcel)
- Southeast: Single Family Residence + agriculture, Rural Residential Zoning. (10 acre parcel)

2. On September 7, 2017 as part of a broader proposal to expand the commercial zoning district on Bingham Road, including the Subject Property, the BTPC made a finding that the broader proposal was consistent with surrounding uses, however, the broader proposal was ultimately not passed by the Planning Commission.
3. The Application notes that the subject parcel is adjacent to the commercial corridor in Bingham Township.
4. A letter was received from an adjacent property owner, Jeff Sobeck, supporting the proposal.
5. Potential Uses in the Rural Residential Zoning District include a single family, farming, farm markets, Child Care & Adult Care homes, duplexes, bed & breakfast, etc. Wineries & Cideries requires a 10 acre parcel.
6. Potential Uses by Right in the Commercial Zoning District include single family, duplex, bed & breakfast, Child Care & Adult Care homes, retail, services, professional offices, etc. Potential Special Uses include multi-family, restaurant, hotel, motor vehicle related business, or commercial storage - with a Special Use Permit.

It should be noted that any use with a building over 3000 square feet or 10 or more parking spaces requires a Special Use Permit. It should also be noted that, according to Section 16.4, any "change of use" to commercial will require Major Site Plan Review by the Planning

Commission.

The BTPC finds that the proposed rezoning is consistent with the surrounding uses.

B. There is no adverse physical impact on the surrounding properties.

1. The Application states: "No adverse physical impacts on the surrounding parcels will occur. The rezoning of this parcel will, in fact, be more harmonious with the surrounding area, as most parcels are already zoned or used as Commercial. The other rural residential and agricultural parcels adjacent are buffered by vacant land and forest/vegetation, significantly screened from anything that may be developed on this parcel"
2. A letter was received from adjacent property owner, Jeff Sobeck, supporting the proposal.
3. As noted above, if a rezoning was approved, any change in use of the subject property to commercial would require Site Plan Review, and potentially a Special Use Permit. The PC would review the road, traffic, impacts and buffering at that time.
4. In his August 17, 2017 letter, the Township Attorney mentioned that rezoning of properties to commercial could have a physical impact on residential properties.
5. On September 7, 2017, as part of a broader proposal to expand the commercial zoning district on Bingham Road, including this Subject Property, the BTPC made a finding that this standard was not applicable at that time.

The BTPC finds that the proposed rezoning is consistent with the surrounding uses.

C. There is no adverse effect on property values in the adjacent area.

1. The Application states "No- As it stands right now, as this is only one of the two Rural Residentially zoned parcels on this drive, the property value to this parcel is detrimentally affected. To rezone to Commercial, fitting in with the adjacent uses, will bring the value of this parcel and the others equally and consistent for this commercial corridor.
2. No evidence was submitted regarding any adverse impact on property values.
3. On September 7, 2017 as part of a broader proposal to expand the commercial zoning district on Bingham Road, including this Subject Property, the BTPC made the following finding. "The Planning Commission finds that it does not have an adverse effect on property values in the adjacent area, depends on what is built." This broader proposal was ultimately not passed by the Planning Commission.

The BTPC finds that the proposed rezoning would not have an adverse effect on property values in the adjacent area.

D. There have been changes in land use or other conditions in the immediate area or in the community which justify the rezoning.

1. The Application states "YES. This commercial corridor has expanded within the recent years. Directly to the west, the Consumers Energy Company parcel has been utilized for high-voltage power lines and has indicated the proposed use of the land as a sub-station and/or other electrical transmission infrastructure. Parcel 001-020-021-07 was rezoned Commercial zoning in 2019. The remaining parcels along E. Bingham Road, already zoned commercial, have expanded their commercial uses in the recent years, with further expansion of uses proposed (AB&E parcel)".
2. In the 2020 neighboring property rezoning, the following finding was

made: *"The BTPC finds that the proposed rezoning meets this standard considering the future electrical substation."*

3. On September 7, 2017, as part of a broader proposal to expand the commercial zoning district on Bingham Road, including this Subject Property, the BTPC made the following finding. "The Planning Commission finds that there have been changes in land use or other conditions in the immediate area or in the community which justify the rezoning".

The BTPC finds the proposed rezoning

E. Rezoning will not create a deterrent to the improvement or development of the adjacent properties in accordance with existing regulations.

1. The Application states "NO. On the contrary, as most parcels on this road area already of Commercial use, it would be more of a deterrent to use this parcel as it's currently zoned. Rural Residential: Proposed commercial uses will be subject to Site Plan Review and the Zoning Ordinance regulations for the Commercial District, in order to keep any improvements within zoning compliance."
2. In the 2020 neighboring property rezoning, the following finding was made, *"The BTPC finds that the proposed rezoning meets this standard considering any commercial use will be required to go through Site Plan Review."*
3. On September 7, 2017, as part of a broader proposal to expand the commercial zoning district on Bingham Road, including this Subject Property, the BTPC made the following finding: *"The Planning Commission finds that the rezoning will not create a deterrent to the improvement or development of the adjacent properties in accordance with existing regulations."*

The BTPC finds

F. Rezoning will not grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public.

1. The Application states, "NO, most adjacent properties are being used for or are zoned as commercial, this area is part of the Bingham Commercial Zone Corridor."
2. In the 2020 neighboring property rezoning, the following finding was made: *The BTPC finds that the proposed rezoning meets this standard. It was noted that the other two property owners on this private road could also apply for a zoning change.*"
3. On September 7, 2017, as part of a broader proposal to expand the commercial zoning district on Bingham Road, including this Subject Property, the BTPC made the following finding:
"The Planning Commission finds that rezoning will not grant other property owners when contrasted with other property owners in the area or the general public."

The BTPC finds that the rezoning meets the zoning standard.

G. There are substantial reasons why the property cannot be used in accordance with its present zoning classification.

1. The Application states, "YES. Surrounding parcels are being used or are zoned Commercial. The ability to use this parcel in its present zoning classification (residential) is completely unnatural and unreasonable for the area."
2. In the 2020 neighboring property rezoning, the following finding was made: *"The BTPC finds that the proposed rezoning meets the standard considering the following:*

1. *The subject property could be used as residential, however, the future substation on the adjacent property is not compatible with residential use.*
 2. *The commercial uses on the adjacent properties to the south can be a detriment to residential use.*
 3. *The subject property is more conducive to Commercial than Residential."*
3. On September 7, 2017, as part of a broader proposal to expand the commercial zoning district on Bingham Road, including this Subject Property, the BTPC made the following finding: *"The Planning Commission finds that there are substantial reasons why the property cannot be used in accordance with its present zoning classification."*

The BTPC finds

H. The rezoning is not in conflict with the planned use for the property as reflected in the master plan.

1. Master Plan Map: The area of the subject parcel is indicated as Rural Residential.
3. Pages 6-9 of the Bingham Township Comprehensive Plan adopted in 1999 and readopted in August 2015 states "Areas on the Map designated as "Rural Residential" are considered to be transition zoned between the residential and the agricultural areas of the Township."
4. The Application states, "NO, the property directly abuts several properties that are zoned as commercial. See note below regarding Master Plan.

This area has been contemplated to be rezoned Commercial in the past. In the letter from Running Wise and Ford, dated August 17,

2017, it states: "In my view, it would be preferable if the landowners initiated the rezoning. That way the application would be more focused, but I am not aware of a reason why the Planning Commission could not initiate a rezoning, particularly where multiple parcels are involved."

Also "...Michigan courts have further clarified that the Master Plan may be disregarded where conditions have developed on the ground that are inconsistent with the Master Plan. See *Kremers v Alpine Township*, 355 Mich 563.570 (1959)." Certainly it is evident that conditions on the ground are quite inconsistent with the current zoning and Master Plan for this area.

The same letter notes several times that due to the current existence of uses on this stretch (North side of Bingham Road), consideration should be given to rezoning to Commercial.

5. In the 2020 neighboring property rezoning, the following findings were made.
 - *There have been significant changes in the reas since the Master Plan, the former PDM Lumber property changes and the future Consumers Energy electrical substation.*
 - *The subject parcel is directly adjacent to the current commercial zoning district and existing commercial uses.*
 - *It was noted that, while the Bingham Township Comprehensive Plan was first completed in 1999 and has been reviewed every five years thereafter, it is now in need of another review and probable update.*
 - *The BTPC finds that, while the subject parcel is not indicated on the Future Land Use Plan as Commercial, the reasons listed above are adequte to deviate from the map.*
6. The 2017 discussion did not include a finding on this standard.

The BTPC finds

I. If rezoned, the site will be served by adequate public facilities:

1. The Application states: "YES. Public facilities should not be impacted by this rezoning request. Utilities (phone, electric, etc) are already installed. The site will be responsible for its own sewer and water. The parcels are already accessed by private road easement.
2. In the 2020 neighboring property rezoning, the following finding was made.
 - Improvements to the Private Road would be reviewed during Site Plan Review of any proposed commercial uses.
 - The BTPC finds that the proposed rezoning meets this standard.
3. On September 7, 2017, as part of a broader proposal to expand the commercial zoning district on Bingham Road, including this Subject Property, the BTPC made the following finding." *The Planning Commission finds that the parties, if rezoned will be served by adequate public facilities."*

The BTPC finds

J. There are no sites nearby that are already properly zoned and that can be used for the intended purposes.

1. The Application states, "NO".
2. In the 202 neighboring property rezoning the following finding was made: *The BTPC finds that this standard is not applicable for this particular request"*.
3. On September 7, 2017, as part of a broader proposal to expand the commercial zoning district on Bingham Road, including this Subject Property, the BTPC made the following finding: "*The Planning Commission finds that there are not site (sic) nearby that are already properly zoned and that can be used for the intended purposes"*.

The BTPC finds

Jeff Layman/moved, Charlie Dashner/supported, to recommend approval of a request from Eric G. Harding Trust to rezone the subject property (property no. 45-001-030--021-06) from Rural Residential to Commercial Zoning, based upon the Application, Rezoning Standards, and the Public Hearing and Planning Commission discussion and that the rezoning be sent to Leelanau County Planning Commission for approval and to the Township Board. Motion passed.

Property Description:

COM S 1/4 COR SEC 30 T29N R11W TH N 0 DEG 01'59"w 1334.34 FT
TH S 89 DEG 47'36" E 668.91 FT TO POB TH CONT S 89 DEG 47'36"
E 662.40 FT TH S 0 DEG 08'58" E 400.22 TH N 89 DEG 47'36" W
865.32 FT TH N 26 DEG 48'36" E 447.60 FT TO POB. 7.01 A. M/L
SUBJ TO & TOG W/30 FT W ING/EGR/UTILITY ESMT OF RECD &
OTHER ESMTS & RESTS OF RECD IF ANY.

6. Approval of Prior Meeting Minutes -
October 7, 2021 - m/Mary Wood, s/Charlie Dashner, to approve the
October 7, 2021 Minutes as submitted, passed.

The August, September and November, 2021 Minutes will be
on the December meeting for approval.

7. Communications and Reports
 - a. Chairperson - No report.
 - b. Zoning Administrator - Written report submitted.
 - c. Planning Commission - M. Cooke - would like discussion of future
planning commission priorities.
 - d. Township Board - Midge Werner said work is being done on the
exterior of the township hall.
 - e. Commissioners -
8. Next Scheduled Meeting - December
9. Public Comment - None

10. Adjournment - Meeting adjourned at 8:17 pm

Minutes by Marge Johnson, Recording Secretary
Cathy Jasinski, Planning Commission Secretary

I certify that the above information is true and authorize officials of Bingham Township to enter the property during the re-zoning process.

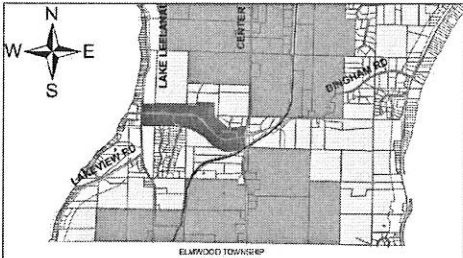
I also certify that I have the authority to make this request.

Signature: By: Eric Harding
Name: Eric Harding
Title: Trustee

Note: If the Signatory is not the Owner of the subject property, then a letter of authorization from the Owner will be required.

Attachments Required:

- Legal Description of Property
- Application Fee –
- Owner's Authorization Letter (if applicable)



- Rural Residential Zoning District
- Agricultural Zoning District
- Commercial Zoning District
- Industrial Zoning District
- Residential Zoning District



Northview
22

RD Box 3342, Traverse City, MI 49684 / 231.742.4616

ISSUE DATE: 10/15/2021
REVISIONS:

HARDING REZONE REQUEST

PROJECT: PART OF SECTION 30, TOWN 29 NORTH, RANGE 11 WEST, BINGHAM TOWNSHIP, LEELENAU COUNTY, MICHIGAN.

JOB NO.: **2021-128**

C1

Parcel No. 001-030-021-06

Leelanau County Property Information (Assessment Year - 2021)

Jurisdiction: BINGHAM 45-01
Owner Name: HARDING ERIC G TRUST
Other Owners: HARDING ERIC G TTEE
Property Address: E BINGHAM RD
 TRAVERSE CITY, MI 49684
Mailing Address: 6845 E BIRCH POINT RD
 TRAVERSE CITY, MI 49684

Property Information

Period	Taxable Value	Assessment	S.E.V.
Current Year	\$27,800	\$27,800	\$27,800
Last Year	\$27,492	\$27,800	\$27,800

School District: 45050

Current P.R.E.: 0%

Current Property Class: 401

Current Year Tax Information

Tax Period	Tax Amount	Tax Owed
Summer	\$894.54	\$0.00

Prior Years Tax Information

Tax Period	Tax Amount
Summer 2020	\$887.62
Winter 2020	\$150.02
Summer 2019	\$845.97
Winter 2019	\$136.07
Summer 2018	\$848.48
Winter 2018	\$140.03

Delinquent Tax Information

For current delinquent tax information or to pay your delinquent taxes online, [CLICK HERE](#) and you will be redirected to a third party site.

Property Sale Information

Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms of Sale	Liber/Page

9/17/2010	\$76,000.00	WD	SPEERS THOMAS E & LINDA	HARDING ERIC G TRUST	03-ARM'S LENGTH	1061:390
8/30/2005	\$70,000.00	WD	VARLEY KELLY PROPERTIES LLC	SPEERS THOMAS E & WALKER LINDA	03-ARM'S LENGTH	869:139

Legal Description

COM S 1/4 COR SEC 30 T29N R11W TH N 0 DEG 01'59" W 1334.34 FT TH S 89 DEG 47'36" E 668.91 FT TO POB TH CONT S 89 DEG 47' 36" E 662.40 FT TH S 0 DEG 08'58" E 400.22 FT TH N 89 DEG 47'36" W 865.32 FT TH N 26 DEG 48'36" E 447.60 FT TO POB. 7.01 A M/L. SUBJ TO & TOG W/ 30 FT W ING/EGR/UTILITY ESMT OF RECD & OTHER ESMTS & RESTS OF RECD IF ANY.

Steve Patmore

From: Sarah Keever <sarah@northview22.com>
Sent: Thursday, October 14, 2021 12:23 PM
To: zoningadmin@suttonsbaytwp.com
Cc: Zone Admin; Sara Harding
Subject: Bingham Township Rezoning Request
Attachments: Harding_rezone 2021.pdf; Harding tax id.pdf

Steve,

Please accept our application for the Rezoning of the Harding parcel, attached. We anticipate being on the November agenda and have provided our submittal in time for public notice. However, if you need anything else, please let me know immediately so we can get it to you in time. If you need hard copies, I can provide those as well. I can mail the fee or drop it off if you can let me know the total fee and what works best for you.

Sincerely,
Sarah Keever

Northview 22, LLC
p 231.342.4016
www.northview22.com

Confidentiality Notice

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Harding Rezoning Request
Request: Commercial
Parcel: 45-01-030-021-06
Date: 10/13/2021

A. The proposed rezoning is consistent with the surrounding uses:

YES. The parcel is adjacent to the Commercial Corridor of Bingham Township:
Kelly parcel 001-030-021-13 Zoned COMMERCIAL
Nobel Distributing parcel 001-030-021-12 Zoned COMMERCIAL
AB&E parcel 001-030-021-10 and -00 Zoned COMMERCIAL, with expanded SUP use
Consumers Energy Co. parcel 001-030-021-05 Used as public utility, future sub-station

See Attachment (Map, Sheet C1)

B. There is no adverse physical impact on the surrounding area:

No adverse physical impacts on the surrounding parcels will occur. The rezoning of this parcel will, in fact, be more harmonious with the surrounding area, as most parcels are already zoned or used as Commercial.

The other rural residential and agricultural parcels adjacent are buffered by vacant land and forest/vegetation, significantly screened from anything that may be developed on this parcel.

C. There is no adverse effect on property values in the adjacent area:

NO. As it stands right now, as this is only one of the two Rural Residentially zoned parcels on this drive, the property value to this parcel is detrimentally affected. To rezone to Commercial, fitting in with the adjacent uses, will bring the value of this parcel and the others equally and consistent for this commercial corridor.

D. There have been changes in land use or other conditions in the immediate area or in the community which justify the rezoning:

YES. This commercial corridor has expanded within the recent years. Directly to the west, the Consumers Energy Company parcel has been utilized for high-voltage power lines and has indicated the proposed use of the land as a sub-station and/or other electrical transmission infrastructure.

Parcel 001-030-021-07 was rezoned Commercial zoning in 2019.

The remaining parcels along E. Bingham Road, already zoned commercial, have expanded their commercial uses in the recent years, with further expansion of uses proposed (AB& E parcel)

E. Rezoning will not create a deterrent to the improvement or development of the adjacent properties in accordance with existing regulations:

NO. On the contrary, as most parcels on this road area already of Commercial use, it would be more of a deterrent to use this parcel as it's currently zoned, Rural Residential. Proposed commercial uses will be subject to Site Plan Review and the Zoning Ordinance regulations for the Commercial District, in order to keep any improvements within zoning compliance.

F. Rezoning will not grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public:

NO, most adjacent properties are being used for or are zoned as commercial; this area is part of the Bingham Commercial Zone Corridor

G. There are substantial reasons why the property cannot be used in accordance with its present zoning classification:

YES. Surrounding parcels are being used or are zoned Commercial. The ability to use this parcel in it's present zoning classification (residential) is completely unnatural and unreasonable for the area.

H. The rezoning is not in conflict with the planned use for the property as reflected in the master plan.

NO, the property directly abuts several properties that are zoned as commercial. See note below regarding Master Plan.

I. If rezoned, the site will be served by adequate public facilities.

YES. Public facilities should not be impacted by this rezoning request. Utilities (phone, electric, etc) are already installed. The site will be responsible for its own sewer and water. The parcels are already accessed by private road easement.

J. There are no sites nearby that are already properly zoned and that can be used for the intended purposes.

NO.

Notes:

This area has been contemplated to be rezoned Commercial in the past. In the letter from Running Wise and Ford, dated August 17, 2017, it states: "In my view, it would be preferable if the landowners initiated the rezoning. That way the application would be more focused, but I am not aware of a reason why the

Planning Commission could not initiate a reasoning, particularly where multiple parcels are involved”.

Also “...”Michigan courts have further clarified that the Master Plan may be disregarded where conditions have developed on the ground that are inconsistent with the Master Plan. See *Kremers v Alpine Township, 355 Mich 563, 570 (1959)*.” Certainly, it is evident that conditions on the ground are quite inconsistent with the current zoning and Master Plan for this area.

This same letter notes several times that due to the current existence of uses on this stretch (North side of Bingham Road), consideration should be given to rezoning to Commercial.

It should be noted that any use with a building over 3000 square feet or 10 or more parking spaces requires a Special Use Permit
It should also be noted that, according to Section 16.4, any “change of use” to commercial will require Major Site Plan Review by the Planning Commission.

The BTPC finds that the proposed rezoning (is/is not) consistent with the surrounding uses.

B. There is no adverse physical impact on the surrounding properties.

1. The Application states: “No adverse physical impacts on the surrounding parcels will occur. The rezoning of this parcel will, in fact, be more harmonious with the surrounding area, as most parcels are already zoned or used as Commercial. The other rural residential and agricultural parcels adjacent are buffered by vacant land and forest/vegetation, significantly screened from anything that may be developed on this parcel.”
2. A letter was received from an adjacent property owner, Jeff Sobeck, supporting the proposal.
3. As noted above, if a rezoning was approved, any change in use of the subject property to commercial would require Site Plan Review, and potentially a Special Land Use Permit. The PC would review the road, traffic, impacts and buffering at that time.
4. In his August 17, 2017 letter, the Township Attorney mentioned that rezoning of properties to commercial could have a physical impact on residential properties.
5. On September 7, 2017, as part of a broader proposal to expand the commercial zoning district on Bingham Road, including this Subject Property, the BTPC made a finding that this standard was not applicable at that time.

The BTPC finds that the proposed rezoning (would/would not) have an adverse physical impact on the surrounding properties.

C. There is no adverse effect on property values in the adjacent area.

1. The Application states “No - As it stands right now, as this is only one of the two Rural Residentially zoned parcels on this drive, the property value to this parcel is detrimentally affected. To rezone to Commercial, fitting in with the adjacent uses, will bring the value of this parcel and the others equally and consistent for this commercial corridor.

2. No evidence was submitted regarding any adverse impact on property values.
3. On September 7, 2017, as part of a broader proposal to expand the commercial zoning district on Bingham Road, including this Subject Property, the BTPC made the following finding: “The Planning Commission finds that it does not have an adverse effect on property values in the adjacent area, depends on what is built.” This broader proposal was ultimately not passed by the Planning Commission.

The BTPC finds that the proposed rezoning (would/would not) have an adverse effect on property values in the adjacent area.

D. There have been changes in land use or other conditions in the immediate area or in the community which justify the rezoning.

1. The Application states “ YES. This commercial corridor has expanded within the recent years. Directly to the west, the Consumers Energy Company parcel has been utilized for high-voltage power lines and has indicated the proposed use of the land as a sub-station and/or other electrical transmission infrastructure. Parcel 001-030-021-07 was rezoned Commercial zoning in 2019. The remaining parcels along E. Bingham Road, already zoned commercial, have expanded their commercial uses in the recent years, with further expansion of uses proposed (AB& E parcel)”
2. In the 2020 neighboring property rezoning, the following finding was made: “*The BTPC finds that the proposed rezoning meets this standard, considering the future electrical substation.*”
3. On September 7, 2017, as part of a broader proposal to expand the commercial zoning district on Bingham Road, including this Subject Property, the BTPC made the following finding: “The Planning Commission finds that there have been changes in land use or other conditions in the immediate area or in the community which justify the rezoning.”

The BTPC finds

E. Rezoning will not create a deterrent to the improvement or development of the adjacent properties in accordance with existing regulations.

1. The Application states “NO. On the contrary, as most parcels on this road area already of Commercial use, it would be more of a deterrent to use this parcel as it's currently zoned, Rural Residential. Proposed commercial uses will be subject to Site

Plan Review and the Zoning Ordinance regulations for the Commercial District, in order to keep any improvements within zoning compliance.”

2. In the 2020 neighboring property rezoning, the following finding was made: “*The BTPC finds that the proposed rezoning meets this standard considering any commercial use will be required to go through Site Plan Review.*”
3. On September 7, 2017, as part of a broader proposal to expand the commercial zoning district on Bingham Road, including this Subject Property, the BTPC made the following finding: “*The Planning Commission finds that the rezoning will not create a deterrent to the improvement or development of the adjacent properties in accordance with existing regulations.*”

The BTPC finds.....

F. Rezoning will not grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public.

1. The Application states “NO, most adjacent properties are being used for or are zoned as commercial; this area is part of the Bingham Commercial Zone Corridor.”
2. In the 2020 neighboring property rezoning, the following finding was made: “*The BTPC finds that the proposed rezoning meets this standard. It was noted that the other two property owners on this private road could also apply for a zoning change.*”
3. On September 7, 2017, as part of a broader proposal to expand the commercial zoning district on Bingham Road, including this Subject Property, the BTPC made the following finding: “*The Planning Commission finds that rezoning will not grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public.*”

The BTPC finds.....

G. There are substantial reasons why the property cannot be used in accordance with its present zoning classification.

1. The Application states “YES. Surrounding parcels are being used or are zoned Commercial. The ability to use this parcel in it's present zoning classification (residential) is completely unnatural and unreasonable for the area.”

2. In the 2020 neighboring property rezoning, the following finding was made:

“The BTPC finds that the proposed rezoning meets the standard considering the following:

 1. *The subject property could be used as residential, however the future substation on the adjacent property is not compatible with residential use.*
 2. *The commercial uses on the adjacent properties to the south can be a detriment to residential use.*
 3. *The subject property is more conducive to Commercial than Residential.”*

3. On September 7, 2017, as part of a broader proposal to expand the commercial zoning district on Bingham Road, including this Subject Property, the BTPC made the following finding: *“The Planning Commission finds that there are substantial reasons why the property cannot be used in accordance with its present zoning classification.”*

The BTPC finds.....

H. The rezoning is not in conflict with the planned use for the property as reflected in the master plan.

1. Master Plan Map: The area of the subject parcel is indicated as Rural Residential.
2. 1999 Master Plan states that there is enough commercial area.
3. Page 6-9 of the Bingham Township Comprehensive Plan adopted in 1999 and re-adopted in August 2015 states “ Areas on the Map designated as “Rural Residential” are considered to be transition zones between the residential and the agricultural areas of the Township.”
4. The Application states: “NO, the property directly abuts several properties that are zoned as commercial. See note below regarding Master Plan.

This area has been contemplated to be rezoned Commercial in the past. In the letter from Running Wise and Ford, dated August 17, 2017, it states: "In my view, it would be preferable if the landowners initiated the rezoning. That way the application would be more focused, but I am not aware of a reason why the Planning Commission could not initiate a rezoning, particularly where multiple parcels are involved".

Also "...Michigan courts have further clarified that the Master Plan may be disregarded where conditions have developed on the ground that are inconsistent with

the Master Plan. See *Kremers v Alpine Township*, 355 Mich 563,570 {1959}." Certainly, it is evident that conditions on the ground are quite inconsistent with the current zoning and Master Plan for this area.

This same letter notes several times that due to the current existence of uses on this stretch (North side of Bingham Road), consideration should be given to rezoning to Commercial.

4. In the 2020 neighboring property rezoning, the following findings were made:
 - *There have been significant changes in the area since the Master Plan; the former PDM Lumber property changes and the future Consumers Energy electrical substation.*
 - *The subject parcel is directly adjacent to the current commercial zoning district and existing commercial uses.*
 - *It was noted that, while the Bingham Township Comprehensive Plan was first completed in 1999 and has been reviewed every five years thereafter, it is now in need of another review and probable update.*
 - *The BTPC finds that, while the subject parcel is not indicated on the Future Land Use Map as Commercial, the reasons listed above are adequate to deviate from the map.*

5. The 2017 discussion did not include a finding on this standard.

The BTPC finds....

I. If rezoned, the site will be served by adequate public facilities.

1. The Application states: "YES. Public facilities should not be impacted by this rezoning request. Utilities (phone, electric, etc) are already installed. The site will be responsible for its own sewer and water. The parcels are already accessed by private road easement.

2. In the 2020 neighboring property rezoning, the following finding was made:
 - Improvements to the Private Road would be reviewed during Site Plan Review of any proposed commercial uses.
 - The BTPC finds that the proposed rezoning meets this standard.

3. On September 7, 2017, as part of a broader proposal to expand the commercial zoning district on Bingham Road, including this Subject Property, the BTPC made the following finding: *“The Planning Commission finds that the properties, if rezoned will be served by adequate public facilities.”*

The BTPC finds.....

J. There are no sites nearby that are already properly zoned and that can be used for the intended purposes.

1. The Application states: “NO”.
2. In the 2020 neighboring property rezoning, the following finding was made: *“The BTPC finds that this standard is not applicable for this particular request.”*
3. On September 7, 2017, as part of a broader proposal to expand the commercial zoning district on Bingham Road, including this Subject Property, the BTPC made the following finding: *“The Planning Commission finds that there are not site (sic) nearby that are already properly zoned and that can be used for the intended purposes”.*

The BTPC finds

Motion to recommend (approval/disapproval) of a request from Eric G. Harding Trust to rezone the subject property (property no. 45-001-030-021-06) from Rural Residential to Commercial Zoning, based upon the Application, Rezoning Standards, and the Public Hearing.

Property Description:

COM S 1/4 COR SEC 30 T29N R11W TH N 0 DEG 01'59" W 1334.34 FT TH S 89 DEG 47'36" E 668.91 FT TO POB TH CONT S 89 DEG 47' 36" E 662.40 FT TH S 0 DEG 08'58" E 400.22 FT TH N 89 DEG 47'36" W 865.32 FT TH N 26 DEG 48'36" E 447.60 FT TO POB. 7.01 A M/L. SUBJ TO & TOG W/ 30 FT W ING/EGR/UTILITY ESMT OF RECD & OTHER ESMTS & RESTS OF RECD IF ANY.

17. The surrounding uses are as follows:

South: Vacant – planned for single family dwelling.

Southwest: Single Family Dwelling/Storage Bldg.

Southeast: Single Family

West: Vacant – future substation for Consumers Energy.

North: MSU Horticultural Research Station – Active Farm

East: Single Family Dwelling

TEXT AMENDMENT REVIEW

PC14-2021-10 Solon Township

Zoning Ordinance

Reviewing Entity: Leelanau County Planning Commission

Date of Review: November 23, 2021

Section 1: General Information

Date Request Received: November 13, 2021

Last Day of Review Period: December 13, 2021 [30-day review period under the Michigan Zoning Enabling Act (MZEA)]

Requested Action: Review and comment on the 9/13/2021 draft Solon Township Zoning Ordinance.

Applicant: Solon Township Planning Commission

Section 2: Proposal

See Appendix for a copy of the proposed text amendments.

Section 3: Other Planning Input

Township Plan: According to the township, these amendments are driven by the community's values as expressed in the Master Planning process.

Leelanau General Plan: The Leelanau General Plan (2012) lists several goals and action statements regarding protection of natural resources, minimizing consumption of open space including scenic vistas and corridors, and use of overlay zoning districts for environmentally sensitive areas.

Township Planning Commission:

A public hearing was held on October 5, 2021 and the township planning commission acted to forward the document to the county.

Section 4: Analysis

Compatibility

A. Is the proposed text compatible with other language in the zoning ordinance? Yes

B. Are there any issues with the proposed text (such as poor wording, confusing text, unenforceable language, etc.)? See staff comments.

Issues of Greater Than Local Concern

A. Does the proposed text amendment(s) include any issues of greater than local concern? Please list.
No

Comparison with Local Plans or Ordinances

A. Do the contents in the proposed text amendment(s) conflict with the community's plan? Please list.
No

Comparison with County Plans or Ordinances

A. Do the contents in the proposed text amendment(s) conflict with the General Plan? Please list.
No

Current Zoning District:

For Current text, Link to the Township Zoning Ordinance at:

<https://www.leelanau.gov/solontwpord.asp>

Section 5: History

A public hearing was held on October 5, 2021. Several members of the public were present and spoke regarding the proposed changes to the zoning ordinance. After the public hearing was closed, the following motion was made:

Laskey moved to send the draft of the Solon Township Zoning Ordinance with comments from the public hearing tonight to the Leelanau County Planning Commission; seconded by Yoemans. All present in favor, motion carried. Yoder clarified with Cypher that the ordinance draft will move to the Township Board after the county planning commission reviews.

Section 6: Staff Comments

Listed below are comments and suggestions from staff on the 140 page 9/13/2021 draft Solon Township Zoning Ordinance. Most of the items listed below are minor things: grammar, punctuation, and corrections. However, a few sections staff have pointed out could use some more work before the ordinance is adopted. In addition, staff found the regulations for developments (such as proposed housing developments) to be quite extensive. Housing developments which might be proposed for workforce housing or for those falling in the ALICE category (Asset Limited, Income Constrained, and Employed) would need to submit engineered drawings, plot plans, and develop according to sections in the ordinance regulating roads, landscaping, etc. If the zoning ordinance is adopted by the township, these requirements would apply to other developments, as well. However, it should be noted that the more the regulations and cost to complete these steps, the higher the cost for the development and eventually, for the buyer. The Leelanau County Housing Action Committee (HAC) put together a Checklist to assist townships and villages in their review of zoning ordinances and plans, and to encourage language which would allow for quicker reviews, processing, and fewer restrictions in order to encourage housing developments. The state (Michigan Economic Development Corporation) has a program for Redevelopment Ready Communities. Northport is the only community in the county that has completed the RRC evaluation and is one of 236 communities in the state to reach this goal. The HAC and the regional non-profit Housing North, have taken a spin on this evaluation and promoted 'Housing Ready Communities'. The checklist helps communities try to become Housing Ready and increase opportunities to attract housing developments for existing and new residents. The draft zoning ordinance from Solon Township, with its requirements for landscaping, road and street design, condominium subdivisions, site plan review, and PUD, may be too restrictive for developers looking to construct housing projects. Time will tell.

Staff commends the township on the work done to prepare a new zoning ordinance. The township has been working on a new ordinance for several years – a task that takes time, effort, and countless reviews. With this much work involved in the document, it would be worthwhile to take a little more time to clean it up and address issues staff have pointed out. Once the county planning commission reviews the ordinance and staff report, their action and a copy of their minutes will be sent to the township for consideration.

The yellow highlighted sections in the 9/13/2021 draft are changes that occurred at the Public Hearing.

Articles XXIII, XIV, and XV of the current zoning ordinance were left blank for future use and have now been replaced with Articles from the current zoning ordinance.

There are formatting issues with the document that would help make the document easier to read if cleaned up: line breaks, spacing, and changes to the line spacing.

Pages 9-10 of the draft lists the Major Revisions to the zoning ordinance.

Page 11 of the draft document is a Resolution Establishing the Zoning Ordinance. It references prior Public Acts which have been repealed and replaced with the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act. The township may wish to revise this Resolution to reflect the new Acts, as well as any ordinance they may have adopted for formation of the township planning commission.

Article II lists the Definitions. On page 16, after the word ‘countries’, insert a period.

Page 19, definition for **Changeable Message Board** – this definition is not content neutral as it is identifying the sign by stating what is on the sign. As an example of a similar definition, Glen Arbor Township zoning ordinance includes a definition for **Informational Sign** which states: An outdoor sign of a size and scale intended to be viewed by pedestrians within close proximity to the building to which the sign pertains. Such signs usually have a changeable message area. Information signs include, but are not limited to, sandwich board signs, building-mounted menus....etc.

Page 20, Definition for **Cider Mill**, remove the \ at the end of the definition before the word ‘process’.

Page 22, Definition of **Dairy Farm**, put a comma after the words ‘animal feeding’.

Page 22, Definition for **Day Care Center**, item c. correct the broken line in the formatting.

Page 23, definition for **Deed Restriction** – there have been instances where citizens thought deed restrictions were enforced by the local municipality. This definition includes clear language which states the township does not enforce deed restrictions unless they have an ownership interest or other interest in the property.

Page 29 – Definition of **Lot, Flag** – this definition is not complete. It has an ‘either’ in the definition and needs the ‘or’ section. The lines are also broken in the document which is a formatting issue.

Page 31 – Definitions for **Non-conforming Lot of Record**, and **Use** – the words ‘legally created’ are not needed, as the definitions already include the wording ‘but which complied with applicable regulations, if any, at the time it was created’.

Page 31, definition of **Nuisance** includes ‘passing traffic’. If this is considered a nuisance, is there anything the township would be able to do in response to a complaint?

Page 33, definition of **Private Water Supply** – move this to start on the next line. (Note: There are formatting and spacing issues throughout the document. A cleanup of the document before it is finalized would make it easier to read.)

Page 33, definition of **Public Facilities**, insert a comma after the word ‘county’.

Page 33, definition of **Restaurant, Drive-Through**. Staff was surprised to see a definition for this use. Is this a use the township wishes to see in their community?

Page 35, definition of **Sign, Freestanding** and **Sign, Off-Premise** – these two definitions should be modified to remove any wording referring to what could be ‘on’ the sign. For instance, the Freestanding Sign definition could be modified as follows: ‘A sign on the lot which is not attached to a principal or an accessory structure.’

Page 37, insert a comma after the words ‘Michigan Farms’ before **Food Concessions**. Start the definition for **Use** on the next line.

Page 40, Article III, sets for the 9 Land Use Districts in the township. Number 9 is a new district – Planned Unit Development. At this time, there is no property on the township zoning map identified for PUD.

Page 47, Section 4.09 Maximum Height – will agricultural buildings, such as silos or barns, be excluded from this height requirement? Towers? Church steeples?

Page 47, Section 4.11 Driveways – this section is quite extensive and is part of the current zoning ordinance. The road commission has applications and requirements for driveways and issues driveway permits. Is there a reason for the township to also have requirements and review for driveways?

Page 50, top of the page, it should be noted that the Leelanau County Address Ordinance, requires any access or easement which can serve 5 or more residences, to be named as a private road. Addresses for the residences are done from the private road name.

Page 51, Section 4.13 Temporary Dwelling Unit, Item f. – should this read “Not to be used for residential purposes for more than sixty (60) calendar days in any calendar year, except in the **Ag/Conservation district, then** no more than a hundred (100) calendar days.

Page 53, Section 4.18 Amendments – Leland Township has a good section in their zoning ordinance that spells out the procedures for applying for an amendment or rezoning. It spells out the steps and process very clearly. Solon Township may wish to consider adding similar language to this section.

Page 53, Section 4.19 Fees – this section includes language for waiver of the fee. Staff suggests this be removed as this is a cost of doing business and the township should not absorb the cost for an applicant.

Page 54, Article V - Agricultural Conservation District – the Permitted use for ‘Wildlife management areas, plant and wildlife conservancies, etc.’ was removed from Permitted Uses by Right and moved to Special Land Uses. The Lot and Building requirements have not changed for Article V. (*Note*: Is there a reason the township has ‘Permitted uses by Right’ and ‘Permitted Principal Uses’ in the ordinance? Staff suggests using one of the terms throughout the document.)

Page 55, Section 5.03 Special Land Uses in the Agricultural Conservation District – the township has removed ‘extractive operations’ from this section.

Page 57, Article VI, Residential/Agricultural District – Churches and Libraries were removed from Permitted Principal Uses and moved to Special Land Uses. Lot and Building requirements have not changed for Article VI.

Page 59, Article VII, Residential District 1 – Churches and Libraries were removed from Permitted Principal Uses and moved to Special Land Uses. Lot and Building requirements have not changed for Article VII. Section 7.04, #7 – this is an incomplete sentence – something is missing.

Page 61, Article VIII Residential District 2 – Multi Family dwelling, Libraries, and Churches were removed from Permitted Principal Uses and moved to Special Land Uses. Lot and Building requirements have not changed for Article VIII.

Page 63, Article IX, Governmental District. Under Section 9.01 Permitted Principal Uses – there are no uses listed and the section says “Reserved for Future Use”. All the Permitted Principal Uses have been moved to Special Land Uses. Section 9.02 Permitted Accessory Uses allows ‘any use customarily incidental to a permitted principal use’ but there are no permitted uses listed. Lot and Building Requirements have not changed for Article IX.

Page 65, Article X Resort Recreation District, Libraries have been moved from Permitted Principal Uses to Special Land Uses. Lot and Building Requirements have not changed for Article X.

Page 67, Article XI, Business District 1. Under Section 11.01 Permitted Principal Uses – there are no uses listed and the section says “Reserved for Future Use”. All the Permitted Principal Uses have been moved to Special Land Uses. Section 11.02 Permitted Accessory Uses allows ‘any use customarily incidental to a permitted principal use’ but there are no permitted uses listed. Lot and Building Requirements have not changed for Article XI.

Page 70, Article XII, Business District 2. Under Section 12.01 Permitted Principal Uses, there are no uses listed. All of the Permitted Principal Uses have been moved to Special Land Uses. Section 12.02 Permitted Accessory Uses allows ‘any use customarily incidental to a permitted principal use’ but there are no permitted uses listed. Lot and Building Requirements have not changed for Article XII.

Page 73, Article XIII, Environmentally Sensitive Areas – this section is listed as Article XVI in the current zoning district. Under Section 13.02, #2 Steep Slopes has been changes from slopes exceeding 12 percent to slopes exceeding thirty-three (33) percent. There was also a #5 under Section 16.03 Requirements for Environmentally Sensitive Areas that has been removed. It was language stating no building would be permitted on a slope of greater than 12 percent, unless it met certain requirements. That section has been deleted.

Page 75, Article XIV Non-conforming Uses and Structures – this section is listed as Article XVII in the current zoning district. As noted above, yellow highlight in the text is wording inserted following the township’s public hearing on the draft zoning ordinance. In Section 14.03, the township has increased the minimum of eight (8) days for public notice on a Zoning Board of Appeals hearing to a minimum of fifteen (15) days.

Page 77, Article XV Obnoxious Uses – this section is listed as Article XVIII in the current zoning district. Section 15.03 Outdoor Storage, states: “...and if environmental concerns potentially exist, the zoning administrator should refer the matter to the appropriate regulatory agencies”. Staff suggests the word ‘should’ be changed to ‘shall’. In Section 15.03, there were two other exceptions for Outdoor Storage which the township has deleted in this new draft: display of used merchandise normal to the operation of a marina, and those normal to the operation of a used car lot.

Page 78, Article XVI Administration – this section is listed as Article XIX in the current zoning district. Under Section 16.04 Land Use Permits, the current zoning ordinance requires copies be distributed to the applicant, zoning administrator, township supervisor, and county inspections. In this draft zoning ordinance, township supervisor and county inspections are no longer listed for receiving copies of the land use permit.

Page 79, Section 16.05 Requirements for Plot Plan (*Note*: this section in the current zoning ordinance referenced this as ‘Master Plan’ which was a good catch and cleanup). This section also added #17: Any other information deemed needed by the Zoning Administrator.

Page 80, Article XVII – this section is listed as Article XX in the current zoning district. There is no heading for this Article. It should reference “Nuisances/Penalties”.

Page 82, Article XVIII Zoning Board of Appeals – this section is listed as Article XXI in the current zoning district.

Section 18.09 Appeals has been changed to remove the wording that ‘Any individual, corporation, association officer, department, board or bureau of the Federal, State, county or Township may appeal any determination of the Administrator for review by the Board of Appeals’. The language in Section 18.09 not states ‘Any **applicant** may appeal any determination of the Administrator for review by the Board of Appeals’. This is not consistent with other language in the zoning ordinance which uses the words ‘aggrieved party’. It is also not consistent with the Michigan Zoning Enabling Act (MZEA) Section 604, (1) which states ‘An appeal to the zoning board of appeals may be taken by a person aggrieved or by an officer, department, board or bureau of this state or the local unit of government’. The township needs to correct this language prior to the zoning ordinance being adopted.

Page 83, Article XIX Landscape Standards. This is a new Article.

In the description for **Ground Cover**, insert the word ‘which’ after turf grass to read: “Landscape materials or low-growing plants other than turf grass, which provides a continuous cover on the ground.

Section 19.01.2 General Regulations, Item E refers to plant materials and species normally grown in the region. Is the township referring to ‘native’ to the region?

Section 19.02 application, Item D., including the details for refuse AND recycling areas is a good addition. The Solid Waste Council will be sending a letter to all the townships and villages encouraging them to add recycling areas/containers to their ordinance requirements for new developments. Refuse is already listed but recycling should also be considered. Insert a period at the end of this sentence.

Section 19.03 Item A., insert a period at the end of this sentence.

Will all parking lots be required to be paved or can another porous material be considered?

The figures used in Article XIX are informative and useful to the reader and a good addition to the ordinance.

Page 84, Section 19.02 Application states: “If a site plan is required under **Article XXIV**, it must include a landscape plan” Article XXIV is for Towers and Antennas, Excluding Wind Energy Systems. Is this the correct Article? Site Plan Review is proposed as Article XX in the draft zoning ordinance. What is the correct Article that should be referenced?

Staff notes Article XIX Landscape Standards is very extensive with a lot of requirements that will apply to any site plans. Since the township is proposing to move many Permitted Principal Uses in numerous districts to Special Land Uses, that is a lot of uses that will be required to meet the requirements of Article XIX Landscape Standards, (as well as Site Plan Review) even for some existing uses that may be expanding. How will a business in Cedar be able to meet these requirements if they wish to expand? Or business uses along M-72? Enforcement and follow-up on violations will be important and is additional work for township staff.

Page 92, Item H. - insert a period at the end of this sentence. Item M references fifteen feet but has 12' in parentheses behind it. Item O references nine feet but has 12' in parentheses behind it.

Page 93, Section 19.07 Item B. change the word tree to trees and put parentheses around “evergreen or ornamental”. Insert the word to after ‘pattern parallel’. Item C does not allow tree planting under or within ten lateral feet of any overhead utility line. Consumers Energy Tree Planting guide recommends 25’, and small trees 25’ to 40’ from lines. <https://www.consumersenergy.coop/content/right-way-guidelines>

Page 95, Item B references Section 34.08 of this ordinance which is an error. Should it be Section 19.04?

Page 96, Section 19.12 – it’s a little unclear who has the authority to approve the Landscaping Plans. Will the Planning Commission and Township Board both be required to approve, or approve any alternate landscape plans? Page 97, Section 19.13 Compliance for Pre-Existing Sites – what if a property owner can not meet these requirements for the Landscaping? What is their option?

Page 98, Article XX Site Plan Review. Section 20.02 Item 1 requires all uses by right within any Resort Recreation of Business zoning district, but there are no uses by right (Permitted uses) in the Business zoning district. This whole section refers to ‘uses by right’. For consistency, the township may wish to use ‘Permitted Uses’ throughout the ordinance. Section 20.02 Item 2 states that “all uses by right within all other zoning districts will be subject to site plan review (excluding single family dwellings), which, in the opinion of the zoning administrator, requires special review...” Instead of leaving this up to the opinion of a zoning administrator, it would be beneficial if the criteria were listed which would require site plan review, such as size of the development, density, types of uses, etc. This would be much cleaner. Section 20.02 Item 3 states that all special land uses, as specified in each zoning district, included planned unit developments, whether a new development or a change of use will be required to follow site plan review, except as otherwise specified by this ordinance. Special Land Uses include the businesses uses in Cedar and along M-72, government uses such as parks, and public picnic grounds, and all uses in the Resort/Recreation district (Perrin’s Landing area along Fouch Rd). Does the township really want all special land uses in each zoning district to go through site plan review? Many of these uses were Permitted Uses under the current zoning district, and are proposed to be moved to Special Land Uses.

Page 99, Section 20.03 A. Plot Plan and Site Plan Data Required – this chart is very useful and easy to understand for someone reviewing the Site Plan requirements. Another chart that would be useful is one showing who reviews/approves Special Land Uses, Planned Unit Developments and Condominium Subdivisions.

Page 102, Waiver notes, #2 lists Article 20 instead of referencing Article XX (roman numeral).

Page 103, Section 20.04 A, Item 5 lists County Construction Code office which is now Building Safety Department.

Page 104, Section 20.05 Item B references Article 34 Landscaping and Screening which is an incorrect Article, and also does not use roman numerals as the township has done throughout the document.

Page 107, Article XXI Ag-Tourism, A lists goals for these provisions. Goals are typically listed in a Master Plan, not in a zoning ordinance. This section and Article XXIV include goals. Staff suggests these be removed.

Page 108, Section 21.02 Special Land Uses, insert a period at the end of the first paragraph. 55 of 73

Page 109, Section 21.06 refers to Article 20 (Site Plan Review). Throughout the document the township has used roman numerals – staff suggests this be changed to roman numerals for consistency in the document.

Page 111, #10, should this state: “The **zoning administrator** may modify the information required for submission to the Commission....”?

Page 112, Section 22.05 Signs PUD Zone – 1st sentence, add Article XXVI at the end of the sentence.

Page 115, Section 22.12 #5 – add ‘recycling’ to the placement of buildings and structures.

Page 117, Article XXIII Road and Street Ordinance, under B., some of the sentences are not complete. Commas may be needed or a revision of a few sentences. Section 23.02 D, insert a period at the end of the sentence.

Pages 118, and 119 include graphics which are helpful for the reader and a good addition to the ordinance.

Page 120, Section 23.03 Standards for Private Roads, B states “All private roads constructed require a road name according to the Leelanau County Address Ordinance. This is true for all private roads that will service 5 or more residences, and may also be needed for roads in a planned development.

Page 123, Article XXIV, Towers and Antennas, Excluding Wind Energy Systems, Section 24.01, remove one of the periods at the end of #7.

Page 123, Move the definition for **Antenna** to the next line. Underline **FCC** and move that definition to the next line.

Page 125, Item G, change Leelanau County Inspections Department to ‘Building Safety’.

Page 125, Item I, should this be called “**Non** Essential Services”, instead of ‘Not Essential Services’?

Page 127, #6, this is an incomplete sentence.

Page 127, Item O, #3 – there is nothing on this line. Remove #3.

Page 128, top of page the chart lists ‘Industrial zoned lands’. There are no industrial zoned lands in the township, according to the township zoning map and the list of zoning districts in the ordinance.

Page 130, Section 24.06 Special Land Use Permits, C – this section is very unclear and should be cleaned up. It references Sections 4, 5, and this section 8 zoning ordinance...? What does that mean. The remainder of the sentence is also unclear.

Page 132, Section 24.08 Nonconforming Tower Uses, A. Remove the word ‘Not’ in Item A so it read: “Expansion of Nonconforming Uses”.

Page 134, Section 26.02 Signs B. states “The intent is for sign regulations to be content neutral for all but constitutionally protected political signs”. This line should only read: “**The intent is for sign regulations to be content neutral**”. Otherwise, it sounds as if sign regulations would **not** be content neutral for political signs. Regulations for all signs need to address things such as width, height, lighting, replacement, etc. and not address the content on the sign.

Page 136, Article XXVII Condominium Subdivisions, Section 27.02 references Special Purpose Districts – Planned Residential Zone (PRD) See Article XXVII. This needs to be changed.

Page 136, Section 27.03 B., change the word Ordinances at the end to Ordinance.

Page 137, C Streets, references Solon Township Road Ordinance Article XXVIII. It should reference Article XXIII Road and Street Ordinance.

Throughout the document, the Department of Environmental Quality should be changed to Michigan Department of Environment, Great Lakes, and Energy (EGLE). There are a few references to DEQ (pg 22, 36, 137, 138)

Page 140 – Section 27.06 A Conditions – change the word requires to required. B. Duration – the last sentence is confusing. What requirements would the township board have to allow the one year period extension?

C. 2. Last sentence change the word ‘if’ to of to read: “...the completion of such improvement within a time set by the Township Board”.

Appendix - Transmittals from Solon Township

Gail Myer

To: Trudy Galla
Subject: RE: Solon Draft proposed zoning ordinance. - 2021

From: Trudy Galla <tgalla@leelanau.gov>
Sent: Monday, November 15, 2021 3:20 PM
To: Gail Myer <gmyer@leelanau.gov>
Subject: Fw: Solon Draft proposed zoning ordinance. - 2021

From: Tim <tim@allpermits.com>
Sent: Saturday, November 13, 2021 12:27 AM
To: Trudy Galla <tgalla@leelanau.gov>
Subject: Solon Draft proposed zoning ordinance. - 2021

Trudy,
Please find attached a draft zoning ordinance that the Township would like you and the county PC to review. I have attached the minutes of the October PC Public Hearing and the meeting before which set the public hearing. Both have been approved. Additionally, the new draft has been almost 6 years in the making. If you have any questions, please let me know.
Thanks in advance,
Tim

Timothy A Cypher
Cypher Group Inc.
Centerville, Empire, Kasson, Glen Arbor, Leland & Solon Zoning/Planning Office
231-360-2557
tim@allpermits.com

SOLON TOWNSHIP PLANNING COMMISSION

Tuesday, October 5, 2021, 7:00pm
Solon Township Hall
9191 S. Kasson St., Cedar, MI 49621

I. Call Meeting to Order/Pledge of Allegiance

Chair Morgan called the meeting to order at 7:00pm with the Pledge of Allegiance and a moment of silence.

II. Roll Call/Guest Sign-in

Present: Al Laskey, Member; Steve Morgan, Chair; Meg Paxton, Member; Lisa Rossi, Member; Samantha Vandervlucht, Member; Todd Yeomans, Vice Chair/ZBA Rep and Steve Yoder, Township Board Rep

Guests: Kelly Claar, Corey Flaska, Scott Flaska, Judy Janosik, Beth Knapp, Julie Kradel, Jim Lautner, Mary O’Neill, Kimberly Pugliese, Charlie Smith and Karen Smith.

III. Motion to Approve Minutes – September 7, 2021

Chair Morgan asked for a motion to approve the September minutes as presented. Changes to the minutes reported: *Confirmed the use of workarounds on page three, paragraph two; add “to be” before incorporated on page three, paragraph three, line three; and on page four at the second paragraph from the bottom add “she” before “has never.”* Laskey moved to approve the September 7, 2021, minutes as amended; Yoemans seconded. All present in favor, motion carried.

IV. Agenda – October, 2021

Chair Morgan asked for a motion to approve the September agenda with the addition of New Business, A, Survey. Laskey moved to approve the October 5, 2021, agenda as amended; Rossi seconded. All present in favor, motion carried.

V. Correspondence –None.

VI. Public Comment(three minutes per person unless extended by Chair) – Kimberly Pugliese stated that the planning commission needs to be aware that at the Solon Twp board meeting the fire department budget was approved with a 15 percent increase and that with no growth plan in Solon Township there will have be another millage. Pugliese advised that no growth is allowed as “you cannot flush the toilet.” Pugliese reported that she feels that the growth will not be in downtown Cedar and the planning commission needs to talk about this issue.

No further comments at this time.

VII. Conflicts of Interest – None reported at this time.

VIII. Reports

Township Board Rep: Yoder reported on the following issues from the Township Board September 9, 2021, meeting:

- Grant will cover two boat launch stations, one in Cedar and the second in Lake Leelanau
- Ten percent increase in 22 to 23 and another five percent increase in 23 for 24 in the Cedar Fire Department budget
- Cedar Water Way project which is set for 12 buoys at the mouth of river with no amount determined yet and a video presentation detailing the work to be completed
- Township Board wants the planning commission to talk about Flaska density project. Cypher advised will discuss during his report.
- Laskey confirmed the budget increase figures for the fire department. Discussion followed. Yoder reported that ALS is kicking in and that this has been figured in with the higher millage

ZBA Rep: Yeomans advised nothing to report at this time.

Zoning Administrator: Cypher reviewed the August report at this time sent to planning commission members via email prior to this meeting. Cypher advised the September report is not available yet.

Cypher reported that the court has set a settlement conference date of March 14, 2022, with a trial date on April 5, 2022, for the Delmoupied issue. Cypher advised that he and the attorney were working on a settlement that was rejected by Mr. Delmoupied. Discussion followed on the Zoning Board of Appeals (ZBA) previous meeting that since there was a hog farm; a 50-foot setback is needed. Cypher advised that he will send out the minutes from that ZBA meeting. More discussion ensued with Cypher reporting that Delmoupied's request being denied.

Cypher reported that housing density is on the agenda tonight, along with last month as directed by the Township Board. Cypher advised that the high density will depend on the whether the new ordinance is accepted.

IX. Public Hearing –None

- a. Open Public Hearing by chair and Presentation by Applicant
Yoder moved to close regular meeting and open the public hearing at 7:30pm; seconded by Rossi. All present voting aye, motion carried.

Cypher advised that the public notice was published in the newspaper three times with no 300 foot letters being sent as this is a township wide issue. Cypher reviewed the changes proposed in the draft ordinance provided at tonight's meeting to the public. Cypher stated the draft ordinance will also be provided online. Cypher advised the public hearing tonight is for public comments about thoughts on the

ordinance changes. Cypher stated that he commends the planning commission for all the work and effort with many challenges and their due diligence of the rewrite.

b. PC Questions / Discussion with Applicant – None

c. Staff Comments (ZA/Planner) – See a.

d. Public Comment (limited to three minutes per person unless extended by chair)

Corey Flaska – Leelanau Construction/Local resident – reports that he has a few concerns with the new ordinance that right now clearly stops residential development until the master plan is updated. Flaska stated there is no other opportunity to ask for high density changes with the biggest development right now on one acre lots. Flaska advised he feels it is really important if Solon Township wants any growth or development that the Planning Commissioners work hard on Master Plan to address the density requirements.

Flaska stated that he is fine with the site plan review and thinks asking for higher density should come before having to submit a full site plan. Flaska advised he feels there should be an opportunity to ask for a density variance before a developer has to spend \$40,000 on submitting the site plan.

Julie Kradel asked a question is whether political signs or free speech are part of the removal after 30 days, plus there is nothing about flags and banners in the sign ordinance. Kradel stated she feels that obscenities need addressed as it doesn't build a cohesive community.

Jim Lautner advised that the ordinance stated that a building cannot be over 35 feet tall and what will happen if a 70 foot silo is needed for farming. Lautner reported that a lot of townships put in "or as required." Lautner stated that the landscaping ordinance "just is too much."

Mary O'Neill stated that the standards are just suggestions and outlines of how things could be, not necessarily put in stone, with at times being waived. O'Neill advised that if the township has higher standards, the township will attract businesses with higher standards

Linda Ackley asked about a special use permit for a work/lived space, which is quite common in cities, and wonders if this idea is a possibility.

Warren Fuller asked if he missed anything or will short-term rentals be covered in the Master Plan.

Beth Knapp advised she has two grown children and would like to give them a plot of land as they want to build on the other four acres and is there any chance of this happening.

Pugliese stated she commends everyone and appreciates all of you for the hard work and she knows that it is not easy. Pugliese asked if the landscape ordinance has been

“costed out” and is it realistic. Pugliese asked if short term rentals include air B&Bs. Pugliese stated that some research on the status of any development in Cedar needs to be undertaken as there is not any growth ability in the Village of Cedar.

e. Applicant’s Response to Public Comment, directing statements to PC – Yeomans addressed that the planning commission members know that anything commercial cannot be added in Cedar as the village is built on a swamp with all houses in the back. Yeomans advised the Village of Cedar needs to be out of the equation for growth at this point.

Cypher reported on Cedar as it relates to health department requirements with the township having hired a firm to do a new feasibility study on a sewer system. Cypher advised that Vlees and Vanderbrink have all the files to help them process and they will be back in October or November. Cypher reported that the health department is just doing their job with the changes requiring a variance which is “an uphill battle.”

Cypher advised that the standards are different for private roads, with the zoning administrator and planning commission being aware.

Cypher reported that the township can only regulate size not content of signs, with the need to follow the Supreme Court freedom of speech ruling.

Cypher reported on section 4.09 that the fire department regulations require that no building or structure can be over 35 feet unless allowed by applicable building and fire safety codes with anything AG related being allowed due to right-to-farm.

Cypher advised the landscaping ordinance is a dramatic change from what the ordinance previously stated. Cypher advised that a lot of this can be worked out in a preliminary meeting prior to submitting an application.

Cypher advised Ackley that the ordinance has home occupations in every zoning district except for business zoning district. Discussion followed with Ackley on what her need is for a work/lived space. Cypher advised that the ordinance states now that a combination structure is allowed as long as the living area is on the second floor provided that there is on-site parking for two vehicles (e.g. section 11.03.8).

Cypher advised that as the legislation in Michigan is voting to allow short-term rentals to be zoned as residential without a special use permit, legal counsel has advised to wait on putting something in place by the township until the state makes a decision. Cypher reported that the township still has ability for nuisance complaints. Fuller clarified with Cypher how nuisance complaints are defined or enforced.

Cypher reported that a variance was granted for the initial land division, which used to be a 10 acre minimum, to accommodate your tier of family, not children. Cypher advised that the variance restricted any further divisions until the zoning ordinance

was change to a five-acre minimum almost 15 years ago. Cypher stated that until the zoning changes in AG/Conservation, which is five acres, there is no option unless that zoning is changed.

Cypher advised that currently B&Bs are regulated, in that if someone is renting parts of their house out and it is owner occupied, it is illegal without approval from the township. Cypher stated that if entire house is being rented out, historically over the decades, as long as they are living up to the intent of single family use, this is allowed.

f. PC further discussion with staff (if required) –
Yeomans asked if land owners could put in change from AG/Conservation to AG/Residential, which Cypher advised would be spot zoning.

Laskey advised Cedar can only go North and South because no matter what the Village of Cedar does, the water table is too high. Discussion followed. Cypher advised that the business district could be extended with Laskey advising he doesn't see any more B2 close to Cedar any longer.

Ackley confirmed with Cypher that the land use map will be updated with the Master Plan Review which is on the agenda.

Pugliese clarified with how much is really available for growth in Cedar with the zoning administrator advising this is preliminary and nobody knows the costs and timing.

Laskey stated that Cedar in the past 60 years has had less than 12 new buildings and a couple of buildings were torn down. Discussion followed. Laskey advised that Cedar has grown smaller in last 60 years.

g. Close Public Hearing by Chair –
Chair Morgan requested a motion to close the public hearing. Yoder moved to close public hearing at 8:17pm; Paxton seconded. All present in favor; motion carried.

h. Findings of Fact – Deliberations with PC members/questions of applicant if needed –
Yoder clarified with Cypher the question of density being completed before a site plan review. Cypher advised the density is all part of the review process with the review requiring that that other agencies be involved to determine what type of density (e.g. health department) if language in Master Plan supports. Discussion followed. Cypher advised that an applicant is allowed to ask for a waiver.

i. PC Motions/Action –
Cypher recommended to the planning commissioners that they may want to make a motion to move forward the proposed ordinance changes along with comments from

this meeting to the Leelanau County Planning Commission for their input. Laskey moved to send the draft of the Solon Township Zoning Ordinance with comments from the public hearing tonight to the Leelanau County Planning Commission; seconded by Yoemans. All present in favor, motion carried. Yoder clarified with Cypher that the ordinance draft will move to the Township Board after the county planning commission reviews.

X. New Business

- A. Survey – Paxton reviewed the proposed layout of the survey given to the planning commission members at tonight’s meeting. Paxton stated she feels each section should have no more than five questions. Discussion followed on where the residential growth question should be.

Planning commissions are in agreement with the layout format in two colors proposed by Paxton. Discussion ensued about due date to return with planning commissioners in agreement for the due date to be January 30, 2022. Planning commission members are in agreement to use the parcel number from the tax bill as the name on the survey.

Extensive discussion followed on questions of each section of the proposed survey. Paxton advised that the land use and environment section needs three more questions. Planning commission members are in agreement to send any comments and suggestions for the survey to the zoning administrator by October 18, 2021. Cypher advised he will forward those to Paxton.

XI. Unfinished business

Chair Morgan tabled unfinished business discussion to the November planning commission meeting.

- A. Discussion on allowing Accessory Dwellings (Guest Houses)
B. Master Plan Review – Future Land Use Map – Housing Density in districts

XII. Other Items

- A. None

XIII. ZA/Planning Commission Comment – None.

XIV. Public Comment (three minutes per person unless extended by Chair) –

Fuller clarified with Cypher that the wind variance is a future issue with the ordinance.

Kelly Claar – Solon Township – suggested a question indicating people’s tolerance for alternative energy additions in the township. Claar asked if there is an option to drop off the survey so do not have to spend money on postage.

Claar had the following suggestions:

- A Historic District might be a big draw for the Village of Cedar
- Willing to provide suggestions for Open Space questions for survey

- Library would be great for Solon Township
- Thank you for freedom of speech change to sign ordinance.

Corey Flaska confirmed with Cypher that the master plan is on November's agenda. Yeomans advised that perhaps accessory dwellings needs to be taken off of the agenda for now as it is a survey question.

XV. Adjournment: There being no objection, Chair Morgan adjourned the meeting at 9:18pm

The next meeting is scheduled for Tuesday, November 2, 2021, at 7:00pm, at the Solon Township Hall.

Respectfully Submitted

Sandra Dunkin, Recording Secretary

Date Approved:

SOLON TOWNSHIP PLANNING COMMISSION

Tuesday, September 7, 2021, 7:00pm
Solon Township Hall
9191 S. Kasson St., Cedar, MI 49621

I. Call Meeting to Order/Pledge of Allegiance

Chair Morgan called the meeting to order at 7:03pm with the Pledge of Allegiance and a moment of silence.

II. Roll Call/Guest Sign-in

Present: Al Laskey, Member; Steve Morgan, Chair; Meg Paxton, Member; Lisa Rossi, Member; Samantha Vandervlucht, Member; Todd Yeomans, Vice Chair/ZBA Rep and Steve Yoder, Township Board Rep

Guests: Judy Janosik, Charlie Smith and Karen Smith

III. Motion to Approve Minutes – August 3, 2021

Chair Morgan asked for a motion to approve the August minutes as presented. Changes to the minutes reported: *Replace Cover with Cove and roof with roofs on Page 2, under Township Board Rep Report and under Zoning Administrator report take “s” off Delmoupied.* Laskey moved to approve the August 3, 2021, minutes as amended; Yoder seconded. All in favor, motion carried.

IV. Agenda – September 7, 2021

Chair Morgan asked for a motion to approve the September agenda as presented. Laskey moved to approve the September 7, 2021, agenda as presented; Rossi seconded. All present in favor, motion carried.

V. Correspondence –None.

VI. Public Comment (three minutes per person unless extended by Chair) – None.

VII. Conflicts of Interest – None reported at this time.

VIII. Reports

Township Board Rep: Yoder reported on the following issues from the Township Board August 19, 2021, meeting:

- Approved to spend up to \$1,350 to put new signs up at Solon Beach Park, one at the entrance and one as you get into the park with hours.
- Cedar River project – Township is considering putting in buoys to bring the boats in as they are getting caught in grass.

- Township Supervisor advised to table Flaska property density request as no proper recommendation from the township counsel has been received.

ZBA Rep: Yeomans advised nothing to report at this time.

Zoning Administrator: Cypher advised that the township legal counsel was approached by Delmoupied’s new attorney to get an extension and work out a deal with township counsel advising no extension or a deal to be worked out at this time.

Cypher reported on Flaska’s request for an extremely high density as a use by right on the 88 or 120-acre parcel on Lautner Road, north of Robinsons. Cypher reviewed that under ordinance 27, the PRD section has language to allow township board to approve the Flaska project for 48 dwellings on property across the street, which ultimately was lowered to 32 dwellings due to sewer.

Cypher reported on Flaska’s request for 300 dwellings with legal counsel emailing directly to the township board. Cypher reported that legal counsel sent a letter to the Township Board without zoning administrator input, and the letter left out that PRD section language is included in the zoning ordinance. Cypher advised that there is a compromise to provide Flaska’s concept with non-binding comments to help planning commission regarding the Master Plan. Cypher stated the Flaska request was tabled as there was not enough documentation to address questions at the Township meeting regarding the 300-dwelling request.

Cypher reviewed the Zoning Administrator report for August 2021 provided to the Planning Commission members prior to this meeting.

Discussion followed about Flaska’s access on M72, Solon and Lautner Road with respect to the high-density request. Cypher advised that once the high-density application from Flaska is deemed complete, then it will be brought to the Planning Commission, who is the recommending body to the Township Board.

IX. Public Hearing –None

- Open Public Hearing by chair and Presentation by Applicant
- PC Questions / Discussion with Applicant
- Staff Comments (ZA/Planner)
- Public Comment (limited to three minutes per person unless extended by chair)
- Applicant’s Response to Public Comment, directing statements to PC
- PC further discussion with staff (if required)
- Close Public Hearing by Chair
- Findings of Fact – Deliberations with PC members/questions of applicant if needed
- PC Motions/Action

X. New Business

- Discussion on allowing Accessory Dwellings (Guest Houses) –

Cypher advised of the request from the August Planning Commission meeting to have a discussion on the pros and cons of accessory dwellings. Laskey stated that he feels it is important to have a discussion and clarified with Cypher that “granny flats” must be attached to single family dwellings per the current ordinance.

Cypher reviewed the definitions of a dwelling unit and single-family dwellings that are for habitable usage and the permitted accessory building usage (Section 4.14 of the ordinance) with accessory building uses not for habitable space. Extensive discussion followed on affordable housing needs by the community from the survey, types of dwellings and accessory buildings, along with short-term rentals and tourism needs. Laskey stated that perhaps families should be allowed to build an accessory building for a family if the owner’s property is big enough. Cypher advised in each district it states single family dwelling related to minimum lot size with workarounds including a land division approved from the Health Department, which keeps single-family dwelling and character intact.

Discussion followed on affordable housing, land costs and parcel sizes. Cypher advised that land division may be a consideration for an additional dwelling. Planning commission members stated and agree that safe guards need incorporated to prevent adverse housing situations and that while there is an understanding of the need for affordability, existing property owners’ needs must be considered. Discussion followed with planning commission members in agreement to continue this discussion at the next meeting while going forward with the current zoning ordinance draft rewrite.

Chair Morgan advised to keep this on the agenda with ability to table as necessary due to other business. Cypher advised planning commission members to start reading the definition of family for initial homework followed by the intent section. Discussion followed. Cypher stated that samples from other townships will be provided, possibly by the October meeting.

XI. Unfinished business

- A. Zoning Ordinance Draft rewrite – June 23, 2021 draft V.1. with changes – 8/3/21
Yoder advised that the percentages of trees and shrubs in the landscaping ordinance have not been taken out yet. Cypher advised the corrections will be made and clean copies will be provided to planning commission members. Cypher stated that there is the ability to schedule a public meeting for October 5, 2021, for the zoning ordinance rewrite.

Chair Morgan asked for motion to set a public hearing. Yoder moved to set a public hearing on October 5, 2021, at 7pm, for a zoning ordinance draft rewrite; Vandervlucht seconded. Cypher advised that 2017 survey is the most recent survey. Discussion followed on sending out a new survey. Cypher advised planning commission members to use the 2017 survey questions as a base and bring suggestions next month for new survey questions, changes or edits, so that the survey

can be sent out with winter tax bills with planning commission members in agreement.

- B. Master Plan Review – Future Land Use Map – Housing Density in districts –
Cypher reviewed the current land-use map provided to planning commission meeting members at tonight’s meeting. Discussion followed on spot zoning and recommendations for areas with high-density zoning. Cypher advised planning commission members to think concept wise and as an example, RA2 and RA5 moved permitted uses to special uses and these zones can always be changed to RA1 with a minimum of an acre in a zoning district. Discussion followed on the high density and the importance of a future land use map. Cypher advised the ordinance draft is in process of being updated so that density requests match the Master Plan to support the type of growth currently in the township.

Cypher advised that the Master Plan will be a five-year plan review not an adoption of an amendment as specified by the State of Michigan. Chair Morgan advised that the survey is the main consideration at this time so the survey can be mailed out with December tax bills.

XII. Other Items

A. None

XIII. ZA/Planning Commission Comment – None.

XIV. Public Comment (three minutes per person unless extended by Chair) –

Judy Janosik stated that any density changes will affect how the township is seen now, and the rural area is what makes Solon Township different in her opinion.

Charlie Smith stated he liked the spirited discussion and agrees with Yeomans comment that everyone benefits from tourism. Smith stated that with respect to Rossi’s comment on having no problems with short-term rentals, he guarantees that someday there will be problems. Smith reported he called three times on a short-term rental noise violation and was advised by police of the person’s right to shoot a firearm. Smith advises that the planning commission and other concerned bodies need to be careful in how the ordinance is worded. Smith stated that the planning commission needs to find something in the middle with the accessory dwellings being a great point.

Rossi clarified an earlier comment that has never had a problem with the need to evict someone from a short-term rental.

Laskey stated that currently as people age, they may wind up in nursing home or if there is latitude for a “bit of give” for accessory housing on family land, the retiree will have a better quality of life.

XV. Adjournment: There being no objection, Chair Morgan adjourned the meeting at 8:54pm

The next meeting is scheduled for Tuesday, October 6, 2021, at 7:00pm, at the Solon Township Hall.

Respectfully Submitted

Sandra Dunkin, Recording Secretary

Date Approved:

The [Michigan State University Extension](#) Citizen Planner Program offers land use education for locally appointed and elected planning officials and interested residents throughout Michigan. This non-credit course leads to a certificate of completion awarded by MSU Extension. Advanced training through the Master Citizen Planner (MCP) credential is also available. The Citizen Planner Program is offered in a classroom or via video conference setting, or through a convenient self-paced opportunity called Citizen Planner Online.

Citizen Planner Classroom Program

The Citizen Planner Classroom Program is a six-week course offered in a classroom setting or through video conferencing. Participants earn the certificate by successfully completing all six sessions. Courses are held during consecutive weeks at a local facility or via computer-based video conference at your home or office. Each three-hour session includes lectures and hands-on learning exercises. The six sessions provide the fundamentals on roles, responsibilities and best practices for planning and zoning in Michigan, including:

1. **Understanding the Planning and Zoning Context:** Learn the legal sources and limitations of planning and zoning authority and explore your understanding of ethical decision-making.
2. **Planning for the Future of Your Community:** Recognize the function and importance of a master plan, know the process for developing one and its relationship to zoning.
3. **Implementing the Plan with Zoning:** Discover the importance of zoning, learn how zoning is administered and gain confidence in your zoning reviews, including site plans.
4. **Making Zoning Decisions:** Learn how to adopt and amend a zoning ordinance, understand the role of the zoning board of appeals and obtain skills in basic property development methods.
5. **Using Innovative Planning and Zoning:** Strategize with placemaking and design-based solutions for local and regional success in the New Economy.
6. **Successfully Fulfilling Your Role:** Strengthen your ethical decision-making skills, apply standards to your decision-making and know when to ask for help.

Citizen Planner instructors include MSU Extension educators, MSU faculty, and practicing planners and attorneys in Michigan. The registration fee for the Citizen Planner Classroom Program is \$295 and includes a comprehensive training manual. Review the listing of planned Events linked at the top of this page or contact the Citizen Planner office for information on upcoming events.

Citizen Planner Online

Citizen Planner Online is a completely online, self-paced version of the program designed for individuals who can't fit a six-week course into their schedule or who prefer this style of learning. It takes approximately 15 hours or so to complete, and can be

accessed 24/7 so that individuals can do as much or as little at one time as fits their schedule. Citizen Planner Online is completely redesigned and now more engaging than ever. To participate, you will need a broadband internet connection and a desktop computer, laptop or tablet (iPad or Android). Larger screens will provide a better experience for you. The cost of the course is \$275 per person. This program also leads to an MSU Extension certificate of completion.