

NOTICE OF MEETING

A Regular Meeting of the Leelanau County Planning Commission (LCPC)
will be held at **5:30 pm Tuesday, November 24, 2020**

A live streaming of this meeting will be available for viewing via the following link –
https://www.youtube.com/channel/UCNQTglgcTedF2qB8floC1GQ?view_as=subscriber

If you would like to provide comment during the meeting, please watch the livestreamed video, and call in during one of the two public comment portions on the agenda, to 231-256-8109. There will be no queue, and calls will be taken in the order they are received. Emailed comments are also welcome prior to the meeting, and can be addressed to planning@co.leelanau.mi.us

Due to COVID-19, this session will be held virtually via Zoom, and in the Commissioner Meeting Room, Leelanau County Government Center, Suttons Bay, Michigan.
(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 27, 2020 MEETING MINUTES.

NEW BUSINESS

- A. PC11-20-06 – Rezoning Request (Old Mill Glen Arbor, LLC), Glen Arbor Township
- B. Goals for the January meeting, and beyond

REPORTS

- A. Education Committee – (Yoder-Chairman, Carlson, Winkelman, Nixon)
- B. Housing Action Committee (Lautner)
- C. Parks & Recreation Committee (Noonan)
- D. Report from LCPC members of attendance at township/village meetings, or Other Meetings/Trainings

COMMUNICATIONS

- A. Notice from Kasson Township – Master Plan Review

PUBLIC COMMENTS

STAFF COMMENTS

COMMISSIONER & CHAIRPERSON COMMENTS

ADJOURN

LCPC Members

Victor Goldschmidt –Chair
Casey Noonan-Vice Chair
Steve Yoder-Chair Pro-Tem
Melvin Black
Gail Carlson
Dan Hubbell
Melinda Lautner
David McCulloch
Robert Miller
Tom Nixon
Eric Winkelman

A REGULAR MEETING OF THE LEELANAU COUNTY PLANNING COMMISSION WAS HELD ON TUESDAY, OCTOBER 27, 2020, 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.

CALL TO ORDER

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

ROLL CALL

Members Present: R. Miller, T. Nixon, S. Yoder, D. Hubbell, C. Noonan
(via ZOOM)

Members Present: V. Goldschmidt, E. Winkelman, D. McCulloch, G. Carlson
(At Government Center) M. Black, M. Lautner

Members Absent: None
(prior notice)

Staff Present: G. Myer, Senior Planner
(At Government Center)

Public Present: S. Jones, R. Jones
(At Government Center)

Public Present: Sara Kopriva, Steve Patmore
(via ZOOM)

CONSIDERATION OF AGENDA

Winkelman added “Change meeting dates for November and December” as “Item C” under “New Business.”

Motion by McCulloch, seconded by Winkelman, to accept the agenda as amended. Motion carried 11-0.

CONFLICT OF INTEREST

Nixon stated the second item under “New Business” pertains to Suttons Bay Township which is a conflict of interest. He will be commenting, but not voting on this.

PUBLIC COMMENT

Sue Jones of Elmwood Township read from a prepared statement which was emailed prior to the meeting, regarding short term rentals (STR) in Elmwood Township. (A copy of the comments submitted are on file in the Planning & Community Development Office)

Rod Jones of Elmwood Township read from a prepared statement which was emailed prior to the meeting, regarding STR in Elmwood Township. (A copy of the comments submitted are on file in the Planning & Community Development Office)

Jack Kelly of Elmwood Township spoke regarding documents submitted by "Save Our Neighborhoods In Elmwood" (SONIE) (A copy of the documents submitted are on file in the Planning & Community Development Office)

Joseph Testa of Elmwood Township stated he was against the proposed STR amendment from Elmwood Township. He is in favor of STR, but disappointed by the lack of communication of where the township landed on this subject. Testa said it has been requested many times that the township put it in writing so that people would not continue to buy houses to use for STR. The township and the Planning Commission ignored these requests, so many people, including him, have made investments to use personally and as STR. Nothing was made public to let residents know where the township was at in this process. Testa concluded by stating that they have appealed many times regarding the fact that there was poor leadership and communication for those in the process of buying properties.

Emmett Mulligan of Citizens Hosting Elmwood Renters (CHER) read comments submitted prior to the meeting. (A copy of the comments submitted are on file in the Planning & Community Development Office)

Goldschmidt stated the County Planning Commission does not write amendments for the township. The Township Planning Commission does the amendments for the township.

Todd Space of CHER spoke in support of STR in the R-1 District, where most of them currently exist, and where they have always been allowed by right of property ownership. Space stated they have been allowed literally forever and written permission has been given to some by the township. 956 of the 1753 Elmwood Township residents that responded to a survey, wanted short term rentals to be allowed on the waterfront. Space said the proposed amendment will have a negative impact throughout the county on a wide range of businesses going well beyond tourism alone. According to the township's legal council, the purpose of a Police Power Ordinance is to ensure that STR fit into the Master Plan. CHER welcomes the regulations to satisfy the community, but believes that STR have always fit in. Not because of the regulations, but because they are just residential homes being used for short term residential use, no other commercial use is happening. Space continued by saying the commercial act of renting out your home for others to live in does not change the residential nature of the home. Also, this proposed amendment contradicts the Elmwood Township Master Plan, which states "provide for a range of residential styles and densities to meet the needs of the township's diverse population." This amendment decreases the range and diversity of housing options for citizens of Elmwood and Leelanau County. Space said most STR's operate long term on a month to month basis, outside the peak summer season, and are the only flexible option for their diverse population with diverse needs that at times can be transient. Space concluded by saying that situations can change, often suddenly, where will you go and how far will you go. Citizens everywhere need this option as a safety valve or back up, particularly in this tight, expensive housing market.

Ann Mari Wigton, President of CHER, stated she is a fourth-generation resident who has a young family and is in support of STR in all districts, including R-1. CHER would like the zoning amendment to be less restrictive allowing people to host when they want. STR's do have a place in Elmwood Township and within their Master Plan, helping those with young families, and retirees with supplemental incomes.

An email was received when staff was out of the office, preparing for the meeting, from Ben and Jenna Belyea of Elmwood Township. A copy of this email was forwarded to County Planning Commission members after the meeting, as well as to the Elmwood Township Planner/Zoning Administrator. (A copy is on file in the Planning & Community Development Office.)

STAFF COMMENTS - None

CONSIDERATION OF SEPTEMBER 22, 2020 MEETING MINUTES

Motion by McCulloch, seconded by Winkelman, to accept the minutes as presented. Motion carried 11-0.

NEW BUSINESS

Elmwood Township Text Amendment – Short Term Rentals.

Goldschmidt stated he was impressed with the commitment and interest from those who submitted comments and documents regarding this item.

Myer reviewed the staff report saying this is a request from Elmwood Township to amend their zoning ordinance with regard to short-term rentals. The township has also worked on a separate ordinance, a Police Power Ordinance. It is mentioned in our staff report and a copy is included but it is not for review at tonight's meeting. The county has 30 days to review and provide a report back to the township, with the 30 days expiring November 13.

Myer continued, on page 6 of the agenda packet, we note that the Elmwood Township master plan and the county's General Plan do not specifically address short-term rentals. The township planning commission held a meeting on September 15 and then September 22. The motions from those meetings are on page 6. Page 7 of the agenda packet starts Staff comments and we have listed what the township is proposing to change in the ordinance. This amendment addresses short-term rentals where the owner does not occupy the dwelling while it is being rented out. On page 8 we provide some information about short-term rentals and how communities might decide if they want to regulate them, or not. We then provide some history and note that we received documents from 2 townships groups: CHER and SONIE. These documents were mailed to all county planning commission members, and they are listed on the county website for this meeting, along with other written public comments that were received.

Myer continued; short-term rental discussion started in the township some time ago when a citizen asked the township board to do amendments to prevent these activities in the high-density neighborhoods. The township board then requested the Zoning Board of Appeals for an interpretation of the ordinance. In March of 2019, the Zoning Board of Appeals held a meeting and then made a motion that Bed and Breakfast were allowed, but short-term rentals were not allowed. The staff report includes information from the zoning ordinance on several sections regarding duties of the zoning administrator and the zoning board of appeals. Following the decision of the zoning board of appeals, the township planning commission worked on a proposed amendment and held a joint meeting with the township board on November 6, 2019, as well as numerous other township planning commission meetings. Also, the township board passed a resolution imposing a moratorium on July 22, 2019 against non-owner-

occupied rentals. They extended the moratorium a couple of times, most recently on May 11, 2020 for 6 months. The Police Power Ordinance previously mentioned is not being reviewed tonight but it is similar to the one adopted by Suttons Bay Township in 2017, and it addresses such things as parking, licensing, trash pickup, quiet hours, a contact person, etc. Also, Bingham Township recently adopted a Police Power Ordinance for short-term rentals. The proposed amendment to the zoning ordinance would allow non owner-occupied short-term rentals in all districts except the R-1 District. They would be allowed in the A-R and R-2 district only if they existed during the 24 months prior to the zoning board of appeals decision AND they acquire a license.

Myer continued, on pages 10 and 11 of the agenda packet, we have included some comments and suggestions on the text for the township to consider. We have suggested a couple minor changes and a spelling correction. We have suggested they remove short-term rentals from the Municipal Center district as that is township owned property. We have questioned why they don't allow it in the R-1 district as that district lies along most of the shoreline in the township and is probably a highly popular area for rentals. We've asked how they will confirm if there were short-term rentals in the A-R and R-2 district and how will these owners be notified that they now have to get a license? Also, why only 40 licenses? Suttons Bay and Bingham Townships both allow for more and Elmwood Township is more densely populated.

Myer concluded, after the county planning commission meeting, the report and copy of draft minutes will be sent to the township for consideration. The decision of the township board is final, unless it is petitioned under the Michigan Zoning Enabling Act for submission to the electors of the township, for their approval.

Sara Kopriva, from Elmwood Township, stated staff did a thorough review of the history and they look forward to hearing the Planning Commissioners comments.

Yoder commented he was impressed with the process the township went through, and questioned how the township arrived at the number of 40 STR's to be allowed.

Nixon said it was evident the township did an exemplary job, and there was a lot of community involvement. The volume of letters and public opinion clearly shows that this community has arrived at a point where a decision needs to be made. With regard to how the township settled on allowing 40 STR's, Nixon suggests the township look at a percentage because the number of residential homes is going to vary over the next few years. This is something that could be reviewed every five years. Also, be careful that the enforcement language in the Police Power Ordinance doesn't promote any intrusion, by the township, in any home. There are liability issues involved when you enter a home to determine if the conditions of an ordinance are being followed.

Hubbell stated the township Planning Commission did a great job. Miller questioned how they arrived at 40 STR's also and asked if it was an appropriate number. He also felt the township did a great job. Carlson agreed with the comments made and asked why 40. It would be a great idea to consider a percentage instead. She commends them on all of the work and effort that has gone into this. McCulloch also wondered why 40. Winkelman questioned who you call when there is an issue if the landlord is not there. He suggests requiring the landlord to live within 20 miles of the M-22 and M-72 intersection. Or, if a local professional is handling the rental for the owner, then they must live within 30 miles of this intersection. Adjacent neighbors will have a recourse if there is a problem.

Black agreed that the township did a lot of work on this. He can appreciate those living in the R-1 District as far as having a rental next door. STR's have been a hot button here in Leelanau County. Black suggested townships look into forming a Home Owners Association (HOA) within their group, to look at rentals and determine where and what is appropriate. There are also property managers who can manage these properties for out of state owners.

Lautner commented that a percentage rather than a number seems to be a more logical way to approach this. The township as a whole seems to be in favor of STR's, so it seems this should go back to the Township Planning Commission for further review. Lautner said a lot of work was done on the ordinance, including parking and the number of occupants, which in itself should limit small homes being used as STR's, which would cut down on the number of people "packed" in to a home. Traffic must also be considered, grandfathering could also be considered, and some could be allowed on a trial basis or step back for a couple of years with regulations put in place. Lautner concluded by saying she feels the survey is a very interesting aspect of it.

Goldschmidt stated he was confused reading the document until he realized there were three alternatives. Allow none in R-1, none in A-R or R-2 unless a) in operation two years prior, and b) license granted yearly; otherwise forbidden c) delete some wording and qualify. Goldschmidt also said some of the concerns verbalized are not related to the zoning ordinance, but rather a police power ordinance which we are not reviewing. That is where you put conditions like number of cars allowed that can be enforced by a policeman. The zoning ordinance relates to the location, the activities involved, and how it affects the public.

Kopriva responded, the township hired Host Compliance to review the number of STR's currently listed in the township. They found 100 STR's operating on average in a month and then they identified which zoning districts they were in. Most were found to be in the R-1 district, and 40 represents what was left in the other districts. Kopriva continued, saying there was a lot of discussion regarding whether or not STR's belonged in the R-1 District. There were concerns with the waterfront which historically is where the STR's were located. In the end, the majority of the Planning Commission felt that the R-1 District was not appropriate in addressing some of the vested findings in the zoning ordinance and so they were removed. Kopriva said they feel comfortable with the number of STR's they have, but when you remove them from the R-1 District, and still allow 100, it would cause quite an increase in some of the districts that just don't have that density for STR's. Kopriva said she just had a conversation with the township supervisor regarding a percentage instead of a number, so that may be something that would come up at the township board level. The Planning Commission recognizes that 4-5% of their housing population is STR's and people are pretty comfortable with that. With regard to who neighbors call when there are issues, Kopriva said the township will have Host Compliance be the enforcing agency. There is a 1-800 number to call 24/7, the neighbor must provide documentation to Host Compliance who will reach out to the homeowner or manager and ask them to deal with the issue. Host Compliance will then send a report to the township the next day.

Winkelman asked if Host Compliance would call the police? Kopriva stated there is nothing stopping the neighboring property owners from calling the Sheriff's Office. She isn't sure what the police would enforce is this type of situation. The township doesn't have a noise ordinance, but STR's do have certain noise requirements through the Police Power Ordinance.

Goldschmidt commented that Host Compliance is an international corporation. Kopriva responded that Suttons Bay Township and East Bay Township in Grand Traverse County both use them. Miller stated, we are drifting into the Police Power Ordinance rather than the zoning. Winkelman questioned how you could separate them. Goldschmidt said the details in the Police Power Ordinance cover some of the concerns raised here.

Motion by Lautner, seconded by McCulloch, to forward staff report, minutes, and all comments to Elmwood Township Planning Commission. Motion carried 11-0.

Suttons Bay Twp. Text Amendment – Seasonal Corn Maze

Myer briefly reviewed the staff report, stating the request was received on October 20, 2020 from Suttons Bay Township. The proposed amendment will amend Article 4 Agricultural District to allow Seasonal Outdoor Mazes as a new item “P” to the list of Special Uses. The new item “P” outlines the parcel size requirements of not less than 25 acres with at least 325’ of road frontage. Parking is required off the public road and minimum setbacks are listed along with hours of operation. Under P, Item 4, it states that this use is allowed in the Agricultural District as a primary use or as an accessory use to other permitted Agricultural District uses. All structures associated with the maze require a special land use permit, as well as any expansion of uses or activities. Staff found very little information on regulating seasonal corn mazes, through a search online.

Lautner said she has always understood that corn mazes fall under the generally accepted agricultural management practices. Twenty-five (25) acres of contiguous land is a lot of land, most farms are getting smaller and smaller, and a lot can be done on 10 or 15 acres. Lautner concluded by saying that farm and agricultural destinations are wildly popular right now, drawing people out of the city. Winkelman said if they were to have a 25-acre requirement it would zone out a lot of people. McCulloch agreed and added, the 325’ of road frontage is inordinately large.

Patmore responded that the 25 acres of contiguous land came from the township planner and Planning Commission, after much discussion, and was a compromise. The 325 feet of frontage came about because a standard 10-acre parcel is around 330’ wide, and the planner felt they needed some kind of minimal frontage for a corn maze. It was a conscious decision to require corn mazes on relatively large parcels of land.

Lautner feels 25-acres is large, there are smaller farms in the county and people are doing unique things on them. Also, it seems someone could challenge this use under the generally accepted management practices. Patmore said the Right to Farm Act was considered and local government can regulate marketing activities. In Suttons Bay they had a person who wanted to do a commercial corn maze, and he recommended the township look at Bingham Townships language. The township does not allow corn mazes by right, and this is where the discussion started in Suttons Bay. The Planning Commission was adamant that they wanted corn mazes to be a Special Land Use with a minimum parcel size and lot width. Winkelman commented that if there was a way to reduce the size, it would allow for a lot more in the county and we could become the corn maze destination for the state of Michigan.

Miller questioned the required parking because it doesn’t say how much. How do you quantify that?

Patmore said by making it a Special Land Use, it will be determined during the Site Plan Review. The Planning Commission will review each proposal and make that determination based on how big the maze is, how many expected visitors, and what else they offer. McCulloch said why not make it between 10 and 25 acres, you can do a corn maze on 10-acres easily.

Motion by Lautner, seconded by McCulloch, to forward staff report, minutes, and all comments to Suttons Bay Township Planning Commission. Motion carried 10-0. Nixon abstained.

Change November and December Meeting Dates.

Winkelman pointed out the November and December meetings are close to the holidays and questioned if members wanted to change the dates. Goldschmidt said he would refer this to staff for a Doodle Poll.

REPORTS

Education Committee - Nothing to report.

Housing Action Committee

Lautner said there wasn't a meeting in October because of the Housing Summit put on by Housing North. Winkelman requested a report at next month's meeting from those who attended the summit. Lautner also mentioned the partnership with Housing North was approved by the County Commission. The one year/\$1,000 partnership gives us three registrations for the Housing Summit which allows us a seat at the round table discussions, etc.

Parks & Recreation Committee

Noonan reported end of the year stuff was getting done and the Grub Shack remodeling was getting ready to start next week. Also, the Poor Farm barn has been repainted and really looks nice.

Reports from LCPC members of attendance at township/village meetings, or other meetings/training

Nothing to report.

COMMUNICATIONS - Notice from the Village of Empire – Transportation Plan Update.

PUBLIC COMMENTS – None.

STAFF COMMENTS – None.

COMMISSIONER & CHAIRPERSON COMMENTS

Winkelman reminded members that daylight savings time was ending, election day was on Tuesday, and on October 20th Sleeping Bear Dunes National Lakeshore Celebrated 50 years of existence.

Nixon said this is the second time in a year where parties address us as if we are the Supreme Court. He felt Goldschmidt did a good job making them understand it is the local township board that makes the final decisions on issue that are brought before the County Planning Commission. Perhaps it is necessary to have staff address a letter to each township board/Planning Commission stating the role of the County Planning Commission, rather than the role they think we perform. Maybe the understanding is not there. Goldschmidt will follow up with Galla and draft a letter to send out. Goldschmidt feels this shows we are not doing enough to reach out to the Planning Commissions in our townships and villages.

Goldschmidt thanked members for all being present tonight.

Meeting adjourned at 7:11 p.m.

Comments Re: Elmwood Amendment
Vg 201027

Observations Re:CHER

- 1) We appreciate the magnitude of work and concern on the part of CHER
- 2) The County Planning Commission is not empowered to make changes on a Township's zoning ordinance
- 3) This is a sensitive issue, and legal counsel might assist.
- 4) It would have been desirable to review the definitions of "STR" and "commercial" for the other villages and townships in the County..

Observations Re: SONIE

- 1) We recognize the thoroughness and professionalism on the part of the preparers.
- 2) The March 20, 2019 minutes of the ZBA reflect on a call to "see what the Zoning Ordinance says about short term rentals". The final motion clearly stated that their interpretation was that "Short Term Rentals ... are not currently allowed". The recourse to that can only be a request for amendments to the Zoning Ordinance. This was a request for interpretation; which is in order for a ZBA, but it would have been desirable to have had legal counsel guide and review the ZBA prior to their taking action. Normally pronouncements by the ZBA, if contested, have to go to a Circuit Court.
- 3) Exhibit 10 includes a petition dated September 9. This leads to questions: a) has there been a response to the petition? b) Is there a legal authority declaring these non-owner occupied STRs are illegal? c) does the proposed amendment fully address a response? (It appears to so do).
- 4) Just as a clarification; it appears that it reads that it assumes – maybe based on the ZBA action, that there are no words in the ZO allowing STRs.
- 5) A word of caution: police power ordinances do not allow grandfathering; zoning ordinances are in effect only when formally approved and could be grandfathering instances.

Relationships of the Proposed Petition and the Amendment

Petition: none in residential neighborhoods; existing ones given one year of existence

Proposed Amendment: none in R-1; none in A-R and R-2 unless a) in operation 2 yrs prior, and b) license granted yearly; otherwise forbidden.

CHER: delete the word commercial for STR; either a) allow in all districts, or b) qualify for A-R, R-1, and R-2 provided existence or intended for use prior to the enactment of a STR police power ordinance.

REZONING REQUEST
PC11-20-06 Glen Arbor Township
Rezoning Request (The Mill Glen Arbor,
LLC) Residential II to Recreational

Reviewing Entity: Leelanau County Planning Commission
Date of Review: November 24, 2020
Date Request Received: November 16, 2020
Last Day of Review Period: December 16, 2020 (30-day review period under the Michigan Zoning Enabling Act)
Requested Action: Review and comment on a rezoning request in Glen Arbor for approximately 3 acres from Residential II to Recreational.

Applicant: W. Turner Booth
5402 W. Harbor Hwy. (M-22)

Owner: Charles & Emily Booth

General Location:

The subject parcel, property tax number 45-006-123-010-00, is situated just west of W. Harbor Hwy. (M-22) and the Residential 4 Zoning District.

A copy of the rezoning application is included in the Appendix, as well as information on the site plan review application.

Existing Land Use: The subject parcel is part of the land owned by the Booth's which is the site of a historic grist mill (for grinding grain). The parcel proposed for rezoning consists of an ice house, garage, river house, wood storage, smoke house and stable. See Appendix for maps and layout of the property.

Adjacent Land Use and Zoning¹

NORTH	Land Use:	Residential
	Zoning:	Residential 2, Residential 5 & Recreational

SOUTH/SOUTH EAST	Land Use:	Residential
	Zoning:	Residential 2 & Residential 4

EAST	Land Use:	Residential
	Zoning:	Residential 2 & Residential 4

WEST	Land Use:	Residential
	Zoning:	Residential 2 & Residential 1

Property Description:

The subject parcel is approximately 3 acres in size and located west of W. Harbor Hwy. and north of W. Bay Ln. and W. Crystal View Rd., Section 23, Town 29 North, Range 14 West, Glen Arbor Township.

¹ 2017 aerials and Glen Arbor Township maps and zoning ordinance.

The Crystal River runs along the property.

History:

According to the application and township minutes, W. Turner Booth of The Mill Glen Arbor LLC, submitted an application to rezone property owned by Charles and Emily Booth at 5454 W. Harbor Hwy (M-22) from Residential 2 to Recreational in September 2020. The application did not include any voluntary offer of conditions. At the October 8, 2020 meeting, a motion was passed to hold a public hearing on November 5, 2020. The Public Hearing was opened on November 5, 2020 and the applicant made a presentation. There were many members of the community in attendance, and comments given for supporting and not supporting the project. Following the Public Hearing, the following motion was passed:

I, John Peppler, move to recommend approval of the proposed Mill Glen Arbor parcel rezoning from Residential 2 to Recreational pursuant to Section IV-17 as completed in the findings of fact document. Supported by Thompson. Yeas 6, Nays 0. Motion carried.

Significant Elements of the Master Plan:

Township Plan: The Future Land Use Map of Glen Arbor Township Master Plan, calls for **Residential 2** for the subject parcel. The Master Plan, Section 5, Future Land Use Plan, page 5-1 states: *Glen Arbor Township is a community with unparalleled “northwoods” character, although that character is quite varied in different parts of the Township. A primary purpose of the Glen Arbor Township Future Land Use Plan is to provide guidelines for the treatment of the areas of the Township that have varied characteristics. The orientation of the Plan is toward maintaining these characteristics rather than to accommodate significant potential development, as is the case with most local land use plans. Glen Arbor Township is the site of unique characteristics, which must be valued, or disturbed as little as possible, in order to sustain the basic attributes that make the Township a highly desirable place to visit and in which to live. This Plan provides the basis for maintaining the outstanding natural features of the Township, while accommodating future development. That means that when development does take place, it should be done with great concern for the natural and cultural features of the Township, both public and private, that make the Township unique. Success will mean that both the existing generation and future generations will be able to enjoy the natural landscape and other amenities of the Township.*

The **Glen Arbor Township Zoning Map**, according to the online map, shows **Residential II** zoning for the subject parcel. The minutes from the Public Hearing state that the parcel directly to the northeast (The Mill property) was rezoned in 2000. Staff could not locate a rezoning request in 2000 for this parcel but there was a text amendment to modify uses in the Recreational District at that time. This parcel must have been zoned Recreational prior to 2000. The township zoning map will need to be corrected to reflect the Recreational zoning for parcel 45-006-123-019-10.

Leelanau General Plan: The Future Land Use Maps in Chapter 5 of the 2019 Leelanau General Plan do not specifically identify the subject property.

Relevant Sections of the Zoning Ordinance:

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

OTHER AGENCY INPUT

Township Planning Commission:

A public hearing was held on November 5, 2020. Minutes indicate many members of the community were in attendance and some voiced concerns regarding the Crystal River and how the activity will affect

neighboring properties. As noted above, the township planning commission recommended approval of rezoning parcel 45-006-123-010-00 to Recreational.

TAFF ANALYSIS AND FINDINGS

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

Rezoning to Recreational would be consistent with the adjacent Recreational parcel (45-006-123-019-10) owned by the same property owners.

Would rezoning be consistent with development in the area:

Development in the surrounding area has mainly been residential. The Recreational district allows for single family dwellings, multi-family dwellings, rental cottages, government buildings, etc.

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

The Glen Arbor Township Master Plan calls for Residential II for this area and also contains language that may support uses other than residential. It also includes language concerning updates to the Plan and changes to the zoning ordinance.

Are uses in the existing zone reasonable?

Yes

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 3-acre parcel of land from Residential 2 to Recreational. There are two (2) parcels shown on the attached maps: 45-006-123-010-00 which is being request for rezoning, and 45-006-123-019-10 which is going through site plan review. 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.

The township planning commission held a Public Hearing November 5 on the **rezoning request for parcel 45-006-123-010-00 (address 5454 W. Harbor Hwy.)** and also on a **site plan for property 45-006-123-019-10 (address 5440 W. Harbor Hwy.)**. The application for site plan was submitted to change the use of existing structures to a rooming house, museum, gift shop, café, community space and employee's accommodations pursuant to Section XIV.7 of the township zoning ordinance. The rezoning request is reviewed by the township planning commission, then sent to the county planning commission for review, then final action is taken by the Township Board. The Board's action is final unless someone aggrieved by the decision properly petitions the Township Board for the decision to go to a township vote. Site Plan review/approval is typically approved by a township planning commission with the criteria and decision process outlined in the zoning ordinance. ***NOTE: Information on this site plan is included in the Appendix. However, reviews of site plans are not required by the county planning commission under the MZEA. In November of 2018, the applicant approached the Leelanau County Brownfield Redevelopment Authority (LCBRA) for use of EPA assessment grant funds on parcel 45-006-123-019-10. The LCBRA approved the use of assessment grant funds and conducted a Phase I Environmental Site Assessment (ESA) in 2019. Planning Director Galla serves as the Director of the LCBRA.***

The Leelanau Center for Education (parcel #006-123-009-00) and the Leelanau Schools & Library Foundation – School (parcel #006-123-009-10) located to the northeast are both zoned Recreational. It is indicated in the Findings of Fact, that these two parcels were rezoned in March of 2000 by owners of the Homestead Resort. It was anticipated that both of these properties would be part of the resort.

The Homestead Resort, located further to the northeast, is zoned Resort and Business, and contains a wide variety of residential living options, as well as a variety of food service, retail, and commercial recreation options (including a par three golf course and ski hill).

The Glen Arbor Master Plan states the following under “Historic Sites”, page 38:

“Many sites have been identified in Glen Arbor Township as having historic significance. The sites have been identified from the Inventory of Michigan’s 1975 Historic Preservation Plan and various written material regarding the history of Glen Arbor Township and state and federal online historical references. The Township should continue to encourage the preservation of historic buildings and sites.”

Page 40 of the Glen Arbor Master Plan makes the following statement under the heading “Planning Implications and Issues”:

“Care must be taken to carefully govern what development does occur in the Township. Planning and zoning policies should encourage, in a reasonable manner, maintenance of the wooded areas, the ground water, water quality in lakes and rivers, the wetlands, and the dune areas, both as ecosystems and as important scenery.”

Page 62 of the Master Plan states:

“Concentration of retail and services within the Village is very important to the Village’s long-term viability as it promotes efficient shopping and less vehicle use by keeping businesses within walking distance of convenient parking. It also enhances sales by giving shoppers more opportunities, which promotes the economic wellbeing of the businesses and, in turn, the commercial part of the Village itself. The Policies of the Plan, the Future Land Use Map, and the Zoning Map are all designed to strengthen the function of Glen Arbor as a retail center for tourists and residents. As noted in the 1984 Plan, and reinforced again in this township Plan: “Preventing scattered business locations in other parts of the township helps preserve the natural features in these areas. It is the intent of this Plan that scattered business uses will not be encouraged. Examples of areas which will be subject to increased pressure for business use are on M-22 south of the village and east along the Crystal River. The trend is already in evidence. Expansion in both areas may begin to dissipate the village area’s strength.”

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), and 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 (MZEA) 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, and not just what the applicant has proposed. In this case, the applicant has also submitted an application for the site plan process on an adjoining parcel so the two actions are essentially moving forward at the same time. All potential uses in the proposed zoning district need to be considered by the township for this rezoning request.

The uses permitted by right in the Residential II District (current zoning) include:

- Single Family Dwelling
- Home occupation
- Accessory buildings
- Boat houses

According to page 6-5 of the Glen Arbor Township Master Plan:

“Recreational District

The purpose of this district is to provide for the orderly and attractive grouping of recreational lands, including golf courses, ski slopes, private clubs, and commercial resorts. However, none of the lands included in the district have these characteristics; the only lands in the Recreation District on the Zoning Map are quasi-public, owned by the Leelanau School or Camp Leelanau and Kohahna adjacent to Pyramid Point. It may, therefore, be desirable to eliminate this zone and allow these uses as special uses, or planned unit developments by extending the appropriate adjacent zone.”

Some of the uses permitted by right in the Recreational District include:

- Inns, lodges, hotels and rooming houses with or without dining facilities consisting of single or multiple unit dwellings intended for rental, with such necessary and customary accessory buildings as automobile and boat storage garages, utility buildings, recreational facilities, docks, boathouses, and bathing houses, all designed and used primarily to serve the regular tenants of same.
- Multiple family dwelling
- Motels
- Rental cottages
- Hospitals, nursing homes/foster care homes
- Business and professional offices offering personal services not involving the sale of products or services on products.
- Private Clubs, campgrounds, schools, golf courses, ski slopes, marinas.
- Municipal and Governmental buildings

Based on the shape of the parcel, proximity to Crystal River, and existing (historic) buildings, it’s unlikely uses such as hospitals, nursing homes, golf courses, ski slopes or municipal buildings will be built on this property. Other uses listed may work on this site. Requests for such uses will have to comply with the zoning ordinance requirements, such as site plan review. As noted above, page 6-5 of the Master Plan mentions the idea of perhaps eliminating the Recreational district and allowing these uses as a special use or planned development. However, the Recreational district has not been eliminated and is being requested for the subject parcel.

Page 6-6 of the Master Plan discusses changes to the ordinance as follows:

“Proposed Changes to the Zoning Ordinance

Because this Plan incorporates new policies, land uses, public improvements, and other measures related to further improving the quality of life in the Township, there are changes to the Zoning Ordinance that should be made to make it fully consistent with this Future Land Use Plan. These changes should be pursued as the need or opportunity presents itself, but before the Township initiates action to implement one of the recommendations or new policies in this Plan. That means the Planning Commission should identify the major policies it first wishes to implement and begin work on the corresponding zoning changes at the same time. If a proposed development comes along that presents an opportunity to address another change in this list, it should be seized and changed at that time. **In some cases, public discussion of proposed zoning amendments on any of the elements will result in the need to refine some of the language in this Plan. When that occurs, this Plan should be amended before the zoning amendments are adopted—although both actions could be taken at the same meeting.”**
(Emphasis added)

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 W. Harbor Hwy. (M-22) includes lands in Recreational, Residential 2, 3, and 4, and Business districts. Rezoning this property would make it consistent with the adjacent parcel 45-006-123-019-10 (Old Mill) which is also owned by the same property owner. As noted in this staff report, the township needs to correct the zoning map, and should also review the Plan for any changes needed.

The applicant appears to have done a thorough job reaching out to all agencies for input and information such as the health department, road commission, health department, etc. which most of this information necessary for the site plan review process on the adjacent parcel. The township planning commission has also 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. This is a unique parcel given its shape, proximity to M-22 and Crystal River, and the existing buildings. The applicant has done a lot of work to determine options for this property and how the community may also be served by redevelopment.

Staff notes it would have been helpful to have more verbiage in the minutes of the Public Hearing and the planning commission minutes noting the support and opposition for this request. The minutes note there were comments for and against, but are not specific as to the concerns that were noted by those providing comments. Following the county planning commission meeting, the county review, staff report and draft minutes will be submitted to the township.

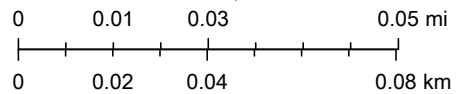
Leelanau Parcel Viewer



11/20/2020, 11:51:37 AM

1:2,257

- Override 1
- Roads
- Municipalities
- Sections
- Subdivisions & Condos
- Tax Parcels



Appendix A – Submittal from Glen Arbor Township

GLEN ARBOR TOWNSHIP

P.O. Box 276 Glen Arbor, MI 49636

231-334-3539 *** glenarbor@glenarbortownship.com *** FAX 231-334-6370

GLEN ARBOR TOWNSHIP
APPLICATION

Application for: (check any that apply)

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Rezoning
Special Land Use
Site Plan Review
Other

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Subdivision
Planned Unit Development
Variance (Board of Appeals)
Land Use Permit

All Applications must include a Site Plan that complies with Section XIII.8 of the Glen Arbor Zoning Ordinance.

Requests for Variances require Site Plan by certified architect showing setbacks.

Applicant Information

Name W. Turner Booth on behalf of the The Mill Glen Arbor, LLC
Phone (443) 379-2525 FAX _____
Address 5402 W Harbor Hwy, Glen Arbor, MI 49636

Owner Information (if different from applicant)

Name Charles & Emily Booth
Phone (202) 997-9281 FAX _____
Address 3104 Rolling Road, Chevy Chase, MD 20815

Property Information

Address/Location 5454 W Harbor Hwy, Glen Arbor, MI 49636
Parcel # 006-123-010-00
Zoning (Current) Residential II Property Size ~3 Acres

Description of Proposed Use/Request (use other side or attach pages as needed)
See enclosed Site Plan Addendum

I hereby attest that the information on this application form is, to the best of my knowledge, true and accurate.

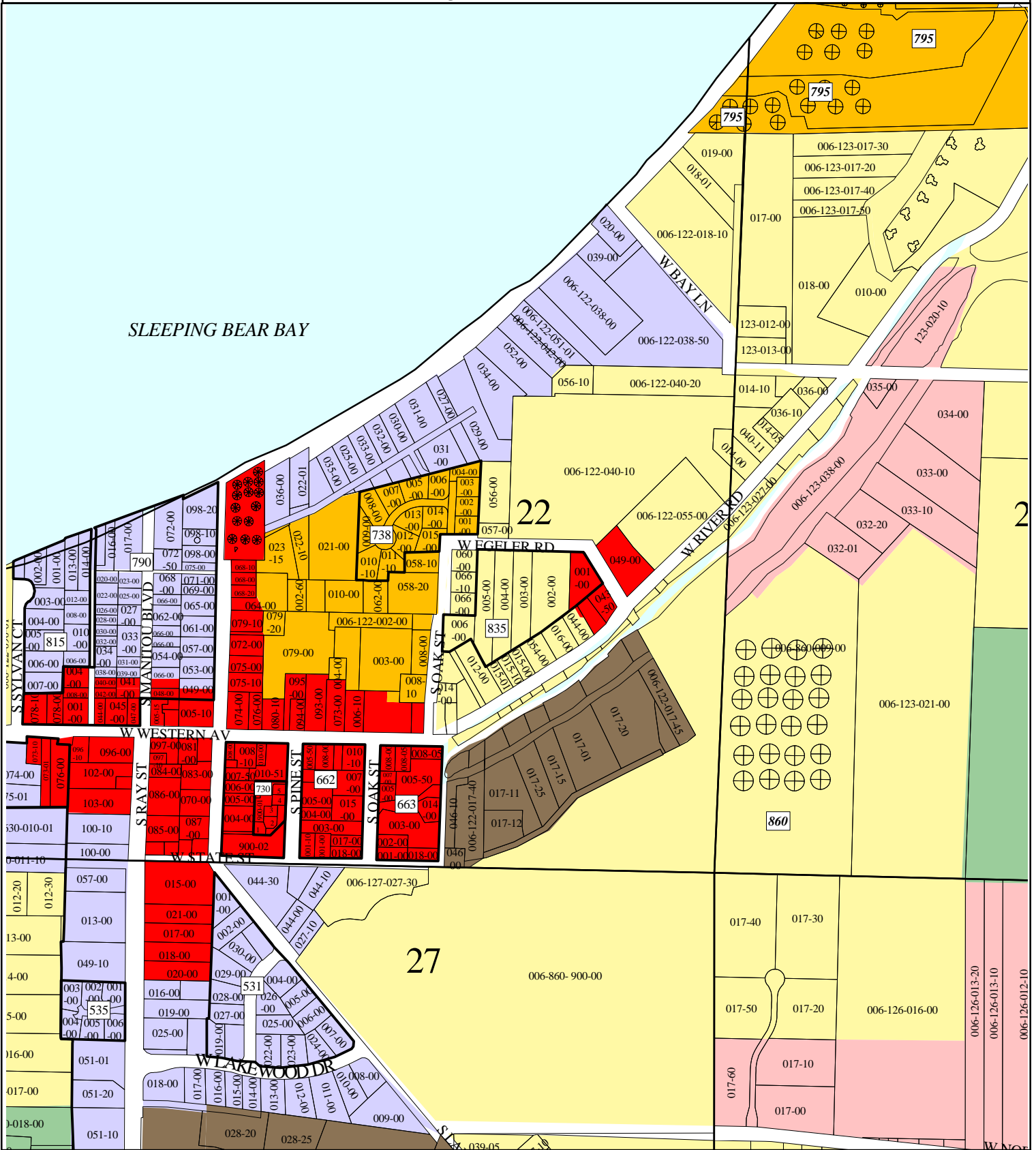

Signature of Applicant

9/29/2020

Date

GLEN ARBOR TOWNSHIP ZONING

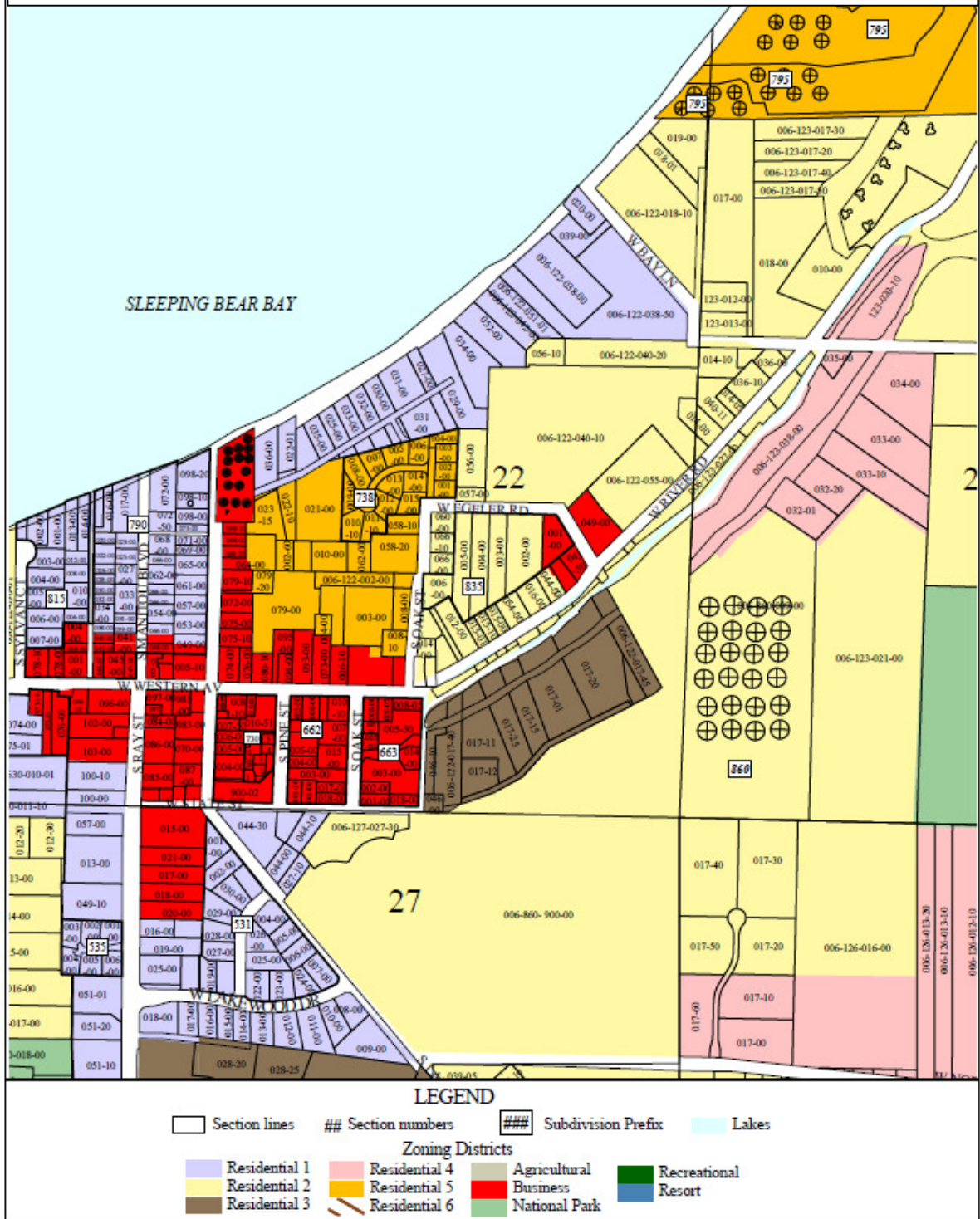
Village of Glen Arbor



LEGEND

- | | | | |
|-------------------------|-----------------|--------------------|--------------|
| Section lines | Section numbers | Subdivision Prefix | Lakes |
| Zoning Districts | | | |
| Residential 1 | Residential 4 | Agricultural | Recreational |
| Residential 2 | Residential 5 | Business | Resort |
| Residential 3 | Residential 6 | National Park 19 | |







Map 5-2 Village of Glen Arbor
GLEN ARBOR TOWNSHIP
Village of Glen Arbor Future Land Use Map

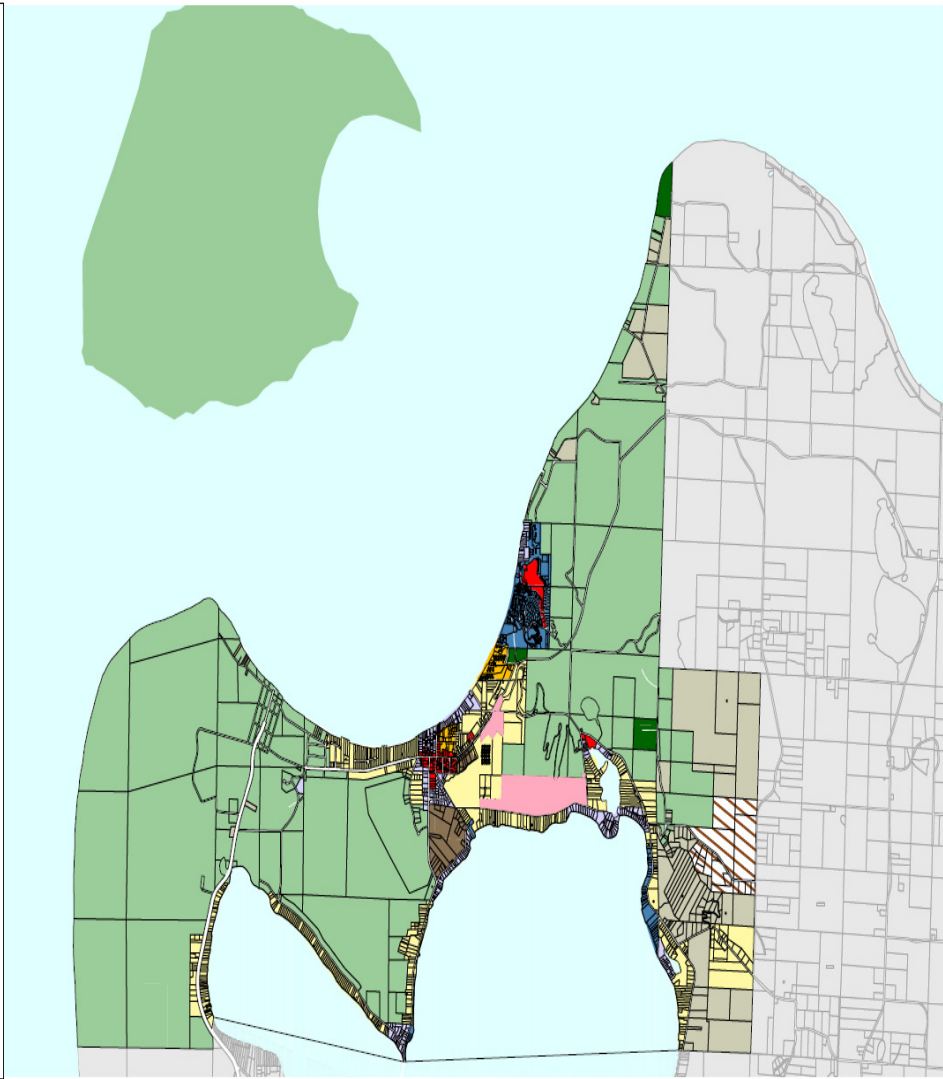


GLEN ARBOR TOWNSHIP

FUTURE LAND USE MAP

Zoning Districts

-  Agricultural
-  Business
-  National Park
-  Residential 1
-  Residential 2
-  Residential 3
-  Residential 4
-  Residential 5
-  Residential 6
-  Recreational
-  Resort
-  Lakes



MAP FOR REFERENCE PURPOSES ONLY
Data from Glen Arbor Township
Prepared by Leelanau County
Planning & Community Development
July 2007
Updated October 2016

GLEN ARBOR TOWNSHIP

Planning Commission
Glen Arbor, Michigan 49636
Public Hearing
November 5, 2020

In accordance with the Governor's Executive Orders, the meeting will be available to the public via teleconference.

CALL TO ORDER:

Chairman Lance Roman called the meeting of the Planning Commission to order at 7PM.

ROLL CALL:

Bill Thompson, John Pepler, Bill Stege and Michael Plessner and Bob Jame by teleconference. Pam Lysaght was absent.

AGENDA:

1. Old Grist Mill Project - Tim Cypher.
Turner Booth's application was received.
The public notice was published in the Enterprise and the 300 foot letters were sent out at the same day.
The Findings of Fact was sent to all commission members to peruse.

Roman: There are two separate requests before the Planning Commission (PC). Both are at the request of Mr. Turner Booth

- 1) Mr. Booth is requesting PC approval for a *change of use* site plan for the Grist Mill Project
- 2) Mr. Booth is requesting to rezone the property adjacent to the Grist Mill.

There will be two separate votes by the PC, one for each request before the PC. The vote can approve both, one or the other, or neither of the applications.

While the Planning Commission can approve a site plan, the PC can only recommend a rezoning request. The rezoning request (with or without the PC recommendation) will then go to the County PC for its review and approval, and then for consideration and possible approval by the Township Board. The Township Board approves or denies the rezoning request.

Turner Booth presented his plans for his restoration of the Grist Mill as a historic property. The Mill is filled with old equipment which is being

documented. Booth's plan's primary use will be a museum with a small café and shop as well as some lodging and a space for the community to use for meetings etc. The lodging is almost completely renovated for three separate units for short term rentals.

Turner Booth, on behalf of the Mill Glen Arbor LLC is respectfully submitting an application for a site plan review to change the use of the existing structures to a rooming house, museum, gift shop, café, community space, and employee's accommodations pursuant to Section XIV.7 of the Glen Arbor Zoning Ordinance

In addition, Turner Booth on behalf of the Mill Glen Arbor LLC is respectfully submitting a petition for a rezoning amendment pursuant to Section IV.17 of the Glen Arbor Township Zoning Ordinance.

PUBLIC COMMENTS:

Many members of the community were in attendance and voiced concerns from Ron Becker, Rob Karner, Polly Jackson and others as well. There were many comments supporting and not supporting the project. Many of the concerns were regarding the Crystal River and how the activity will affect neighboring properties. Concerns were addressed by Booth.

Booth: I have a request to rezone the adjacent property but do not have a specific plan for it. Another site plan would be required to develop that property. Booth's brother and his wife presently own the Brammer property with Booth having a lease with an option to purchase.

Roman: There are a lot of references to the Master Plan. The State of Michigan mandates every community has a Planning Commission. A Master Plan proposes language for the Zoning Ordinance and the zoning map. These items are proposed to the Township Board. Then the legal process ensues. The Township Board makes the final decision to adopt the Master Plan and Ordinances. The Planning Commission is allowed to approve a site plan. The Planning Commission has the ability to come up with the decision to accept or deny a site plan.

COMMISSION MEMBER COMMENTS:

Plessner: The site plan does meet all the zoning ordinances. A lot of the things that people are rightfully concerned about are addressed in the Ordinances.

Thompson: it is a great project and one that everyone will enjoy.

Cypher: In 2000 the mill property was rezoned. It was always anticipated that the property would be part of the Homestead Resort. The Master Plan addresses this project.

Roman: The applicant has satisfied all requirements.

I, John Pepler, move to approve the proposed Glen Arbor Mill Site project pursuant to the Site Plan Review and Approval Standards of Section XIV.7 as completed in the findings of fact document. Supported by Thompson.

Yeas 6 Nays 0 Motion carried.

Rezoning:

Roman: No decisions can be made here just a recommendation by the Planning Commission. The final decision will be made by the Township Board.

Cypher: The recommendation is for rezoning an adjoining parcel from residential to recreational

Booth: The properties were operated together. I am looking forward to reviving the ice house some day. I wish to rezone the parcel with no real change at this time.

PUBLIC COMMENTS:

The lighting and parking on the river's edge should be addressed before changing the zoning to recreational.

Roman: any site plan presented for this property has to fit the Ordinance. When Booth has a plan it will only be approved if it fits the Ordinance.

**I, John Pepler, move to recommend approval of the proposed Mill Glen Arbor parcel rezoning from Residential 2 to Recreational pursuant to Section IV>17 as completed in the findings of fact document. Supported by Thompson
Yeas 6 Nays 0 Motion carried.**

This recommendation will now go to County.

ADJOURN:

The Public Hearing was adjourned by Chairman Lance Roman at 9:30 PM

Respectfully Submitted
Dotti Thompson
Recording Secretary
Planning Commission

DRAFT

GLEN ARBOR TOWNSHIP
Planning Commission
Glen Arbor, Michigan 49636

November 5, 2020

In accordance with the Governor's Executive Orders the meeting is available to the public via telecommunication.

CALL TO ORDER:

The meeting of the Glen Arbor Planning Commission was called to order directly after the November Public Hearing at 9:42 pm.

ROLL CALL:

Lance Roman, Bill Stege, John Pepler and Bill Thompson. Bob Ihme and Mike Plessner were present via telecommunication. Pam Dysaght was absent.

AGENDA:

The agenda was approved as presented by a motion from Pepler and supported by Thompson.

MINUTES:

The minutes of the October meeting were approved by a motion from Thompson and supported by Stege. Motion carried.

CORRESPONDENCE:

A letter from Kasson Township informing adjoining Townships of their Master Plan review.

TOWNSHIP BOARD REPORT:

Pepler: Tom Laredo was elected the new Glen Arbor Township Supervisor
There was an 83.5% turnout for the election in Leelanau County
The salary for the Treasurer was reviewed and adjusted in line with the statutory job requirements.
A Public Works position is being considered.

ZONING ADMINISTRATORS REPORT:

Cypher: Issued 10 new land use permits. 32 have been issued to date
The Faber project permits at Wildflowers have been completed
Completed 19 construction site inspections

ZONING BOARD OF APPEALS REPORT:

Cypher: An application for a hearing has been received. More information to follow at the December Planning meeting.

PUBLIC COMMENTS:

BUSINESS:

1. Public Hearing Review - Old Grist Mill project - Tim Cypher

Cypher will present agenda items for the December Planning meeting.

2. Overlay Zoning presentation - Rob Karner

Karner provided paperwork to peruse by the Planning Commission in preparation for the December Planning meeting.

3. Ordinance review update:

The committee met in November via telecommunication. Minutes of the meeting are available on the Township website and will be discussed at the December Planning Meeting.

COMMISSION MEMBER COMMENTS:

ADJOURN:

The meeting of the Planning Commission was adjourned at 10PM

Respectfully Submitted
Dotti Thompson
Recording Secretary
Planning Commission

DRAFT

Sec.	ZO STD	PC DRAFT FINDINGS	CONDITIONS
<p>Sec. IV.17</p>	<p>SECTION IV.17 AMENDMENTS</p> <p>A. Any individual, corporation, association, department, board or bureau of the State, County or Township affected by This Ordinance may submit a petition in writing to the Secretary of the Planning and Zoning Commission, requesting that consideration be given to amendment of This Ordinance in the particulars set out in the petition. Upon receipt of such petition, the Township Planning and Zoning Commission shall within forty-five (45) days hold a public hearing to consider such petition. The person submitting such petition shall be notified of the time and place of such meeting not later than ten (10) days prior thereto.</p> <p>B. The person submitting such petition, if it is a request for re-zoning, shall furnish the Secretary of the Planning and Zoning Commission with the legal description of the property involved and an original and three (3) copies of a good and sufficient plot of the property showing all boundary dimensions and the relationship of all adjoining properties (including those across roads and streets).</p> <p>C. A fee, as set by the Township Board, shall be submitted with such petition to help defray costs.</p> <p>Zoning Background: The subject parcel is zoned Residential 2. The neighboring parcel which includes the Old Mill located to the northeast of the subject was rezoned in March of 2000 by owners of the Homestead Resort. It was anticipated that both of these properties would be part of the resort. The applicant purchased the property in June of 2020. The applicant notes in their application that “the property and the adjacent property to the north which includes the the old mill have a long history of operating together a a community gathering places.” He goes on to that the goal is to revive these historic properties and create a combined property that wil be enjoyed by resident and visitor to Glen Arbor for years to come.</p>	<p>The applicant submitted the application for a rezoning amendment in September of 2020. The Public notice was published in the Enterprise on October 15th, 2020. The Public Notice read: <i>Turner Booth on behalf of the Mill Glen Arbor, LLC is respectfully submitting a petition for a rezoning amendment pursuant to Section IV.17 of the Glen Arbor Township Zoning Ordinance.</i> <i>The proposed amendment will change the existing parcel’s zoning from Residential II to Recreational which is consistent with the parcel directly to the northeast. The parcel’s Tax ID# is 006-123-010-00. The parcel is located at 5454 W. Harbor Hwy., Section 23, T29N R14W, Glen Arbor Township, Leelanau County, Michigan.</i></p> <p>The required 300’ letters were mailed to adjoining property owners on October 10, 2020. The applicant did provide and furnished to the PC secretary the amount of copies and sufficient drawings of the property. The \$ 500 fee has been received by the Township and will be included in the ZA’s November summary.</p>	<p>Met</p> <p>Met</p> <p>Met</p>

	ZO STD	PC DRAFT FINDINGS	CONDITIONS
	<p>Master Plan excerpts: While the quality of life in the Township and of visitor experiences in the Township are both very high at the present, there is a strong tendency to want everything to stay the same and for no change to occur. It is unrealistic, however, to expect there will be no change. New homes and businesses will be built.</p> <p>Many sites have been identified in Glen Arbor Township as having historic significance. The sites have been identified from the Inventory of Michigan's 1975 Historic Preservation Plan and various written material regarding the history of Glen Arbor Township and state and federal online historical references. The Township should continue to encourage the preservation of historic buildings and sites.</p> <p>Preventing scattered business locations in other parts of the Township helps preserve the natural features in these areas. It is the intent of this Plan that scattered business uses will not be encouraged. Examples of areas which will be subject to increased pressure for business use are on M-22 south of the village and east along the Crystal River. The trend is already in evidence. Expansion in both areas may begin to dissipate the village area's strength.</p>		

	ZO STD	PC DRAFT FINDINGS	CONDITIONS
	<p>This Plan anticipates that new commercial expansion will likely occur along the M-22 corridor.</p> <p>Waterfront parcels not in single-family use are in small or large resorts, or used for marinas.</p> <p>Policies for the use of waterfront property recognize that these areas are primarily developed and land use controls are tailored to fit the situation.</p> <p>Develop and maintain a distinctive identity as a small, self-sufficient, and highly desirable waterfront community with a broad base of economic activities within a uniquely beautiful area.</p> <p>The purpose of the Recreational district is to provide for the orderly and attractive grouping of recreational lands.</p> <p>Note: Please review the Master Plan as there may be other sections that you may feel are relevant to this rezoning request. Additionally, this list is not intended to be complete or exhaustive.</p>		

	ZO STD	PC DRAFT FINDINGS	CONDITIONS
<p>SECTION VII.1 ESTABLISHMENT OF RECREATIONAL DISTRICT.</p>	<p>The rezoning request is not specific to an individual plan even though some comments have been made by the applicant. If approved, any uses listed below would be allowed with a Site Plan Development review.</p> <p>Zoning Ordinance excerpts: ARTICLE VII RECREATIONAL DISTRICTS SECTION VII.1 ESTABLISHMENT OF RECREATIONAL DISTRICT. There is hereby established a Recreational District. SECTION VII.1.1 USE REGULATIONS A building or premises in this District shall be used only for the following purposes: A. Any use permitted in the Resort District as described in ARTICLE VI of This Ordinance. B. Private clubs with or without lodging and/or dining facilities, private summer camps, campgrounds and schools, whether non-profit or operated for profit. C. Outdoor recreational facilities, such as golf courses, ski slopes and lifts and marinas. D. Municipal and Governmental buildings. SECTION VII.1.2 REQUIRED LAND AREA No building or structure or group of buildings or structures in this District shall be built on a lot having less than forty thousand (40,000) square feet unbroken by any public road, street or thoroughfare. SECTION VII.1.3 SET-BACK RESTRICTIONS No building or structure in this District shall be built closer to the adjoining right-of-way than forty (40) feet nor closer to the water's edge than forty (40) feet (except marinas which may have boating facilities built at the water's edge or over the water) nor closer to a rear lot line than fifteen (15) feet. SECTION VII.1.4 SIDE YARD REQUIREMENTS No building or structure, nor any part thereof, may be erected less than ten (10) feet from the side</p>		

	ZO STD	PC DRAFT FINDINGS	CONDITIONS
	<p>line or lines of a building lot, nor less than fifteen (15) feet when said lot line is adjacent to property zoned Residential.</p> <p>SECTION VII.1.5 SPACING OF SEPARATE BUILDINGS To prevent overcrowding of buildings and structures and to reduce fire hazard, no separate buildings shall be built closer than twenty (20) feet apart.</p> <p>SECTION VII.1.6 LAND OCCUPANCY BY BUILDINGS To prevent overcrowding of buildings and structures and to reduce fire hazard the area of lot used in any one development in this District shall not exceed 40% in total.</p> <p>SECTION VII.1.7 ACCESSORY BUILDINGS Buildings and structures for accessory uses customarily incidental to any of the uses permitted in this District shall be subject to the same provisions of location, spacing and land occupancy as the primary buildings permitted in this District and their area shall be computed as part of the maximum total area of land occupancy permitted.</p> <p>SECTION VII.1.8 OFF-STREET PARKING A. Minimum required off-street parking: 1. Off-street parking shall be provided in a ratio of 1 space per 400 square feet of floor space, or any portion thereof, with a minimum of two spaces. 2. Marinas - in addition to other required parking, 1 parking space for every 2 boat slips/moorings.</p> <p>SECTION VII.1.9 DINING FACILITIES LIMITATIONS Dining Facilities in this District shall be limited to those in conjunction with or attached to any of the uses permitted in this District. Independent restaurants or drive-ins are not permitted in this District.</p>		

Draft Motion:

I _____ move to recommend approval of the proposed Mill Glen Arbor parcel rezoning from Residential 2 to Recreational pursuant to Section IV.17 as completed in the findings of fact document.

Supported by _____

Yeas _____

Nays _____

Motion carried _____. Motion denied _____

GLEN ARBOR TOWNSHIP

P.O. Box 276 Glen Arbor, MI 49636

231-334-3539 *** glenarbor@glenarbortownship.com *** FAX 231-334-6370

GLEN ARBOR TOWNSHIP
APPLICATION

Application for: (check any that apply)

Rezoning
Special Land Use
Site Plan Review
Other

Subdivision
Planned Unit Development
Variance (Board of Appeals)
Land Use Permit

All Applications must include a Site Plan that complies with Section XIII.8 of the Glen Arbor Zoning Ordinance.

Requests for Variances require Site Plan by certified architect showing setbacks.

Applicant Information

Name W. Turner Booth on behalf of the The Mill Glen Arbor, LLC

Phone (443) 379-2525 FAX _____

Address 5402 W Harbor Hwy, Glen Arbor, MI 49636

Owner Information (if different from applicant)

Name _____

Phone _____ FAX _____

Address _____

Property Information

Address/Location 5402 - 5440 W Harbor Hwy, Glen Arbor, MI 49636

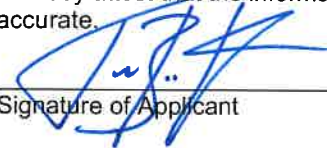
Parcel # 006-123-019-10

Zoning (Current) Recreational Property Size ~2 Acres

Description of Proposed Use/Request (use other side or attach pages as needed)

See enclosed Site Plan Addendum

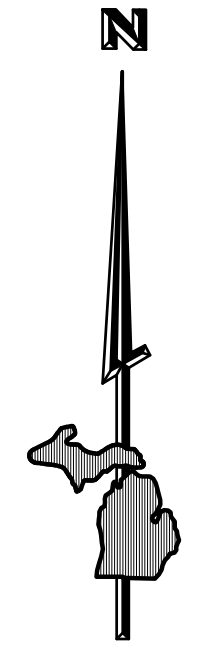
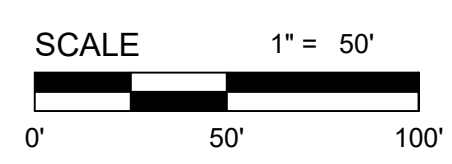
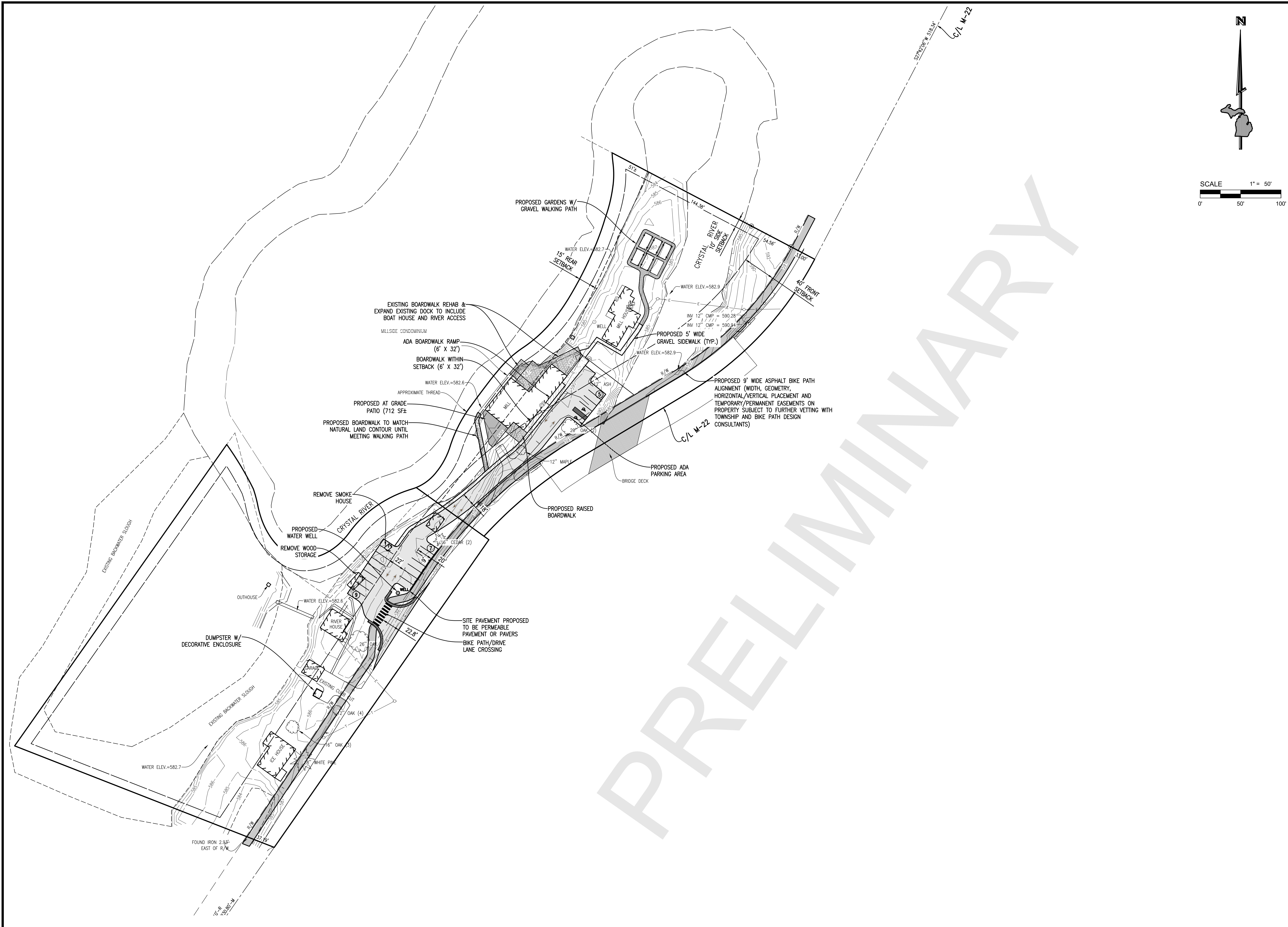
I hereby attest that the information on this application form is, to the best of my knowledge, true and accurate.



Signature of Applicant

9/29/2020

Date



Gosling Czuhak
 engineering sciences, inc.
 1280 Business Park Dr.
 Traverse City, Michigan
 231-946-9191 phone
 info@goslingczuhak.com
 www.goslingczuhak.com

CIVIL ENGINEERING
 SURVEYING
 ENVIRONMENTAL SERVICES
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 CONSTRUCTION SERVICES
 DRILLING
 LANDSCAPE ARCHITECTURE

PRELIMINARY

No.	Date	Revision	By
06	09/24/20	REVISIONS BASED ON OWNER 09/28/20 EMAIL	AJP
07	09/25/20	REVISIONS BASED ON OWNER 09/22/20 EMAIL	AJP
08	09/24/20	REVISIONS BASED ON OWNER 09/23/20 EMAIL	AJP
09	09/24/20	REVISIONS BASED ON OWNER 09/18/20 EMAIL	AJP
10	09/16/20	REVISIONS BASED ON OWNER 09/16/20 EMAIL	AJP
11	09/15/20	REVISIONS BASED ON OWNER 09/15/20 EMAIL	AJP
12	09/14/20	REVISIONS BASED ON 09/14/20 CONF. CALL	AJP
13	09/14/20	REVISIONS BASED ON 09/29/20 COMMENTS	AJP

**CONCEPTUAL SITE PLAN
 THE MILL
 W. TURNER BOOTH**

Date Issued: PRELIM
 Date Surveyed: ---
 Designed By: AJP
 Drawn By: AJP
 Checked By: ---
 Scale: AS NOTED
 Original sheet size is 24x36

Location:
 PART OF THE NW 1/4
 SECTION 23, T28N, R14W
 GLEN ARBOR TOWNSHIP
 LEE LANAU COUNTY
 MICHIGAN

Project Number:
 2020738001

Sheet:
CD-1

W. Turner Booth
The Mill Glen Arbor, LLC
5402-5440 W Harbor Hwy
Glen Arbor, MI 49636

September 29, 2020

Tim Cypher
Glen Arbor Zoning Administrator
6394 W. Western Ave.
Glen Arbor, MI 49636

VIA ELECTRONIC MAIL

RE: Glen Arbor Mill Site Plan Application

Dear Mr. Cypher:

I am pleased to present this site plan review application (this "**Application**") for 5402-5440 W Harbor Hwy, Glen Arbor, Michigan 49636 (the "**Property**").

The Property comprises the 7,195 square foot, historic grist mill (the "**Mill**") and the 2,292 square foot farm house (the "**Mill House**").

I hope this Application and the work contemplated within will mark a turning point in the history of the Mill.

I look forward to working with you and the Township to revive this unique community asset and honor the history of the Property. If there are any questions or concerns regarding this Application or my plans for the Property, please feel free to contact me at the information provided herein.

Sincerely,

/s/ Turner Booth

W. Turner Booth
Property Owner

Encl.: 5402-5440 Site Plan Review Application
5402-5440 Site Plan
5402-5440 Site Plan Review Addendum

5402-5440 SITE PLAN REVIEW ADDENDUM

This Site Plan Review Addendum is submitted pursuant to the Glen Arbor Township Zoning Ordinance version 4.8 (the “**Ordinance**”) with respect to the Site Plan Review Application regarding certain real property located at 5402-5440 W Harbor Hwy, Glen Arbor, Michigan 49636 (the “**Property**”, and the application together with this addendum, the “**Application**”). Capitalized terms used herein and not defined herein shall have the meanings assigned in the Ordinance.

Contemporaneously herewith, the Applicant and Owner is submitting an application for the rezoning of 5454 W Harbor Hwy, Glen Arbor, MI 49636 (the “**5454 Property**”, and the application, the “**5454 Application**”). The 5454 Application seeks to amend the zoning of the 5454 Property to the Recreational District to match that of the Property.

It is requested that this Application is reviewed and processed separately from the 5454 Application so that work on the Property can proceed as scheduled.

PART I

SITE PLAN DATA REQUIRED

The following is supplied in supplement to the Site Plan and in response to Section XIV.7C of the Ordinance:

1. Contact Information for Applicant and Owner

*W. Turner Booth
5402 W Harbor Hwy
Glen Arbor, MI 49636
Email: tbooth@themillglenarbor.com
Telephone: (443) 379-2525*

2. General & Use Information

- a. Vicinity Sketch showing site relationship to surrounding streets and land uses within 300’

See Exhibit A – Vicinity Sketch

- b. Project Description

*The project involves the restoration, preservation, and adaptive reuse of the historic grist mill (the “**Mill**”) and the miller’s farm house (the “**Mill House**”). Initially, the Mill will be repurposed to best allow Glen Arbor residents and visitors to the area an opportunity to enjoy the recreational*

and educational benefits the site has to offer. Eventually, the Property would serve as an Inn with customary accessory uses permitted in the Recreational District.

i. Description of Proposed Uses of Structures and Land

The Mill would be used as a community space offering (i) visitors the opportunity to tour the Mill and learn about the history of the Property and the surrounding areas and (ii) local organizations and businesses a venue for meetings and events (the “**Initial Mill Use**”). A small gift shop and café are contemplated in conjunction with the Initial Mill Use.

The Mill House would be used as a Rooming House.

The land surrounding the Mill and the Mill House would include driveways, parking, gardens, boardwalks, patios, and a boathouse.

ii. Dwelling Units, Sleeping Rooms, Occupants, Employees (by shift), Other Users

Dwelling Use - Rooming House¹

Dwelling units would be limited to the improvements surrounding the Mill.²

The Mill House can accommodate up to ten (10) individuals in one (1) or three (3) dwelling units.³

Museum Use⁴

Tours of the Mill would be offered to groups of up to twenty (20) individuals at a time and would be offered on specific days and at specific times subject to the Community Space Use (discussed below). Tours would highlight the history of the Property and

¹This use is permissible in the Recreational District pursuant to Sections VI.1B via VII.1.1A.

² Additional accommodations are contemplated at the 5454 Property (subject to approval of the 5454 Application). Ultimately the Combined Property (the Property and the 5454 Property) would be most accurately categorized as an Inn with rental Cottages under the Ordinance. As the dwelling use evolves with the addition of the 5454 Property, if permitted, the Initial Mill Use would be expanded to accommodate common areas for the Inn and Cottages including a lobby area, fine dining facilities, and other recreational uses permitted by the Ordinance.

³ The Mill House is configured in a manner to allow access to the two upstairs dwelling units independent of the first-floor dwelling unit.

⁴ While the term “Museum” is not used in any specific zoning district contained in the Ordinance, the definition of Museum in the Ordinance includes “educational” and “recreational” activities which are consistent with the Recreational District.

surrounding area and would educate guests on the operations and equipment of the Mill.⁵

Community Space Use⁶

The Mill would also serve as a space for local organizations and businesses to conduct meetings, organize gatherings and/or offer classes. The Museum Use would not operate at the same time as the Community Space Use.

Accessory Uses: Shop & Café Use⁷

A small shop selling museum related goods (of less than six hundred (600) square feet) and a café are contemplated in conjunction with the aforementioned uses.

Employees & Employee Accommodations

The Dwelling Use would be managed by the Owner (or a third-party service selected by the Owner).

The Community Space, Gift Shop, and Café components would likely require four (4) part-time employees – two (2) part-time employees to manage tours and community space uses of the Mill and two (2) part-time employees to manage the gift shop and café uses.

Employee accommodations are contemplated at the 5454 Property.

iii. **Square Feet and Total Useable Floor Area**

Mill – 7,195 total useable square feet (including the river floor, the entire first floor and annex, the entire second floor, and a portion of the third floor)

Mill House – 2,292 total useable square feet (excluding basement/crawl space)

iv. **Recreation and Open Space**

5 Kim Kelderhouse of the Leland Historical Society and Dave Taghon of the Empire Area Museum to advise.

6 These uses are generally permissible in the Recreational District pursuant to Footnote 4 (above) and Section VI.1F via VII.1.1A.

7 These uses are generally permissible in the Recreational District pursuant to Footnote 4 (above) and Section VI.1B via VII.1.1A.

Exterior recreation space includes a boat house with kayak storage to complement the existing dock. Kayak use will be for Rooming House guests only.

Open Space includes the existing front and side yards of the Mill House, the proposed gardens, and the wooded area behind the Mill House.

v. Outdoor Gatherings

Outdoor gatherings would generally be limited to food & beverage areas north and west of the Mill Annex and south of the Mill's river floor.

3. Property Information

a. Location, Shape, Area, Dimensions

The Property is located on an oxbow on the Crystal River approximately 1 mile north of "downtown" glen arbor. The approximately 2-acre parcel is abnormally shaped and generally follows the contour of the Crystal River and Highway M-22. See Exhibit B – Survey, for more information.

b. Property Survey

A Topographic Survey is attached as Exhibit B.

c. Yard, Open, Parking & Loading Spaces

Yard & Open Space

Yard and Open Space includes the existing front and side yards of the Mill House, the proposed gardens, and the wooded area behind the Mill House.

Parking

Five (5) parking spaces – including two handicapped parking spaces are proposed on the Property. An additional sixteen (16) parking spaces would be provided on the 5454 Property pursuant to a deed restriction in compliance with Section VIII.6.8 of the Ordinance.⁸

In total, twenty-one (21) parking spaces are sufficient to satisfy off street parking requirements. Specifically:

⁸ The Recreational District in the ordinance provides limited off-street parking requirements (see Section VII.1.8). Section VIII.6 contemplates off street parking requirements for business and recreational uses and as such is the best guidance for parking requirements beyond the scope of Article VII.

- *The initial dwelling use including three (3) units in the Mill House would require three (3) parking spaces (one space per dwelling unit per Section VI.8.A.1. of the Ordinance).*
- *At 7,195 useable square feet, the Mill building would require eighteen (18) parking spaces (one space per 400 square feet of floor area per Section VII.1.8A).*

d. Roads, Driveways, & Easements

i. Driveways & Parking Areas

A new driveway (pursuant to an easement over the 5454 Property) would be added to improve ingress and egress and the existing driveway would be removed. Initial feedback from the Michigan Department of Transportation (MDOT) has been positive noting that the proposed point of ingress/egress is much safer than the existing point.

ii. Drainage (County & Site)

Paving materials on both the Property and the 5454 Property would be permeable and would generally result in an improvement to drainage at the Property resulting from the removal of existing non-permeable asphalt.

iii. Easements

An easement and deed restriction encumbering the 5454 Property is contemplated for ingress/egress and parking.

iv. Proposed Streets, Alleys, & Traffic Control Measures

An additional easement in favor of the bike path is contemplated on the 5454 Property for cyclist safety and to prevent traffic resulting from cars waiting to turn along M-22.

e. Utilities

i. Location of Wells, Septic, & Sanitary Facilities

The Property will have two wells and is connected to The Homestead's sewer facilities.

The existing Mill House well is shown on the Site Plan to the south west of the Mill House. The Mill House well was treated and tested in the past twelve (12) months and is in good working order.

There is an existing well for the Mill to the west of the Mill Annex that will be decommissioned. A new well for the Mill is contemplated on the east side of the structure near the proposed ramp.

The Mill and the Mill House are connected to The Homestead's waste water treatment facilities.

ii. Drainage (Storm Water Management)

Paving materials on both the Property and the 5454 Property would be permeable and would generally result in an improvement to drainage at the Property resulting from the removal of existing non-permeable asphalt.

There is sufficient open space around the parking areas and driveways for snow storage.

iii. Location of Utilities

Electric (Consumers) - The utility enters the from the northeast and crosses the Crystal River to a pole on the northeast side of the Mill House. From the pole, the Mill House, the sewer pump, and the Mill are all served via underground connections. These connections may be updated and relocated as part of the project – discussions with Consumers Energy are ongoing.

Gas (DTE) – The utility enters the Property from the south and runs alongside the Mill on its way to the Mill House. DTE recently updated the service and it is adequate for all initial uses.

Water (Well) – See Section 3.e.i., above.

Sewer (The Homestead) – See Section 3.e.i., above.

iv. Lighting

Limited exterior lighting and signage/wayfinding lighting are contemplated at entrances and along paths. All lighting will be fully-shielded and compliant with the Ordinance.

f. Natural Resources & Features

i. Natural Features and Sensitive Areas

An analysis of floodplains, wetlands, and other sensitive areas is ongoing with The Michigan Department of Environment, Great Lakes, and Energy (EGLE) and the Leelanau County Soil Erosion Control office.

See attached letter from EGLE dated September 14, 2004.

ii. River and Wetlands

The Crystal River and some wetlands run through and around the Property.

iii. Location of Required Agricultural Buffers

Not applicable.

g. Miscellaneous

i. Landscaping Plan – location of plants to be preserved, proposed plantings, screening, fences and lighting

A comprehensive landscaping plan is not available at this time.

Any landscaping would be in keeping with the natural characteristics of the Crystal River and would, to the extent feasible, include the preservation of existing trees and plants. New plantings would be native to the area. Screening and fencing are not contemplated at this time but may be necessary for safety along portions of the Crystal River or the proposed bike path.

All landscaping would be performed in compliance with the Ordinance in all respects.

ii. Storage location, specifications and containment systems for chemicals, salts, flammable materials, or hazardous materials

The use or storage of chemicals, salts, flammable materials, or hazardous materials is not contemplated.

4. Structure Information

a. Location, Dimensions, Height, Bulk

See Vicinity Sketch and Site Plan for the location of the existing improvements.

The Mill (excluding the Annex) is approximately 50' wide by 36' deep and 38' tall. The Mill Annex is approximately 42' wide by 22' deep and 20' tall. The Mill House is abnormally shaped and is approximately 35' wide at its widest, 55' deep at its deepest, and 26' tall.

This Application does not contemplate additional structure other than a modest boat house of approximately 200 square feet for the storage of kayaks.

b. Proposed Structure Use

Please refer to Section 2.b.i and 2.b.ii, above.

c. Location and Size of Waterfront Structures and Docks

The existing dock is approximately 6' wide and 50' long. It is proposed that the existing dock would be repaired and connect to the boathouse to the west of the Mill Annex.

A boardwalk of to-be-determined length is contemplated to the south of the Mill extending from the existing dock to the walking path leading to the main parking area.

d. Existing Man-Made Features

The Mill, the Mill Annex, the Mill House, the Pump House, a garden, the driveway, the sewer infrastructure and various stone monuments comprise existing man-made features. See Survey for more detail.

e. Accessory Structures

A boathouse for the storage of kayaks to the west of the Mill Annex is proposed. See Site Plan for more details.

f. Trash Receptacles

A dumpster and decorative enclosure would be located next to the five parking spaces by the Mill.

g. Signage

A sign at the entrance and customary parking and wayfinding signage are contemplated but not yet designed. All signage would be in full compliance with the Ordinance.

5. Additional Information

a. Fire and Safety Preplan

A fire and safety preplan is being coordinated with Glen Lake Fire Department (GLFD). The Owner will incorporate all feedback and requirements from the GLFD as they are received.

b. Federal, State, & Local Permits

On July 8, 2020, the Owner met with Robyn Schmidt of the Water Resource Division of EGLE for a pre-application meeting. Correspondence regarding that meeting is attached as Exhibit C. Various permits may or may not be required subject to final drawings and additional research to be performed by EGLE. Necessary permit applications will be prepared and will be filed as required to carry out the plans outlined in this Application.

There are no known restrictions relating to the Mill's status as a Michigan State Historic Site. See email from Debra Ball Johnson, AIA, Architect, State Historic Preservation Office attached as Exhibit D.

c. Expected Project Completion Date

June 1, 2021

6. Additional Entity Comments

a. Fire Department

Feedback from the GLFD is pending.

b. County Road Commission

The County Road Commission does not have input because the property is located on a state highway. See email from Linda Kuhn, Leelanau County Road Commission attached as Exhibit E-1.

Correspondence with Steve Bursinski and Jeremy Wiest of MDOT is attached as Exhibit E-2. Their initial feedback was that a new point of ingress/egress that maximized visibility in either direction (as proposed) would be a vast improvement and they would be in favor of the change.

c. District Health Department

Latest correspondence with Clay McNitt of the Benzie-Leelanau District Health Department (BLDHD) is attached as Exhibit F. The Owner is working with BLDHD to locate a type II well to service the Mill.

d. County Drain Commissioner

Correspondence with Steve Christensen - Leelanau County Drain Commissioner is attached as Exhibit G. No immediate issues were identified.

e. County Construction Code Office

Correspondence with Paul Hunter - Leelanau County Building Official and Inspector is attached as Exhibit H. No immediate issues were identified.

[Text continues on next page]

PART II

SITE PLAN REVIEW AND APPROVAL STANDARDS

The following is supplied in supplement to the Site Plan and in response to Section XIV.8 of the Ordinance:

A. All elements of the site plan shall be organized in relation to topography, the size and type of lot, and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

Confirmed. Modifications and renovations to the existing improvements have been carefully considered so as to be in keeping with the history of the Property, the surrounding areas, and to minimize impact on surrounding property.

B. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree, other vegetative material, and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas. Landscape elements shall minimize negative impacts. Landscaping, buffering, and screening shall conform with the requirements of Section XIV.7C Landscaping and Screening.

Confirmed. Additions to existing landscaping would be in keeping with the natural characteristics of the Crystal River and would, to the extent feasible, include the preservation of all existing trees and native plants. Screening and fencing are not contemplated at this time but may be necessary for safety along the portions of the river or the proposed bike path. All Landscaping will conform with the requirements of Section XIV.7C.

C. Special attention shall be given to proper site drainage so that removal of storm waters will not increase off-site sedimentation or otherwise adversely affect neighboring properties.

Confirmed. Paving materials on both the Property and the 5454 Property would be permeable and would generally result in an improvement to drainage at the Property resulting from the removal of existing non-permeable asphalt. The resulting drainage would not adversely affect neighboring properties

D. The site plan shall provide reasonable, visual, and sound privacy for the proposed development, as well as the adjacent properties. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

Confirmed. Natural barriers including existing landscaping and the Crystal River provide adequate visual privacy. Additional landscaping and insulative building materials will be used as necessary to provide ample sound privacy and a peaceful operation. The type and scope of uses as well as limited outdoor gatherings will minimize any disturbance to neighboring properties.

E. A fire and safety preplan review shall be required and coordinated by the applicant with the Glen Arbor Township Fire and Rescue Chief or his/her designee.

Pending. A fire and safety preplan review is in process with Glen Arbor Township Fire and Rescue Chief and will be provided as soon as it is available.

F. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access.

Ingress and Egress has been designed to allow for emergency vehicle access. Confirmation should be provided with the fire and safety preplan review discussed above.

G. Every structure or dwelling unit shall have access to a public street, private road, walkway, or other area dedicated a to common use.

Confirmed.

H. Walkways shall be provided, separate from the road system, where feasible.

Confirmed. Walkways from the parking area to Mill and Mill House are contemplated in addition to the proposed bike path.

I. Exterior lighting shall be designed and arranged so that it is deflected away from adjacent streets and adjoining properties and shall be directed downward so as not to unnecessarily illuminate the night sky. Flashing or intermittent lights shall not be permitted.

Confirmed. Exterior lighting will be installed and/or modified as necessary to achieve this result and will be in full compliance with the Ordinance.

J. The proposed arrangement of vehicular and pedestrian routes shall respect the pattern of existing or planned streets and non-motorized pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way.

Confirmed where applicable. The Application proposes an additional bike path easement at the driveway to address potential congestion cause by the interaction of the proposed bike path and the driveway.

K. All streets shall be developed in accordance with County Road Commission specifications if public, and in accordance with Private Roads, if private.

Not Applicable. Driveways conform to the Ordinance and Ingress/Egress are under review by MDOT.

L. All parking areas shall be so designed to facilitate efficient and safe vehicular and pedestrian circulation, minimize congestion at access and egress points to intersecting roads, including the use of service drives as appropriate, and minimize the negative visual impact of such parking areas.

Confirmed. Parking areas are in accordance with the Ordinance and are designed to maximize pedestrian circulation and minimize congestion (see Item J above). Permeable pavers/pavement and landscaping along the proposed bike path or M-22 will minimize the visual impact of these areas. The proposed locations of the parking areas are generally only visible from the highway.

M. Residential and non-residential development shall not include unnecessary curb cuts and shall use shared drives and/or service drives where the opportunity exists unless precluded by substantial practical difficulties.

Confirmed. The Application proposes only the relocation of an existing curb cut. No unnecessary curb cuts are contemplated.

N. The site plan shall provide for the appropriate location of all necessary and proposed utilities. Locational requirements shall include underground facilities to the greatest extent feasible.

Confirmed. Utilities are existing and discussion are underway with Consumers Energy regarding new underground electrical service. No new above ground utilities are contemplated.

O. Site plans shall conform to all applicable requirements of state and federal statutes, and approval may be conditioned on the applicant receiving necessary state and federal permits before the final site plan approval is granted.

Confirmed. Necessary permitting at the state level is contemplated and, as of now, no permitting at the federal level is required.

P. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment, including:

1. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, ground water, lakes, streams, rivers, or wetlands.

Not Applicable.

2. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan groundwater discharge permit.

General purpose floor drains are not contemplated at this time. If general purpose floor drains become necessary, they will only be installed if properly approved.

3. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to ground water, including direct and indirect discharges, shall be allowed without required permits and approvals.

Hazardous substances are not contemplated but will be dealt with state and agency requirements if they become necessary for any reason.

[Exhibits Follow]

Exhibit A

Vicinity Sketch

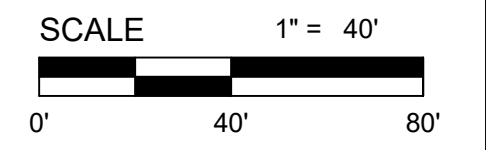
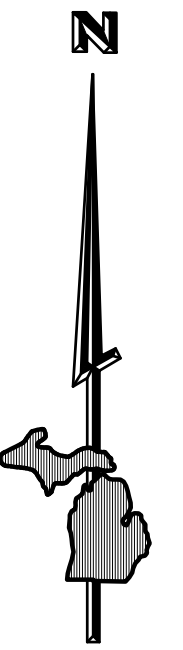
Exhibit B

Survey



Gosling Czubak
 engineering sciences, inc.
 1280 Business Park Dr.
 Traverse City, Michigan
 231-946-9191 phone
 info@goslingczubak.com
 www.goslingczubak.com

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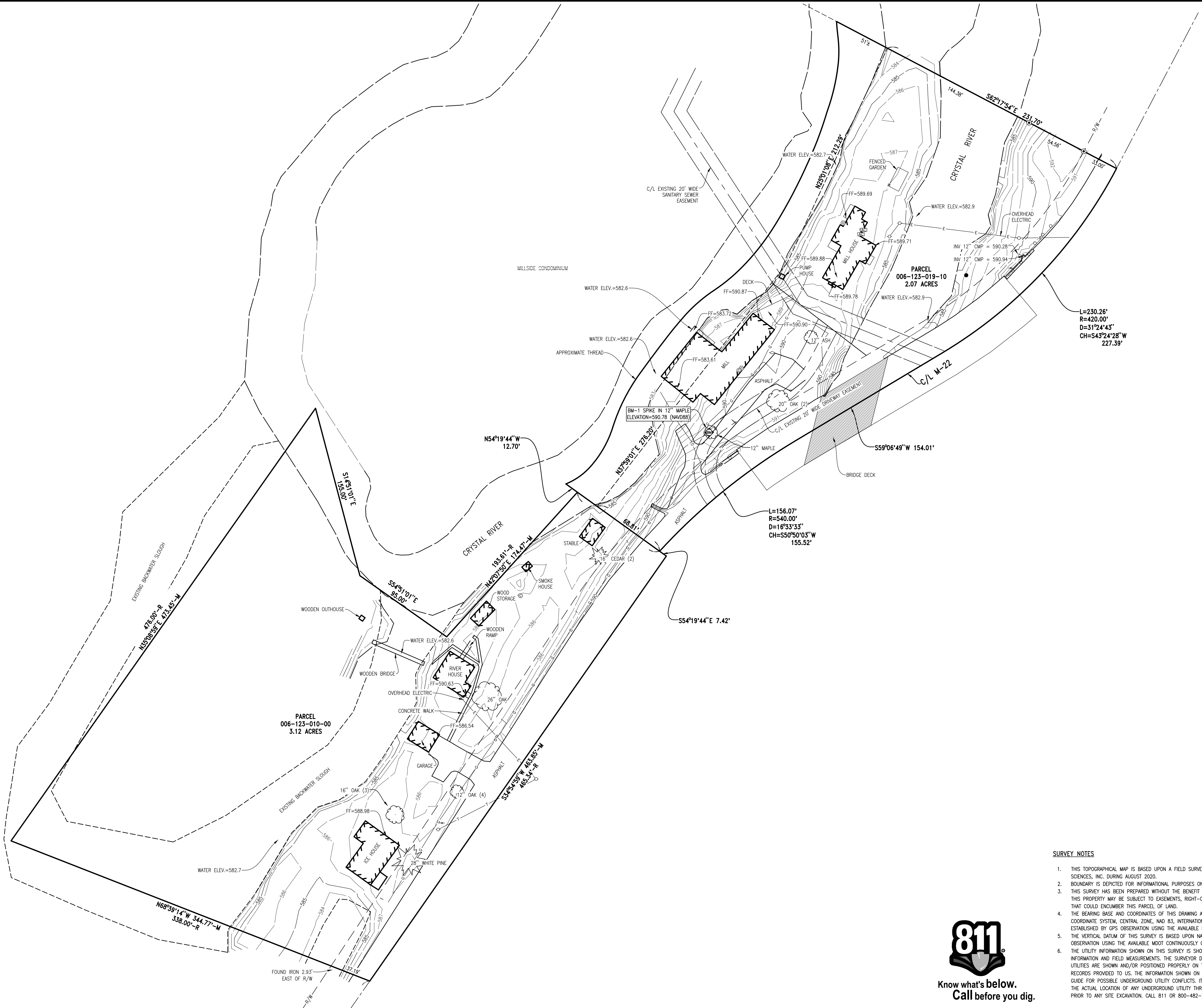
LEGEND

- BENCHMARK
- IRON FOUND
- MONUMENT FOUND
- EXISTING UTILITY POLE
- EXISTING AIR CONDITIONER
- EXISTING SIGN
- EXISTING WATER WELL
- EXISTING SANITARY CLEANOUT
- EXISTING BUILDING
- EXISTING FENCE
- EXISTING GUARDRAIL
- EXISTING ELECTRIC - OVERHEAD
- EXISTING GAS
- EXISTING CONIFEROUS TREE
- EXISTING DECIDUOUS TREE

No.	Date	By

TOPOGRAPHIC SURVEY
5440 & 5454 WEST HARBOR HIGHWAY
W. TURNER BOOTH

Date Issued:	08/27/2020
Date Surveyed:	08/15/2020
Designed By:	CJP
Drawn By:	ADB
Checked By:	CJP
Scale:	1" = 40'
Original sheet size is 24x36	
Location:	
PART OF THE NW 1/4	
SECTION 23, T29N, R14W	
GLEN ARBOR TOWNSHIP	
LEELANAU COUNTY	
MICHIGAN	
Project Number:	2020738001.01
Sheet:	1



- SURVEY NOTES**
- THIS TOPOGRAPHICAL MAP IS BASED UPON A FIELD SURVEY PERFORMED BY GOSLING CZUBAK ENGINEERING SCIENCES, INC. DURING AUGUST 2020.
 - BOUNDARY IS DEPICTED FOR INFORMATIONAL PURPOSES ONLY.
 - THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE SEARCH AND RESTRICTIVE COVENANTS THAT COULD ENCUMBER THIS PARCEL OF LAND.
 - THE BEARING BASE AND COORDINATES OF THIS DRAWING ARE BASED UPON THE MICHIGAN STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83, INTERNATIONAL FEET, 2011 ADJUSTMENT. CONTROL WAS ESTABLISHED BY GPS OBSERVATION USING THE AVAILABLE MDOT CONTINUOUSLY OPERATING STATIONS (CORS).
 - THE VERTICAL DATUM OF THIS SURVEY IS BASED UPON NAVD 88. CONTROL WAS ESTABLISHED BY GPS OBSERVATION USING THE AVAILABLE MDOT CONTINUOUSLY OPERATING STATIONS (CORS).
 - THE UTILITY INFORMATION SHOWN ON THIS SURVEY IS SHOWN BASED UPON A COMBINATION OF RECORD INFORMATION AND FIELD MEASUREMENTS. THE SURVEYOR DOES NOT GUARANTEE THAT ALL UNDERGROUND UTILITIES ARE SHOWN AND/OR POSITIONED PROPERLY ON THIS DRAWING DUE TO AMBIGUOUS PLANS AND RECORDS PROVIDED TO US. THE INFORMATION SHOWN ON THIS DRAWING IS INTENDED TO BE USED AS A GUIDE FOR POSSIBLE UNDERGROUND UTILITY CONFLICTS. IT IS THE RESPONSIBILITY OF OTHERS TO RESOLVE THE ACTUAL LOCATION OF ANY UNDERGROUND UTILITY THROUGH THE MISS DIG FIELD VERIFICATION SYSTEM PRIOR TO ANY SITE EXCAVATION. CALL 811 OR 800-482-7171.



Exhibit C

Letter from EGLE



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY

CADILLAC



LIESL EICHLER CLARK
DIRECTOR

September 14, 2020

VIA EMAIL

Mill Glen Arbor LLC
c/o Mr. Turner Booth
5440 W Harbor Highway
Glen Arbor, Michigan 49636

Dear Mr. Booth:

SUBJECT: Department of Environment, Great Lakes, and Energy (EGLE)
Preapplication Meeting - Submission Number HNZ-GZDY-AWH1Z
Property Location: 5440 W Harbor Highway, Glen Arbor, Michigan
T29N, R14W, Section 23; Glen Arbor Township, Leelanau County

This letter is a follow-up to our July 8, 2020, preapplication meeting regarding the proposed projects at the above-referenced location in Glen Arbor, Leelanau County. The purpose of a preapplication meeting is to provide you with information that will clarify the permit process, answer preliminary questions about your specific project in order to avoid delays at a later date, and to determine, if possible, the need for wetland or inland lakes and streams permits.

During this meeting we reviewed the need to obtain a permit under Part 301, Inland Lakes and Streams; and Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Parts 301 and 303, respectively). A review of the Floodplain Regulatory Authority, found in Part 31, Waters Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Part 31) was also conducted. The reviews were based on discussion of the proposed project, the proposed site, and potential modifications to the project discussed during our meeting.

Based on our review of the projects and natural resources present, EGLE's Water Resources Division (WRD) made the following findings regarding the need for permits required for the projects discussed; specifically:

1. Construction and/or reconstruction of the dock along the Crystal River, on the existing mill building requires a permit under Part 301. Under Part 301, an EGLE permit is required for filling, dredging, and construction along the streambank or in the stream. As discussed, the construction of a deck over the river is unlikely to be authorized, because a deck serves activities that can be conducted in the upland, such as seating. A dock, however, that provides access to the water and dockage can be considered in this location. If the dock provides commercial dockage it would be considered a marina, under Part 301.
2. The placement of fill material in the wetland, present to the south of the mill building would require a permit under Part 303. A permit under Part 303 is required for any

filling, excavation, construction, draining surface water or maintained use in a wetland. As discussed, obtaining a delineation of the wetland boundaries would be helpful for future planning. A wetland delineation may be obtained using a private consultant or requesting a delineation using the Wetland Identification Program. More information is available on-line at www.mi.gov/wetlands. Under Part 303, the state law requires that impacts first be avoided, and for those projects where the wetland cannot be avoided, the wetland impacts must be minimized. During our meeting we discussed the creation of a driveway from the mill building, south to the other buildings. The upland (= non-wetland) available along the edge of W Harbor Highway that should be used to create the driveway. A retaining wall will likely be required to support the fill, due to the grades and to avoid or minimize impacts to the wetland. Also, we discussed the potential to construct a boardwalk across this wetland, which can have minimal impact when constructed on pilings. Extending the boardwalk over the river is unlikely to be authorized under Part 301, due to adverse impacts to navigation and restricting/eliminating the public trust along the Crystal River. The public trust includes the right of the public to navigate waterways for recreation and fishing.

3. Under Part 301 and 303, the placement of shoreline protection along the streambank and wetland requires an EGLE permit. EGLE can consider streambank protection in areas where accelerated erosion is occurring. There are many techniques available for streambank protection, including placement of woody debris and flow deflectors. More information on these techniques is available on-line at www.mi.gov/lakesandstreams. EGLE would be unlikely to issue a permit for vertical seawall (steel, wood) due to the adverse impacts to the natural resources, including elimination of habitat and restriction of wildlife movement between the stream and streambank, and adverse changes to stream flow.
4. A permit is required under Parts 301 and 303 for the removal and construction of a bridge across a small tributary and wetland to a small cabin, near the south property line. In addition, the placement of a building or construction of a building on the ridge, across the stream, may also require a permit under Part 303. As discussed, the wetlands in this area are dune swale complex, made up of swales of wetland and ridges of upland (= non-wetland). As recommended above, obtaining a wetland delineation will also be helpful in determining the amount of upland available across the stream for a building.
5. The floodplain areas associated with rivers are regulated at the federal, state and local level through FEMA's National Flood Insurance Program (NFIP), the Floodplain Regulatory Authority found in Part 31, Waters Resources Protection of NREPA (Part 31) and through the state building codes administered by the Leelanau County building Department. The requirements for each of these is outlined below.

At the Federal level, the township of Glen Arbor initially joined the NFIP in 1986 and the current effective flood insurance map date is August 28, 2018. However, the Crystal River does not have a published FEMA flood map. When a community joins the NFIP, they pass a township ordinance agreeing to manage their floodplains using the NFIP requirements. In Michigan, most of these requirements are met through our state building codes.

When there is no FEMA map, the flood hazard area is determined by EGLE for the purposes of the state building code and state regulations. As you indicated during the site visit, water flows through the lower level of the structure when the river is high. The mill structure is located within the floodplain of the Crystal River, which is estimated to have a 5-foot rise during a 1% chance flood event.

EGLE regulates the riverine floodplains in Michigan through Part 31. Part 31 states in Section 324.3104 that a person shall not alter a floodplain except as authorized by a floodplain permit issued by EGLE. If you do any work that increases the footprint of the structure by constructing an addition, attached deck, or placing fill within the adjacent floodplain area, a permit from EGLE would be required under Part 31. Interior rehabilitation of the existing structure would not require a Part 31 floodplain permit.

Floodplain development requirements are also found in the Michigan Residential Building Code. The code states that for a building code permit application for rehabilitation, repair or improvements of existing structures located in a flood hazard area, the building official shall determine the value of the proposed work. If the value of the proposed work equals or exceeds 50% of the market value of the building, the proposed work would be a substantial improvement and the building official shall require the existing portions of the entire structure meet the requirements of section R322 in the building code. This would not apply if the structure is listed or determined to be eligible for listing in the National Register of Historic Places, or designated as historic under a state or local historic preservation program that is approved by the Department of Interior. Section R322 of the Michigan Residential Building code states, in part, that buildings located in flood hazard areas shall have the lowest flood elevated one foot above the base flood elevation. The lowest flood is the lowest enclosed area, including basement, but excluding any unfinished flood resistant enclosure that is useable solely for vehicle parking, building access or limited storage provided that such enclosure is not built to render the building in violation of section 322. Enclosed areas below the flood elevation shall have with flood openings, total net area of opening shall be 1 square inch for each square foot of enclosed area. These flood openings shall provide for the equalization of hydrostatic flood forces on exterior walls. Mechanical, plumbing, and electrical systems shall be located at or above the flood elevation or designed to prevent water from entering the components. New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems. Building materials below the flood elevation shall be flood damage resistant materials. More information on building code requirements can be found by contacting the Leelanau County Department of Building Safety at 231-256-9806.

This determination is based on the projects and other information discussed at the time of this meeting only. Provided that the proposed project and location are not altered, this determination is binding on EGLE for a period of two years from the date of this meeting.

The WRD noted activities that, as currently designed, would also require authorization under Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Contact the Leelanau County Soil Erosion Control office at 231-256-9783 for more information. In addition, work along the right-of-way of M-22

should be discussed with the Leelanau County Road Commission at 231-271-3993, and/or Michigan Department of Transportation, Traverse City Service Center, 231-941-1986.

During the meeting, we also discussed a number of issues related to the project, including the following:

- Information on completing an application form, see enclosed information regarding MiWaters.
- Staff did not observe the presence of state or federally-listed threatened or endangered species on the site.
- A search of our database indicates this site is at or near a "Known Archaeological Site." Any application submitted will be sent to the State Historic Preservation Office for review and comment.

Please note that this is not a permit. The WRD cannot indicate during a preapplication meeting whether or not a permit will be issued. The WRD cannot make a decision regarding a permit until it has considered all of the information provided in the final permit application, and, in some instances, has also considered comments received in response to a public notice of the project. Therefore, the WRD cannot legally tell you whether the project will be permitted in advance of a permit application being submitted and reviewed.

The EGLE submission number assigned to this project is HNZ-GZDY-AWH1Z. Please keep a record of this submission number and use it when submitting a final application or otherwise corresponding with our office on this project.

We appreciate the opportunity to meet with you to address these concerns. We have established a submission for this project, and the information submitted to date will be used to facilitate processing of the final application. If you should have follow-up questions before then, please contact me at 231-383-5952; schmidtr1@michigan.gov; or EGLE, WRD, Cadillac District Office, 120 West Chapin Street, Cadillac, MI, 49601-2158.

Sincerely,



Robyn Schmidt
Water Resources Division

Enclosure

cc: Glen Arbor Township Clerk
Leelanau County Dept. of Building Safety
Leelanau County SESC
Ms. Susan Conradson, WRD, Cadillac

Exhibit D

Correspondence with SHPO



W. Turner Booth <wturnerbooth@gmail.com>

RE: Glen Arbor Roller Mills - 5426 W. Harbor Hwy, Glen Arbor MI, 49636

1 message

Johnson, Debra (MSHDA) <JohnsonD70@michigan.gov>
To: "W. Turner Booth" <wturnerbooth@gmail.com>

Wed, Jul 11, 2018 at 9:25 AM

Hi, Turner

Upon further research, we found that it is a State Register building, but does not have an historic marker. Therefore, it does not need to be reviewed at the Historical Center (not the SHPO, my mistake) and does not have to follow the Standards. The owner was wrong about withdrawing from the State Register designation. It can be delisted if it has lost its historic integrity, but you can't just withdraw.

Rehabilitation is the updating of a building for a contemporary use, which sounds like what you would like to do with the building. If you are interested in tax credits, you would have to preserve the major character-defining spaces. Otherwise, the Standards, if you were required to follow them, pertain to the exterior of the building. If you look closely at the Standards, they are really broad guidelines on how to do appropriate work on the building. I believe you could follow them and it would be workable. We would not review the work, unless tax credits were involved, even if it were on the National Register. I hope this helps.

Debra

From: W. Turner Booth [mailto:wturnerbooth@gmail.com]
Sent: Wednesday, July 11, 2018 8:17 AM
To: Johnson, Debra (MSHDA) <JohnsonD70@michigan.gov>
Subject: Re: Glen Arbor Roller Mills - 5426 W. Harbor Hwy, Glen Arbor MI, 49636

Hi Debra-

Thank you for this information. It is very helpful.

I spoke with the current owner and he provided the following response regarding compliance with the Standards for Rehabilitation:

"We met with them in Lansing and was told that we did not need to comply [with the Standards for Rehabilitation] unless we wanted a higher level of designation which we did not. I believe we were also told we could withdraw from the designation we had."

Can you let me know if any of this is still accurate?

If this is no longer the case, can you provide some guidance on your office's review process? The property's historic use is no longer feasible or permitted by zoning and an alternative use (presumably residential or an Inn) would require a bit of work. The work could be done with minimal changes to the facade (thus preserving the exterior character of the building), but if the interior work would be highly scrutinized I suspect this building will be left vacant indefinitely and will continue to deteriorate.

Looking forward to getting your thoughts.

Turner Booth

(443) 379-2525

On Jul 9, 2018, at 2:38 PM, Johnson, Debra (MSHDA) <JohnsonD70@michigan.gov> wrote:

Hi, Mr. Booth

We do not hold an easement on this property. I have attached the information we have on file on the building from the State Register nomination process.

In answer to your other questions, Joelle is correct that there is currently no funding sources for State registry buildings. Tax credits may be available if you begin the process to place it in the National Register of Historic Places (here is the information on our website: https://www.michigan.gov/mshda/0,4641,7-141-54317_19320_61889---,00.html). Then, a rehabilitation of the building may be eligible for a 20% tax credit if it is an incoming producing property and you are doing a certified, substantial rehabilitation, following the Secretary of the Interior's *Standards for Rehabilitation* (I have attached a copy for you). Here is our website for tax credits: https://www.michigan.gov/mshda/0,4641,7-141-54317_19320_62001---,00.html

You inquired about restrictions due to the State Register status. Work done on the building must follow the Secretary of the Interior's *Standards for Rehabilitation*. Any work beyond maintenance must be reviewed by our office.

Please let me know if you have any further questions. Thanks!

Debra

Debra Ball Johnson, AIA

Architect

State Historic Preservation Office

Michigan State Housing Development Authority

[735 E. Michigan Ave.](#)

P O Box 30044

Lansing, MI 48909

johnsond70@michigan.gov

517-241-0242

From: Letts, Joelle (MSHDA)
Sent: Monday, July 09, 2018 9:09 AM
To: W. Turner Booth <wturnerbooth@gmail.com>
Cc: Conway, Brian (MSHDA) <CONWAYB1@michigan.gov>; Johnson, Debra (MSHDA) <JohnsonD70@michigan.gov>
Subject: RE: Glen Arbor Roller Mills - [5426 W. Harbor Hwy, Glen Arbor MI, 49636](#)

Hello Mr. Booth,

Thank you for your email. Unfortunately, there is no grant funding available for the project you described below. For information regarding your site I've included Debra Ball Johnson on this email. Debra oversees SHPO's easement program and can provide you with the information you requested. You may email Debra or contact her directly at 517-241-0242.

Thank you again for contacting our office!

Joelle Letts

Grants Manager/Budget Analyst

State Historic Preservation Office, Michigan State Housing Development Authority

[735 E. Michigan Ave.](#),

P O Box 30044
Lansing, MI 48909
Phone: 517-373-1904
Fax: 517-335-0348

From: W. Turner Booth [<mailto:wturnerbooth@gmail.com>]
Sent: Friday, July 06, 2018 11:07 AM
To: Conway, Brian (MSHDA) <CONWAYB1@michigan.gov>; Stone, Kevin (DMVA-Contractor) <StoneK3@michigan.gov>; Letts, Joelle (MSHDA) <LettsJ1@michigan.gov>
Subject: Glen Arbor Roller Mills - [5426 W. Harbor Hwy, Glen Arbor MI, 49636](#)

Hello-

MY name is Turner Booth and I am in discussions regarding the potential acquisition of Glen Arbor Roller Mills - [5426 W. Harbor Hwy, Glen Arbor MI, 49636](#) - in Leelanau County. I understand that the property was designated as a Michigan State Historic Site in 1977.

Can you direct me to someone I can speak with about the site? Specifically, I am interested in any restrictions associated with the designation and also what, if any, state or federal grant programs are available to rehabilitate and preserve the structures.

Also, if your office has any records or materials related to the site I would love to schedule a research appointment.

Thank you for your help and I look forward to hearing from you.

Turner Booth

(443) 379-2525

<Leelanau_Glen Arbor_Glen Arbor Roller Mills_SR.pdf>

<Sec of Interior Standards for Rehabilitaiton.pdf>

Exhibit E-1

Correspondence with Leelanau County Road Commission

Subject: RE: The Mill - 5440 & 5454 W Harbor Hwy, Glen Arbor
Date: Friday, September 18, 2020 at 10:05:19 AM Eastern Daylight Time
From: LCRC
To: Turner Booth

Turner,

I believe that your mill is located on M-22 which is under the jurisdiction of MDOT, not the Leelanau County Road Commission. You will want to contact them regarding any changes you are considering to your road access or use of right-of-ways. The phone number for the Traverse City office is 231-941-1986.

I'm sure our manager, Brendan Mullane would be happy to meet with you regarding your project if there is anything we can do to assist you. Feel free to reach out to him at bmullane@leelanauroads.org or by phone at 231-271-3993.

I was very excited to see the old mill being restored and have been watching your progress every time I drive by there. I wish much success for you in your endeavor.

Linda

*Linda Kuhn
Leelanau County Road Commission
231-271-3993 ext 221*

From: Turner Booth [mailto:tbooth@themillglenarbor.com]
Sent: Thursday, September 17, 2020 5:52 PM
To: lcrc@leelanauroads.org
Subject: The Mill - 5440 & 5454 W Harbor Hwy, Glen Arbor

Hello-

My name is Turner Booth and I am the owner of the old grist mill on the north side of Glen Arbor.

I have been working on some plans for the property and I was hoping to share my ideas with someone in your office and get their input. I've had a number of conversation with Tim Cypher (zoning administrator) and I'm hoping to dial in the plan in the coming weeks and get to work by years end.

Please let me know if there is a good time to meet and discuss (in person or via zoom). My schedule is flexible and I'd be happy to make time whenever is convenient for the appropriate person in your office.

Look forward to meeting and sharing my ideas.

Best,
Turner Booth
(443) 379-2525

Exhibit E-2

Correspondence with MDOT

Subject: The Mill Glen Arbor - 5440 W Harbor Hwy
Date: Tuesday, September 29, 2020 at 2:13:42 PM Eastern Daylight Time
From: Turner Booth
To: burzynskis@michigan.gov
Attachments: 2020738001_BOOTH_CD-1_REV 08[4].pdf

Steve (& Jeremy) -

I am writing in regards to our meeting from earlier this year with respect to the Subject property.

I am preparing to submit my Site Plan for review by the Glen Arbor Zoning Commissioner and Planning Commission and I wanted to share a preliminary draft with you.

As discussed when we met, my proposal is to move the main driveway to the Mill to the south to accommodate parking and to create a safer point of ingress to and egress from the property. Not only does this plan improve line of sight when exiting the property, but it also addresses the awkward U-turn it currently takes to access the property if you are coming from the north.

Also, in anticipation of the proposed connection of the Heritage Trail, I will be proposing an easement to bring the path further into the south parcel to allow for a car to wait and turn on to M-22 without blocking or interfering with the proposed path.

When we last spoke you suggested you would be supportive of these changes, but I wanted to follow up now that we are starting to get a clearer picture.

Please let me know if you have any thoughts or if you'd like to discuss.

Thanks,
Turner Booth
(443) 379-2525

Exhibit F

Correspondence with BLDHD

Subject: The Mill Glen Arbor - 5440 W Harbor Hwy
Date: Tuesday, September 29, 2020 at 12:26:01 PM Eastern Daylight Time
From: Turner Booth
To: cmcnitt@bldhd.org
Attachments: Existing Survey.pdf, 2020738001_BOOTH_CD-1_REV 08[3].pdf

Clay-

Thank you for taking the time yesterday and for sharing your preliminary thoughts on my project at the Mill in Glen Arbor.

I am attaching an existing survey of the property and the most recent site plan. A few notes:

1. As discussed, the property is currently connected to the Homestead's sewer system. I have a written agreement with the Homestead about the use of their system and my proposed uses are within the limits of that agreement – so we shouldn't have any issues there. Please let me know if I misunderstood or if there is more you need on this.
2. You mentioned the location of wells in proximity to the sewer system would be something that your office would need to review and permit. Notes on wells:

- a. The current wells are labeled on the attached "Existing Survey" document

- i. The well to the southwest of the Mill House and north of the sewer easement has been tested, treated, and is in good working order. It is currently servicing the Mill House.

- ii. The well to west of the Mill and south of the sewer easement has not been tested and would be inadequate for the proposed use even if it were in working order. As such I would plan to decommission that well and install a new Type II well to service the Mill.

You mentioned that a new well would need to be permitted and that there are 75ft set-back requirements both from the water and the sewer equipment). As you can see that presents a challenge. On the current Site Plan (the second attachment) Gosling Czuback located a proposed well near the new main entrance. Unfortunately that is within 75 feet of the spectic for the south property.... I'm not sure how best to address this issue but I would appreciate an opportunity to work with you to find a solution.

3. Finally, I'll add that I will be meeting with the Homestead to discuss extending access to the sewer to south parcel. Thinking ahead, the location of a new lift station and/or the repositioning of the existing lift station may be a way to achieve the goal of adding a new Type II well.

Please let me know if there is a good time to speak about this property in more detail. I look forward to your feedback.

Thank you,

Exhibit G

Correspondence with County Drain Commissioner

Subject: The Mill Glen Arbor - Drainage & Soil Erosion
Date: Tuesday, September 29, 2020 at 12:39:42 PM Eastern Daylight Time
From: Turner Booth
To: schristensen@co.leelanau.mi.us

Steve-

Thanks for taking the time to sit down and hear about the project.

I was glad to hear that you did not foresee any major drainage or soil erosion issues with the project. As I move forward with a final plans and begin to select permeable driveway and parking area surfaces I will be I touch.

I am looking forward to working with you to finalize my plans.

All the best,
Turner Booth
(443) 379-2525

Exhibit F

Correspondence with County Building Official and Inspector

Subject: The Mill Glen Arbor

Date: Tuesday, September 29, 2020 at 12:48:33 PM Eastern Daylight Time

From: Turner Booth

To: phunter@co.leelanau.mi.us

Paul-

Thanks for taking the time to meet yesterday. I enjoyed our conversation and your feedback on the project. I was happy to hear that you didn't see any obvious issues preventing the project from moving forward.

Per your advice I will follow up with EGLE regarding the building code sections reference in Robyn's letter and take a closer look at the rehabilitation code.

As we move forward I will be sure to be in touch to set up a pre-application meeting to review final plans with you before submitting drawings.

Thanks again,
Turner Booth
(443) 379-2525

GLEN ARBOR TOWNSHIP

Planning Commission

Glen Arbor, Michigan 49636

October 8, 2020

CALL TO ORDER:

Chairman Lance Roman called the meeting of the Planning Commission to order at 7:00 P.M.

ROLL CALL:

Lance Roman, Bill Thompson, John Pepler, Bob Ihme, Bill Stege and Michael Plessner and Pam Lysaght by telecommunication.

AGENDA:

Approved as presented

MINUTES:

The minutes of the September Planning Commission were approved as amended by a motion from Lysaght and supported by Ihme.

CORRESPONDENCE:

TOWNSHIP BOARD REPORT:

As reported by Pepler:

The work continues on the assessment of statutory jobs by positions

The Board has decided not to pursue using Zoom for their meetings

Awaiting reports from the upcoming engineering study on the Heritage Trail

The Township Board is moving forward on Cemetery project. A Cemetery commission will be formed by the January meeting.

ZONING ADMINISTRATORS REPORT:

An Email was received and forwarded to Commission members regarding soil erosion and health department current status. Final review has not been completed.

Working with Turner Booth with plans for the Mill.

Fielded 31 phone calls

Permits added \$760 in fee income

There were 3 Permits this month for a total of 21 for the year.

Faber: Condo development of 12 condos on the Wildflower property will be very attractive. A lot of the natural area will be kept and it will be very attractive from M22 and from the neighbors and the residents.

Storm waters will drain out to M22. Storm water retention will be addressed and should alleviate the flooding occurring down M22.

Discussion with Commission members concerning parking, snow removal, water retention and fire lane will be addressed by the Fire Department, soil erosion office and the other agencies involved.

ZONING BOARD OF APPEALS REPORT:

Lysaght: There is nothing on the agenda at this time.

PUBLIC COMMENTS:

BUSINESS:

Site Plan for the Old Mill project:

Turner Booth owner and developer: House project almost completed. They have acquired the old Brammer property. A museum is planned with a gift shop and eatery. House will be rented as a Rooming House. Plan to rezone adjacent property to commercial as a possible project in the future.

A tour has been requested at a later date when it is safe. Lysaght, Stege and Thompson are interested in touring.

Applications have been satisfied and a Public Hearing should be scheduled for prior to the regular Planning meeting November 5.

A motion to hold a Public Hearing at 7:00PM on November 5 prior to the regular Planning Commission meeting to approve two applications was made by Thompson and supported by Lysaght.

Motion carried unanimously.

PUBLIC COMMENTS:

COMMISSION MEMBER COMMENTS:

ADJOURN:

The meeting of the Glen Arbor Planning Commission was adjourned at 9:10 PM by Chairman Lance Roman.

Respectfully Submitted
Dotti Thompson
Recording Secretary
Planning Commission

GLEN ARBOR TOWNSHIP

Planning Commission

Glen Arbor, Michigan 49636

October 8, 2020

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ADJOURN:

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Respectfully Submitted
Dotti Thompson
Recording Secretary
Planning Commission

Sec.	ZO STD	PC DRAFT FINDINGS	CONDITIONS
<p>Sec. XIV.8</p>	<p>SITE PLAN REVIEW AND APPROVAL STANDARDS Each site plan shall conform with the applicable provisions of this Ordinance and the standards listed below:</p> <p>A. All elements of the site plan shall be organized in relation to topography, the size and type of lot, and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.</p> <p>B. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree, other vegetative material, and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas. Landscape elements shall minimize negative impacts. Landscaping, buffering, and screening shall conform with the requirements of Section XIV.7C Landscaping and Screening.</p> <p>C. Special attention shall be given to proper site drainage so that removal of storm waters will not increase off-site sedimentation or otherwise adversely affect neighboring properties.</p> <p>D. The site plan shall provide reasonable, visual, and sound privacy for the proposed development, as well as the adjacent properties. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.</p>	<p>The elements of the site appear to be organized in relation to the topography, lot size, and the use of existing buildings. The applicant is proposing to renovate the existing structures with a few minor deck and boardwalk additions to create a community space, rooming house, museum with a contemplated small shop selling museum related goods as well as a café. The application listed a less than 600 sq. ft. shop but was silent regarding the café. Outdoor gatherings were also mentioned in the application and more details should be provided, such as, hours of operation, number of gatherings, would it include small weddings, what about additional parking, and if any music would be part of said gatherings. The same holds true for the museum and café.</p> <p>There was no landscape plan provided however, the applicant noted in his that narrative that “any landscaping would be in keeping with the natural characteristics of the Crystal River and would, to the extent feasible, include the preservation of existing trees and plants. New plantings would be native to the area. Screening and fencing are not contemplated at this time but may be necessary for safety along the portions of the river or the proposed bike path. All landscaping would be performed in compliance with the ordinance in all respects.” No further specifics were provided.</p> <p>No engineering has been completed on the site and therefore the site plan shall conform to the Drain Commissioners standards. Applicant notes “paving materials on both the Mill Property and the 5454 Property would be permeable and would generally result in an improvement to drainage at the property resulting from the removal of existing non-permeable asphalt.”</p> <p>No screening or buffering is being proposed however, in item B. above it is discussed. Additionally, there are walkways noted on the site plan which affords protection and enhancement of the property and for the privacy of its patrons.</p>	<p>PC to discuss museum/café, outdoor gatherings, etc. to verify compliance with the zoning ordinance and to not impede the orderly development & improvement of the surround properties.</p> <p>PC to discuss – and have ZA make sure the landscape plan when provided meets all of the conditions of the zoning ordinance per Section XIV.7C.</p> <p>Obtain Soil Erosion permit as a condition to approval</p> <p>PC to discuss</p> <p>Incorporate any Fire Chief’s recommendations as a condition to any approval.</p>

	ZO STD	PC DRAFT FINDINGS	CONDITIONS
	<p>E. A fire and safety preplan review shall be required and coordinated by the applicant with the Glen Arbor Township Fire and Rescue chief or his/her designee.</p> <p>F. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access.</p> <p>G. Every structure or dwelling unit shall have access to a public street, private road, walkway, or other area dedicated to common use.</p> <p>H. Walkways shall be provided, separate from the road system, where feasible.</p> <p>I. Exterior lighting shall be designed and arranged so that it is deflected away from adjacent streets and adjoining properties, and shall be directed downward so as not to unnecessarily illuminate the night sky. Flashing or intermittent lights shall not be permitted.</p> <p>J. The proposed arrangement of vehicular and pedestrian routes shall respect the pattern of existing or planned streets and non-motorized pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way.</p> <p>K. All streets shall be developed in accordance with County Road Commission specifications if public, and in accordance with Private Roads, if private.</p>	<p>Initial feedback from MDOT & The Fire Chief has been positive acknowledging that the proposed point of ingress/egress is safer than the existing point.</p> <p>The Fire Chief has cited an absolute MINIMU width of 22' for the proposed road with a clear overhead height of 14'.</p> <p>As shown on the site plan, pedestrian traffic stays off the roadway except at the proposed trail location.</p> <p>As shown on the site plan, pedestrian traffic stays off the roadway except at the proposed trail location</p> <p>There was no exterior lighting detail provided. Applicant note "limited exterior lighting is contemplated at entrances, on improvements, and along paths. All lighting will be fully-shielded and compliant with the ordinance."</p> <p>A new driveway granted by easement over the 5454 property would be added to improve ingress and egress and the existing driveway would be removed. An additional easement in favor of the township is being contemplated of the Mill site including the 5454 property for cyclist safety and to prevent traffic resulting from car waiting to turn along M-22. The fire chief has noted the minimum width and further discussion may be warranted with the Fire Chief.</p> <p>Confirm with MDOT on the right of way design.</p>	<p>Incorporate the Fire Chief's & MDOT'S findings into any approval.</p> <p>Met</p> <p>Met</p> <p>Met</p> <p>All exterior lighting will conform to the night sky friendly zoning ordinance requirements.</p> <p>PC to discuss and make condition of approval as needed. A minimum of two parking spaces per dwelling unit is required (see SECTION IV.11</p> <p>Make sure that the proposed roadway meets all provisions of MDOT the private road ordinance.</p>

	ZO STD	PC DRAFT FINDINGS	CONDITIONS
	<p>L. All parking areas shall be so designed to facilitate efficient and safe vehicular and pedestrian circulation, minimize congestion at access and egress points to intersecting roads, including the use of service drives as appropriate, and minimize the negative visual impact of such parking areas.</p> <p>M. Residential and nonresidential development shall not include unnecessary curb cuts and shall use shared drives and/or service drives where the opportunity exists unless precluded by substantial practical difficulties.</p> <p>N. The site plan shall provide for the appropriate location of all necessary and proposed utilities. Locational requirements shall include underground facilities to the greatest extent feasible.</p> <p>O. Site plans shall conform to all applicable requirements of state and federal statutes, and approval may be conditioned on the applicant receiving necessary state and federal permits before the final site plan approval is granted.</p> <p>P. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment, including:</p> <ol style="list-style-type: none"> 1. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, ground water, lakes, streams, rivers, or wetlands. 2. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan groundwater discharge permit. 3. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No 	<p>The proposed parking for the uses presented meets the requirements of the zoning ordinance. The applicant has stated that “ 21 parking spaces are sufficient to satisfy off street parking requirements. The Dwelling Use, including 3 units in the Mill House and the 18 to cover the useable sq. ft. in the Mill building.</p> <p>Applicant’s plans appear to meet this requirement.</p> <p>The plan and narrative reflect the utilities so a condition should be placed to provide new improvements on the final site plan.</p> <p>Because of the proposed use, sealed drawings will be required from the engineer for the Soil Erosion Office and Leelanau County Building Safety Department.</p> <p>N/A</p>	<p>PC to discuss and make recommendations to provide further safe vehicular and pedestrian circulation as needed.</p> <p>Met</p> <p>Update the site plan to reflect all of the new utilities and that the utilities shall include underground facilities as defined.</p> <p>Provide a final sealed site plan and construction drawings from an Architect prior to a Land Use Permit approval.</p> <p>Provide approval from the Drain Commissioner and Health Dept. as it relates to this matter.</p>

	ZO STD	PC DRAFT FINDINGS	CONDITIONS
	<p>discharges to ground water, including direct and indirect discharges, shall be allowed without required permits and approvals</p>	<p>Notes and General Concerns:</p> <p>Timeline and passed project completion schedule.</p> <p>Any other information deemed necessary the PC to determine compliance with this Ordinance.</p> <p>Signage</p> <p>Drainage engineering</p> <p>New well (if needed) by Health Dept. approval.</p> <p>It appears that snow will be plowed and stored onsite during winter.</p> <p>Record any deeds restrictions and all Township approval documents which will be reviewed and approved by Township Staff including but not limited to ZA, Planner, and Attorney.</p> <p>No waivers have been requested by he applicant so all Site Plan requirements shall be met.</p>	<p>PC to discuss and place conditions as needed.</p>

Draft Motion:

I _____ move to approve the proposed Glen Arbor Mill Site project pursuant to the Site Plan Review and Approval Standards of Section XIV.8 as completed in the findings of fact document.

Supported by _____

Yeas _____

Nays _____

Motion carried _____. Motion denied _____

**THE TOWNSHIP OF KASSON
POST OFFICE BOX 62
MAPLE CITY, MICHIGAN 49664**

TOWNSHIP CLERK: Dana Boomer (231)-590-9788
PLANNING COMMISSION Stella Otto (231) 228-7513
CHAIR:
PLANNING COMMISSION Chuck Schaeffer (231) 228-6060
SECRETARY:

**Public Notice
Township of Kasson, Planning Commission, Leelanau County
*Notice of Intent to Conduct Master Plan Review***

Effective Monday, December 16, 2019, the Kasson Township Planning Commission approved the issuance of a *Notice of Intent to Conduct Master Plan Review*, as required under the Michigan Planning Enabling Act (Act 33 of 2008). In accordance with the requirements of that act and related amendments, this is to notify you that the Township of Kasson, is initiating the process to review the 2014 Master Plan for the Township

In accordance with the Michigan Planning Enabling Act (Act 33 of 2008), and related amendments, when a township is intending to review a Master Plan, it must notify by first class mail any City, Village or Township located within or contiguous to the Township and to the County Planning Commission.

The same notice must also be sent to any railroad companies or public utility that registers for such a notice with the Township. The notice of intent to review notes that the Township is beginning a possible updating process and encourage and request cooperation and comments from adjacent communities.

The Township is asking for your cooperation and assistance in this process. Specifically, we would like to know if you have any thoughts, concerns, or issues you feel should be addressed in this effort that would allow us to work more cooperatively when planning for our area.

Later in the process, the Township of Kasson will be issuing a draft copy of the Master Plan Update for public review and comment, as required by statute. At that time, we would appreciate all comments regarding the Plan's content and how you feel it may affect planning efforts in your community.

This notice has been posted at the Township's office and is also being posted on the Township's website.

PLEASE BE NOTIFIED that you are invited to send a letter and/or email stating your opinions, position, or questions to the Township of Kasson Planning Commission (c/o Planning Commission Secretary), 1776 W Burnley Ln, Maple City, MI 49664 or send an email to: KassonTwpRecSec@gmail.com. The Township of Kasson thanks you for your cooperation and assistance.

Dated October 25, 2020