

**A REGULAR MEETING OF THE LEELANAU COUNTY PLANNING COMMISSION WAS HELD ON TUESDAY, NOVEMBER 24, 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, E. Winkelman, M. Lautner  
(via ZOOM)

**Members Present:** V. Goldschmidt, D. McCulloch (5:52), G. Carlson, M. Black  
(At Government Center)

**Members Absent:** None  
(prior notice)

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

**Public Present:** W. Turner Booth  
(At Government Center)

**Public Present:** None  
(via ZOOM)

**CONSIDERATION OF AGENDA**

Goldschmidt added “Appointments” as “New Business Item B.”

*Motion by Black, seconded by Carlson, to accept the agenda as amended. Motion carried 10-0.*

**CONFLICT OF INTEREST** – None.

**PUBLIC COMMENT**

**The phone number for public comment was announced.**

Ken Jackson questioned the actual zoning of the mill property and said no one can really find the meeting minutes showing when that was rezoned. It was supposedly back in 2000 when Bob Kuras was trying to get a golf course put in. It appears as Residential 2 on the township zoning map and he finds it hard to believe that it has been incorrectly zoned on the map for the past 20 years. Rezoning the property located at 5454 W. Harbor Hwy. to match the mill property doesn’t make sense because it doesn’t appear that the mill was actually rezoned Recreational. Jackson continued, saying the site plan shows a bike trail going through the property which has not been finalized yet, so he thinks this should be removed from the site plan before the approval process can go forward. In conclusion there are 21

proposed parking spaces based on the square footage of the mill house and the mill, but based on those square footages and the requirements of the zoning ordinance, 24 spaces are required. Jackson stated he would like to hear some discussion on these points as opposed to what normally happens in Glen Arbor, where they say “thank you” and dismiss them.

Goldschmidt explained that this body only reviews and recommends. They record public comments and acknowledge them, but they do not enter into discussions. What the County Planning Commission does is to look for areas in which the township planning commission did not follow proper procedures. He suggested listening to the staff review for answers regarding dates and times in question. Goldschmidt continued, saying the Glen Arbor Township Planning Commission seemed to be handling a rezoning request and a special land use at the same time, and it was not clear for an outsider what was going on. These are two separate requests, and the County Planning Commission does not review special land use requests. The county’s authority is recommendations concerning zoning or changes in a Master Plan. Goldschmidt concluded by saying that any discussion/comments related to the special land use would be out of order. Also, they cannot have discussion during public comment, but there will be another chance for public comment at the end of the meeting.

W. Turner Booth said he is the owner of the mill property (5440 W. Harbor Hwy.) located to the north. He went through the site plan review process last month and was approved for a museum/café along with a lodging component that will be a few rental units on that property. The major goal of that site plan and the project as a whole, is about preserving the asset and opening it up to the public. The mill itself is such a unique structure with historic equipment it would be a shame to close it down and not let the public appreciate the history of the property. The rezoning application is about preservation and access. Historically these two properties were operated together. This parcel includes a stable, farmhouse, and icehouse which stored ice cut from Glen Lake and Fisher Lake. He would like to operate them as a combined unit once again, and this is the reason he would like to reintroduce them under the same zoning. Currently the icehouse is a glorified storage shed and he would like to invest some money and bring it back to life, making it a part of the history of the area once again. Booth said it would be hard to invest the money if the icehouse would just be a storage shed for property zoned Residential 2. Under Recreational Zoning, it could be reopened to the public the same way the mill was and the history could be on display. In conclusion, Booth stated he is also seeking the rezoning because the properties are largely combined as they are, and the northern part of the 5454 parcel is intended to be used as parking for the mill property through deed restrictions. Therefore, a large portion of the 5454 parcel will be encumbered by the future use of the mill property.

## **STAFF COMMENTS**

Galla mentioned several emails received regarding “Item A” of the agenda, which have been forwarded to planning commission members, and will be forwarded on to the township.

*(McCulloch present 5:52)*

Winkelman stated he was in support of Booth’s project because the mill was vacant for many years, and probably would have become derelict in a few more years and in need of tearing down. He appreciates Booth’s investment in the mill and his need to free up some cash flow to support the restoration process. From his viewpoint, the restoration process is outstanding, however he does understand that there are some zoning concerns by adjacent residents. Winkelman stated that he reviewed an aerial photo and doesn’t see any residents that would be seriously affected. M-22 is the main thoroughfare in and out of

Glen Arbor on an east west basis and it's basically all commercial. What is being proposed is a quasi-residential use of the property and he supports that idea.

## **CONSIDERATION OF OCTOBER 27, 2020 MEETING MINUTES**

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

## **NEW BUSINESS**

### Rezoning Request (Old Mill Glen Arbor, LLC) – Glen Arbor Township.

Galla reviewed the staff report stating this request was received on November 16<sup>th</sup> and under the Michigan Zoning Enabling Act, the 30-day review period ends on December 16, 2020. This request is to rezone approximately three acres along M-22 and the Crystal River, from Residential 2 to Recreational. The owners are Charles and Emily Booth, the applicant is W. Turner Booth. Galla made reference to items in the agenda packet regarding the site plan review, saying these are informational only. By statute, the county is not required to review those, although they have in the past if asked by the township to do so.

Galla reviewed the aerial map showing the location of both parcels and pointed out which parcel (006-123-010-00, 5454 W. Harbor Hwy) this rezoning request pertained to and stated that most of the existing land use in this area is residential. History shows when the application was received from Booth in September, it did not include any voluntary offers of conditions. That would pertain to a conditional rezoning but that does not apply in this case. At the October 8<sup>th</sup>, 2020 meeting, a motion was passed to hold a public hearing on November 5, 2020. Following the Public Hearing, on a 6-0 vote, a motion was passed recommending approval of the rezoning from Residential 2 to Recreational as completed in the Findings of Fact document. The minutes of that meeting indicate many members of the community were in attendance, and comments were given supporting and not supporting the project.

The staff report points out that staff did not find a rezoning request in 2000 for the parcel to the northeast. The county has reports going back to the early 80's, and County Planning Commission Minutes going back to when the commission was formed. However, staff did find a text amendment from around 2000 modifying the uses in the Recreational District. The township will need to verify this was rezoned and update their zoning map to reflect this. Galla said rezoning to Recreational would be consistent with the adjacent parcel to the northeast, if in fact it was rezoned. Development in the surrounding area has mainly been residential. The township Master Plan calls for Residential 2 for this area, but it also mentions on page 6-5, the idea of perhaps eliminating the Recreational District and allowing these uses as a special use or planned development.

Galla mentioned that the applicant did approach the Leelanau County Brownfield Redevelopment Authority (LCBRA) back in 2018 for use of EPA assessment grant funds on the parcel to the northeast (5440). Galla continued, pointing out the importance of considering all the potential uses of the property under the proposed zoning, and not just what the applicant has proposed. Based on staff review of the parcel, because of the shape and proximity to the river and the existing buildings, it does seem unlikely that some of the uses allowed would be built on this property, but there are other uses that may work for this site.

Galla said the township planning commission has done a thorough job of reviewing this request, the requirements of the zoning ordinance, and putting together the Findings of Fact before making a recommendation to the township board to approve rezoning of the subject parcel. The applicant has done a good job reaching out to all the different agencies and asking for their input. It is a unique parcel that is bound by M-22 and the Crystal River. It also has existing buildings on it, which the applicant is trying to reuse, and this is different than asking for rezoning on a vacant parcel where you can start from a clean slate. Galla concluded by saying 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. Action by the township board is final, unless someone aggrieved by the decision properly petitions the township board for the decision to go to a township vote.

Miller questioned how to resolve the question regarding whether the rezoning took place back in 2000 on the parcel to the northeast. Galla stated it is up to the township to go back in their records and find that information. Miller said it seems odd to rezone something to match a parcel that we are not sure is rezoned.

Goldschmidt again reviewed their role to make recommendations, not to comment whether they like or dislike. Their job is to take the work of the township, review it, and be sure it's in concert with the requirements of the Michigan Zoning Enabling Act. Black said it's sad that the township hasn't kept better records. McCulloch stated that if Booth has weddings and a parking lot next to the river, he would not be fond of that if he were near there.

Nixon said staff did a great job of analyzing the request. He is concerned with the frustration expressed by citizens in opposition to this proposal. This should warrant that before the township board makes a decision, they seek clarity on the public comments and perhaps ask the planning commission to review the opinions that have been expressed. This is a major proposal for Glen Arbor and reviewing the documents provided leads him to believe that some people are not well informed. Nixon continued, it seems those that took the time to respond in writing are confused with the process and feel that they were neither heard nor understood. He recommends that the township board review and clarify those opinions expressed. The township should also seriously consider eliminating the Recreational District from their ordinance. Nixon concluded by saying there needs to be a way to resolve the rezoning question from 2000.

Miller stated rezoning this parcel without investigating whether the other rezoning took place in 2000 makes no sense. You can't use the whole thing as recreational unless it has been zoned that way. Also, is it appropriate to rezone recreational when it's been zoned residential for so long. People have constructed homes, expecting to be adjacent to residential. Yoder expressed his concern regarding the frustration expressed through public comment. Lautner commented that she appreciates the difficult position that the township board is in.

Winkelman stated Glen Arbor Township is basically a resort and tourist community. He feels what is planned for the mill is very compatible with what they are already doing in Glen Arbor. Goldschmidt once again stated, we do not comment on whether we like it or not.

***Motion by McCulloch, seconded by Black, to forward staff report, minutes, and all comments to Glen Arbor Township Planning Commission. Motion carried 11-0.***

## Appointments

Goldschmidt read from their bylaws, which state the Planning Commission shall consist of eleven members appointed by the County Board of Commissioners, preferable based on recommendation made of the planning commission. Galla stated there were four position coming up for appointment or reappointment and they are: Goldschmidt (Education), McCulloch (Business), Miller (Economic Development), and Winkelman (Transportation).

Discussion on term limits ensued.

Goldschmidt stated he sees a measurable benefit from having representation on the commission from each of the townships and villages. Galla stated it used to be that way, but the county put a new County Planning Commission Ordinance in place several years ago. According to the Public Act, categories they felt were important in Leelanau County were selected, which the County Board approved, and that is how appointments are now made. McCulloch suggested that if all four are willing to serve again, they should all be recommended.

***Motion by Nixon, seconded by Black, to recommend the reappointment of all four members. Motion carried 10-1. Goldschmidt opposed.***

Nixon said he has a personal concern that it may appear as though Goldschmidt does not want to serve again. Goldschmidt stated he did not want to appear self-serving. McCulloch shared Nixon's concern.

***Motion by Goldschmidt, seconded by McCulloch, to amend the motion changing Goldschmidt's vote to yes. Motion carried 11-0.***

## Goals for the January Meeting and beyond

Goldschmidt encouraged members to think ahead and ask themselves "what do we want to truly accomplish." We are living in a responsive mode, and not initiating very much. Think ahead, prepare for the January meeting, and come prepared with ideas to reenergize ourselves.

## **REPORTS**

**Education Committee** - Nothing to report.

**Housing Action Committee** – Nothing to report.

**Parks & Recreation Committee** – Nothing to report.

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

Noonan reported that the Village of Empire wanted a fix for the outlet at South Bar Lake, which needs dredging on a regular basis. They have requested a drainage district, for South Bar Lake, which will severely affect many residents in the township who are nowhere near the lake. Empire Township has no

control over who will be assessed. The village is trying to get handle on things, the ball is rolling and can't be stopped.

**COMMUNICATIONS** - Notice from Kasson Township – Master Plan Review.

## **PUBLIC COMMENTS**

**The phone number for public comment was announced.**

~~Paulette Jackson spoke to Winkelman's comment regarding commercial development along M-22. She stated there is no commercial development outside the Village of Glen Arbor.~~

Paulette Jackson spoke to Winkelman's comment regarding commercial development along M-22. She stated there are several homes along M-22 none of which are commercial. There isn't any commercial business outside the Glen Arbor Village proper.

Kathleen King-O'Brien thanked the Planning Commission and staff for their professionalism and said she sent documents to staff prior to this meeting. She feels Glen Arbor Township needs to go back and review this entire situation because she doesn't think it was done properly. The public was not taken seriously. There are many people participating remotely in this meeting who are residents of this area and the use of their property will be severely compromised by this development if there is not some mechanism to allow input by the public. Recreation Zoning may not be suitable in the township because of its limited use in its historical perspective and this should be taken into consideration. Special Use Permits and other things could be used as work-arounds for future development. The village needs all the business it can get because many are suffering. Putting commerce outside the village may not be in the best interest of the township.

Ken Jackson stated there were multiple people at the Glen Arbor Township meeting voicing concerns and the minutes did not reflect this.

## **MEMBER COMMENTS**

Winkelman stated this is a grist mill, it's of historic value, and is positioned on a narrow piece of land between M-22 and the Crystal River. Across the Crystal River is the Homestead which is already zoned Recreational. It would be in compliance or concert with that designation. The homes along M-22 are far apart and came after the grist mill. The Booth family has made major renovation commitments both in terms of the labor and the dollars to recreate and save these historic buildings. There are limitations as to how many people can stay in the house, and limitations on the number of parking spaces available. M-22 is the main thoroughfare, so the traffic is already there. Winkelman concluded by saying this is a compatible use in terms of reusing what's already there. He has lived in Glen Arbor for over 30 years and every time something comes up there is always opposition.

***Public comment continued as citizens phoned in to the meeting.***

Eric Elliott is a neighbor of the mill and applauds Booth for what he is doing. He understands that Booth is a business man looking for a return on his investment, but as an immediate neighbor, he has concerns. The site-plan was approved without any limitations or restrictions. The neighbors are fearful of this becoming a wedding reception venue, with music, liquor and no limitation on the hours. As for the rezoning request, Booth has not offered any plan for this piece of property, and it doesn't make sense to rezone it without one. Elliott continued, saying Booth has parking planned for the parcel and also rehabbing the ice house was mentioned, but to give him the wide-open flexibility use that Recreational zoning would allow seems irresponsible for that riverfront parcel that contains wetlands. Furthermore, if Booth sells the property, what will the next owner do?

Christina Marin stated there is a lot of interest in this development and commended Booth for all of his hard work and creativity on this project. Clearly there is a win for Booth and Glen Arbor. There is concern over how the township is handling this approval process from a procedural perspective. The Leelanau County Planning Commission would be viewed as a hero by township residents if they would look at the process and procedure of the very respectful and thoughtful public comment that has come to bare on this process which has largely been taken nowhere by the Glen Arbor Township Planning Commission. What complicates this matter, is that there is a confluence of many important developments happening right around the mill that have to do with other things, which are matters for another time. The Heritage Trail path that has not been approved by the public, but is shown on Booth's site plan, along with the disregard for residents in the immediate area, is cause for concern. Marin continued, saying that she hears Winkelman's passion, but feels it is fair to say that businesses belong in the Glen Arbor central business district. The resort has questionable revenue problems, and is not zoned Recreational in totality. The portion immediately adjacent to the mill is zoned Residential 5, if the zoning map is correct. In conclusion, Marin stated that to say Glen Arbor is solely a tourism town does not give credence to the concerns of those residents living there full time or part time. She asks the County Planning Commission to take a look at what is going on in Glen Arbor to be sure that the people feel they are being heard. They are all rooting for Booth, but a successful conclusion will include the input and concerns of those who have chosen to make a life in Glen Arbor and actually live there on a day to day basis.

Goldschmidt stated we do not discuss comments made at this time and the issue before the Planning Commission tonight was the rezoning request. Winkelman stated for clarity, all we are doing is sending back comments made. We are not making any decisions regarding zoning. He encourages those either for or against to go to the township board, because that is where major efforts will be recognized.

Joy Taylor has lived on the Crystal River most of her life and she spent 18 years as part of a task force to save the Crystal River. Although the mill plans are beautiful and well thought out, they will alter and drastically change the water, plant life, fish and other wildlife. We should be trying very hard to preserve the Crystal River, not change it. The Heritage Trail going through all of their front yards and homes, was it really needed? If we are not careful, we will become just another Gatlinburg, Tennessee. The Crystal River is one of the most pristine and clear in the country like colorless glass. We should be doing all we can to keep it that way. Taylor continued, are we here to develop or preserve? Taylor then quoted John Adams, saying "Is anybody there, does anybody care?"

**STAFF COMMENTS** – None

### **COMMISSIONER & CHAIRPERSON COMMENTS**

Goldschmidt thanked the public for sharing their perspectives and said it takes all of us to maintain this beautiful country we live in.

*Meeting adjourned at 7:07 p.m.*