

A REGULAR MEETING OF THE LEELANAU COUNTY PLANNING COMMISSION WAS HELD ON TUESDAY, MARC 15, 2022, AT THE LEELANAU COUNTY GOVERNMENT CENTER.

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

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

ROLL CALL

Members Present: S. Yoder, R. Miller, T. Nixon, M. Lautner, G. Carlson, C. Noonan, M. Black, D. Hubbell

Members Absent: N. Griswold, K. Todd, A. Trumbull
(prior notice)

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

Public Present: S. Patmore, R. Isphording, C. Isphording, S. Wheadon, T. Weber

CONSIDERATION OF AGENDA

Motion by Miller, seconded by Nixon, to accept the agenda as presented. Motion carried 8-0.

CONFLICT OF INTEREST – None.

PUBLIC COMMENT

R. Isphording and C. Isphording read from a prepared statement regarding Timber Shores RV & Amusement Park, Campground, & Waterfront Resort.
(A copy of the full comments submitted are on file in the Planning & Community Development Office)

STAFF COMMENTS

Galla mentioned letters that were sent to the Planning Department regarding agenda Item #3 were in packets in front of each member tonight. All correspondence received will also be sent to the township, with the county's review. Also, the Annual Session scheduled for April 27th will be available by Zoom, and all are welcome at no cost. Galla and Myer will be attending the Annual Planning Conference in San Diego this year. Galla concluded by saying she is working with Housing North on the Accessory Dwelling Unit (ADU) session, with Mary Reilly as a speaker. It will focus on accessory dwelling units as housing options that communities should consider allowing.

CONSIDERATION OF JANUARY 25, 2022 MEETING MINUTES

Motion by Noonan, seconded by Carlson, to accept the minutes as presented. Motion carried 8-0.

NEW BUSINESS

Consideration of Bylaws

Galla reviewed the changes made and said corporate council advised that the language referring to voting be consistent with the language in the Leelanau County Planning Commission that was adopted by the County Board in 2011. Members discussed this section and the number needed for voting, and for voting on plans or amendments.

Motion by Noonan, seconded by Hubbell, to approve Bylaws as presented. Motion carried 8-0.

Appointments to Housing Action Committee (HAC)

Galla said the HAC has lost a few members over the years and a couple people have reached out because they are interested in joining the committee. Both Claire Wood and Philip Hallstedt attended the last HAC meeting and shared their interest to become members of the HAC.

Motion by Nixon, seconded by Lautner, to appoint Claire Wood and Philip Hallstedt to the Housing Action Committee. Motion carried 8-0.

PC01-2022-08 Leelanau Township Text Amendment-Articles 2, 3, 7 and 15

Galla reviewed the staff report saying this request was received on March 7th and under the Michigan Zoning Enabling Act the last day to review is April 6, 2022. The requested action is to review and comment on proposed amendments to the township zoning ordinance: Article 2 – Definitions, Article 3 – Land use Districts, Article 6 – Commercial Districts, and Article 15 – Environmental Standards. Galla said neither the Leelanau General Plan or the Leelanau Township Master Plan specifically address the amendments.

Galla continued, saying the township held a Public Hearing on February 10, 2022 and following the public hearing, a motion was passed to forward the amendment to the County Planning Commission for review. Galla noted that the motion made stated Sections 2, 3, 6, and 15 and should be 2, 3, 7, and 15. In Section 4: Analysis, under “Issues of Greater Than Local Concern”, Galla clarified that this is a question of whether the proposed text amendment(s) will create issues beyond the township and county boundaries. Galla gave the example of a landfill, and garbage being brought in from other townships and/or counties.

Galla continued, giving some history, on January 28, 2020, the county planning commission heard a request (Staff Report PC02-20-08) from Leelanau Township to amend the Commercial Resort (CR) zoning district for Private Events. The amendment originated from a request by a property owner in the CR district. The Amendment provided location and operational standards for private events, and modified the intent of the CR district. Galla noted that the online zoning ordinance for Leelanau Township states it is updated through August 2012. It does not contain the changes from this amendment. The township needs to provide the most up to date version of the zoning ordinance on the website, for access by the public.

On June 22, 2021, the County Planning Commission heard a request (Staff Report PC05-2021-08) from Leelanau Township to add Section 10.9 Authority to Impose a Temporary Moratorium of Zoning Ordinance Provisions. Galla noted that the Township had adopted Ordinance No. 2 of 2021 which

imposed a moratorium on recreational vehicle parks and campgrounds for 180 days or until an amendment to the Zoning Ordinance was adopted, whichever occurs first. This Section 10.9 is not in the online version of the zoning ordinance yet it was adopted by the Township Board on November 29, 2021. There is also no Section 10.8 listed in the zoning ordinance. Galla again noted that the most up to date version of the zoning ordinance needs to be placed on the website and updated whenever the Township Board amends the ordinance.

Galla continued, saying it is important to note that this is an Amendment to the township's zoning ordinance which would affect any owner interested in developing a Campground (including Recreation Vehicle RV Park) as a Special Use in the CR District.

The township zoning map shows 5 areas within the Commercial Resort zoning district (see attached map):

- 1) An area west of Omena on E. Tatch Rd. which includes 5 parcels owned by the Grand Traverse Band of Ottawa and Chippewa Indians, and 13 acres containing Sunset Lodge. (The Commercial Resort boundary in this area does not always follow the property boundary lines.)
- 2) Baypointe Condo, Aghosatown Landing Marina & RV Sites, Northport Bay Retreat, Sunrise Landing, and Roby's Retreat. (It also appears to include a couple residences.)
- 3) Shady Trails Camp
- 4) RVTS Acquisition, NM Investment Co., Gregory Brothers Farms. This area is the location of Timber Shores. (To the east and along the water are 13 residences on N. Indian Camp Rd. that are not in the CR district.)
- 5) Indian Beach Association. (This area also falls within the township sewer district.)

Table 3.5A Schedule of Regulations, footnote #18, states that all CR districts shall include ten (10) or more contiguous acres and such districts may consist of one or more parcels. The majority of parcels currently zoned for CR would not meet the minimum acreage requirement. If they do, they also have to meet all the setback requirements and buffering which may reduce the useable area for a campground to a point it is no longer feasible. According to the county's mapping system and parcel data, parcels in the CR district which are 10 acres or more are: Shady Trails Camp, Aghosatown Landing Marina & RV Sites, Sunrise Landing, and Timber Shores. Any proposed development on any parcel in the CR district would fall under the requirements of the CR district and would be reviewed at the township level, not the county level.

Galla continued, saying the township is proposing to delete some definitions in Section 2.2B and add new definitions. The proposed amendment will also add a new Section 2.2.C and add Figure 2.2.C.1 and 2.2.C.2 – figures supporting definitions such as front lot line, side lot line, side yard setback, through lot, corner lot, etc. The township is also proposing to amend Article 3, Section 3.5 - Table 3.5A Schedule of Regulations by changing some of the setbacks, add a standard for maximum impervious surface coverage for the Commercial Resort District, and changes to the footnotes. Galla noted that the online version of the Leelanau Township Zoning Ordinance shows 24 footnotes. The proposed amendments add footnotes 26, 27 and 28. Should these be 25, 26, and 27? Or, is there a footnote missing in the online version of the township's zoning ordinance?

The township is also proposing to add footnote #28 for the Commercial Resort (CR) district for a maximum impervious surface coverage of 25%. Will any other zoning districts, such as the Commercial, have a similar requirement for maximum impervious surface coverage?

Galla continued, saying on page 10 of the proposed document, Item 9, states that outdoor storage will be located in an approved, secured, and screened location "not visible" from rights-of-way or adjacent properties. Not visible in the summer months will be different than not visible in months where foliage

is off the trees/shrubs. The type of plantings and the topography will determine if the storage will be visible or not, throughout the year.

On page 10, Item 10 lists special buffering requirements to minimize impacts on surrounding property based upon topography, location, proximity to residences, or other impacts. What would fall in the category of “other impacts”? Would it be better to have these listed in the ordinance so an applicant is aware of all the impacts that might require special buffering?

Galla suggested adding wording that the County must be contacted to obtain addresses and/or road names. Road names should be reviewed and approved through the Planning & Community Development office, prior to final approval of any plans, in order to make sure there are no road names submitted for a development which are already in use in the county. The Planning & Community Development office has dealt with instances where a development with new roads is approved at the local level, and documents are recorded at the county Register of Deeds, and road names are found to be duplicates of existing roads. They need to be changed and that costs time and money to fix the site plan. In order to alleviate these issues and save time, the developer should be required to work with our office prior to final approval of plans.

Galla stated that it is important to note that this review is for the proposed amendments to the zoning ordinance. Neither staff, nor the County Planning Commission, is reviewing the proposed development plan for the Timber Shores area, or for any development within the township. That review is done by the township, and is not required to be submitted to the county. However, as required by the Michigan Zoning Enabling Act (MZEA), proposed changes to a township zoning ordinance must be submitted to the county and the county has 30 days in which to review and provide its report back to the township.

Galla briefly mentioned the legal opinions excerpt from Michigan, Zoning, Planning and Land Use included in the staff report for reference. These deal with cases where a developer was proposing a development and the municipality started to change its zoning, or the municipality was changing the zoning and a developer tried to get a development approved under the old regulations. It has been referred to as a ‘zoning horse race’. The information submitted in the staff report was for reference.

Continuing, Galla stated that Page 1 of the proposed amendments from the township lists the articles to be amended. It lists Article 6 – Commercial Districts which should be Article 7. The motion following the township planning commission public hearing also mentions 6, not 7. The proposed amendments also list Article 15 Environmental Standards. The online copy of the zoning ordinance lists Article 15 Environmentally Sensitive Areas. On page 8 of the proposed amendments, 3.a. Intent, it lists Article 15 Environmental Standards and Review. Which is correct? The current version of the zoning ordinance should reflect the proper names for each Article.

The draft minutes from the Public Hearing show the Public Hearing was opened, there was an introduction and some comments by the members, and then the floor was opened to public comment. The minutes do not reflect when the Public Hearing was closed. Public Hearings are for public comment and should be opened, the public provides comments, and then it is closed. The discussion and any action taken is done after the Public hearing is closed. Galla noted these were draft minutes from the township and they may still be working on getting the final copy of minutes completed.

Galla continued, The appendix to this staff report includes a submittal from the township of correspondence which it has received. The appendix also includes a letter submitted to the county by Varnum Attorneys at Law on behalf of Timber Shores RV Resort and Campground. The letter asks the county to consider the proposed revisions to Section 15.5A from Timber Shores. As stated earlier in the staff report, the report and the county planning commission review is on the proposed amendments

submitted by the township. It would not be proper to make a recommendation to the township on proposed language that was not submitted to the county from the township.

Galla noted the documents presented to the county by Leelanau Township Planning Commission state that a planner was hired to work on this language, and it was also reviewed by the township's attorney. If the township feels there is anything further that needs to be looked at, staff suggests the township confer with its attorney. The township does have the right to amend its zoning ordinance, and should make sure they have followed all the proper procedures during the amendment process. The final decision on the proposed amendment will be taken by the Township Board. That decision is final, unless it is properly petitioned for submission to the electors, as outlined in the Michigan Zoning Enabling Act. In that case, a vote of the citizens is held and their decision is the final decision.

S. Patmore, Leelanau Township Zoning Administrator, stated that the township planning commission has been working on this amendment for the past 11 months. They have done site visits, hired a professional planner, heard hours of public comment, prepared a public input survey, and looked at how other townships have addressed campgrounds and RV parks. Patmore said that RV parks and campgrounds have always been allowed in this district, the amendment will now add standards. Some of the standards apply to the whole district regardless of the use, some of them apply just to campgrounds, some apply to the whole township and some apply to any special use.

Lautner stated she appreciated all of the work done from both sides. The Northport sewer might be too far away to be useful and smokeless fires is an interesting concept. Patmore said smoke could be an issue depending on the site plan.

Miller questioned why a recreation unit does not include a mobile home. Patmore said the definition came from the State of Michigan. They have park model units that don't move and look like a mobile home. Miller continued, the setbacks and density are already addressed in Part 4, does Article 11-Site Plan Review mean the planning commission can establish whatever they want? Patmore responded that it may be determined through the finding of facts that a greater setback is required. Also, with regard to impervious surface, the township is starting in the Commercial Resort District and will look at it across all districts. Miller questioned why sewer and water connection to local services if available were included in the Zoning Ordinance because this would have to be amended if the state made any changes to their requirements. Also, C. Operational Standards includes noise standards and outdoor lighting. Why? These are things that are regulated by a separate ordinance. Miller also asked for clarification on the hours of operation. What if we had an unseasonably warm spring and a business wanted to open early?

Nixon commented that buffering requirements between Commercial and Residential Districts is difficult, and maybe they should consider different language for a campground. Smoke is dealt with under Management Plan, so this gives the planning commission the opportunity to cover everything in a site plan. Nixon said he thoroughly enjoyed reading the legal opinions in the staff report – he found those fascinating and was surprised at some of the decisions. Other members agreed that the legal opinions were interesting to read. Nixon commended the work done by the township on this issue, as well as the work done by county staff for the staff report.

Yoder added that the township did an extensive job, he also commended the township and county staff.

Motion by Nixon, seconded by Noonan, to forward the staff report, minutes and all comments to Leelanau Township Planning Commission. Motion carried 8-0.

REPORTS

Housing Action Committee

Lautner mentioned an interesting Webinar she saw about a whole community coming together to work on homes in need of repair. Galla said accessory dwelling units (ADUs) were also discussed as an option instead of always considering to build more homes.

Parks & Recreation Committee

Noonan reported that the committee now meets on the first Wednesday of the month. They are currently looking for help installing new playground equipment and continuing to work on a paved walking path at Myles Kimmerly Park.

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

Nixon said Rich Bahle is stepping down after 20 years. His footprint in all over Suttons Bay.

Lautner mentioned Solon Township received a request from a new rowing club, to store their boats at a site in the township.

Yoder stated Solon Township received a rezoning request and will hold a public hearing on it in April. They are also reviewing their Master Plan. A survey was sent out with their winter tax bills and they received a lot of good feedback which will be incorporated in the update.

Noonan said Empire Township did not approve the watershed overlay district proposed by the Glen Lake Association.

COMMUNICATIONS – None.

PUBLIC COMMENT

T. Weber, a Leelanau Township resident, encourages more study of accessory dwellings which allows people to age in place. Also, he is the coach of the new Northern Michigan Rowing Club, which will be storing and launching their boats in Cedar.

S. Wheadon, a Centerville Township resident, mentioned the Timber Shores project and said she is concerned about the water aspect of it. We have a worldwide water crisis. She loves the county and the idea of people getting together at a campground, but doesn't feel this big development is a good idea at this time.

STAFF COMMENTS – None.

COMMISSIONER & CHAIRPERSON COMMENTS – None.

ADJOURN

Meeting adjourned at 6:43 p.m.

(Correspondence handed out at the meeting are on file in the Planning & Community Development Office)