

LELAND TOWNSHIP PLANNING COMMISSION
Wednesday, April 6, 2022
Leland Township Library, Munnecke Room
203 East Cedar Street, Leland, MI 49654

I. Call Meeting to Order/Pledge of Allegiance

Chairman Korson called the meeting to order at 7:06 p.m. with the Pledge of Allegiance.

Present: Dan Korson, Chairperson; Clint Mitchell, Township Board Rep; Sam Simpson, Secretary; Skip Telgard, Vice Chairperson

Absent: Ross Satterwhite, ZBA Rep

Staff Present: Tim Cypher, Zoning Administrator; Larry Sullivan, Planner; Allison Hubley-Patterson, Recording Secretary

Guests: Steve and Linda Oosse, Special Land Use Applicants

There were 14 members from the public in attendance.

II. Motion to Approve Agenda

Chairman Korson asked for a motion to approve the April agenda. **Simpson moved to approve the April agenda as presented; Mitchell seconded. All present in favor, motion carried.**

III. Declaration of Potential Conflicts of Interest – None reported at this time.

IV. Approval of Minutes from March 2, 2022

Mitchell noted two changes to the minutes from March 2, 2022. Hubley-Patterson read the revised passages based on Mitchell's comments. The amended minutes will be posted to the Leland Township website.

Chairman Korson asked for a motion to approve the March minutes with noted changes. **Simpson moved to approve the March 2, 2022 minutes as amended; Telgard seconded. All present in favor, motion carried.**

V. Correspondence – none

VI. Public Comment (three minutes per person unless extended by Chairperson)

Ms. Ruth Schiattone resides on Duck Lake Road and stated she would like to open a small antique store out of an existing structure on the property. Cypher informed her that the property is zoned agricultural so she asked the PC what steps she would need to take next. Cypher said she could speak to him and noted that they have already spoken.

Ms. Oosse asked if a letter that was recently received regarding the number of dogs for the proposed kennel would be addressed at tonight's meeting; Cypher replied "Yes".

The following comments were made by members of the general public regarding the special land use permit for the proposed kennel filed by Steve and Linda Oosse.

Chip Freeman – Mr. Freeman resides on Baxter Lane and referenced a letter that he sent in opposition to this project. His main concern pertains to noise and urged that a sound study be completed prior to the PC making their final decision on this application.

VII. Reports

Township Board Rep:

Mitchell reported that the Township is moving forward with sidewalks.

ZBA Rep:

Cypher did not have any information to report.

VIII. New Business – no new business

IX. Old Business

A. Oosse Special Land Use Application – Steve and Linda Oosse: requested information status

A special land use application was filed by Steve and Linda Oosse for a kennel at 210 North Popp Road in Lake Leelanau.

Chairman Korson asked the applicants how they would like to proceed in terms of the PC's request for a sound study. Ms. Oosse stated that they do not believe a sound study would be in their best interest at this time. She read a prepared statement to the PC which details her discussions with both Maria Uhrich of Leelanau Sound as well as

Mandy Kachur of Soundscape Engineering, in addition to other information. **(See Appendix A).**

Ms. Oosse reiterated that their intentions have not wavered since their application was first filed; however, they believe that the conversation among the PC members has not focused on the information that has been provided to them. Mr. and Mrs. Oosse feel that the non-adjointing property owners have been given a greater voice in this matter.

Ms. Oosse stated that the PC asked her to return to put her best use forward. At this time, this would include the following items:

- a. Insulating the building to code at the time of construction.
- b. The building will be air conditioned with no windows open at night.
- c. All dogs will be out for one final bathroom break at 10:00 p.m. and will not be out again until 7:00 a.m.
- d. The applicants may need to request a variance to allow for the construction of an 8-foot fence.
- e. The applicants are seeking approval for 30 dogs plus additional noiseless household pets; it was reiterated that only dogs require licensure.
- f. The movement of all boarded dogs will be controlled in terms of when they are outside versus inside.
- g. For dogs attending dog daycare, the facility will open at 7:00 a.m. at which time these dogs may be dropped off; it will be a requirement that all daycare dogs are picked up no later than 7:00 p.m.
- h. The applicants will work further on mitigating noise if their application is approved; they could add sound baffels, if necessary.

Ms. Oosse mentioned that Ms. Kachur stated that the natural buffers on the property will be more effective than anything that could be constructed on the premises. Ms. Kachur also asked that the PC please consider the 20+ acres of cedar swamp as a buffer.

Simpson stated that the PC would place conditions on their approval. Chairman Korson mentioned that "if" cannot be part of a condition; the condition must solve the problem. Cypher stated that the ordinance codes are minimum standards that must be followed. Chairman Korson reminded the PC that the notification letter was sent to both adjoining and adjacent properties.

Cypher indicated that he received a hand-delivered letter earlier in the day from the law firm of Kuhn Rogers; the letter was from attorney David Glenn who represents Mr. John Morris who opposes this special land use request. Mr. Morris owns 15 acres of property that adjoins the Oosse property. Cypher also received letters by way of email from

neighboring properties with local addresses in the area. In total, Cypher stated that he has now received 25 letters opposing this project and 17 letters in favor.

At this point, Chairman Korson asked the PC members to comment on their overall thoughts regarding this special land use permit.

Chairman Korson – Stated that he understands the comments that have been shared by Ms. Oosse regarding conducting a sound study but stated that “The PC must have proof that we made our decision off of something more solid than a comment such as, ‘We will fix problems as they arise’, etc.”.

Telgard – Stated that he expected there would be a sound study and indicated that this would have been helpful. He understands that a sound study will cost money but stated that everything costs money. He believes the PC needs a scientific reason on which to base their decision. Telgard is concerned about noise coming from within the building and outside of the building. He likes the idea of having a solid fence with height to it that would go around the building and commented that this is better than a chain link fence which would provide no sound barrier. In conducting some research on kennels, Telgard stated that many kennels tend to be large brick buildings and that there are some inexpensive ways to mitigate noise.

Mitchell – Stated that he does not have anything to add but asked a question of Cypher. Mitchell asked if other pets require a separate space that is also ventilated. Cypher responded that Deputy Wayne Kalchik said this is necessary and explained that Cherryland Humane Society installed a ventilation system when they discovered that cat dander was getting into the dog kennel area and causing problems. It should be noted that Cherryland Humane Society is not a kennel but functions as a holding station for animals.

Simpson – Stated that he likes the concept that is being proposed; however, he has issues with sound. A sound study may not be the ultimate answer but it would have provided the PC with an answer so they could move forward on this matter. Simpson believes that many conditions would need to be added for the application to be approved.

Simpson asked how a problem would be handled if it becomes an issue after the fact. Chairman Korson responded that if Cypher receives a complaint regarding noise, it is up to the applicant to stop the noise so that the complaint is also stopped. Cypher stated that none of us are sound experts which is why a sound study would be helpful. He noted that when first making inquiries regarding sound

studies, he made approximately 15 telephone calls but only received one or two call backs. One return telephone call was from Soundscape Engineering who provided a menu of services that could be provided. Cypher stated it would have been acceptable to conduct the study over time to simulate the noise of 40 dogs.

Sullivan – With regard to potential complaints, he stated that the property owner may feel a complaint has been resolved but the PC and ZA who provides enforcement may not believe the complaint has been addressed. Sullivan added that without numbers in place from a sound study, it will be difficult to address any complaints that arise; it will also be time consuming.

Sullivan raised the question: What happens to the use while an issue is being investigated? Does the business cease temporarily or do neighbors put up with the noise? He also noted that the ordinance requires a 5-acre lot for a kennel but the question was asked: What if the 20-acre parcel is divided? What will this do to the noise? The noise will not be the same at the 5-acre lot line as at the 20-acre lot line. It was stated that if the applicant takes this action, they may need to come back to the PC as this would be a “major change”.

Cypher read aloud Section 3.4: Notice of Violation

- B. Notice of Violation: The Zoning Administrator shall inspect each alleged or apparent violation. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, said Zoning Administrator shall issue a Notice of Violation or an appearance ticket, in writing, which specifies all circumstances found to be in violation.

It was noted that all violations shall be corrected within 30 days. There could be a daily violation fee but this would go to the Township Board as they would have the final say in this matter. The final say would not come from the PC, Cypher or legal counsel. Cypher also noted that situations like this are very difficult to enforce.

Chairman Korson stated that there should be a condition which states that “The noise at the property line cannot exceed x”, as opposed to “If the noise at the property line exceeds x, ...”; “if” cannot be incorporated into the condition. Cypher added that one of the services Soundscape Engineering would offer is to make a recommendation for how the building should be constructed, as well as making other helpful suggestions.

Sullivan is concerned about the number of animals. If there are 30 dogs, he inquired how many other animals there would be at the kennel.

Ms. Oosse read a passage likening the sound level to a rock concert. At the March meeting, 55 decibels was referenced as acceptable. Chairman Korson stated that this was incorrect, and Ms. Oosse stated that if the decibels were under 55, it was implied that this would be acceptable. Ms. Oosse stated that they do not wish to invest any money into having a sound study performed as they believe their money would be best spent on solving other issues.

Ms. Oosse stated that they moved to the area for familial reasons and that they do plan to find something for their child so that he will be provided for in the future. Mr. Oosse stated that it is not their intent to upset the neighbors.

Cypher added that a sound study can advise on the noise level at the common lot lines; it would be helpful to obtain a professional unbiased opinion on this matter. He also stated that Soundscape Engineering had proposed assisting with noise mitigation efforts and that they could follow-up on post-construction matters.

Chairman Korson confirmed with Ms. Oosse that they do not wish to pursue a sound study at this time. Ms. Oosse replied that this is correct as they wish to limit their spending until they know which direction the project is going.

7. Findings of Fact continued

Section 16.01: General Standards Applicable to All Special Land Uses (page 8)

Section 16.01.A.1: Comments from Sullivan regarding the master plan can be incorporated into the findings; these comments were presented in his memorandum that was shared at the March meeting. This pertains to setbacks, fence height and the two variances that would be needed.

Section 16.01.A.2: Telgard mentioned that whatever language is added to section 16.15, we cannot be in conflict with language in this section (section 16.01).

Section 16.01.A3: Met

At this point, Cypher suggested that the PC review Section 16.15.

Section 16.15.A: Kennels

Section 16.15.A.1: Met; however, Sullivan indicated that the findings should state the specific acreage (26 acres) because this is what the application is based on. Cypher stated that if all conditions have been met, there could be a land division. This would result in a major change and the applicants would be required to come back to the PC. Chairman Korson added that the five acres versus 26 acres could threaten the Oosse's liability.

Cypher inquired about a silt fence and asked if this was on the site plan. Ms. Oosse stated that it is on the site plan for soil erosion but said that it can be removed from the site plan.

Section 16.15.A.2: Met

Section 16.15.A.3: Two conditions would be needed here regarding the location of proposed runs/exercise areas and the definition of buildings where animals are maintained being located in the rear yard only.

Section 16.15.B: Special Performance Standards

Section 16.15.B.1: Cypher stated that we have what we need from animal control; this has been met.

Section 16.15.B.2: Chairman Korson proposed that this language state "Any animal that requires licensing by the County, State of Michigan or at the federal level must be licensed and maintained in a healthful and careful manner". Discussion ensued regarding the meaning of "maintained in a healthful and careful manner". Mitchell inquired if the County has a standard that is more strict with regard to animal licensing. Sullivan proposed that the language read: "All animals that require licensure shall be licensed and maintained".

Section 16.15.B.3: Ms. Oosse stated they plan to go beyond what is needed as the building will have six-inch walls. Cypher added that a condition could be given based on comments provided by a third-party expert as to what are the "normal and acceptable practices". Chairman Korson stated that building to code and then having to stack insulation as needed is not a good situation. Ms. Oosse indicated that Ms. Kachur indicated that a solid wall where all windows are closed at night will be very quiet. The concern is with regard to the boarded dogs and Chairman Korson stated that the PC is concerned with noise that can be heard outside as opposed to inside. Telgard reiterated that he read quite a bit about the use of sound baffling while researching kennels.

Cypher said that if the PC does not believe there is enough information here, this can become a finding. Ms. Oosse indicated that they will control the noise to the best of their ability. If a dog is barking constantly, the client will be informed that they must come pick up their dog. It was agreed that there is not enough information to support this finding.

Ms. Oosse inquired if the PC could vote on this matter at this point. Cypher stated that this would not be appropriate as the findings are required to be in the official record and the PC members must therefore continue their discussion.

Section 16.15.B.4: Habitual barking – Cypher reminded the PC that there is a two-step process regarding habitual barking that was previously defined by legal counsel. Chairman Korson stated that we do not have enough information to support this finding; the proof is on the applicant. He believes that we are not able to do the proper thing for the applicant or the neighbors with regard to this item. Telgard concurred with Chairman Korson.

Section 16.15.B.5: With regard to exercise yards, Ms. Oosse stated that they still plan to have the dogs inside between the hours of 10:00 p.m. and 7:00 a.m.

Section 16.15.B.6: Met

Section 16.15.B.7: Met

Section 16.15.B.8: A condition will be added that a variance is required on the fence height.

Section 16.15.B.9: Met

Section 16.15.B.10: With regard to animal odors, Ms. Oosse stated that waste will be double-bagged and potentially triple-bagged using plastic bags. Trash receptacles will be placed out on garbage day. Cypher asked the PC if they would like to see garbage trucks use the right of way or enter onto the property. Mitchell stated that there could be an odor issue on garbage day. Ms. Oosse indicated that there will be a small structure on the property where the bins can be housed until garbage day.

Mitchell indicated that flies around the trash seems to represent language that is unfair in the ordinance because there will certainly be flies. Ms. Oosse asked Cypher about the difference between odors from horses versus odors from the kennel in terms of complaints

received. Cypher stated that when he investigates, he simply uses the smell test but also stated that the horse farm falls under the “Right to Farm” Act.

At this point, Cypher suggested completing the Findings of Fact document and then returning to Section 16.15 for further discussion.

Section 20.01: Access Control and Private Roads – Intent: Met

Section 20.02: Curb Cuts and Driveways: The applicant must comply with Leelanau County Road Commission (LCRC) standards.

Section 20.03: Lots to Have Access: Met

Section 20.04: Clear Vision Zone: The applicant must comply with LCRC standards; this will be a condition.

Section 21.01: Off Street Parking and Loading – Intent: Met

Section 21.03: Parking Space Requirements

Ms. Oosse stated that there would be up to nine customer spaces plus one handicapped parking spot with the farm field being used as an overflow area, and that this would depend on the number of employees. Cypher stated that there must be one parking space for every five animals; this means 30 “animals” and not 30 “dogs”.

Ms. Oosse indicated that there would be a maximum of 50 animals total, 30 dogs plus 20 noiseless animals. In this case, the applicant will need 10 parking spaces total, one of which should be a handicapped parking space. One space is also required for every two employees. Cypher asked what would be the maximum number of employees on site at a given time and Ms. Oosse responded “Two employees”. Based on this, the applicant will need 11 improved spaces total with one space being designated as a handicapped parking spot. These must be improved spaces and cannot be in the farm field.

Section 21.04: Site Development Requirements: Met

Section 21.04.A: The condition will be that the marked area must be satisfactory to the Zoning Administrator.

Section 21.04.B: This item will be met if the applicant also meets the road commission conditions.

Section 21.04.B.1: This item has not been met. Cypher stated that the Fire Chief thought 30 feet was excessive for this item.

Ms. Oosse asked if a variance could be requested so more of a buffer can be created. On the site map, they provided a turnaround. Ms. Oosse could ask the Fire Chief what amount of space he would require for the trucks to turn around. It was noted that the LCRC controls the right of way and the PC controls this area once it comes onto the applicant's property. A condition for this item will be that the applicant must provide variance approval. Cypher asked Ms. Oosse to ask for the minimum amount necessary.

Section 21.04.B.2: Met

Section 21.04.C.: Met

Section 21.04.D.: Met

Section 21.04.E.: Met

Section 21.04.F.: Lighting – The condition given is that proposed lighting must comply with Section 21.04 and with night sky requirements. With regard to Section 21.04.F.1, 21.04.F.1.a, 21.04.F.1.b and 21.04.F.1.c, the condition will be to meet the standard of the zoning ordinance.

Section 21.04.F.2: The applicant must provide cut sheets. Cypher will note that LED lighting is acceptable.

Section 21.04.F.3: Met. Cypher will ensure that they comply with the ordinance requirements.

Section 21.05: Loading and Unloading Space Requirements

A “No parking” or “Fire Lane” sign may be necessary. The condition given is that in the loop area where customers drop off their animals, signage will be needed as required by the Fire Chief.

Section 22.01 Signs – The applicant must meet their proposed signage requirement.

At this point, the PC returned to Section 16.01, page 8 to resume discussion of this section.

Section 16.01.a.: Compatibility with Adjacent Land Uses

Section 16.01.a.1: Not met; not enough information.

Cypher asked the PC members if they have enough information relative to this finding. Mitchell, Korson, Simpson and Telgard each responded that they do not have enough information in this section.

Section 16.01.a.2: Met

Section 16.01.a.3: Met

Cypher pointed out that there will be “outdoor activity” as mentioned in this standard. He asked if this standard has been met due to the 8-foot high fencing. All PC members agreed that this standard has been met.

Section 16.01.a.4:

Simpson stated that this is where he would like to see the hours denoted in the Findings of Fact and asked if this is the appropriate place. Cypher asked Simpson if he would like to see language inserted that is more restrictive than the ordinance; Simpson responded, “Yes”. It was mentioned that the PC placed a condition on a cidery but the kennel would operate throughout the night. Ms. Oosse stated that the hours of operation will be from 7:00 a.m. to 7:00 p.m. with a final bathroom break in a controlled manner up until 10:00 p.m. There will be no vehicular traffic after 7:00 p.m. as daycare customers would be required to pick-up their dogs by this time.

Cypher referred to the language under Section 16.15.B.5 regarding exercise yards and how they will not be used between the hours of 10:00 p.m. and 7:00 a.m. The language should be cross-referenced and should appear in both sections—Section 16.01a.4 (p. 9) and Section 16.15.B.5 (p. 11).

Cypher asked Sullivan if there is a PC that has ever gone beyond what an ordinance already states and Sullivan replied, “No”.

For Section 16.15.B.5 and Section 16.15.B.6, it was noted that Ms. Oosse will follow the ordinance and Sullivan summarized the hours and the schedule. Simpson suggested that “Controlled release for bathroom breaks” should be included in the finding. Cypher added that if 24 dogs are seen outside at once, this is not “controlled”.

Section 16.01.a.4.: The condition given is that the applicant must meet all site plan requirements. The site plan required that the silt fence be delineated and parking spaces be identified.

Section 16.01.a.5.: Met with approved variance.

Section 16.01.a.6: Met

Section 16.01.b: Public Services – Met

Section 16.01.c: Impact of Traffic - Met

Section 16.01.3.d: Detrimental Effects

This standard refers to the level of traffic noise. Chairman Korson stated that without a proper study, there is not enough information. All PC members concurred with Chairman Korson.

Section 16.01.3.e: Economic Well-Being of the Community – Met

Section 16.01.3.f: Compatibility with Natural Environment – Met

Section 16.01.4: Met with Conditions

Cypher stated that a condition will be that the applicant must provide an updated site plan showing that items in Article 6 are met; specifically, this includes the silt fence and parking spaces.

Section 16.01.5: Met

8. Further discussions with staff or applicant

Mitchell stated that he had nothing new to add. His concerns primarily pertain to noise and the various points brought up by the neighbors.

Simpson concurred with Mitchell.

Sullivan asked about the bathing of animals. Ms. Oosse responded that there will be no grooming services performed in the building, but they could potentially work with a mobile groomer, if needed. Cypher noted that a mobile groomer is not part of this discussion and would require a major change to even have the PC to consider this. Cypher referred to the fact that there is a definition of a “kennel” that exists. Ms. Oosse also confirmed that there will be no retail sales.

9. Consideration of Motion by PC to approve with conditions, or deny application per Z.O. Section 7.02D

Chairman Korson stated that he will make his motion based on the information that the PC has thus far. Simpson confirmed with the

application that there would not be a sound study; Ms. Oosse confirmed, “Not at this time”. Telgard added that the PC has made it clear to the applicant what needs to be done. Korson stated that the applicant indicated she gave us all of the information that she will be providing.

Chairman Korson moved to approve the Oosse special land use permit based on the Findings of Facts and the lack of requested information received from the applicant. There was no support. A lack of support puts the application in a holding pattern. Telgard asked how the application remains active and how would Ms. Oosse move forward at this point. Telgard then supported the motion made by Chairman Korson.

Chairman Korson requested a roll call vote:

Mitchell – No
Simpson – No
Telgard – No
Korson – No

Motion failed.

- C. Bunbury Zoning amendment – tabled to May 4, 2022 meeting
 - D. Master Plan – Sullivan is currently working on populating the spreadsheets with the 2010 census data. He needs the SEV numbers for specific years. Mitchell asked if Sullivan could provide a link to the 2010 information. Chairman Korson inquired if we are on track to finish our portion of the master plan by the end of the year; Sullivan responded, “Yes”.
 - E. Short Term Rentals – no report from Cypher on this matter.
- X. Zoning Administrator Comments **(See Appendices B, C and D)**

Cypher stated that there will potentially be two site plan reviews at the next meeting as well as three projects being introduced that will each eventually require a Public Hearing.

Cypher also informed the group that Mr. and Mrs. Oosse have filed an application for an accessory building that will be located behind their house in the rear yard. This will be a two-story building with approximately 2,160 square feet and two lean-tos. This structure will be used to house farm animals and farm equipment.

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XI. Planning Commission Comment

Simpson informed the PC that he will be absent in May. Satterwhite will be returning to the area and will be able to vote on the Oosse matter, if needed, at the ZBA level.

XII. Public Comment (limited to three minutes per person unless extended by Chairman) – no public comment

XIII. Adjournment

There being no objection, Chairman Korson adjourned the meeting at 10:00 p.m.

The next meeting is scheduled for Wednesday, May 4, 2022, at 7:00 p.m. at the Leland Township Library (Munnecke Room).

Respectfully submitted,
Allison Hubley-Patterson
Recording Secretary

APPENDIX A

Document from Ms. Linda Oosse

I would like to begin by addressing the charge I was given at the March meeting : of acquiring a sound study of noise levels at property lines.

I've done some additional research and I have come to the conclusion that any sound studies would quite likely be a waste of time without a building, fences, or animals or a sufficient length of time to do a study adequately. From what I have learned, we would be best served by addressing any issues at the time they occur in ways that would address real issues. In other words, if we get approval, and if we build, and if there are valid complaints, we will address them at that time by implementing sound mitigation strategies that would be best practice based on real data and designed to solve a real problem, not contrived and speculated problems. If the PC chooses to grant the Special Land Use permit, and issues arise, it makes the most sense in my opinion to address any real issues that arise at that time and use those monies in correcting and mitigating exact issues rather than trying to resolve simulated issues that may not even be an issue.

I hope that you were able to take the time to read the letter from Maria Uhlrich At Leelanau Sound that I sent to you. She says:

"From my ten plus years of experience running sound for live events, I can tell you that you are unlikely to get a noise survey dB reading that is going to mean too much. Temperature, humidity, wind speed and direction as well as the frequencies at which each individual dog barks are all going to give you different results. The human ear does not perceive all pitches equally so 40 golden retrievers barking might sound louder, but register at the same dB level as 40 Great Danes barking that sound quieter.It also depends if you are measuring using an A-weighted dB scale or a C-weighted dB scale and at what increments of time the measurements are taken. To get the most accurate results, you will need to take multiple measurements over a long period of time in many different weather conditions."

In my discussions with Mandy Kachur from Soundscape Engineering, she admitted the likelihood of 40 dogs barking simultaneously is not realistic. That to do a property line study well, it would need to be done over a long period of time in varying conditions. She also suggested something called a "sound plan" which is a mock up of a proposed business taking all relevant data into consideration. Ie, buildings, fencing, trees, shrubbery, environmental scenarios etc. this too would be very costly. We also looked at the distance of a dog barking at 5' - 160' and its corresponding Db of 100 -70 respectively. Those readings are without any sound mitigation. She continued that natural and man- made barriers would lower those levels significantly and quite possibly take them near or below the suggested dba for a commercial business dba of 55 in Leland Township. At 640' from the proposed building barking dba would be about 65. Again with no mitigation in place. I am asking you to consider the fact that there is 20 acres of Cedar Swamp (a natural sound buffer) between the proposed building and those concerned on E. Ryan's Way and Baxter Road.

The closest concerned adjoining property line from the proposed business is about 150'. And dba from barking dogs would be about 70 dba with no natural buffers or fencing. I would ask you to consider the fact that there is also a natural sound buffer consisting of mature evergreens in the area between this property and the proposed building.

In addition, I hope you had time to read the letter I sent after the March meeting. In it I believe I outlined very clearly that my intentions have not wavered since the outset of this application, in as

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much as we have wanted to create a business of "dog daycare and household pet boarding" for our son to support his financial independence as an adult. It is unfortunate that the majority of the conversations and discussions that you have had here have revolved around contrived and speculative issues regarding dogs rather than reading the information provided, or even hearing me as I presented on 3 different occasions my findings and research collected from other similar businesses and the animal control officer, addressing the issues raised. It's unfortunate that approximately 18 property owners whose property does not even adjoin our property (regardless of Mr Cyhers charge to you from the March meeting that , "The responsibility of the PC is to obtain input from adjacent property owners"). That these non adjoining property owners are being given more weight in your deliberations than the community members and immediate adjacent neighbors who have expressed support and have expressed a real need for the proposed business. Hey of the 13 actual adjoining neighbors to our 26 acres, seven have expressed support of our endeavor, 3 are opposed, and to my knowledge, 3 have not indicated either way.

Unfortunately, we are not in a position to prolong this business venture through a series of additional costly services that we are financially unable to sustain as requests and bills from the PC continue to be incurred while the PC deliberates on definitions and sound levels and possible litigation from the speculated concerns from wealthy lakefront land owners who mostly reside here in the short term.

However, you also requested that I bring my best use forward today so here goes.

Regarding best use.:

1. We will insulate building to code at time of construction
2. Dogs last out by 10 pm. And first out at 7am. Building will be air conditioned with no windows open over night.
3. Boarded dogs would be kept inside from 7pm-10pm except for brief potty breaks as needed in their private runs.
4. Boarded dogs would have freedom of ins and outs from 7am-7pm in private runs, unless barking becomes an issue, at which time, barking dogs will be confined to indoors with monitored outs.
5. We will make every effort to keep "Habitual barking" as defined by Lee Cty ordinance to a minimum, but hopefully it will be a non-issue.
6. ZBA approval for fence height variances to allow taller than 5'; 8 ' solid or chain link with sound dampening fabric if necessary after opening.
7. ZBA approval for variance of proposed location of business in a densely wooded area 330' from N Popp Rd
8. Approval for 30 dogs and additional noiseless household pets. With the understanding that only dogs require licensing.
9. Sound mitigation strategies implemented as needed in future. Ie. Baffles in building, More Solid fences, fence fabric, plant more trees and shrubs.
10. We would utilize a video surveillance system on and in the proposed building premises during those times of the night when staff are not present.

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I would like to address many of the concerns that have been raised regarding the building of this business.

1. Noise: We will follow and abide by state law and local ordinances in regards to excessive barking. Dogs also will be fed indoors.
 - 8' solid fences will be erected on north and west sides of kennel dog boarding area to mitigate potential noise.
 - Enrichment activities and a constant human presence IE employees will be on site during business hours for daycare dogs.
 - Video surveillance for unsupervised times at night
 - We plan to increase natural vegetation around the business.

1.5 I would like to remind you that There are many activities occurring in the area that are louder than barking dogs according to the CDC report on sound provided at a previous meeting. That many of the noisy activities that are allowed as a "use by right" are extremely loud and annoying and could quite reasonably be considered a nuisance to many.

1. Aggressive dogs: All dogs will be vetted for social issues. No dogs with a history of aggressive behaviors will be welcome in the daycare. Dogs that initiate aggressive behaviors will be asked to leave. Boarding options will be available to those dogs needing private accommodations.
3. Contracts between pet owners and the business will state and affirm that dogs participating in daycare have been appropriately socialized by pet owners and if issues arise will be dealt with immediately.

1. Dogs that are boarded overnight will be closed in between the hours of 10pm and 7am per local ordinance. Dog kennels will exceed the state law minimum for size. There will be 11 semi-permanent dog boarding kennels. Maximum possible capacity for overnight boarders would not exceed 24 dogs. We live on the property and will have security cameras installed to monitor any possible issues that might arise throughout the night and attend to immediately should they arise. Other noiseless pets that might be boarded would be contained in enclosures out of view of any dogs. Daycare dogs would have supervision constantly and individual crates would be available for containment as needed. Boarded dogs would not be crated overnight.

DRAFT

1. Physical Building

The kennel would be constructed of solid 6" cement 1/2 and 3/4 walls, insulated top Portion to be stick built walls to a height of 10', and With R50 blown in insulation in the roof/ceiling. The business will be nestled in the woods on our property. The building will be well insulated to reduce noise from within. It is currently planned to meet local building code. Windows will be standard double paned and meet code.

It will sit more than 330' from North Popp Rd and built within an area of existing woods and scrub on 3 sides. We intend to minimize the removal of trees and make use of existing open space as much as possible for play areas, while still meeting all the requirements for parking, fire suppression access, driveway code, septic, runoff, etc. A parking area would be located and provided next to the building which would again set back from North Popp Road and should not create any traffic issues as the entrance to the business and our residence is currently the second driveway on N Popp Rd off of M204. We have already planted a number of additional trees on our southern property line and plan to plant more native bushes and trees to further provide a natural sound barrier (in addition to what Exists currently.

1. Dog escapes-while always possible, will be mitigated by tall fencing and constantly assessing, maintaining, and improving the fencing if issues arise. Again, I will be complying with all state laws and local ordinances to avoid any potential problems well in advance. The final plan will include a double fence system to mitigate any potential escapees leaving the actual property.
2. For dropoff and pickup a double gated security procedure will be utilized.
3. We intend to protect and manage our property in a way that supports the natural and already existing flora and fauna and intend to work closely with Leelanau Conservation District and the Soil/Erosion office to that end.
4. Regarding Smell: the building will be built to and kept to the clean standards laid out by state law and local ordinances for kennels and boarding facilities and be built to local building codes. We don't anticipate the smell being an issue. Floors will be sloped with drains and epoxy sealed. Walls will be epoxy sealed up to 4' and 6'. In addition, the local trash company will be picking up animal waste products weekly and it will be double bagged and placed in appropriate waste receptacles per their request.

DRAFT

5. Regarding a New commercial business:

JCs Oasis Would provide a solution to significant need in the area; daycare and boarding for local community PETS

1. Noise and Smell complaints from existing kennels in the area.

Aunt Taras, Wiggle Butts & Waggin' Tails, SunDog, Tulamar and Leelanau Dispatch have had zero complaints regarding sound or smell.

1. We will be utilizing a septic system and private well.
2. We will accommodate potential runoff with gravel areas around building and parking areas.
3. Soil and Erosion has already approved the location of the proposed building and there are no issues from Potential runoff to streams.

In closing I would like to say that it was the small community feel of Lake Leelanau , our deep roots, and the friendships of so many locals, that we felt, in and of itself, could provide a community of support within which to raise our youngest son into adulthood.

We would love our small community to embrace this opportunity for JC, much like Leland Public Schools community has embraced JC already. We feel this town could fulfill his need for inclusion and acceptance. We believe JC could and should be a contributing member of this community as a young entrepreneurial businessman. His role and contribution could only reflect positively on the community and fulfill a current need.

Our intent has not wavered since the inception of this process; to create and build a business that our son could embrace and own to provide an income that would allow his independence as he grows older.

We hope you can reach a decision tonight so we know how to proceed with future plans.

Linda....
Sent from my iPhone

APPENDIX B

Leland Township
 Zoning Administrator's
 ANNUAL 2021 REPORT

To: Leland Township Board

From: *Timothy A. Cypho* 3/10/2021

Land Use Permits Issued:	80	LAST YTD 63
Signs / Home Occupation	2	
Single Family Residences (SFR)	24	
Additions to SFR	14	
Garages / or additions to	7	
Decks & Porches / MISC.	12	
Accessory Buildings	9	
Commercial Construction	6	
Stairs & Landings	2	
Agriculture construction	2	
Demolitions	0	
Boat houses/Bridge	1	
Solar Panels	1	
Renewal of / Change of use	2	
Z.B.A. proceedings	0	
Special Land Use Permits	5	
Land Divisions	2	
Property Line Adjustments	10	
Private Roads / Driveways	0	
Zoning / Site Plan Reviews	6	
Construction Inspections	162	
Violations/Investigations	0	**VIOLATIONS**
	4	INVESTIGATIONS
Income from permits	\$8,465.00	

Information supplied via 501 phone msgs. & 364 emails to Township residents & others.
 I attended all Planning Commission mtgs. & some Township Board mtgs. as requested.
 Please feel free to contact me with any questions.

tim@allpermits.com

Phone 231-360-2557

APPENDIX C

LELAND TOWNSHIP - ZA'S MONTHLY SUMMARY

Period: MARCH 2022

DATE	PERMIT #	NAME	USE	REC. #	CK.#	AMOUNT
3/20/2022	2022-07	JULIEN	LAND USE	202207	172 \$	50.00
009-640-017-00	604 N. LAKE STREET	ACCESSORY DWELLING OVER GARAGE - DECK			1,106 S.F.	
3/25/2022	2022-08	OOSSE	LAND USE	202208	5328 \$	50.00
009-023-011-00	210 N. POPP ROAD	ACCESSORY BUILDING - FUTURE AG USE			3,084 S.F.	
3/31/2022	2022-09	EDWARDS	LAND USE	202209	2493 \$	50.00
009-023-028-10	110 N. ST. JOSEPH ST.	ACCESSORY BUILDING - STORAGE & BATH			1680 S.F.	
3/31/2022	2022-10	ELLENBOGEN	LAND USE	202210	3605 \$	130.00
009-658-010-00	4176 N. LAKE LEEANAU	NEW DWELLING ATT. GARAGE COVERED/SCREEN PORCH 3,592 S.F.				

TOTAL \$ 280.00

SIGNED:

TIMOTHY A. CYPHER

DATE: 4/3/2022

TIMOTHY A. CYPHER
LELAND TOWNSHIP ZONING ADMINISTRATOR
231-360-2557

APPENDIX D

Leland Township
Zoning Administrator's
MARCH 2022 REPORT

To: Leland Township Board & Leland Planning Commission

From: *Timothy A. Cypher* 4/3/2022

Land Use Permits Issued:	4	YEAR TO DATE 10
Signs / Home Occupation	0	
Single Family Residences (SFR)	1	
Additions to SFR	0	
Garages / or additions to	1	
Decks & Porches / MISC.	0	
Accessory Buildings	2	
Commercial Construction	0	
Stairs & Landings	0	
Agriculture construction	0	
Demolitions	0	
Boat houses	0	
Solar Panels	0	
Renewal of / Change of use	0	
Z.B.A. proceedings	0	1 INQUIRY
Special Land Use Permits	1 WHITE	2 INQUIRY
Lot Consolidations	0	1 INQUIRY
Land Divisions	0	1 INQUIRY
Property Line Adjustments	0	1 INQUIRY
Private Roads / Driveways	0	1 INQUIRY
Zoning / Site Plan Reviews	0	2 INQUIRY
Construction Inspections	6	
Violations/Investigations	0 **VIOLATIONS**	
	1 INVESTIGATIONS PENDING	
	RV USE AS SINGLE FAMILY DWELLING	

I supplied information via 28 phone calls & 19 emails to Township residents & others.
I attended the Planning Commission and Township Board meeting but was out of town for Annual mtg.
Please feel free to contact me with any questions.

zoning@lelandtownship.com Phone 231-360-2557