

**LELAND TOWNSHIP PLANNING COMMISSION**  
**Public Hearing**  
**Wednesday, September 6, 2023**  
**Leland Township Library, Munnecke Room**  
**200 North Grand Avenue, Leland, MI 49654**

I. Call Meeting to Order/Pledge of Allegiance

Chairman Korson called the meeting to order at 7:03 pm with the Pledge of Allegiance.

Present: Clint Mitchell, Township Board Rep; Ross Satterwhite, Vice Chairperson, ZBA Rep; Sam Simpson; and Skip Telgard, Secretary

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

There were approximately 150 members from the public in attendance at various times throughout the meeting. As the capacity in the Munnecke Room is limited to 100 people, many attendees stood outside of the meeting room.

II. Motion to Approve Agenda (additions/subtractions)

Chairman Korson asked for a motion to approve the September agenda as presented. **SATTERWHITE MOVED TO APPROVE THE SEPTEMBER AGENDA AS PRESENTED; SIMPSON SECONDED. ALL PRESENT IN FAVOR; MOTION CARRIED.**

III. Declaration of Potential Conflicts of Interest - None

IV. Approval of Minutes from August 2, 2023

Chairman Korson asked for a motion to approve the August 2, 2023 minutes as presented. **SATTERWHITE MOVED TO APPROVE THE AUGUST 2, 2023 MINUTES AS PRESENTED; SIMPSON SECONDED. ALL PRESENT IN FAVOR; MOTION CARRIED.**

V. Correspondence

Cypher stated that he will address all correspondence received during step #3 under the Public Hearing.

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

Mr. Keith Ashley stated that, with regard to the PUD project being proposed, emphasis must be placed on the public's views. There should be no rush to judgment as tonight's meeting is the first time that people have had the chance to make their views known. The developer does not have a timeline. The PC is being asked to approve the original design that was submitted by Mr. Peterson; he has also submitted a re-design of the proposed project. Mr. Ashley commented that the re-design is a significant improvement over the first drawing that was proposed. However, Mr. Ashley also stated that this is a monolithic design that does not represent the character of Leland. He added that Mr. Peterson has owned the parcel for six years and should have picked up on the vibes of the residents regarding this project. If this project is approved, a movement will follow based on future sales by an aging population in Leland for someone who has no roots in the community to come into the area to develop similar projects. Those residents living closest to the proposed structure will have their lives forever changed. Mr. Ashley stated that some people will say that one should purchase property nearby to prevent development, but he added that the PC should look to the Master Plan. He commented that we must prevent the citification of our villages and asked if the property owner should be permitted to build something such as the proposed structure. Mr. Ashley questioned why the second and third floors are needed. This may bring the developer additional income but this project should not go forward at the expense of the village. He referenced five new buildings in recent years that have been built in Leland and noted that all have adhered to the character of the village. Mr. Ashley requested that the PC deny the proposed PUD request.

Mr. Mark Morton is the President of the Leland Chamber of Commerce and also expressed concern about the proposed building. He stated that at each Chamber of Commerce meeting, three topics dominate the agenda: bathrooms, trash and parking. It is hoped that trash cans will be placed outside and that there will be restrooms in the retail space for people to use. Mr. Morton noted that street-side parking ends at the post office and asked what would happen with parking in this case. There is only shoulder parking along M-22.

Mr. Brian Bishop stated that some of the township residents are showing a unified and coordinated effort at tonight's meeting in opposition to this proposal. He asked permission from Chairman Korson to allow members of the public to give their three minutes of speaking time during the Public Hearing to others so that a prepared statement can be read by a few individuals. Mr. Bishop concluded by stating that the proposed structure does not fit with the character of Leland.

Ms. Kathy Birney stated that she and her husband reside in Leland and work in Leland and Traverse City. Ms. Birney's family previously owned the Harbor House and she represents the fourth generation to work and contribute to the Leland economy. The Harbor House fits with the character of Leland; however, the design of Mr. Peterson's project does not fit.

Mr. Cal Little stated that he built his first home in Leland in 1978. Leland is a unique small lakeside community and its character should be maintained and protected. Change in this regard will be irrevocable. Mr. Little stated that character is not addressed in the zoning ordinance or the Master Plan; however, the character of Leland has mostly been derived as a guiding principle albeit unwritten. He concluded by stating that the proposed PUD is out of character with the residential village.

Mr. Shep Burr and his wife own a home on Mill Street. His family represents six generations of Lelanders and Mr. Burr noted that he has never witnessed such opposition as this project has generated. He urged the PC to please deny this menacing development. He added that allowing Mr. Peterson's behemoth three-story structure would be out of character with the small cottages and other buildings in Leland. Mr. Burr asked if Mr. Peterson was present in the audience and asked Mr. Amon if he is Mr. Peterson's attorney. Cypher stated that public comment is not intended to be a question-and-answer session. Mr. Burr asked Mr. Peterson to withdraw his application for this project as this would affect the daily lives of Leland residents forever. Mr. Burr stated that Mr. Peterson is not smarter than anyone else and added that other Leland residents would not line their pockets at the expense of a place they love.

Mr. Brent Fries stated that once this project goes up, it's done. He is glad to see the community members locking arms in opposition to this project.

Mr. Tom Shoef stated that his grandfather built the first cottage in Leland 150 years ago on the west side of town. He stated that they love Leland and do not want it to change. He stated that he does not want to see this happen in Leland and added that the developer will not turn around and do something different.

Ms. Lynn Dunn resides on North Lake Street and is two blocks from the proposed building. They built their home in 2006 and worked with an architect on the project. Their family history dates back many years in Leland. Ms. Dunn stated that they built their home to fit in with the nature of the towns. She concluded by stating that "You can put lipstick on a pig but can't get rid of the stink".

Mr. Mindlin stated that if this project is approved, the PC will have a difficult time denying similar projects in the future. This project impacts the character of Leland.

VII. Reports

**Township Board Rep:**

Mitchell did not have any information to report.

**ZBA Rep:**

Satterwhite did not have any information to report.

VIII. New Business – None

IX. Public Hearing – PUD – 211 N. Main Street, Leland, MI 49654 / Joel Peterson

Cypher read the language from the Public Notice that was published in the *Leelanau Enterprise* (see Appendix A).

1. Presentation by Applicant (Dusty Peterson on behalf of Joel Peterson)

Mr. Tom Amon stated that he is Mr. Peterson's attorney and indicated that he is present tonight to help the PC further understand this proposal. He appreciates the time that the PC is giving to this proposal. Mr. Amon stated that the uses in this case are all permitted in the C-1 zoning district according to the zoning ordinance. He added that the reason for this PUD review is that Mr. Peterson wishes to develop this as condominiums and wants to pursue the project under a specific ownership structure. The zoning ordinance already answers questions regarding height of the building, etc. and he added that the opposition is focused on the aesthetics of the project which is also addressed in the ordinance.

At this point, Mr. Amon turned the presentation over to Mr. Dusty Christensen who works with Mansfield Land Use Consultants; Mr. Christensen is a landscape architect. Mr. Christensen thanked the PC members and stated that, as discussed by Cypher and Mr. Amon, he is here tonight to discuss the proposed mixed use building due to the condo ownership structure. Mr. Christensen displayed a page from the township zoning ordinance that discusses the C-1 zoning district for the village of Leland and the village of Lake Leelanau. Mr. Christensen stated that the introduction to this project was made at the previous PC meeting in August; he noted that two members of the public were present at that meeting.

Mr. Christensen explained that approval begins with the zoning ordinance. He read a passage from Article 12 related to the Commercial zoning district. The intent of Mr. Peterson's project is to provide for the continuous retail experience up and down Main Street in Leland. The ground floor will be open to what is allowed in the zoning ordinance. There will not be a restaurant on this level as the building does not have the water and sewer capacity. The second and third floors will comprise the residential quarters and Mr. Christensen reiterated that these are all uses allowed by right.

The proposed building is approximately 10,000 square feet with setbacks of five feet in the front, five feet on the side and twenty-five feet in the rear. The setback must be 25 feet when it abuts a residential structure. A building can cover 80% of the lot in this zoning district. Mr. Christensen displayed the site plan and indicated that this is at the corner of Main Street and William Street. The four residential units are required to have parking but this is not required for the commercial units.

The proposed building has a green roof to handle storm water. The initial rendering has been revised to show how façade treatments can de-emphasize the third floor but Mr. Christensen noted that this is the same building that was proposed in the original application. He added that the PC could consider the application based on the revised rendering pending the submission of revised drawings. The first floor is the retail space. The second floor of the building represents the primary living space with a back patio; the kitchen is also on this level. The third floor represents the sleeping quarters.

Goals and action steps are required to comply with the Master Plan. The Planning Enabling Act stated that there must also be a zoning plan to dictate how the land is used in a township. Mr. Christensen read a passage from the Leland Township Master Plan of 2008 and also discussed the Grand Vision Planning Process guidelines that local governmental units were encouraged to adopt. The intent was to focus development in a way as to preserve the scenic nature of an area where there is infrastructure.

Mr. Christensen discussed section 7.3.4 of the Master Plan regarding the broad range of housing opportunities. The goal of this section is to provide a range of housing opportunities even if this particular project is not classified as affordable housing. Leelanau County has the oldest population and this project offers something different than what is seen in the township.

Mr. Christensen discussed section 7.3.5.c regarding the economic objective. The proposed project has mixed uses and meets the intent of this objective. He emphasized that the only reason he is here on behalf of Mr. Peterson to make this presentation is due to the type of ownership structure.

## 2. PC Questions/Discussion with Applicant

Chairman Korson asked Mr. Christensen if the architect who designed the building has ever been to Leland; Mr. Christensen replied that he is not sure. Chairman Korson stated that he understands the calculations but inquired as to the recipe used by the architect so that the project would be in line with the Master Plan. Mr. Christensen stated that he is not involved with the building design process and cannot speak to this. Mr. Amon stated that the architect came up with a revised drawing based on input from the PC and the public.

Satterwhite asked what Mr. Peterson would say if he were present and understood that people are not supportive of this project. He added that some developers would say that they tried to do a certain type of project but they do not want to upset the community. Satterwhite asked what type of developer Mr. Peterson is and what is he thinking with regard to the Master Plan. He also asked if people are stating that they do not like X or do they simply not want development.

Mitchell asked about the plans for loading and unloading. Mr. Christensen explained that there is no requirement for that or for extra dumpsters. The open space area was also discussed. There is enough space outside of the building envelope and the drawings reflect areas around the building designed to enhance the overall appearance. Mr. Christensen read a passage pertaining to the requirement for open space in the C-1 zoning district. The requirement is 80% maximum lot coverage but this project is at 48% lot coverage and there is no open space requirement.

Mitchell asked Mr. Christensen his thoughts on the definition of “shall”. Mr. Christensen responded that this means “must be done”. Mitchell noted that the term “shall” is used many times in the passage being discussed. Telgard stated that the open space must be 20-feet wide but added that he does not see where this can be accomplished. The setback is 25-feet and nothing can be done in the open space area.

Chairman Korson asked how the green roof would handle the volume of rain that came down today—Wednesday, September 6<sup>th</sup>. Mr. Christensen replied that the green roof can handle a 24-hour event which typically results in up to four inches of rain. If there is more rain, this will fall on the permeable driveway.

## 3. Review Correspondence regarding application with staff

Cypher stated that he received an enormous amount of correspondence, some of which arrived last minute prior to this evening’s meeting. He received a total of 162 emails and letters. Lisa Brookfield, Leland Township Clerk, forwarded all correspondence that she received to Cypher. Satterwhite

confirmed that 162 items of correspondence came in but the PC has not yet read everything; Cypher confirmed that this is correct. At the Public Hearing tonight, 40 to 50 letters were brought in by members of the public.

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

Mr. Marty Moran stated that he is fairly new to Leland. His family came from Chicago and owns the building to the south of 211 N. Main Street. He asked about the requirements for curbs and sidewalks and inquired as to who is responsible for paying for these things. Chairman Korson stated that questions cannot be answered during public comment.

Mr. Keith Ashley stated that Mr. Amon indicated that Mr. Peterson is receptive to the idea of re-designing the building. Mr. Ashley shared that he was contacted out of the blue by an architect who offered free advice regarding what could be done to modify the building. Mr. Ashley acknowledged that Mr. Peterson has made changes to the original drawing with the exception of the roof; this is due to the green roof requirement. The Master Plan contains directions for the PC to follow in terms of what people want. The developer has the obligation to convince the PC that character has been preserved. Mr. Ashley stated that Mr. Amon provided a great deal of information but did not address character. He reiterated that the developer's job is to inform the PC how this has been met. He asked if the monolithic façade is in line with the character of Leland and stated that the developer should give the community something that fits with the character.

Mr. Jeffrey Hammersley requested that the PC obtain engineering data regarding the proposed building. He suspects that the ability of the building to sit on a parcel of land without pylons to support it will be a problem.

Mr. Tony Borden read a prepared statement titled, "The Case for Rejecting the Applicant's Proposal". He stated that character is not subjective and discussed that the Master Plan addresses how we want to reference character. He also discussed Chapter 6, which pertains to how the community of Leland envisions its character in the future. The design of Fishtown is one of the most impressive examples of how character can be preserved in Leland. Through the efforts of many people, Fishtown has been preserved. He added that there is nothing unique about the project at 211 N. Main Street. The building resembles something that could be found in Traverse City.

Mr. Brian Bishop continued with the prepared statement that began with Mr. Borden. Mr. Bishop addressed parking and other issues. He also discussed Chapter 7 in relation to character as well as how to discourage sprawl. Mr. Bishop discussed Chapter 8 of the Master Plan which addresses the future development or redevelopment of the village, the existing identity and current

character of the village and development densities in terms of their similarity to current densities.

Ms. Lee Cory continued with the prepared statement where Mr. Bishop left off. She identified the more salient reasons for the PC as to why they should reject this proposal. She urged the PC to look at Article 7.01.A, 7.01.A.1.e and Article 16, section 16.013.A.3. These pertain to sections of the ordinance where the proposed PUD has failed to meet the standard. Ms. Cory also discussed Article 17.01.E and stated that the dedicated open space requirement has not been met.

Mr. Stephan von Jena echoed the concerns shared by many and stated this project does not fit with the character of Leland. He added that Leland represents a lifestyle to those who call Leland their home and noted that the various PC members also enjoy this lifestyle. He stated that not all buildings in Leland are historic or similar; however, they all fit. He urged the PC to not introduce other self-serving designs into an area that we have come to love.

Ms. Kathy Dawkins stated that she is a member of the Zoning Board of Appeals (ZBA) and therefore must remain neutral in her comments. She has attended the Public Hearing and other opposition meetings regarding this proposed project and wants to educate herself on what is happening. She stated that Leland is a cohesive community. She is concerned that Mr. Peterson did not attend this evening's meeting and added that he must be aware that there are concerns regarding this building. Ms. Dawkins stated that the community is open to listening to the developer. Even though Mr. Peterson spoke to Mr. Ashley, Ms. Dawkins stated that this is not public comment. She noted that some buildings in Leland do fit with the character of the village. She urged Mr. Peterson not to ignore the community because he is going to do whatever he wants to do.

Mr. Cris Telgard stated that he is a lifelong resident of Leland. He has served in many roles and added that he is not one to hold back progress. He stated that some houses in Leland have been converted to other uses but they are in line with the character; the proposed building is offensive to Mr. Telgard's eye. He expressed that this building is more appropriate for Traverse City or downtown Grand Rapids and added that it brings an urban look to a historic village. There is no open space at all; all space is used for profit-making. Mr. Telgard also addressed the parking issues. He urged the PC to send this project back to be re-worked with regard to concept and design.

Mr. Doug Julian stated that the building is one foot too tall and that the garage is off. He believes the roof must be lowered. He added that the parking situation needs to be reworked to meet requirements.



Ms. Rachel Spinnaken stated that she has three young children who are five, eight and ten years of age. They are sixth generation Leland farmers. She wanted to speak on behalf of younger people in Leland and indicated that the proposed building is not only a concern to older individuals. She discussed the book titled "The Little House" which ultimately has a happy ending because the house is able to be moved. She stated that there is only way to have a happy ending to this project and that is to stop it now.

Ms. Sharon Kalchik commented on the 35-foot height requirement in relation to the Fire Department. She stated that she did not expect that anyone would come in and build a structure similar to the one being proposed.

Mr. Cal Little stated that what comes to Leland will eventually go to Lake Leelanau, too. He added that we all need to have good planning.

#### 5. Applicant's Response to Public Comment

Mr. Amon stated that the discussion of the Master Plan in relation to character is a subjective standard, and he feels that the proposed project is consistent with the goal of the Plan. The project is slated for the commercial area in Leland, which is very small. Mr. Amon acknowledges everyone's feelings in this matter but added that zoning is about what uses go where. He asked the PC to keep the emphasis on the Master Plan.

Mr. Christensen addressed the height restriction in the zoning ordinance of 35 feet. The front façade of the building is 33 feet and one inch. However, if the grade is removed and we were to measure to the top of the roof, this distance is less than the 35-foot maximum.

Chairman Korson asked Mr. Amon if he vacationed in Leland in the past. Mr. Amon replied "Yes".

Simpson asked about the average grade and inquired as to how this works. Mr. Christensen explained that building height is measured by average height. The commercial space is street level in the front of the building. The garage floors drop down two feet. This eliminates the need for retaining walls to address the grade. Satterwhite asked Mr. Christensen what the average height would be all around the building. Mr. Christensen responded that it is probably 34 feet.

#### 6. PC Discussion with Staff

Satterwhite stated that he did not have any questions but would be asking some when Cypher presents the Findings of Fact. Telgard agreed and indicated that he would also have questions during the Findings of Fact.

## 7. Findings of Fact / Conditions

Cypher led the PC through the Findings of Fact worksheet. He stated that the PC has received a supplement to the original PUD application from Mr. Amon and they have prepared their own findings. The document prepared by Mr. Amon includes photographs, findings, a revised drawing, and a proposed resolution.

Chairman Korson inquired about the PUD application coming before the PC. Cypher stated that there are two types of reviews. The first type is a site plan review only with no public notice requirement and no public hearing. The second type of review requires that a public notice be published, a public hearing be held in the matter and 300-foot letters be distributed. Mr. Peterson's project constitutes the second type of review.

### **Findings of Fact:**

Page 1:

Section 6.03.B – a revised drawing was received from Mr. Peterson this week. The final plans incorporating all revisions/conditions shall be sealed and signed by a professional engineer (professional surveyor or landscape architect licensed in Michigan) before the land use approval is granted.

Page 2:

Section 6.03.B.5 – Satterwhite asked about “employees by shift”. The C-1 zoning district does not require off-street parking; this is only for dwelling units. There will be no condition for this section if the height is correct.

Section 6.03.B.7 – Telgard asked where the curb cut is located. Cypher replied that it is an old one.

Page 3:

Section 6.03.B.8 – The final approvals from the Health Department, Sewer Administrator and Drain Commissioner are still needed but evidence of these approvals has been provided; they will be forthcoming.

Section 6.03.B.9 – The residential units will place their trash bins in the garage but there are questions as to where the commercial trash bins will be located. Cypher suggested further discussing this and making this a condition before proceeding further. Mitchell inquired about the placement of the commercial bins; these will be located inside the retail units. Satterwhite asked if there is a rear exit for the retail units. Mr. Christensen explained that the building code has travel distance requirements that must be adhered to.

Satterwhite also inquired if the bins are placed in the back of the alley, does this allow access to the garages for the residential units. He stated that a better trash plan is needed than what has been presented thus far. It is unknown exactly what will be placed in the trash bins at this point. Cypher established a condition that a better trash plan is needed for both residential and commercial.

Section 6.03.B.10 – Cypher noted that, in the past, the PC has permitted staff to work through the issue of signage to ensure it meets zoning requirements. Satterwhite asked about the setback from the sidewalk; Cypher replied that it is five feet. The sidewalk is in the road right-of-way. It was agreed that there must be an appropriate amount of signage allocated to each retail tenant.

Section 6.03.B.11 – Regarding lighting, the ZA will confirm compliance with zoning ordinance requirements once the cut sheets are received.

Section 6.03.B.12 – Four trees have been proposed. There will also be a row of arborvitaes to the west. Satterwhite and Telgard discussed the landscaping plan and Telgard mentioned his concern regarding the former Wild Birds Unlimited building as someone now lives there. It was agreed that there should also be trees to the north. Mr. Christensen stated that the landscaping plan was drawn to reflect the minimum landscaping requirements; he added that the rendering does not reflect the landscaping plan. A condition was placed that landscaping must comply with the zoning ordinance standards.

Section 6.03.B.13 – Pavers will be permeable. Regarding the storm water management plan for all streets, it was noted that William Street is in disrepair. It is up to Leland Township to put this on their road maintenance plan which would then be submitted to the Leelanau County Road Commission (LCRC).

Chairman Korson asked Mr. Christensen about the green roof that will be on the building. Mr. Christensen stated that Traverse City now has more green roofs on buildings; calculations are prepared by the companies that make these roofs.

Section 6.03.B.14 – There is no above or below ground storage proposed.

Section 6.03.B.15 – Met

Section 6.03.B.16 – Met; the project will meet all applicable county, state and federal requirements.

Section 6.03.B.19 – The PC will return to discuss this section at a later time to ensure compliance.

Section 6.04.A. – It should be emphasized that the Building Code Office does not opine until Township approval is granted because there may be changes in the review process.

Section 6.05.A – Satterwhite read this standard aloud. “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”. This is an essential part of the discussion. Satterwhite believes that it is hard to meet this standard. The size and scale do not fit with neighboring properties. Satterwhite informed Mr. Amon and Mr. Christensen that it is part of their responsibility to prove that this aligns with the character of Leland. He noted that people are present at tonight’s meeting because they are concerned about the sheer mass of the building. Telgard concurred with Satterwhite. Some elements of the design echo what was found in buildings in 1905 but these structures were much smaller and were not near a residential district.

Telgard discussed that “type” means the character of the building. The Bluebird is a smaller structure and echoes the building that was there in the 1940s and 1950s. This is also true for the Verterra Winery building. These buildings are not large in size or mass.

Chairman Korson stated that we cannot compare 1910 to 2017 as things have changed. He added that just because there were big buildings previously does not make this acceptable today. He asked if the issue is simply the look of the proposed building. Satterwhite replied that this is a good question but noted that the PC must deal with the questions before them and should stay in their lane.

Mitchell referenced the sentence in Section 6.05.B that reads, “All elements of the Site Plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings”. He stated that the proposed project does not meet this requirement. This project redefines character for the neighborhood. There will be no stopping this type of development if the character is changed here.

Leland and Lake Leelanau have different characters. The new building in Lake Leelanau is set back from the road so this is a different situation; this is what gave the PC the okay to approve this building.

Simpson expressed concern regarding the fact that the proposed building sits on the northern most boundary of the commercial district. This will be the first thing that people will see and this signifies what type of village you are driving into. People will see a huge building that sticks out like a sore thumb.

Satterwhite stated that other properties in the C-1 zoning district are not maximizing their lot coverage; these structures have been built to leave some of this on the table. He noted that this is the first building the PC would have approved that would maximize everything. Satterwhite believes the proposed building is out of character simply for this reason.

Chairman Korson stated that the PC has not been shown a plan which indicates how the developer will make this building harmonious with the area.

Cypher asked if it would be helpful for Mr. Peterson, Mr. Christensen and Mr. Amon to flesh out how they got to this point. Chairman Korson agreed that this would be a good idea and noted that the PC needs definite reasons why they have proposed this type of structure. Satterwhite suggested finishing the review of the Findings of Fact and stated that Mr. Amon and Mr. Christensen can then respond. Cypher stated that the Findings of Fact that Mr. Amon prepared contain some information that could be useful in the discussion of Section 6.05.A.

Mitchell proposed skipping to the open space discussion on Page 17.

Section 17.01.E. – Mitchell read with emphasis the phrase, “The planned unit development shall include...”. He does not believe that we want to switch things for PUDs when the zoning ordinance clearly stated that we “shall” forever have open space. Mitchell stated all future PUDs will ask for no open space. Satterwhite agreed with Mitchell. Mitchell stated that if open space is added, this should run along M-22 and William Street. Chairman Korson asked how the PC should come up with a number but Mitchell stated that this would be difficult as the PC must be consistent.

Satterwhite stated that this section of the Findings of Fact has not been met and added that it is not the job of the PC to tell the applicant, “If you do X, it will be met”. Satterwhite stated that he is not sure what type of guidance the PC should be giving the applicant but he does not feel any guidance should be provided. Simpson stated that if the finding is not met, the applicant should be required to come back to the PC.

Cypher read Section 17.02 (Waiver of Standards) and emphasized that our rationale for the decision is very important. We must thoroughly address items A1, A2 and A3 in this section.

Cypher asked if the consensus is that the open space standard has been met. Mitchell replied that they have not asked for a waiver. Mr. Amon asked if they were to ask for a waiver, will this make a difference. Mitchell stated that Mr. Amon and Mr. Christensen indicated that there was open space, but there is not. Mr. Amon stated that he feels the open space complies with the ordinance. Mitchell asked Mr. Amon if he was now asking for a waiver.

Satterwhite commented that we will not give a waiver simply to say that the open space requirement has been met in some capacity. All PC members concurred with this statement.

Cypher suggested that the PC leave off with the discussion of open space and circle back to this at the next meeting. He stated that a larger venue will be needed for the next meeting.

Cypher indicated that a public notice must go in the newspaper. There is no public comment permitted during the review of the Findings of Fact. In terms of a larger venue, Satterwhite stated that the Performing Arts Center at the Leland Public School is the best location; this is preferred over the gymnasium.

Chairman Korson asked for a motion to table the continued discussion of the Findings of Fact to the October meeting and to request that staff locate a larger venue for the meeting. **SATTERWHITE MOVED TO TABLE THE CONTINUED DISCUSSION OF THE FINDINGS OF FACT TO THE OCTOBER MEETING AND TO REQUEST THAT STAFF LOCATE A LARGER VENUE FOR THE MEETING; SIMPSON SECONDED. ALL PRESENT IN FAVOR; MOTION CARRIED.**

X. OLD BUSINESS

1. Residential Character Amendment – tabled to October meeting
2. Draft Master Plan – tabled to October meeting

XI. Other Business (as required) – None

XII. Zoning Administrator Comment – None

XIII. Planning Commission Comment

Satterwhite thanked Mr. Amon, Mr. Christensen and all members of the public for attending tonight's meeting.

XIV. Public Comment – (limited to three minutes per person unless extended by chair) – None

Mr. Ashley asked if the Findings of Fact could be updated prior to the October meeting.

A member of the public urged the PC to please read the comments submitted by the Fire Chief regarding this proposed project.

UNAPPROVED

XV. Adjournment

There being no objection, Chairman Korson adjourned the meeting at 10:14 p.m.

The next scheduled meeting will be held on Wednesday, October 4, 2023 at 7:00 pm at the Leland Township Library in the Munnecke Room unless otherwise noted.

Respectfully submitted,

Allison Hubley-Patterson  
Recording Secretary

**APPENDIX A – Public Notice**  
**(published in *Leelanau Enterprise* on August 17, 2023)**

**Leland Township Legal Notice**  
**For August 17<sup>th</sup> Edition,**  
***Leelanau Enterprise***  
**Attention: Legals**

Please publish the following legal notice in the August 17<sup>th</sup> edition of the *Leelanau Enterprise*. If there are any questions, call Tim Cypher at 231-360-2557.

**LELAND TOWNSHIP PLANNING COMMISSION**  
**NOTICE TO THE PUBLIC**  
**PUBLIC HEARING**  
**Wednesday, September 6, 2023 – 7:00 p.m.**  
**Leland Township Library – Munnecke Room**  
**203 Cedar Street E., Leland, MI 49654**

In accordance with the requirements of the Michigan Planning Enabling Act, Public Act 33 of 2008, and related amendments, this is notice that the Leland Township Planning Commission would like to invite your participation, cooperation, and comment with regard to a proposed Planned Unit Development (PUD) condominium project in the C-1 Village Commercial zoning district. The proposed project is a mixed-use building at 211-243 N. Main Street, Leland, MI 49654; property tax number: 009-750-210-00. The proposed use is retail/commercial on the first floor, residential on the second and third floors. This application is for a use allowed by right in the C-1 district.

To review the application and other visual aids in advance of the Public Hearing, please visit the Leland Township website at: <https://www.leelanau.gov/lelandtwpplan.asp>. The visual aids can be found under the “Handouts” tab for the September 6, 2023 Regular Meeting/Public Hearing.

To submit comments before the hearing, write or call the Leland Township Zoning Administrator, P.O. Box 226, Lake Leelanau, MI 49653; or email [staff@allpermits.com](mailto:staff@allpermits.com); or call (231) 360-2557.

Timothy A. Cypher, Leland Township Zoning Administrator



UNAPPROVED

## APPENDIX B – Leland Township ZA Report (August 2023)

LELAND TOWNSHIP  
Zoning Administrator's  
AUGUST 2023 REPORT

To: Township Board & Planning Commission

From: [Timothy A. Cypher](#) 9/8/2023

Land Use Permits Issued: 7            YEAR TO DATE 53  
Signs / Home Occupation 0  
Single Family Residences (SFR) 2  
Additions to SFR 0  
Garages / or additions to 0  
Decks & Porches / MISC. 1  
Accessory Buildings 2  
Commercial Construction 2  
Stairs & Landings 0  
Demolitions 0  
Boat houses 0  
Solar Panels 0  
Renewal of / Change of use 0  
Z.B.A. proceedings 0 0 INQUIRY  
Special Land Use Permits 1 PETERSON 1 INQUIRY  
Lot Consolidations 0 0 INQUIRY  
Land Divisions 1 1 INQUIRY  
Property Line Adjustments 0 1 INQUIRY  
Driveways 0 0 INQUIRY  
Zoning / Site Plan Reviews 0  
Construction Inspections 11  
Violations/Investigations 0 **\*\*VIOLATIONS\*\***  
0 INVESTIGATIONS PENDING

I supplied information via 47 phone calls & 31 emails to Township residents & others.

Please feel free to contact me with any questions.  
[staff@allpermits.com](mailto:staff@allpermits.com) Phone 231-360-2557

## APPENDIX C – Leland Township ZA Monthly Summary (August 2023)

### LELAND TOWNSHIP - ZA'S MONTHLY SUMMARY

Period: **AUGUST**      **2023**

DATE	PERMIT #	NAME	USE	REC. #	CK.#	AMOUNT
<b>8/7/2023</b>	<b>LUP 23-47</b>	<b>NLD PROPERTIES, LLC</b>	<b>LAND USE</b>	<b>202347</b>	<b>16953</b>	<b>\$ 100.00</b>
009-024-018-10	7150 E. DUCK LAKE RD.	COMMERCIAL DISTILLERY/TASTING ROOM			11,870 S.F.	
					TREAS HAS	
<b>8/17/2023</b>	<b>LUP 23-48</b>	<b>ANDREW MCCARTHY</b>	<b>LAND USE</b>	<b>202348</b>	<b>PAID CASH</b>	<b>\$ 130.00</b>
009-113-001-52	6987 N. MANITOU TRAIL	NEW DWELLING DET.GARAGE DECK PORCH PATIO			5,789 S.F.	
<b>8/17/2023</b>	<b>LUP 23-49</b>	<b>PETERSON</b>	<b>LAND USE</b>	<b>202349</b>	<b>21149</b>	<b>\$ 130.00</b>
009-014-012-00	1533 N. LAKE LEELANAU	NEW DWELLING PORCHES BOARDWALK			1,283 S.F.	
<b>8/18/2023</b>	<b>LUP 23-50</b>	<b>LEELANAU CONSERVANCY</b>	<b>LAND USE</b>	<b>202350</b>	<b>81758</b>	<b>\$ 100.00</b>
009-750-408-00	105 N. FIRST STREET	INTER OFFICE MEETING AREA & EMERGENCY EXIT			360 S.F.	
<b>8/27/2023</b>	<b>LUP 23-51</b>	<b>MCMANUS</b>	<b>LAND USE</b>	<b>202351</b>	<b>1005</b>	<b>\$ 50.00</b>
009-136-010-00	7819 E. ALPERS RD.	ACCESSORY BUILDING	CONDITIONAL		1,500 S.F.	
<b>8/28/2023</b>	<b>LUP 23-52</b>	<b>FARNELL</b>	<b>LAND USE</b>	<b>202352</b>	<b>PENDING</b>	<b>\$ 100.00</b>
009-600-223-00	5 JUNIPER TRAIL	STUDIO ACCESSORY BUILDING - CONDITIONAL			516 S.F.	
<b>8/31/2023</b>	<b>LUP 23-53</b>	<b>MCQUOWN</b>	<b>LAND USE</b>	<b>202353</b>	<b>PAID</b>	<b>\$ 40.00</b>
009-134-013-25	4293 N. HIGH BLUFFS DR	DECKS STEPS & PORCH			774 s.f.	
<b>8/21/2023</b>	<b>LDA 23-05</b>	<b>GROMBALA</b>	<b>LAND DIV.</b>	<b>LDA 23-05</b>	<b>9807</b>	<b>\$ 50.00</b>
009-014-015-11	1589 N. LAKE LEELANAU	LAND DIVISION OF SEPTIC ONLY PARCEL				
<b>TOTAL</b>						<b>\$ 700.00</b>

SIGNED:

*TIMOTHY A. CYPHER*

DATE: 9/8/2023

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