

Suttons Bay Township

Planning & Zoning Office

P.O. Box 457

Suttons Bay, MI 49682

(231) 271-2722 ext. 3 phone

(231) 271-2773 fax

July 7, 2021

Patrick Otto
Leelanau Watersports
P.O. Box 564
Manton, MI 49663

Re: Site Plan Review – Leelanau Watersports
1274 S. Peck Road
45-011-033-030-00
Suttons Bay Township

Mr. Otto,

Last night the Suttons Bay Township Planning Commission approved the Minutes of their June 1, 2021 meeting in which they voted to deny the Site Plan submitted for Leelanau Watersports at 1274 S. Peck Road, Suttons Bay.

That Decision is now effective with the approval of these Meeting Minutes, and these attached Minutes reflect the Suttons Bay Township Planning Commission reasons for the denial.

The operation of Leelanau Watersports without an approved Site Plan continues to be a violation of the Suttons Bay Township Zoning Ordinance, as detailed in previous communications from our attorney dated August 6, 2020 and September 22, 2020.

Pursuant to Section 19.17.A of the Suttons Bay Township Zoning Ordinance, you have the right to appeal this decision to the Suttons Bay Township Zoning Board of Appeals (ZBA).

“A person aggrieved by a decision of the Zoning Administrator or Commission in granting or denying approval of a site plan, or regarding any conditions attached to an approval, may appeal the decision to the ZBA per the requirements of Article 24 of this Ordinance.”

Section 24.11.2.B of the Suttons Bay Township Zoning Ordinance requires such appeal to be filed within sixty (60) days from the date of any decision constituting the basis of appeal. The sixty-day period started when the Planning Commission approved the meeting minutes last night.

At your request, I forwarded you by email the Application for Appeal to the ZBA.

Signed,



Steven W. Patmore
Zoning Administrator

Copy: Rich Bahle, Township Supervisor

Draft Minutes

SUTTONS BAY TOWNSHIP

REGULAR PLANNING COMMISSION MEETING - June 1, 2021

CALL TO ORDER

Dennis Rathnaw, Chair, called the Suttons Bay Township Planning Commission Meeting to order on Tuesday, June 1, 2021, at 6:02 p.m. via Zoom.

Chair Rathnaw said there will be a roll call of any motions made.

ROLL CALL - Quorum Present

Present: Dennis Rathnaw, Chair; Suttons Bay; Tom Nixon, Stony Pt. Rd., Susan Odom, Setterbo Rd; Don Gregory, Solon Rd.; Rhoda Johnson, Suttons Bay Twp, Dee McClure, SB Twp;

Absent: Amy Coleman, Doug Periard, Andy Brandt

Staff Present: Steve Patmore. Planner Present: Mathew Cooke

Approval of the Agenda

Tom Nixon/moved, Dee McClure/supported, to approve the Agenda as submitted, PASSED.

Public Comment

Alex Dingrando, spoke about Leelanau Watersports.

Scott Howard, spoke about Leelanau Watersports

Gary Hoensheid, Peck Rd., spoke about Leelanau Watersports

Wayne Livingston, spoke about Leelanau Watersports

Sharon Livingston, spoke about Leelanau Watersports

Conflict of Interest

None.

Approval of the Minutes

Chair Rathnaw asked the Commission if there are any corrections or additions to the draft minutes.

April 20, 2021 Minutes

Dong Gregory/moved, Tom Nixon/supported, to approve the April 20, 2021 Minutes as submitted, PASSED.

May 4, 2021 Minutes

Susan Odom/moved, Don Gregory/supported, to approve the May 4, 2021 Minutes as submitted, PASSED.

Items of Discussion/Consideration

**1. Continuation of Site Plan Review, Leelanau Watersports, 1274
S. Peck Road**

Chair Rathnaw said more discussion on Leelanau Watersports could be held. All arguments have been made and all the information has been assessed. Mr. Otto is present at this meeting to answer questions.

Zoning Administrator Steve Patmore said this is the Planning Commission's site plan review, and it has been determined that Leelanau Watersports is a permitted use by right in the commercial district. Insight as to the site plan review: Section 8.8, yard storage, Planning Commission has reasonable latitude and flexibility which says a solid fence or equivalent, also uses the word "obtrude" instead of invisible. The flexibility has been used on the Northern Lumber site plan review. In Capital Stone it was decided they did not need fencing because of the natural materials being stored were not obtrusive in the rear. There was a lot of discussion last month about a 6 ft high fence. In the boundary section of the Zoning Ordinance, it's a use by right for anybody to put up a 6-foot fence on their boundary line. Subject site plan does not include access to M-22. If the entrance should change, the applicant would need to come back before the planning commission with an amended site plan.

Chair Rathnaw said it's up to the Planning Commission to decide what is best for the community based on the zoning ordinance and vote that. Every conversation lately has been about the welcoming aspect of the corridor, this is the entrance to the village. This project does not fit into those discussions. The Planning Commission wanted the traffic routed off the residential road and onto the commercial road which doesn't look like it will happen. What is important is to save the watershed and creek. I would defend the use in a commercial zone, but a boat rental might be a high an impact for this particular parcel of land at least as far as ensuring the safety, welfare of the community and the natural resources. He added that an Inland Marina/Boat rental is too high of an impact for this parcel of land.

Comments from Planning Commissioners -

- Concerned about the process, conditions have not been drafted and presented for approval. This use is not good for the area, and not good for M-22.
- A commissioner who was on the commercial committee of the zoning Ordinance overhaul project noted that the committee did not want uses like this one in the commercial district. Staff noted that the new draft Ordinance has commercial storage as a potential special use in that district.
- There should be a buffer between the subject property and the residents. It would be difficult to vote on this project without knowing the conditions that would be placed there. The proposed use of the property is far from what is thought it would be.
- If we were to move forward, the conditions would have to be pretty stringent in order to protect the wetlands. An inland marina in our township is a three/four- month business. Other than that, it falls in the category of boat storage and does not add anything to our community going forward. The Planning commission referenced the letter from 1998 that was submitted to the PC as public comment.
- Putting a boat storage on this parcel is like fitting a square peg into a round hole

- We do have a responsibility to the township for the totality of it. Each parcel is looked at independently.
- This site plan review has been on our agenda since February 2nd. Mr. Otto has been out of compliance since 2019. This is not a good plan for health, safety and welfare of the community. A use by right doesn't mean it will fit on each commercial piece of property. We are not denying the use can happen in our township, just not on this parcel. A boat rental is too high of an impact on this parcel.

Susan Odom/moved, Rhoda Johnson/supported, to deny the site plan for Leelanau Watersports according to Section 19.15(c) of the Zoning Ordinance because it does not comply. Discussion - Need to publicly state all the reasons why the site plan is being denied. Most recent site plan did not reflect what the township is requesting.

Susan Odom withdrew her motion, Rhoda Johnson withdrew her support.

Chair Rathnaw asked the Zoning Administrator about listing reasons for denial. ZA Patmore stated that the Planning Commission needs to list the sections of the Ordinance that the site plan does not meet. Commissioners noted that there are a lot of other reasons, and listing all of them would be burdensome. It was suggested to list 3.10. The Zoning Administrator noted this section does not apply to the site plan.

Susan Odom/moved, Dennis Rathnaw/supported, that the Planning Commission deny the Leelanau Watersports Site Plan of property located at 1274 S. Peck Rd., based on Sections 19.1, Intent, and Section 19.15 of the Zoning Ordinance.

Susan Odom stated for clarification that a yes vote would deny the site plan and if you voted no, you are in favor of the site plan.

Roll call vote for the motion:

Yes: Don Gregory, Susan Odom, Rhoda Johnson, Tom Nixon,

Dee McClure, Dennis Rathnaw. No: None

Absent and excused: Andy Brandt, Doug Periard, Amy Coleman

Motion passed.

2. Introduction-Application for Site Plan Review & Special Land Use Permit, Vineyard View Apartments, 525 N. Marek Road

Steve Patmore introduced the project - Applicant: Homestretch Non-Profit Housing Corporation. Owner: Leelanau County Land Bank Authority. Existing zoning - agricultural for proposed 8 unit multi-family development at 525 N. Marek Rd.-

Background information and Zoning Administrator's Comments were reviewed.

John Stimpson represented Homestretch Non-Profit Housing Corporation.

The Land Bank has agreed to sell the property located at 525 N. Marek Rd. to Homestretch for \$1.00. Project: all electric, private well and septic. After approval of the project, Suttons Bay Township Board will be requested to approve a PILOT Program to allow the reduction of ad valorem taxes on the property.

Tom Nixon/moved, Susan Odom/supported/ to schedule a public hearing for July 6, 2021 on the Application for Site Review & Special Land Use Permit Vineyard Apartments, 525 N. Marek Road, submitted by Homestretch Non-Profit Housing Corporation, MOTION PASSED.

3. Zoning Ordinance Overhaul Project-Items yet to be completed

Mathew Cooke, Planner said for the July Meeting there will be draft language for special events and noise affecting the surrounding community.

REPORTS

Zoning Administrator - Written report submitted by Steve Patmore

Planner - Mathew Cooke - no report.

Township Board - Upcoming OMA Training with township attorneys and

Township Noise Ordinance has been submitted to attorney. Tom Nixon reminded planning commission members that they are not allowed on applicant's property without an invitation.

Commissioner Comments - Planning Commission will probably continue with zoom meetings.

PUBLIC COMMENT

Wayne and Sharon Livingston thanked the Planning Commission for making a decision on Leelanau Watersports.

Next meeting agenda - July 6, 2021

ADJOURNMENT

Chair Rathnaw adjourned the meeting at 7:58 p.m.

**Minutes by Marge Johnson, Recording Secretary
Amy Coleman, Planning Commission Secretary**