

**Centerville Township
PLANNING COMMISSION**

Planner’s Report and Findings of Fact

DRAFT DECISION

Applicants: Northgate Leelanau Pines, LLC, c/o Chelsea Bossenbroek, 38 Commerce Ave SW, Ste. 200, Grand Rapids, MI 49503 (hereinafter referred to as the “Applicant”).

Review Date: (1rst planner’s review 9/7/23; 2nd planner’s review 9/15/23; 1rst PC review/public hearing 9/18/23; 2nd PC review __/__/23; and final PC review __/__/23)

Final Decision Date: Planning Commission _____, 2023.

PROPERTY DESCRIPTION

Northgate/Leelanau Pines is on an 72.74 acre parcel owned by Northgate Resorts at 6500 E. Leelanau Pines Dr., Cedar Michigan 49621 and described as:

Parcel no. 45-002-35-003-13.

PT GOVT LOT 3 OF SW 1/4 SEC 35 COM W 1/4 COR SD SEC TH S 88 DEG 04'27" E 285.71 FT TO C/L LAKE SHORE DR (A/K/A CO RD 643) & POB TH CONT S 88 DEG 04'27" E 2028.57 FT TH S 01 DEG 22'20" W 250.01 FT TH S 88 DEG 04'27" E 291.88 FT TO SHR LAKE LEELANAU TH ALG SD SHR S 34 DEG 36'51" W 1499.93 FT TH CONT ALG SD SHR S 64 DEG 33'25" W 889.25 TO BANK OF RICE CREEK TH ALG SD BANK N 28 DEG 41'30" W 106.07 FT TH CONT ALG SD BANK N 68 DEG 11'55" W 166.52 FT TH ALG SD BANK N 11 DEG 34'02" W 248.05 FT TH CONT ALG SD BANK N 62 DEG 39'33" W 274.57 FT TH ALG SD BANK N 10 DEG 28'24" W 482.32 FT TH CONT ALG SD BANK N 26 DEG 30'28" W 374.17 FT TH ALG SD BANK N 48 DEG 49'29" W 266.39 FT TH N 01 DEG 22'20" E 125.76 FT TO SD C/L TH ALG SD C/L 427.28 FT ON ACR OF 625.71 FT RADIUS CURVE RIGHT (LC=N 43 DEG 23'32" E 426.80 FT) TO POB INCLUDES ALL LAND BETWEEN SIDELINES TO WATERS EDGE OF LAKE LEELANAU AND THREAD OF SD CREEK SUBJ TO & TOG WITH EASE SEC 35 T29N R12W 72.74 A M/L 2022 SPLIT FROM 002-035-002-00 & 002-035-003-00

The parcel is located within Section 35, T29N, R12W, Centerville Township, Leelanau County, and hereinafter referred to as the “subject property.”

APPLICATION

On August 31, 2023 the Applicant submitted an application for site plan and special land use approval. On September 7, 2023 the Township Planner emailed agent for the Applicant Mr. Jason VanderKodde, PE of Fishbeck requesting additional site plan information and clarifications. Fishbeck responded to this request in writing on September 13, 2023. Mr. VanderKoodde and the

Township Planner met via telephone on September 15, 2023, on which date the Township Planner determined the application was administratively complete.

Northgate Leelanau Pines, LLC proposes to construct 150 new campsites (170 currently exist); a new check-in office building; new waterfront pavilion; new marina store with associated parking; new bathhouse; new open air pavilion, new pools, equipment building an bathhouse; new maintenance building; and new recreational facilities including walking trails, pools, boardwalk, splash pad, mini golf, jump allow and sports courts. The Applicant also proposes to renovate the following existing facilities: camp office with restrooms and associated parking; game room & storage; bathhouse and laundry; and a cabin.

The Applicant has also applied to the Michigan Department of Environment Great Lakes and Energy (EGLE) Submission No. HPR-59MH-CX6Z7 to relocate and reconfigure the existing marina consisting of 82 boat slips (82 slips currently exist), 680 feet of new broadside dockage (creating 16 new broadside boat slips, with 18 currently existing), installing a new 240 feet by 6 feet wide East Dock (consolidated from existing east and west docks) with 76 seasonal boat slips; a new, reconfigured 181 feet long by 6 feet wide South Dock; a new double boat launch (two existing single boat launches to be removed/replaced and a new double launch); a dry hydrant; 5 sets of new shoreline stairways; 16 feet of new seawall; 137 feet of replacement seawall; repair 292 lineal feet of existing riprap; new riprap along a total of 889 lineal feet of shoreline; a 75 feet long by 4 feet wide seasonal boat launch dock; and 117 seasonal boat slips, including a new boat hoist.

The Planning Commission having reviewed the Applicant's revised August 31, 2023 application; having heard the statements of the Applicant and their agents; the Applicant and their agents having completed a pre-application conference with the Township Planner and Planning Commissioners; having reviewed all written documentation and supporting materials; having held a public hearing on September 18, 2023; the Centerville Township Planning Commission having reached a decision on this matter, finding the following:

GENERAL FINDINGS OF FACT

1. The Planning Commission finds that the site is located at 6500 E. Leelanau Pines Dr., Cedar, Leelanau County, Michigan.
2. The Planning Commission finds that the subject property consists of 72.74 acres (Parcel No. #45-002-35-003-13).
3. The Planning Commission finds that the property is zoned Commercial Resort (CR) by the Centerville Township Zoning Ordinance, effective December 7, 2007, as amended through April 27, 2023.
4. The Planning Commission finds that the Applicant has agreed "(t)his revised site plan will cap the number of boats at 82, and will also contain details regarding the boat-washing station to prevent the introduction of invasive species..." see Section 3:

Mediation Settlement Agreement, Case no. 2023-10981-CZ & CZ 2023-10986-AA, dated August 17, 2023.

5. The Planning Commission finds that required local agency permits, including but not limited to the required EGLE permits (i.e., Part 41 groundwater discharge for sewage/waste water treatment and disposal (EGLE #HPM-09PX-793C6); Part 125 Campground expansion license (follows final Township action); and Parts 303/301 stormwater discharge, marina, docks/moorings, boat launch, wetland fill, shoreline stairs, shoreline stabilization, etc. (EGLE #HPR-59MH-CX6Z7), Leelanau County Soil Erosion and Sedimentation Control (SESC)/Leelanau County Drain Commissioner; Cedar Area Fire & Rescue; Leelanau County Road Commission; are either already in-place, or need to be submitted to the Township as condition of this approval.
6. The Planning Commission finds that, under Section 13.1.D. of the Centerville Township Zoning Ordinance, the proposed project is a major site plan, and that the Planning Commission is the designated authority to review and approve, approve with conditions, or deny the project site plan.

SECTION 4.4 – Schedule of Regulations. Parcels within the CR District shall meet the following dimensional regulations.

- A. Minimum Lot Area - 20,000 square feet.

The subject parcel consists of 72.74 acres or 3,168,554.4 sq. ft.

Finding: The Planning Commission finds that this standard has been met.

- B. Minimum Lot Width - 100 feet

The subject parcel lot width is 425 (+/-) feet along S. Lake Shore Dr (CR 643) and 2,667 feet (+/-) along the shore of S. Lake Lake Leelanau.

Finding: The Planning Commission finds that this standard has been met.

- C. Maximum Height of Structure - 40 feet

Finding: The heights of proposed new and renovated buildings and structures have been specified or labeled as “single-story” on site plans (with the exception of “staff housing” and “cabanas.”) See Sheets C200 and C202, dated 9/1/23. The Planning Commission finds that this standard has has not been met, and more information is needed.

- D. Front Lot/Waterfront Setback - 40 feet minimum

Finding: Proposed front/waterfront setback for all structures, except for an 8 ft by 8 ft shed at the new boat launch and dome at the shoreline playground are 40 feet or greater (see

Sheet C104, dated 9/1/23). The Planning Commission finds that this standard has not been met.

E. Side Lot Setbacks - 10 feet minimum

Finding: Proposed side setbacks are 10 feet of greater (see Sheet C200, dated 9/1/23). The Planning Commission finds that this standard has been met.

F. Rear Lot Setback - 15 feet minimum

Finding: Proposed rear setbacks are 15 feet or greater (see Sheet L101). The Planning Commission finds that this standard has been met.

G. Setback from Highway - 40 feet minimum with 66 ft right-of-way

Finding: Proposed entrance parking area setback from C.R. 643/S. Lakeshore Dr. is greater than 40 feet (see Sheet C401, dated 9/1/23). The Planning Commission finds that this standard has been met.

G. Maximum Lot Coverage - 25 percent

Finding: Proposed lot coverage is not detailed within the revised site plan review application (see Sheet C200, dated 9/1/23). The Planning Commission finds that this standard has not been met, and more information is needed.

Additional Requirements:

Section 6.2. - CR: Uses Permitted by Special Approval

1. Special land uses include "...campgrounds, and RV parks..."

Finding: The Planning Commission finds that this standard has been met.

Section 3.7.C. - Signs

1. One identification sign of not more than 32 square feet may be erected on the premises as part of any business.

Finding: Applicant proposes one (1) top-lit, entrance sign at 40 square feet, i.e., sign panel at 10 ft by 4 ft on 8 feet high end-posts. The Planning Commission finds that this standard has not been met.

Section 3.18 Outdoor Lighting Ordinance - Section 3.18.2 Standards:

Outdoor lighting fixtures (fixture) and installations shall conform to the following restrictions, excluding applications of single decorative lamps of less than 70 watts:

1. The fixture shall be designed and/or shielded in such a configuration as to limit all lighting above the fixture from horizontal to the lamp and upward.

Finding: The Planning Commission finds that this standard has been met. See Sheet L104.

2. The fixture and installation are to be designed such that direct views of the lamp are not visible from adjacent properties or public property, including roadways.

Finding: The Planning Commission finds that this standard has been met. See Sheets L101 through L104.

3. Fixtures and installations are to be designed in such a way as to minimize energy usage through:
 - A. Optical efficiency of the lamp and fixture.
 - B. High lumen per watt output of the lamp source.
 - C. Use of manual switching, timers and/or motion detectors for minimal usage.

Finding: The Planning Commission finds that this standard has been met. See Sheets L101 through L104.

4. All outdoor recreational facilities, including but not limited to tennis courts, outdoor field sports, golf courses and facilities, and ski areas shall be illuminated with fixtures in compliance with the above restrictions and equipped to manually or automatically switch off before 11:30 pm.

Finding: The Planning Commission finds that this standard has not been met, and additional information is needed.

5. Spotlights and floodlights shall be directed generally downward. By exception, signage, buildings and landscaping may be upright only by fixtures less than 70 watts and the lighting must light only the intended surface area.

Finding: The Planning Commission finds that this standard has been met. See Sheets L101 through L104.

6. Signage may be lit only to the extent that the signage itself is directly lit by the lamp source. The lamp source may not be visible to the passing motorist in either direction.

Finding: The Planning Commission finds that this standard has been met. See Sheets L101 through L104.

7. Pole lighting may not be higher than 22'.

Finding: The Planning Commission finds that this standard has not been met, and additional information is needed.

8. Parking lots may only be lighted during regular business hours + 1hr at closing.

Finding: The Planning Commission finds that this standard has not been met, and additional information is needed.

9. Security lighting of parking lots and buildings is exempt from the above provision, except that Security lighting must comply with articles 1, 2 & 3. If Security lighting is to be wall mounted, it must be oriented downward.

Finding: The Planning Commission finds that this standard has been met. See Sheets L101 through L104.

10. The use of lighting for farming is specifically exempt from the standards of this ordinance, except that greenhouse and hothouse lighting is to be considered an industrial application.

Finding: The Planning Commission finds that this standard is N/A.

11. Other uses as specifically applied for to the planning commission may or may not be granted by a majority vote such as: temporary lighting events, night construction operations, sports events, specialized industrial applications, etc.

Finding: The Planning Commission finds that this standard is N/A.

Article 13, Section 13.1: Requirements for Site Plan - Application for Site Plan Review

Through the application of the following provisions, the attainment of the aims of the Centerville Township Master Plan will be assured and the Township will develop in an orderly fashion.

Finding: The Planning Commission finds that this standard has been met/has not been met/has been conditionally met.

- a. Each submittal for Site Plan Review shall be accompanied by an application and site plan...the application shall at a minimum, include the following:
 1. The applicant's name, address, e-mail, and phone number in full.
 2. Proof of property ownership, and whether there are any options on the property, deed restrictions, or any liens against it.

3. A signed statement that the applicant is the owner of the property or officially acting on the owners behalf.
 4. The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land), and the signature of the owner(s).
 5. The address and property tax number of the property.
 6. Name, phone number, e-mail, and address of the developer (if different from the applicant).
 7. Name, phone number, e-mail, and address of the engineer, architect and/or land surveyor.
 8. Project title.
 9. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, parking spaces, carports or garages, employees by shift, amount of recreation and open space, type of recreation facilities to be provided, hours of operation if applicable and related information as pertinent or otherwise required by this ordinance.
 10. A vicinity map drawn at a scale of 1" = 2000' with north point indicated.
 11. The gross and net acreage of all parcels in the project.
 12. Land uses, zoning classification and existing structures on the subject parcel and adjoining parcels.
 13. Project completion schedule/development phases.
 14. Written statements relative to project impacts on existing infrastructure (including traffic capacity of streets, schools, and existing utilities) and on the natural environment of the site and adjoining lands.
- b. The site plan shall consist of an accurate, reproducible drawing at a scale of 1" =100' or less, showing the site and all land within 300' of the site. If multiple sheets are used, each shall be labeled and the preparer identified. Each site plan shall depict the following unless previously waived by the Centerville Township Planning Commission:
1. Location of proposed and/or existing property lines, dimensions, legal description, setback lines and monument locations.
 2. Existing topographic elevations at two-foot intervals, proposed grades and direction of drainage flow.
 3. The location and type of existing soils on the site and any certifications of borings.

4. Location and type of significant existing vegetation.
5. Location and elevations of existing watercourses and water bodies, including county drains and man-made surface drainage ways, floodplain and wetlands.
6. Location of existing and proposed buildings and intended uses thereof, as well as the length, width, and height of each building.
7. Proposed location of accessory structures, buildings and uses, including but not limited to all flagpoles, light poles, bulkheads, docks, storage sheds, transformers, air conditioners, generators and similar equipment, and the method of screening where applicable.
8. Location of existing public roads, right-of-ways and private easements of record and abutting streets.
9. Location of and dimensions of proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development. Details of entryway and sign locations should be separately depicted with an elevation view.
10. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
11. Location, size, and characteristics of all loading and unloading areas.
12. Location and design of all sidewalks, walkways, bicycle paths and areas for public use.
13. Location of water supply lines and/or wells, including fire hydrants and shut off valves, and the location and design of storm sewers, retention and detention ponds, waste water lines, clean-out locations, connection points and treatment systems, including septic systems if applicable.
14. Location of all other utilities on the site including but not limited to natural gas, electric, cable, telephone and fiber optic.
15. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.
16. Location, size and specifications of all signs and advertising features with cross- sections
17. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
18. Location and specifications for all fences, walls, and other screen features with cross-sections.

19. Location and specifications for all proposed perimeter and internal landscaping and other buffering features. For each new landscape material the proposed size at the time of planting must be indicated. All vegetation to be retained on the site must also be indicated, as well as its typical size by general location or range of sizes as appropriate.
20. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
21. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
22. Identification of any site amenities or natural features.
23. Identification of any views onto or from the site to or from adjoining areas.
24. North arrow, scale and date of original submittal and last revision.
25. Seal of the registered engineer, architect, landscape architect, surveyor, or planner who prepared the plan.
26. Deed restrictions, Master Deed restrictions, and bylaws as applicable, for Township review to insure that the condominium subdivision, or any use or development which requires site approval, its Master Association, and the applicant have provided for the continual maintenance of the development's services and facilities, to insure protection of the natural environment; compatibility with adjacent uses of land; and general upkeep of the subdivision's land in a socially and economically desirable manner.

Finding: The Township Planner determined that the application was administratively complete on 9/15/23, and Planning Commission finds that the above requirements have been met.

Article 13, Section 13.1.G – Standards for Granting Site Plan Approval

- a. Each site plan shall conform to all applicable provisions of this Zoning Ordinance and the standards listed below:
 1. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. 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.

Finding: The Planning Commission finds that this standard has been met/has not been met.

2. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.

Finding: The Planning Commission finds that this standard has been met/has not been met.

3. Site plans shall fully conform with the published surface water drainage standards of the County Drain Commission.

Finding: The Planning Commission finds that this standard has been conditionally met.

4. Special attention shall be given to proper site drainage so that removal of stormwaters will not adversely affect neighboring property owners.

Finding: The Planning Commission finds that this standard has been conditionally met.

5. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein and adjacent parcels. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

Finding: Applicant proposes to retain existing trees as a “perimeter buffer” along the entirety of the project of “varying” widths, but no additional detail is provided regarding the vegetation or other structures/features within the perimeter buffer. See Sheets L1021 through 103. The Planning Commission finds that this standard has not been met, and additional information is needed.

6. All buildings or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides.

Finding: The Planning Commission finds that this standard has been met.

7. If there is a pedestrian circulation system, it shall be insulated as completely as reasonably possible from the vehicular circulation system.

Finding: The Planning Commission finds that this standard has been met.

8. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant material no less than six (6) feet in height.

Finding: Applicant proposes a dumpster enclosure north of the maintenance building at 30 ft by 10 ft, but screening height is not depicted. The Planning Commission finds that this standard has not been met. See Sheet C201, dated 9/1/23.

9. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets.

Finding: The Planning Commission finds that this standard has been met.

10. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are a part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified by the County Road Commission.

Finding: The Planning Commission finds that this standard has been met.

11. All streets shall be developed in accordance with the Centerville Township Private Road Ordinance or the Leelanau County Road Commission specifications as required.

Finding: The Planning Commission finds that this standard has been met.

12. Site plans shall fully conform to the driveway and traffic safety standards of the Michigan Department of Transportation and/or the County Road Commission.

Finding: The Planning Commission finds that this standard has been met.

13. Site plans shall fully conform to the applicable fire safety and emergency vehicle access requirements of the State Construction Code and/or local Fire Chief requirements.

Finding: The Planning Commission finds that this standard has been met.

14. Site plans shall fully conform to the County Soil Erosion and Sedimentation Control Ordinance.

Finding: The Planning Commission finds that this standard has been conditionally met.

15. Site plans shall fully conform to the requirements of the Michigan Department of Public Health and the District Health Department.

Finding: The Planning Commission finds that this standard has been conditionally met.

16. Site plans shall fully conform to all applicable state and federal statutes.

Finding: The Planning Commission finds that this standard has been conditionally met.

17. Site plans shall conform to all applicable requirements of local, state and federal statutes and approval shall be conditioned on the applicant receiving necessary state and federal permits before final site plan approval or an occupancy permit is granted.

Finding: The Planning Commission finds that this standard has been conditionally met.

Section 13.1.H. Conditional Approvals

- a. The Planning Commission may conditionally approve a site plan in conformance with the standards of another local, county or state agency, such as but not limited to a Water and Sewer Department, County Drain Commission, County Road Commission, State Highway Commission or Environmental Quality Department. They may do so when such conditions:
 1. would insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity,

Finding: The Planning Commission finds that this standard has been conditionally met.

2. would protect the natural environment and conserve natural resources and energy,

Finding: The Planning Commission finds that this standard has been met/has not been met/conditionally met.

3. would insure compatibility with adjacent uses of land, and

Finding: The Planning Commission finds that this standard has been met/has not been met/conditionally met.

4. would promote the use of land in a socially and economically desirable manner.

Finding: The Planning Commission finds that this standard has been met/has not been met/conditionally met.

- b. The Planning Commission may conditionally approve a site plan for its conformance with fencing, screening, buffering or landscaping requirements of this Ordinance and may collect a performance guarantee consistent with the requirements of J of this Section (below) to insure conformance. When so doing, the following finding shall be made and documented as part of the review process:
 1. that such fencing, screening, buffering or landscaping would mitigate negative effects of noise, dust, lighting, vehicular or pedestrian traffic, loading or unloading, parking or other similar impact on adjoining parcels;
 2. that absent such conditions, the development would adversely affect the reasonable use, enjoyment and value of adjoining lands in light of similar benefits enjoyed by other properties in the area.

Finding: The Planning Commission finds that a performance guarantee is not requested or required for the proposed project.

Section 13.1.J. Performance Guarantee Required

In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety and welfare of the residents of Centerville Township and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Planning Commission may require the applicant to deposit a performance guarantee as set forth herein. The purpose of the performance guarantee is to insure completion of improvements connected with the proposed use as required by this Ordinance, including but not limited to, roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping, and widening strips.

Finding: The Planning Commission finds that a performance guarantee is not requested or required for the proposed project.

DECISION

Upon motion, seconded and passed, the Planning Commission hereby finds that the Applicant's proposed site plan is approved/denied/approved subject to the following conditions:

CONDITIONS

1. THAT this revised site plan caps the number of boats at 82, and will also contain details regarding the boat-washing station to prevent the introduction of invasive species.
2. THAT a copy of an approved EGLE Parts 301/303: Land Lakes and Streams and Wetland Protection permit shall be provided to Centerville Township.
3. THAT a copy of an approved EGLE Part 41 Sewage treatment and Disposal permit shall be provided to Centerville Township.
4. THAT a copy of an approved EGLE Part 125 Campground expansion license shall be provided to Centerville Township.
5. THAT a copy of an approved Leelanau Conservation District Soil Erosion and Sedimentation Control (SESC)/Drain Commissioner permit shall be provided to Centerville Township.
6. THAT maximum lot coverage will not exceed 25 percent.
7. THAT the proposed entrance sign will be 32 square feet or less in size.
8. THAT all proposed buildings and structures will comply with waterfront setback requirements.
9. THAT all outdoor lighting will fully comply with Section 3.18 of this Centerville Township Zoning Ordinance.
10. THAT a perimeter buffer will be established and maintained to adequately protect current and future land uses as deemed by the Township.
11. THAT dumpster screening will be six (6) feet in height.
12. THAT the Applicant will provide adequate details of the proposed boat wash station.
13. THAT as-built plans be provided to the Centerville Township following the completion of the proposed project.

DATE DECISION AND FINDINGS ADOPTED

Month day, 2023

Mr. Timothy Johnson
Planning Commission, Chair

Recording Secretary