

SUTTONS BAY TOWNSHIP PLANNING COMMISSION

SITE PLAN REVIEW

LEELANAU WATERSPORTS

MAY 17, 2022

PAST MEETING PACKETS

INCLUDING PUBLIC COMMENT

**AGENDA**  
**SUTTONS BAY TOWNSHIP PLANNING COMMISSION**  
**REGULAR MEETING**  
**Tuesday, February 2, 2021**  
**6:00 PM**

Electronic remote access, in accordance with Public Act 228 of 2020 will be implemented in response to COVID-19 social distancing requirements and Michigan Health and Human Services restrictions of Indoor gatherings. The public may participate in the meeting through Zoom access by computer and smart phone using the following link:

Join Zoom Meeting: <https://us02web.zoom.us/j/88601498870?pwd=QnhsbWFUbmdudk12ajRRSTBRZlROZz09>

Meeting ID: 886 0149 8870 Passcode: 773865 Dial by phone: +1 312 626 6799 US

**Call to Order and Notation of Quorum**

**Approval of Agenda**

**Public Comment**

**Conflict of Interest**

**Approval of Minutes:** January 5, 2021 minutes

**Items of Discussion/Consideration:**

1. Site Plan Review, Leelanau Watersports, 1274 S Peck Road
2. Planner's Zoning Ordinance Overhaul Update and Schedule Special meeting(s) to Complete Zoning Ordinance Overhaul Project –Proposed dates: February 16, March 16, April 20, & May 18

**Reports:**

Zoning Administrator	Steve Patmore
Planner:	Mathew Cooke, Networks Northwest
Township Board:	Tom Nixon
Chair Comments:	Susan Odom

**Commissioners' Comments**

**Public Comment**

**Next Meeting Agenda February 16, 2021-Zoning Ordinance Overhaul Special meeting**  
**March 2, 2021-Review By-Laws**

**Adjournment (8:00 PM unless extended by a motion.)**

**Commission Packets can be viewed at: <https://www.leelanau.gov/suttonsbaytwppln.asp>**

*This meeting is a session of the Suttons Bay Township Planning Commission held in public for the purpose of conducting the Commission's business and is not to be considered a public community meeting. There is time set aside for public comment during the meeting as noted on the Agenda, and the Planning Commission welcomes the public's input at that time.*

**SUTTONS BAY TOWNSHIP  
PLANNING COMMISSION**

**SITE PLAN REPORT**

**LEELANAU WATERSPORTS, LLC  
PATRICK OTTO  
1274 S. PECK RD., SUTTONS BAY**

**For February 2, 2021 Planning Commission Meeting**

**I. REQUEST**

Request from Leelanau Watersports, LLC, for a change of use in the Commercial Zoning District at 1274 S. Peck Road in Suttons Bay.

The proposed change of use is from a residential dwelling to a commercial watercraft rental business.

The Site Plan also includes the following Site Improvements:

- New gravel access road to M-22.
- Improve existing gravel drive on Peck Road.
- Installation of Privacy Fences

**II. PROCESS**

Per the chart in Section of the Suttons Bay Township Zoning Ordinance (ZO), this Change of Use requires a Detailed Site Plan Review by the Planning Commission, since the area is larger than 3000 square feet.

This request is not a Special Land Use, and there is no requirement for a Public Hearing or public notice. The Governing Standards for Special Land Use Permits does not apply.

*Per Article 19 of the ZO, review of a Detailed Site Plan is performed by the Planning Commission. This report is intended to assist the Planning Commission in their review.*

**III. GENERAL FINDINGS OF FACT**

1. Subject property is Parcel Number 45-011-032-005-00, 1274 S. Peck Road, Suttons Bay.
2. According to township records, the subject property is owned by Patrick Otto, 1274 S. Peck Rd., Suttons Bay, MI 49682. Patrick Otto submitted the Site Plan for Leelanau Watersports.
3. The subject property is currently zoned Commercial.
4. The Future Land Use Map in the 2012 Suttons Bay Community Joint Master Plan shows this area as being Commercial.
5. The subject property is within the Village Growth Management Area as shown in the 2012 Suttons Bay Community Joint Master Plan.

6. According to the Applicant the subject parcel contains 1.74 acres.

7. Adjacent property zoning and land use:

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	Residential	Residential/single family.
East	Commercial & Residential	Vacant
South	Commercial	Commercial
West	Commercial	Vacant

#### IV. AGENCY APPROVALS

- Leelanau County Road Commission: The Rd. Commission has issued a permit for use of and improvements to the existing driveway on Peck Road for the new business.
- Michigan Department of Transportation (MDOT): MDOT officials have looked at the potential for a new access drive to M-22. (email included in packet). A formal permit from MDOT is required.
- Leelanau County Drain Commissioner/Soil Erosion: A Soil Erosion Permit will be required for the Commercial Driveway construction.
- Michigan EGLE: The Applicant has contacted EGLE and has requested a wetlands determination for the proposed driveway to M-22.

#### VI. CONFORMANCE WITH ZONING ORDINANCE REQUIREMENTS

##### 1. ARTICLE 8 – COMMERCIAL DISTRICT

###### **SECTION 8.2 USES PERMITTED BY RIGHT**

8.2.E Personal and Business Services.

8.2.F Home Appliance Repair, Equipment Rentals, and Laundries.

**Definition of Personal Service: PERSONAL SERVICES:** Establishments that render services, rather than (sic) provide goods, primarily to other individuals. (Annotation: Definition added by Twp Board Ordinance. No. 4 of 2007, PC Ordinance Amendment 110 effective 10-26-2007)

***The proposed Use meets the definition of a Personal Service and is also similar to Equipment Rentals.***

###### **SECTION 8.7 OFF STREET PARKING, AND DELIVERY ACCESS**

Refer to Section 3.15.3 Landscaping and Buffering for minimum standards for parking. Access shall be provided for the unloading of goods, supplies, or merchandise from truck to business establishment without obstructing the public right-of-way.

***The Site Plan shows that there is adequate room for unloading without obstructing the public right-of-way.***

**SECTION 8.8 YARD STORAGE**

Whenever a business establishment finds it necessary to store part of its goods, supplies, merchandise or returnable containers outside the confines of the building structure, it shall provide an enclosure by solid fence or its equivalent not less than six (6) feet high around such storage area, said fence to be made and maintained in a manner that is consistent with the intent and purpose of this Ordinance and does not adversely affect the adjacent property. In approving or disapproving such fence the Zoning Administrator shall apply the following standards:

- A. The fence will be constructed of such material and of such design as to reasonably prevent trespassers from entering the premises by scaling such fence.  
*Ordinance Section 3.12.9 has standards for structural screening. Should be a condition.*
- B. The fence will be solid construction or of material so as to obstruct the view of the premises enclosed.  
*Should be a Condition*
- C. The fence shall be maintained and/or painted, but shall not be used as a sign or signboard in any way.  
*Should be a Condition*
- D. Materials stored shall not obtrude above the top of the fence.  
*Should be a Condition*

**2. ARTICLE 3 – GENERAL PROVISIONS:**

**I SECTION 3.6 SCHEDULE OF AREA, HEIGHT, AND PLACEMENT REGULATIONS**

Minimum Lot Area and Lot Width:  
*Subject Parcel is an existing legal conforming lot*

Minimum Setbacks:      Front: 40’  
   Side: 10’  
   Rear: 30’

*There are no structures proposed as part of this Site Plan.*

Maximum Lot Area Covered by Structures: 25%  
*There are no additional structures proposed as part of this Site Plan.*

Note 3.6 (b): Front setback areas in the Commercial and Industrial District shall be appropriately landscaped and maintained in accordance with Section 3.12 Landscaping, Screening, Buffers and Greenbelts.  
(Annotation: Subsection changed by Amendment 02-002 effective July 4, 2002)  
*Greenbelt is necessary on Peck Road.*

**II. Section 3.12.2; Landscaping, Screening, Buffers, and Greenbelts**

- A. This Section shall apply to any site plan reviewed by the Planning Commission.
- B. The chart (in this section) explains when a project shall require a buffer between adjacent land uses:  
*The chart shows that a buffer is required between the Commercial and Residential Use.*  
*The Site Plan shows a privacy fence proposed between the Residential and Commercial Uses.*  
*The height of this fence shall be sufficient so that objects shall not obtrude over the fence.*
- F. The width of the area in which the landscaping or screening is to occur is determined by the required setbacks of the zoning district.
- G. The area in which the landscaping or screening is to occur may include the required setbacks.
- H. A visual screen of natural plantings is preferred. The landscaping shall consist of massed evergreen and/or

deciduous trees and shrubs so as to continuously restrict a clear view of the uses onto the property responsible for the landscaping. **Section 8.8 requires a fence. Is additional buffering necessary?**

I. The landscaping may only be required along the portions of the property line that have immediate adjacent uses incompatible with the surrounding parcels.

J. In required areas where natural landscaping is considered to be impractical or inappropriate, an opaque fence or wall of six (6) feet in height may be substituted in whole or in part provided it meets the approval of the Planning Commission. Where an opaque fence or wall is used it may not be closer than four (4) feet to the property line, and it must be maintained. **Section 8.8 requires a fence. Should be a condition. Should the fence be extended westerly along the south property line between the existing store and Leelanau Watersports? Does the fence need to be 4' off the property line? What is the public purpose for this? Does it create a small area that is difficult to maintain?**

### **III. Section 3.12.3 Parking Lot Landscaping:**

*There are no designated parking lots – there is no customer parking on-site.*

### **IV. Section 3.12.4 Right-of-Way Landscaping & Greenbelts:**

- A. Greenbelts parallel to road right of ways shall be the same depth as the required setback.
- B. The front setback shall be landscaped with a minimum overall number of one (1) tree for each thirty (30) lineal feet or major portion thereof, of frontage. Plantings may occur in groupings throughout the greenbelt, the number of plantings being equal to one (1) per thirty (30) linear feet. The remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs, and/or other natural, living plant material. The approval of the overall plan is subject to site plan review. The Planning Commission shall look for the plan to achieve at least the same degree of visual and/or sound barrier between the area being landscaped and the adjacent property as to meet the goals of this Section.
- C. Access ways from public rights-of-way through required greenbelts shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required.
- D. Nothing in this Section shall be construed as permitting any obstruction to view which could constitute a traffic hazard and/or violate the clear sight distance.

*A Right-of-Way Greenbelt must be planted at 1 tree per 30'. Peck Road: With 155' of frontage = 6 trees required. Trees must meet the standards of Section 3.12.8*

*M-22 frontage is wooded – must be maintained or new Greenbelt planted.*

### **V. Section 3.12.5 Height and Traffic Visibility:**

- A. Structures (signs) at site entrances and exits may be up to twelve (12) feet in height, although it is not permitted to allow any obstruction to view which could constitute a traffic hazard.
- B. Fencing and structural screening materials of a height greater than three (3) feet shall not be located within a required front setback adjacent to a road or street.
- C. No fence, wall, sign, screen or planting shall be erected or maintained in such a way as to obstruct vision or interfere with traffic visibility on a curve.
- D. No fence, wall, sign, screen or planting shall be erected or maintained in such a way as to obstruct through vision between the height of three (3) and ten (10) feet at entrances and exits.

*There is currently adequate visibility at the driveway on Peck Road. The proposed screening fence will not obstruct visibility at the driveway.*

*The required right-of-way Greenbelt trees shall be planted to maintain adequate sight distance.*

*There is no signage shown on the Site Plan.*

### **VI. Section 3.12.6 Particular Uses Requiring Screening:**

Mechanical equipment, when located outside and at grade, including air conditioning and heating devices and water and gas meters, but not including plumbing and exhaust vents or chimneys, are to be screened to the height of the particular piece of equipment by landscaping, or by a solid wall or fence, from the view of the street or surrounding

properties.

*Three sides of the property are proposed to be screened by a fence.*

**VII. Section 3.12.9 : Materials for Structural Screening:**

- A. Wooden screens may be erected with wood posts not less than four inch by four inch nominal and solid board cover not less than one (1) inch thick. Masonry piers may be substituted for wood posts. Posts or piers shall be spaced not more than eight (8) feet apart on center. The finished side of the screen shall face abutting properties.
- B. Wrought iron, open mesh or slatted fencing may be used, provided that the ratio of one part open to six parts solid fencing (1:6) is not exceeded. The openings may be a maximum of one (1) inch.
- C. Masonry wall may be used if designed and constructed to facilitate maintenance and not to modify natural drainage in such a way as to endanger adjacent property. Masonry walls must be on cement footings, set a minimum of twenty-four (24) inches below grade.
- D. Other structural screening may be allowed if the Planning Commission finds that such other structural screening will achieve at least the same degree of visual and/or sound barrier effect between the area screened and adjacent property as the screening devices specified in this Section.

*Site Plan is proposing a six-foot high wooden fence. The finish side of the fence shall be facing outwards.*

**VIII. Section 3.12.10 : Exeptions and Alternative Methods of Compliance:**

*Under Section 3.12.10, the Planning Commission has the latitude to grant exceptions and/or approve alternative methods for Landscaping, Buffering, Screening & Greenbelts.*

**IX. Section 3.15 Off Street Parking:**

*There will be no customers served at this facility. No customer parking is proposed, and there is adequate room for employees parking in the watercraft storage area. It is recommended that a condition be imposed that there be no parking associated with this business allowed along Peck Road or M-22.*

## **VII. PLANNING COMMISSION SITE PLAN REVIEW:**

The following Sections of Article 19 – Site Plan Review are copied here to assist the Planning Commission:

**Section 19.13 – Standards for Site Plan Review**

The Commission, or Zoning Administrator, as applicable, shall approve, or approve with conditions, a site plan if that site plan meets all of the following standards:

- A. All applicable regulations of this Ordinance which apply generally to all districts, found in Article 3 General Provisions of this Ordinance.
- B. All applicable regulations of this Ordinance which apply to the specific zoning district.
- C. All specific standards for the specific proposed special use, if applicable.
- D. Any conditions imposed with the granting of a Special Use Permit or variance.
- E. All utility easements shall be distributed on site in a manner which is least harmful to surrounding properties. Electric, telephone, coaxial cable and other lines shall be located underground.
- F. Water lines, sewer lines, all provisions of surface water drainage shall be approved by the appropriate agency and designed in compliance with any applicable federal and/or state statute, and any Township and/or county ordinance.
- G. Evidence of sufficient protection to ensure there shall be no additional storm water run-off created by the project, or that adequate measures have been taken to accommodate such storm water run-off created on the site.

**Section 19.14 – Approval and Compliance**

- A. In cases where the Commission reviews the site plan, the Commission shall act to approve, approve with conditions, or disapprove the site plan in writing with findings of fact.
- B. The action shall be recorded in a record of the zoning application and shall be filed with the Zoning Administrator. The Zoning Administrator or Commission shall notify the applicant in writing of its decision along with the Findings of Fact.

**Section 19.15 – Establishing Conditions on Site Plan Approval**

- A. A site plan may be approved with conditions necessary to comply fully with the intent of this Ordinance.
- B. Reasonable conditions may include conditions necessary to:
  - 1. 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.
  - 2. Protect the natural environment and conserve natural resources and energy.
  - 3. Insure compatibility with adjacent uses of land.
- C. Conditions imposed shall meet all of the following requirements:
  - 1. Be designed to protect natural resources, the health, safety, and welfare of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the land or proposed activity, and the community as a whole.
  - 2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
  - 3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

**Section 19.16 – Security**

*The Township has the authority to require a Financial Security to ensure that Site Plan improvements are made.*

**VIII. POSSIBLE CONDITIONS FOR PC CONSIDERATION:**

*The proposed driveway to M-22 requires approval from MDOT and Soil Erosion and verification from Michigan EGLE regarding possible wetlands. Does the PC want to approve the driveway contingent on these approvals?, or hold off on approving the driveway until the agency approvals have been received?*

*The PC could approve the Site Plan without the entrance to M-22.*

- 1. All applicable requirements of any county, state, and federal permits and statutes shall be met, including Leelanau County Soil Erosion, MDOT, and Michigan EGLE.
- 2. Parking associated with this business is not allowed on Peck Road or M-22.
- 3. Any new utilities installed shall be installed underground.
- 4. Any outdoor lighting shall be shielded downward and shall meet the requirements of the zoning ordinance.
- 5. Any future signage shall be in compliance with the zoning ordinance.
- 6. Privacy Fence Requirements:
  - A. The fence shall meet the requirements of Section 3.12.9 – Materials for structural screening.
  - B. The height of the fence shall be sufficient to prevent objects from protruding over the fence.
  - C. The fence shall be constructed of such material and of such design as to reasonably prevent trespassers from entering the premises by scaling such fence.
  - D. The fence shall be solid construction or of material so as to obstruct the view of the premises enclosed.
  - E. The fence shall be maintained and/or painted, but shall not be used as a sign or signboard in any way.



- F. The finished side of the fence shall be facing outwards.
- G. (Should the fence really be 4' off the property line per Section 3.12.2.J? what is the public purpose of this
- 7. A greenbelt consisting of at least six (6) trees shall be planted along Peck Rd. The trees shall be of the size and type meeting the requirements of Section 3.12. The trees shall be planted as to not obstruct traffic visibility.
- 8. The existing wooded greenbelt along M-22 shall be maintained – or a new greenbelt meeting the zoning ordinance must be planted.
- 9. The privacy fence and Greenbelt must be installed prior to June 15, 2021.

***Motion to (approve with conditions/deny) the Site Plan for Leelanau Watersports dated 10/16/2020.***

If denied, the reasons must be presented in writing.

SUPPLEMENT TO SITE PLAN

LEELANAU WATERSPORTS SITE PLAN REVIEW

FEBRUARY 2, 2021

Applicants answers to questions from the Zoning Administrator:

1. Q. *Provide more description of the business.*

A. Leelanau Watersports provides a service of renting watercraft to customers in Leelanau County. Employees deliver watercraft to customers at area boat launches, then pick up the watercraft when the customer is done.

Q. *Do customers go to this location?*

A. No – Customers do not go to the Peck Road location and the facility is not open to the public.

Q. *Are the watercraft owned by Leelanau Watersports? Is this a commercial boat storage facility?*

A. All of the rental vessels are owned by Leelanau Watersports Corporation and are used as rentals. There is no commercial storage of boats owned by other individuals.

Q. *What is the existing building (former residence) used for?*

A. The existing building onsite is in poor condition and is currently being used as storage, such as extra life jackets, ropes, props, and water tubes and such.

Q. *Are watercraft being serviced on-site?*

A. Currently, servicing includes, but is not limited to, wiping them down on the inside, cleaning the glass, swapping or charging a low battery, or checking the air in the trailer tires. Occasionally a light repair may need to be done there, but anything major is sent to either our Lake Leelanau service center or main shop location down in Manton, Michigan. Only Leelanau Watersports vessels are at this facility. No servicing or repairs of outside watercraft.

Q. *Are watercraft being washed on-site?*

A. If a boat should have an excessive amount of sand or food on a boat floor, it will occasionally be power washed, then vacuumed up with a wet/dry vacuum. The exterior of our boats are washed and waxed once per season at our main service center in Manton, Michigan.

Q. *Has Michigan EGLE (the Michigan Department of Environment, Great Lakes, and Energy) been on-site? Is there a creek on the property?*

A. I (Patrick Otto) have had several phone conversations with Michigan EGLE in reference to any creek or wetlands on this property. I am currently in communication with this zones representative on having an evaluation done this spring in reference to any new building setbacks and putting in a future driveway out to M22. We have received the request paperwork to proceed this spring. I will forward that email.

*Q. Has the Michigan Department of Transportation been contacted regarding the proposed driveway?*

A. I (Patrick Otto) have had several phone calls with MDOT in reference to putting in a driveway access on M22. The supervisor from MDOT met me onsite and advised where he felt that a driveway off M22 should be installed and what we would need to make it safely accessible and up to State code. I will forward that email.

*Q. Has the Leelanau County Road Commission been contacted regarding use of the existing driveway?*

A. We have received a permit from the Leelanau County Road Commission to use the existing driveway for this business.

**Note: The township has received this permit.**

*Q. Has the Leelanau County Soil Erosion Office been contacted regarding the proposed improvements?*

A. We (Leelanau Watersports) have no correspondence with Leelanau County Soil Erosion office since we are not on any hillsides or dealing with any erosion of any type. Should they like to speak with us, we are certainly available.

**Note: A Soil Erosion Permit will be required for the driveway, since it is a commercial project.**

*Q. The Site Plan needs to show the location of the existing drain field and well.*

A.

**Note: The Applicant came in and marked the location of the existing drain field and well on the Site Plan.**

*Q. What is the size of the subject parcel?*

A. This parcel is 1.74 acres.

*Q. How many trips per day will be entering and leaving this site?*

A. On average, we rent out about 6 rentals per day throughout our 3 month season of June, July, and August. If those same boats return that day, that would be a total average of 12.

*Q. How many trips per day will be entering and leaving this site?*

A. On average, we rent out about 6 rentals per day throughout our 3 month season of June, July, and August. If those same boats return that day, that would be a total average of 12.

*Q. Is a permit required for the fuel storage tank?*

A. Due to the small size of ours, there are no required permits for our single gas tank that's onsite. We did however, voluntarily register it with the State of Michigan. It was installed by a professional, local, fuel delivery company and it has been INSPECTED & APPROVED by the Fire Marshall for the State of Michigan.

*Q. Are there any other hazardous materials stored on-site?*

A. There are no other hazardous materials stored on-site at this location other than a few quarts of motor oil.

*Q. Are permits needed for washing the boats on-site?*

A. Since we are not a commercial washing company, there are no known state permits for the occasional power washing of boats.

# LEELANAU COUNTY ROAD COMMISSION APPLICATION AND PERMIT

to construct, operate, maintain use and/or remove within a  
County Road Right-of-Way

Board of County Road Commissioners of Leelanau County, Michigan  
10550 E Eckerle Road Suttons Bay 49682 (231) 271-3993

Permit Number <u>0.21C</u>
Issuance Date <u>1/8/2021</u>
Final Approval _____

**FAXED COPIES OF THIS PERMIT ARE NOT ACCEPTABLE AS A FORMAL APPLICATION.**

If applicant hires a contractor to perform the work, BOTH assume responsibility for the provisions of this Application and Permit.

Applicant	Contractor/Agent
Name: <u>Leelanau Watersports</u>	Name: <u>Patrick Otto</u>
Mailing Address: <u>Po Box 564</u>	Mailing Address: <u>Po Box 564</u>
<u>Manton, Mi 49663</u>	_____
Phone: <u>231-878-8477</u> Fax: _____	Phone: <u>231-878-8477</u> Fax: _____

Applicant/Contractor agrees to the terms of the permit.

<u>Patrick Otto</u> Applicant's Signature Title <u>Operations Manager</u> Date <u>1-6-2021</u>	<u>Patrick Otto</u> Contractor's Signature Title <u>Operations Manager</u> Date <u>1-6-2021</u>
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It is the responsibility of the applicant/agent to flag the proposed driveway location so the Inspector will be able to determine the exact proposed location. Failure to flag may result in considerable delay. Any construction performed before receipt of the original permit may not meet Road Commission standards and is subject to additional fees, revision, or removal at the Road Commission's request. Applicant and/or Contractor request a permit for the purpose indicated in the attached plans and specifications at the following location: WHEN COMPLETED YOU MUST CALL FOR FINAL INSPECTION. Page two of permit must be included and initialed at the bottom acknowledging applicant has read provisions of permit prior to submitting application.

Address 1274 S. Peck Road Township Sutton Bay Sec T N, R W

Other \_\_\_\_\_

New \_\_\_\_\_ Paving \_\_\_\_\_ Use of Existing \_\_\_\_\_ Residential \_\_\_\_\_ Commercial  Other \_\_\_\_\_

**DO NOT WRITE BELOW THIS LINE**

Land Division Approval No. \_\_\_\_\_ Approx. location of Drive \_\_\_\_\_ Feet \_\_\_\_\_ of the \_\_\_\_\_ Property Line  
**PERMIT**

A permit is granted in accordance with the foregoing application for the period stated above, subject to following terms agreed to by the Permit Holder. When Applicant hires a Contractor the "Permit Holder" is the Applicant and the Contractor.

**Terms of the Permit:**

A permit to use the existing residential driveway for operations of a small business. The driveway currently meets LCRC driveway standards for a small business operated out of the residence. Any changes to the property or use, such as; a zoning change, receiving truck deliveries, or customer traffic will require the existing driveway to be upgraded to meet the current LCRC standards.

RECOMMENDED FOR ISSUANCE:

STANDARDS AND SKETCH "\_\_\_\_\_" INCLUDED.

INSPECTOR: Keith Moore TITLE: Engineer Tech DATE: 1/8/2021

See Back for Additional Requirements Rev. May, 2008

*Pd 200- Paypal*

**From:** Patrick Otto <leelanauwatersports@yahoo.com>  
**Sent:** Tuesday, January 5, 2021 4:28 PM  
**To:** zoningadmin@suttonsbaytp.com  
**Subject:** Fw: EGLE Pre-Application Information  
**Attachments:** MiWaters Pre-Application email.pdf; EGLE Water Resources Division - Wetland Program Services.pdf; Wetland Information Handout.pdf

Hi Steve. Here is the information that we were sent for an onsite evaluation by Michigan EGLE. This is a project that we are pursuing for the spring of 2021 to access M22.

Best regards,

Patrick Otto  
Operations Manager  
Leelanau Watersports Rental

----- Forwarded Message -----

**From:** "Schmidt, Robyn (EGLE)" <SCHMIDTR1@michigan.gov>  
**To:** "leelanauwatersports@yahoo.com" <leelanauwatersports@yahoo.com>  
**Sent:** Fri, Jul 31, 2020 at 3:33 PM  
**Subject:** EGLE Pre-Application Information

As discussed, EGLE offers a voluntary Pre-Application Meeting process to meet with staff on-site to identified regulated areas, discuss projects and identify any concerns. Please see the attached Pre-Application Meeting requests must be submitted via our on-line database: MiWaters <https://miwaters.deq.state.mi.us/miwaters/external/home> I've attached some instructions on how to use MiWaters. MiWaters is not supported on Safari.

The form you will use is: Pre-Application Meeting Request Part 301 (Inland Lakes and Streams), Part 303 (Wetlands Protection). Additional information is available on-line at [www.mi.gov/jointpermit](http://www.mi.gov/jointpermit) The pre-application meeting fee is \$100 for a residential property. The pre-application meeting process will not result in a permit being issued, see attached table.

Let me know if you have any questions, or if I can provide any additional information. Thank you.

Robyn Schmidt

Water Resources Division-Cadillac District Office

Michigan Department of Environment, Great Lakes, and Energy

231-383-5952 | [SchmidtR1@Michigan.gov](mailto:SchmidtR1@Michigan.gov)

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**From:** Patrick Otto <leelanauwatersports@yahoo.com>  
**Sent:** Tuesday, January 5, 2021 4:35 PM  
**To:** zoningadmin@suttonsbaytwp.com  
**Subject:** Fw: Property north of Barrels and Barrels

Hi Steve. Here is the information that we were sent from Michigan Department of Transportation after our onsite meeting. Steve Burzynski, the MDOT Permit Agent that I met with didn't see anything roadside of M22 that looked like a river or wetland. He noted that a ditch and culvert would need to be installed and he referred me to Michigan EGLE for clarification on anything farther in from the driveway. This is a project that we are pursuing for the spring of 2021 to access M22.

Best regards,

Patrick Otto  
Operations Manager  
Leelanau Watersports Rental

----- Forwarded Message -----

**From:** "Burzynski, Steve (MDOT)" <BurzynskiS@michigan.gov>  
**To:** "leelanauwatersports@yahoo.com" <leelanauwatersports@yahoo.com>  
**Cc:** "Wiest, Jeremy (MDOT)" <WiestJ@michigan.gov>  
**Sent:** Thu, Mar 19, 2020 at 2:09 PM  
**Subject:** Property north of Barrels and Barrels

Patrick,

Jeremy checked the chart that shows how far apart two commercial drives should be and in that location it is 455'. Since you do not have that much footage along M-22, we ask that you construct it as far north as possible. If you have any question regarding this please feel free to call Jeremy or myself.

*Steve Burzynski*

**Permit Agent**  
Michigan Department of Transportation  
Traverse City Transportation Service Center  
2084 US-31 South, Suite B  
Traverse City, MI 49685  
Phone: 231-941-1986  
Cell: 906-630-1058

From: Tanner, Jeff (LARA) <TANNERJ@michigan.gov>  
Sent: Friday, August 21, 2020 10:35 AM  
To: admin@suttonsbaytwp.com  
Cc: Steve Patmore <zoningadmin@suttonsbaytwp.com>  
Subject: RE: Above Ground Storage Tank

Please see my answers in red after each of your questions below. If there is anything else I can help with please let me know.

Thanks

R. Jeff Tanner  
Aboveground Storage Tank Engineer Spc. 2  
P.O. Box 30033  
Bureau of Fire Services  
Storage Tank Division  
3101 Technology Blvd, Suite H  
Lansing, MI 48910

517-388-6081 (cell phone)  
517-332-1428 (fax)  
[tannerj@michigan.gov](mailto:tannerj@michigan.gov)  
[www.michigan.gov/bfs](http://www.michigan.gov/bfs)





LET'S *Stay Safe* TOGETHER

---

**From:** [admin@suttonsbaytwp.com](mailto:admin@suttonsbaytwp.com) <[admin@suttonsbaytwp.com](mailto:admin@suttonsbaytwp.com)>

**Sent:** Friday, August 21, 2020 10:02 AM

**To:** Tanner, Jeff (LARA) <[TANNERJ@michigan.gov](mailto:TANNERJ@michigan.gov)>

**Cc:** Steve Patmore <[zoningadmin@suttonsbaytwp.com](mailto:zoningadmin@suttonsbaytwp.com)>

**Subject:** Above Ground Storage Tank

**CAUTION: This is an External email. Please send suspicious emails to [abuse@michigan.gov](mailto:abuse@michigan.gov)**

Good Morning,

At recent planning commission meetings, there has been a lot of discussion regarding an above ground storage tank located at 1274 Peck Road in Suttons Bay. The storage tank is no larger than 500 gallons and is used for commercial watercraft filling. It is used only for the business and is not used for retail use.

The following questions/concerns have been voiced.

- 1) There are wetlands within the vicinity. How far from a wetland should this be placed? There is no setback requirement from wetlands in the Storage and Handling of Flammable Liquid and Combustible Liquid Rules. This is due to the fact that the tanks are required to have approved secondary containment, like a dike or be a double wall tank. Per our codes, which adopt NFPA 30 and 30A, 2012 Editions, properly protected tanks can be right next to the water.
- 2) Are these tanks regulated and if so, by whom? These tanks are regulated and it is by our office, the Bureau of Fire Services, Storage Tank Division.
- 3) Do you need a permit? If the tanks are 1,100 gallons or less, they are regulated and must follow the rules but do not require a permit.
- 4) Are there distances from wetlands or stream? As indicated in number 1 above, there is no setback to wetlands or bodies of water in our rules.
- 5) Does a local government have authority to further regulate them? Per PA 207, the local unit of government cannot have any rules that are more or less stringent than what the state rules are. This means if we have a rule for something, you cannot be more or less stringent. However, if our rules are silent on the matter, then local AHJ's can have rules regulating that item. For example, we do not have any zoning rules, therefore, you can have zoning rules saying if a tank can or cannot be at a private residence, a commercial facility, or an industrial facility. However, you cannot put setback requirements in the zoning ordinances as we have setback requirements in our rules.



Depending on when the tan was installed will determine things like setbacks, labeling, valves, venting, etc. If you would like, we can have our local inspector visit the site to make sure it is in compliance with the FL/CL Rules.

Would you be able to provide us with the answers? We sure would appreciate it!

Thank you!

Dorothy Petroskey  
Suttons Bay Township  
231.271.2722 etx 1

Or

Steve Patmore  
Zoning Administrator  
231.271.2722 ext 3

## **SUPPLEMENTAL MATERIALS**

**February 2, 2021**

Commissioner Odom requested that the Planning Commission be provided copies of documents from a 2013 Special Use Permit Application for the February 2021 meeting packet

- Minutes of the November 6, 2013 Suttons Bay Township Planning Commission meeting where an Application for a Special Land Use Permit was reviewed. This Application was for proposed commercial storage of boats and vehicles in the Agricultural Zoning District on Kohler Rd. The Application was denied.
- 2013 Site Plan and Application for 1570 S. Kohler Road.

Staff cautions the Planning Commission that the 2013 Application was for a different use and was in a different zoning district than the Application that is currently in front of the commission.

**SUTTONS BAY TOWNSHIP**  
**Planning Commission**  
**Regular Meeting Minutes**  
**Wednesday, November 6, 2013**

**CALL TO ORDER - Chairman** Tom Nixon called the Suttons Bay Township Planning Commission Meeting to order at 6:30 pm on Wednesday, November 6, 2013 at 95 W Fourth Street, Suttons Bay.

**ROLL CALL – Quorum Present**

Present: Tom Nixon, Jerry Bergman, Jon Walter, Susan Walters, Amy Coleman, Susan Odom, Doug Periard, Barbara Nelson - Jameson  
Absent and Excused: Don Gregory  
Staff: Kathy Egan, Planner; Steve Patmore, Zoning Administrator.

**APPROVAL OF MINUTES**

*Barbara Nelson- Jameson /moved, Jerry Bergman/supported, to adopt the October 2, 2013 Minutes as printed.*

**APPROVAL OF AGENDA** No changes to Agenda, approved by consensus.

**PUBLIC COMMENT** No public comment.

**ITEMS FOR CONSIDERATION**

**1. Site Plan Review: Special Use Permit – Jeff Keith - Commercial Storage of Boats and Vehicles – Kohler Road**

A public hearing was called to order at 6:35 pm on the request of Jeffery Keith for a Special Use Permit to allow outside commercial storage of boats and vehicles in the agricultural district on Kohler Road.

Zoning Administrator Patmore explained the application, location of the request, and the special use permit process.

Applicant Jeffery Keith indicated he plans to store boats and vehicles on his property located at 1570 S. Kohler Road, Parcel 45-011-032-017-20. Storage would start in the fall and in the spring all stored items would be removed from the outdoor site which has no buildings. There are no hours of operation, no lights, property surrounded on three sides by hills. The impact of

the proposed use would be almost nothing. He noted that he met with the Engineer of the Road Commission and that curb & gutter may be required.

Chairman Nixon opened the floor to Public Comment –

Lou Woynarowski said he owns parcel A, concerns - on-site servicing of vehicles and dumping of waste, the effect it would have on his well, will this be a locked facility.

Mr. Keith responded that the items for storage would be pulled in and stored. No servicing of vehicles on the property, no maintenance or shrink wrapping, and no plan for a gate.

Gary Thornton, lives directly to the west, indicated he will not be supporting this Special Use Permit. From a personal perspective, beauty and character needs to be maintained in Leelanau County. When he drives up Kohler Road, viewing the hillside in the fall, notes this is not a place for commercial storage, not in the countryside. The proposed use would impact the value of his and other properties in the area.

James Westlake, 1755 S. Meadow Ridge Ln., indicated he objects to the proposed Special Use Permit which would allow the subject property to be inconsistent with the intended agricultural and residential use and environment.

Patmore noted that there was written comments received that need to be included in the Record including an e-mail that was received from Bill and Pam Vredevoogd, 1807 Kohler Rd. The email stated they are opposed to granting of the Special Use Permit, land use is not in keeping with surrounding land use which is all agricultural and residential. Open storage of any vehicles carries some potential for ground contamination from leaks of fuel, oil and other liquids. The property could be used for its intended purpose and retain its compatibility with the surrounding properties.

The public comment was closed at 6:53 pm

Discussion by the Planning Commission -

The General Findings of Fact submitted in the Staff Report dated November 6, 2013 were reviewed. There were no changes or additions to the General Findings of Fact at this time.

Commission Comments –

- Sensitive to comments made regarding buffering, does not speak directly to neighbors' concerns.
- Envisioned storage would be in building.

- Commissioner Jon Walter presented a sketch that he prepared that showed that the storage area shown on the Site Plan could hold up to 48 vehicles, boats or rv's. Concern about the potential scale of the proposal.
- Major issue -- property is not secluded.
- No home immediately across from the subject property, can be viewed from Kohler Road and other properties in that area.
- Natural vegetation – Zoning Ordinance specifies use must be completely screened from any public road and neighboring property.
- SUP should be conditioned on Road Commission approval.
- Conformance with Section 12.6 buffering can be required.

The Commission reviewed the requirements of Section 4.4.F – Commercial Storage of Boats and Vehicles as a Special Land Use Permit.

1. Only currently licensed boats, cars, trucks, recreational vehicles, campers, trailers for recreational vehicles and boats, and equipment necessary to the principal use, shall occupy the storage area.

*This could be a condition of approval –  
The Planning Commission is concerned about the potential number of vehicles that could be stored in the area listed on the Application.  
Reference the sketch prepared by Jon Walter showing that up to 48 vehicles could be stored in that area.*

2. The storage lot shall be a minimum of two (2) acres in size.

*The subject property meets this condition*

3. The actual storage area shall not be located so that it can be viewed from the surrounding land.

*The Planning Commission believes that the proposed storage area would be visible from the public road and land across Kohler Road.*

4. Nothing shall be stored in the setbacks.

*This could be a condition of approval*

5. If the storage area is protectively fenced, such fencing shall be around the storage area itself, and not along the lot perimeter.

*No fencing is proposed*

6. Natural vegetation and/or plantings in the setbacks shall buffer and completely screen from view the storage area and any protective fencing from any public road and from neighboring properties.

*The Planning Commission determined that screening would be required to screen the storage area from Kohler Road.*

7. No repairs and servicing shall be permitted.

*This could be a condition of approval*

8. The lot cannot be used for other storage purposes.

*This could be a condition of approval*

9. The location of driveways entering the lot from any public road must be approved by the County Road Commission.

*The Manager of the Leelanau County Road Commission is aware of the project and has contacted the Zoning Administrator, however, no approval has been received. The Road Commission may require curb & gutter at the driveway approach.*

The Planning Commission the reviewed the Governing Standards For Approval of Special Land Uses. Reference Section 11.13.

In deciding to grant or to deny a special land use application, the Commission shall establish that the following standards shall have been satisfied, together with all other requirements of the Ordinance. The standards enumerated herein are intended to promote the intent and purpose of the Ordinance and to ensure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed land use. These standards shall ensure that the proposed land use or activity is consistent with the public health, safety and welfare of the Township.

Each of the proposed special land uses on the proposed location shall:

- A. Be designed, constructed, operated and maintained so that such use will not change the essential character of the district classification in which it is proposed.

**The Suttons Bay Township Planning Commission (SBTPC) finds that the proposed use will change the essential character of the district based upon the fact that the storage area will be visible from Kohler Road, the concern about lack of control of the hours people will be entering and leaving the facility, and based upon Public Comment.**

- B. Be served adequately by essential public facilities and services, including but not limited to highways, streets, off-street parking, police, fire protection, drainage district, refuse disposal, water and sewage facilities, schools, etc.

**The SBTPC finds that the proposed use will meet this standard under the condition that approvals are obtained from the Road Commission.**

- C. Not unduly burden the capacities of public services and facilities affected by the proposed special use, nor result in excessive additional public cost for the creation of facilities and services not otherwise available.

**The SBTPC finds that the proposed use will meet this standard**

- D. Not adversely affect the natural environment, especially any creek, stream, lake, pond, wetlands area, floodplain or the groundwater.

**The SBTPC finds that they do not have enough information to determine if this standard can be met. The proposed area is located in a former gravel pit with porous soils, and there is concern about potential groundwater contamination from fluid leaks from vehicles**

- E. Not adversely affect farmland, but to the extent practicable preserve it as open space or buffer it with open space.

**The SBTPC finds that the proposed use will meet this standard.**

- F. Demonstrate in the site plan that there exists sufficient protection to ensure that there will be no additional storm water runoff created by the proposed special land use; or that adequate and full measures have been taken to accommodate such storm water runoff on the proposed site location. For purposes of this standard, the storm water runoff shall be that as designated by the ten year rain standard.

**The SBTPC finds that the proposed use will meet this standard, as the proposed use does not generate additional stormwater run-off.**

- G. Provide that all off-street parking and all loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from neighboring property or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in height.

**The SBTPC finds that the proposed use could meet this standard if a landscaping/buffering plan were submitted that included the planting of conifers at least 6' tall no more than 7' apart between Kohler Road and the storage area.**

- H. All night lighting shall conform to the requirements of **SECTION 12.12 OUTDOOR LIGHTING STANDARDS.**

**The SBTPC finds that the proposal does not include any outdoor lighting**

- I. Meet all the district requirements for special land uses in the district for which the special land use is proposed.

**The SBTPC finds that the proposed use does not meet this standard, as noted in the findings above.**

- J. Be in compliance with the requirements of the district in which it is proposed and with all other standards in this Ordinance, as well as with the requirements of the County Road Commission, County Building Inspector, County Drain Commissioner, District Health Department, Soil Erosion Control Officer/USDA Soil Conservation Service, Suttons Bay/Bingham Fire Department, DNR, and other applicable Township, County, State, and Federal statutes.

**The SBTPC finds that the proposed use does not meet the requirements of the Agricultural District, and that the Applicant must obtain applicable permits and approvals to operate this use.**

#### ACTION BY PLANNING COMMISSION

##### General Findings of Fact:

- A. The subject property consists of parcel number 45-011-032-017-20 and is located at 1570 E. Kohler Road, Suttons Bay.
- B. According to Township records, the property is owned by Jeffrey and Renate Keith.
- C. The subject property is currently zoned Agricultural.
- D. According to the Suttons Bay Township Zoning Ordinance, commercial storage of boats and vehicles requires a Special Land Use Permit. (Section 4.4.F)
- E. There is an existing single family dwelling on the subject property.
- F. The subject property contains over three (3) acres.
- G. The subject property contains an area that appears to have been used for extraction of sand or gravel.
- H. The property contains some trees.
- I. The properties surrounding the subject property are all zoned Agricultural.
- J. According to the Application, there will be no signage, lighting, or hazardous materials.

***Jerry Bergman/moved, Jon Walter/supported, to approve the General Findings of Fact A-J. Motion adopted.***

***Conform to Requirements of Article 4 – Agricultural Zoning District, and Article 12 – Standards/Buffering.***

***Susan Odom/moved, Barbara Nelson-Jameson/supported, that based upon the above Findings of Fact, the Suttons Bay Township Planning Commission finds that the Application for a Special Land Use Permit submitted by Jeffrey Keith for commercial storage of boats and vehicles does not conform to the requirements of Article 4 – Agricultural Zoning District, and Article 12 – Standards/Buffering.***



Governing Standards for Special Land Use Permits in Article II.

*Susan Odom/moved, Barbara Nelson-Jameson/supported, that based upon the above Findings of Fact, the Suttons Bay Township Planning Commission finds that the Application for a Special Land Use Permit submitted by Jeffrey Keith for commercial storage of boats and vehicles does not meet the Governing Standards for Special Land Use Permits in Article 11.*

Denial of Special Use Permit

*Susan Odom/moved, Amy Coleman/supported, to deny the request by Jeffrey Keith for a Special Land Use Permit for commercial storage of boats and vehicles at 1570 E. Kohler Road, Suttons Bay. This decision is based upon the Application, Site Plan dated October 2, 2013, the Record, the General Findings of Fact, the Governing Standards for Special Use Permits, and Public Comment.*

Chairman Nixon declared Jeffrey Keith's request for Special Use Permit is denied.

**2. Presentation: First Draft Working Lands District – Form Based Code**

Discussion – extending meetings. One suggestion is Planning Commission meet two times a month and not extend meetings to 9 pm. Can table other work such as Zoning Ordinance discussion and exclusively discuss form based code. It was pointed out that the Planning Commission consider a year to go thru the Zoning Ordinance with regard to form based code. Consensus - Work as a committee on a whole to deal with form based code, and then restructure meeting to deal with other zoning ordinance issues.

Presentation - Kurt Schindler, MSU Extension Educator; Rod Cortright, retired from MSU Extension Service.

There is no form based code to look in rural areas, is pilot project, has not been done before. Handed out the first draft of what should be in the Working Lands District (replace ag dist with working lands. All districts are a bit more descriptive. More interested in what the buildings are going to look like and will act toward each other. Give deference to ag, talking about building types and attaching uses to building types. Also talking about uses by right in buildings. Will be some areas where will have size requirements. Form based code uses regulated language and illustrations. Biggest concern- what does it look like from the road and adjacent properties. Will it be obnoxious and can it be mitigated. Talk about how you would like to see things ideally laid out on the land. Form – how perceived from public realm and basic form, not a design standard, does not get into façade, focusing on relationship to public realm and to adjacent property owners. Allows number of different building types, probably a couple of more districts. Would allow land divisions for non-ag activity, and would incorporate in the zoning ordinance land development options.

Extension of Meeting Time

*Jerry Bergman/moved, Susan Odom/supported, to extend the November 6, 2013 Meeting to no later than 9 pm. Motion adopted.*

Kathy Egan indicated a list of what is allowed in the ag district now, comparing with form based code will be created. December Meeting - Planning Commissioners determine if the proposed language would work.

**3. Nonconformities Draft Language Review**

Kathy Egan indicated Section 3.1.5 is now A and is renumbered. The rest of the corrections are mainly grammar. E is new D. Section 3.7.7 has been restructured.

*Doug Periard/moved, Jerry Bergman/supported, to approve the Nonconformities Draft Language and move it on to the next appropriate step, motion adopted.*

**4. Guest Houses/Accessory Dwelling Units Discussion**

Guest Houses/Accessory Dwelling Units Discussion was not held.

**REPORTS AND COMMISSIONER COMMENTS**

<u>Working Lands Committee</u>	No report
<u>Zoning Administrator</u>	Steve Patmore submitted a written report.
<u>Planner</u>	No report
<u>Township Board</u>	No report
<u>Commissioners</u>	No report
<u>Chairman</u>	No report

**PUBLIC COMMENT** No public comment.

**ADJOURNMENT** The meeting was adjourned at 8:48 pm

**Respectfully submitted**

Marge Johnson, Recording Secretary  
Reviewed by staff 11-14-13  
Approved as presented 12-4-13

emailed to PC 11/1/13

### SUTTONS BAY TOWNSHIP

### APPLICATION FOR SITE PLAN REVIEW

OFFICE USE ONLY

DATE RECEIVED: _____	FILE NUMBER _____
DATE APPLICATION DETERMINED COMPLETE: _____	FEE: _____
DATE(S) REVIEWED BY PLANNING COMMISSION: _____	RECEIPT NO: _____
DATE APPROVED: _____	

Project/Applicant Information:

Project Title: \_\_\_\_\_

Applicant: Jeff & Renate Keith

Address: 1570 E. Kohler Rd.  
Suttons Bay MI 49682

Phone: 231-271-5604 Fax: \_\_\_\_\_

Applicant's Interest / Relationship in the property (circle one): OWNER PURCHASER AGENT

Owner (If other than the Applicant)

Name: N/A

Address: N/A

Authorized Agent or Representative:

Name: N/A

Company: N/A

Address: N/A

Phone: N/A Fax: \_\_\_\_\_

Location of Property:

Property (Tax) Number: 45-011- 032-017-20

Street Address of Parcel: 1570 E. Kohler Rd. Suttons Bay MI 49682

Current Zoning of Parcel: Agricultural

Acreage of Parcel: 4.40 Acre - only using 1/2 acre

Existing Structures on Parcel: None

Attach copy of Legal Description of Property

Description of Proposed Project:

BASICALLY, offer winter storage outside for boats & RV's. There will be no signage, lighting or regular hours. Property will not be improved in any way except regular maintenance of vegetation.

Project Completion Schedule / Description of Phasing:

~~Prop~~ proposed storage site is complete 95% except to chip a brush pile and mow & cut some vegetation.

Describe prior Site Plan Reviews, Variances, and Permits related to subject property, including dates:

N/A

I certify that the above information is true and authorize officials of Suttons Bay Township to enter the property during Site Plan Review.

Signature:

By:

Jeff Keith

Name:

Jeff Keith

Title:

owner

Attachments Required:

- Legal Description of Property
- Application Fee - \$250.00
- Hazardous Materials Checklist

— There are not now or will there be a need for a hazardous materials checklist <sup>for</sup> the proposed site of winter (seasonal) boat & RV storage.

### GENERAL PROPERTY INFORMATION-PUBLIC RECORD

Owner/Client Renate Maria Keith  
 Address 1570 E. Kohler Road Unit No. N/A  
 City Suttons Bay County Leelanau State MI Zip Code 49682  
 Lender/Client Northwestern Mortgage Company

#### General Property Information

[Back to Non-Printer Friendly Version] [Send To Printer]

Parcel: 011-032-017-20 Data Current As Of: 2:34 PM 4/27/2009

**Property Address** [collapse]  
 1570 S KOHLER RD  
 SUTTONS BAY, MI 49682

**Owner Information** [collapse]  
 KEITH JEFFREY A & RENATE M Unit: 011  
 1570 S KOHLER RD  
 SUTTONS BAY, MI 49682

**Taxpayer Information** [collapse]  
 KEITH JEFFREY A & RENATE M  
 1570 S KOHLER RD  
 SUTTONS BAY, MI 49682

**General Information for Tax Year 2009** [collapse]

Property Class:	401	Assessed Value:	\$116,000
School District:	45050 - District 45050	Taxable Value:	\$112,944
State Equalized Value:	\$116,000	Map #	RECYCLE
USER NUM IDX	0	Date of Last Name Chg:	01/19/2006

Date Filed: 05/07/2001  
 Principal Residence Exemption (2008 May 1): 100.0000 %  
 Principal Residence Exemption (2008 Final): 100.0000 %

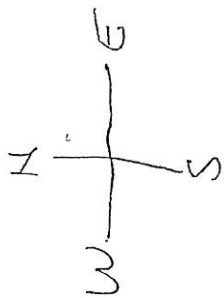
Previous Year Info	MBOR Assessed	Final S.E.V.	Final Taxable
2008	\$126,539	\$126,539	\$108,184
2007	\$122,249	\$122,249	\$105,752

**Land Information** [collapse]

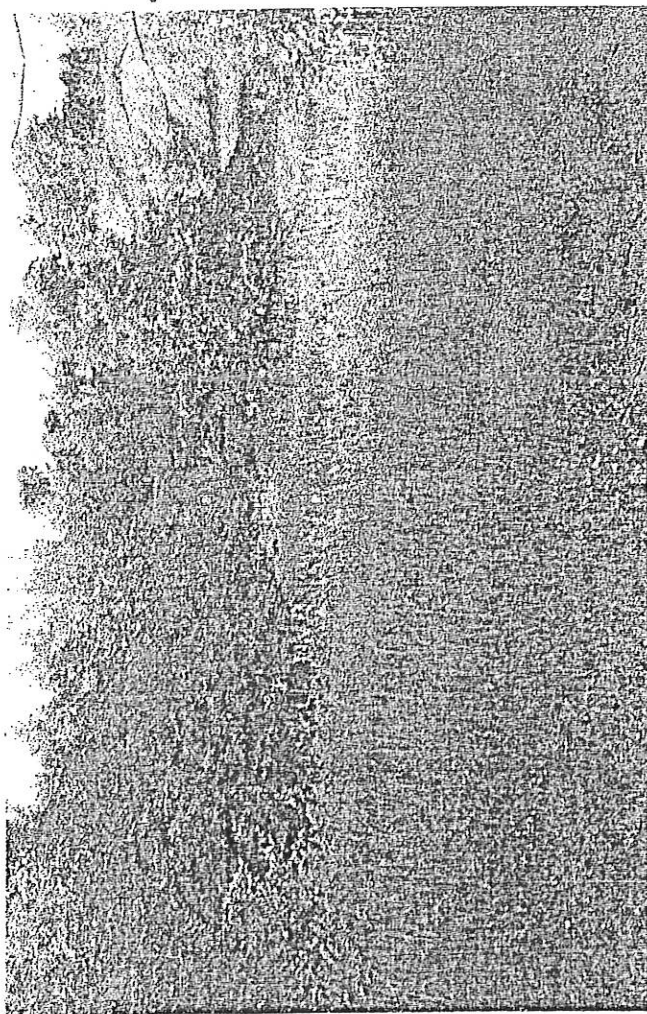
Acreage:	4.40	Frontage:	0.00 Ft.
Zoning Code:		Depth:	0.00 Ft.
Land Value:	\$68,356	Mortgage Code:	00000
Land Improvements:	\$0	Lot Dimensions/Comments:	N/A
Renaissance Zone:	NO		

**Legal Information for 011-032-017-20** [collapse]

L259 P663 L504 P269 L537 P227/00 PRT NE 1/4 OF SW 1/4 COM S 1/4 COR SD SEC TH N 00 DEG 05' 56" E ALG N-S 1/4 LN 2357.86 FT TO C/L KOHLER RD TH S 79 DEG 03' 50" W ALG SD C/L 614.79 FT TO POB TH SWLY ALG SD C/L AND ARC OF 563.53 FT RADIUS CURVE TO LEFT 334.62 FT CH-S 62 DEG 00' 20" W 329.73 FT TH N 00 DEG 00' 53" E PARALLEL TO SD 1/8 LN 468.94 FT TH N 89 DEG 44' 03" W 315.11 FT TH S 00 DEG 05' 51" W 742.87 FT TO C/L KOHLER RD TH ALG NELY SD C/L TO POB SEC 32 T30N R11W.

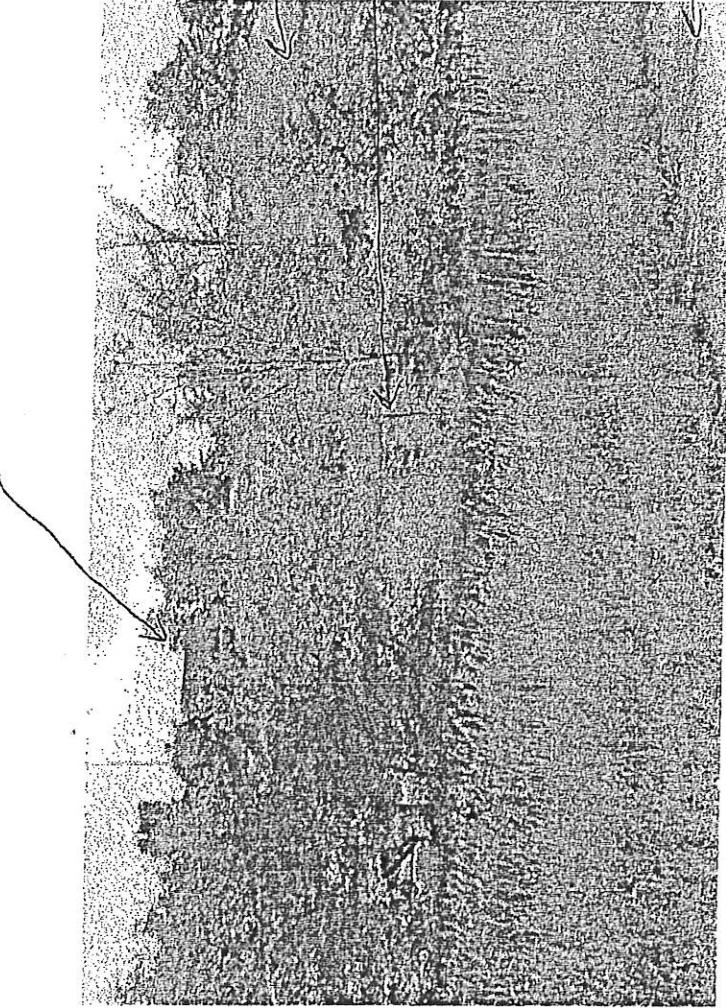


← notice huge hill that blocks any VISUAL from EAST APPROACHING TRAFFIC ON Kohler Rd.



This photo is Looking Straight on to the Property

my house



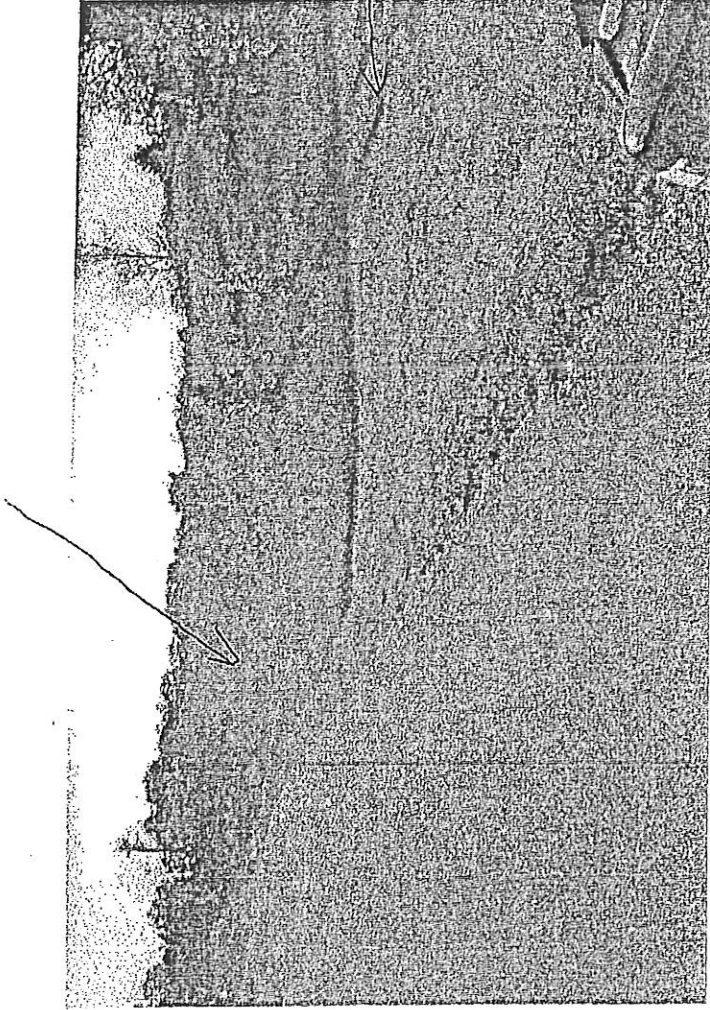
House Hill from EAST-

Said Property

Kohler Rd.

Another photo looking at property straight on. Notice my house at north in photo on top of hill. Said property is screened off in every direction from vegetation, hills, my house & driveway.

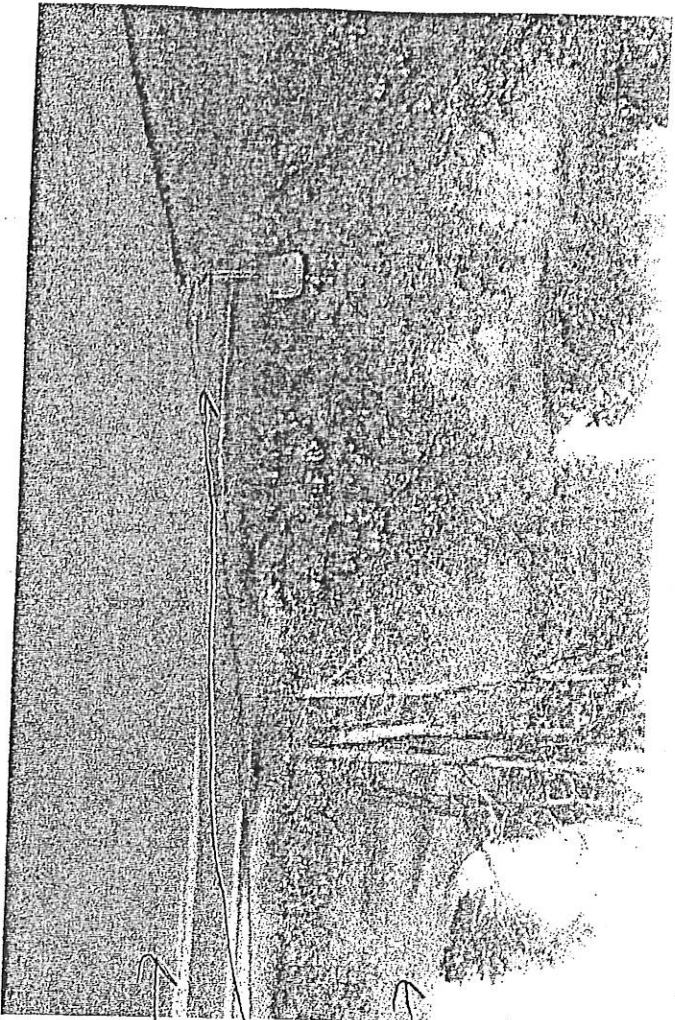
Property in question Screened by Rose Hill & Vegetation.



Neighbors property from East.

This photo is of Approaching SAIC Property from the East.  
Nothing can be seen of SAIC Property from Approaching Property from East. or West.  
on Kohler Rd.





← House Hill on East Side of Property.

← my driveway Entrance.

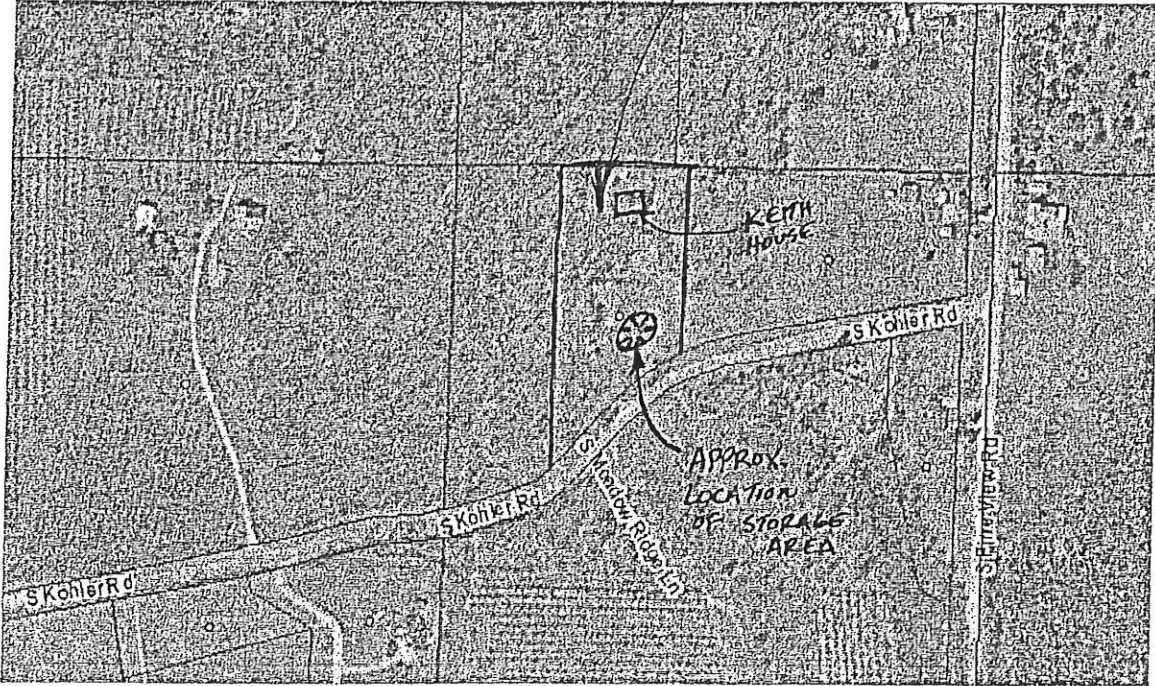
← Kohler Rd.

This photo is looking at the property ~~from~~ driving down Kohler Rd. from the west. Said Property is located on Rt. Side of Shwin driveway entrance, which is ours.



# 2012 ORTHO AERIAL MAPS




Showing Parcel Lines and Labels



## 2012 Digital Orthophotographs

The original photographs displayed here were taken in the spring of 2012, before the leaves are out on the trees. The 'best resolution' of these images is 0.5 feet per pixel.

Digital ortho photography consists of images processed by computer to remove the distortions caused by tilt of the aircraft and topographic relief in the landscape. These images are properly scaled and located in the state plane coordinate system (NAD83) thus giving them similar characteristics of a map.

 450 US Feet  
 2012 Digital Orthophotograph  
 Property Lines

Copyright © 2013 Land Information Access Association

AREA MAP

BY SP

*To: Suttons Bay Township Planning Commission*

*From: Mathew Cooke, Community Planner*

*Re: Zoning Ordinance Overhaul*

*January 25, 2021*

According to the documents passed on to me, I have identified the following as still needing review for the zoning ordinance overhaul:

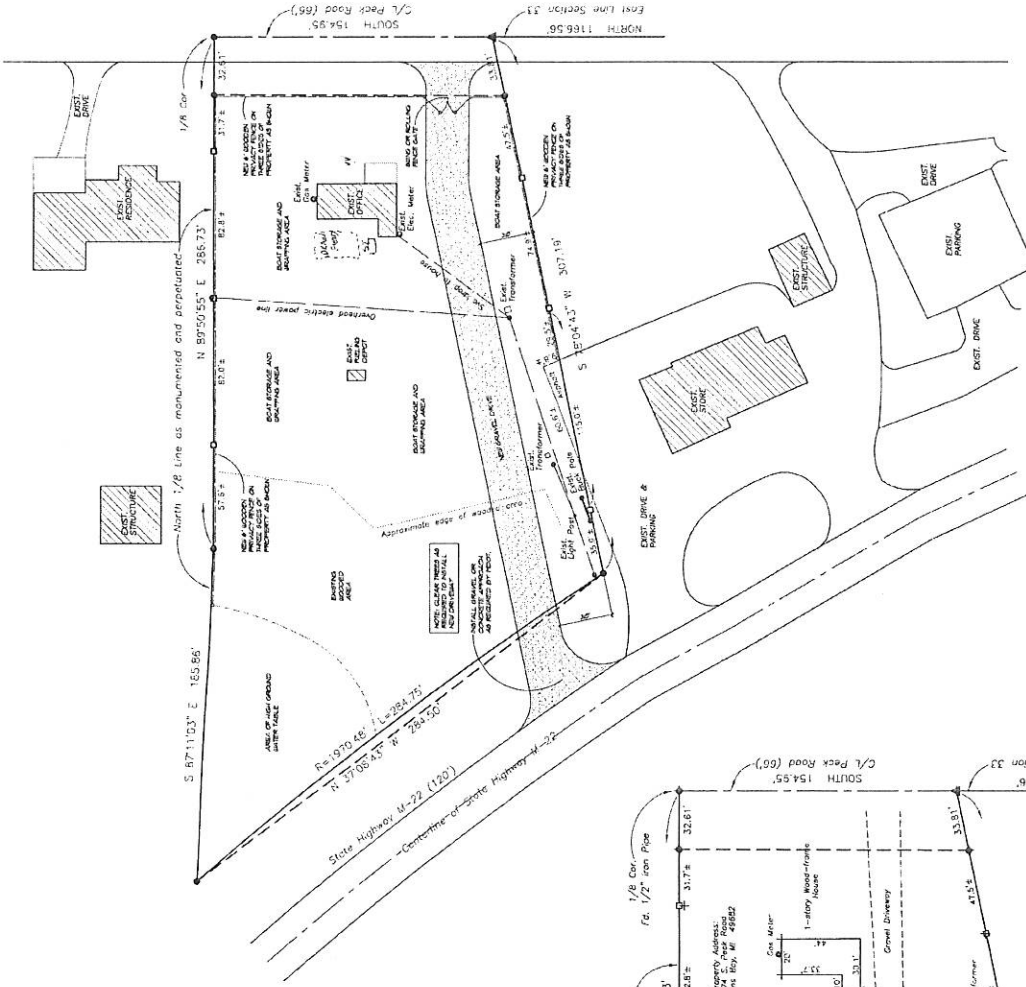
1. Article 12: Waterfront Resort
2. Section 3.2 Map
3. Section 2.2 Definitions
4. Section 3.14 Signs

Based on previous documents, it appears after review some formatting of the Zoning Ordinance and verifying of charts was planned before being sent out for legal review. After legal review, a public hearing was planned before being sent to the Township Board.

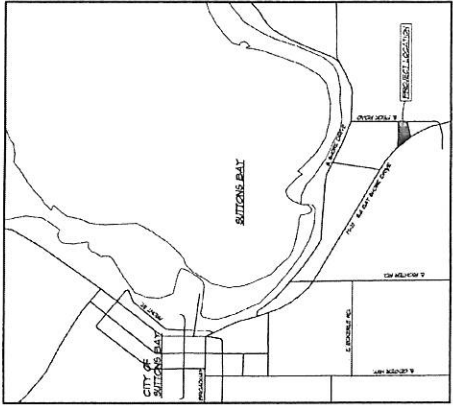
Please note that I will have had a discussion with the former planner Kathy Egan prior to the February 2, 2021 meeting to verify I am understanding and interpreting her notes as to what is left in the process. If any planning commissioner or staff has additional thoughts or an additional item that should be included for review, please don't hesitate to contact me.

APPROVED BY: J. PADDOCK, C.E.  
 SIGNATURE: \_\_\_\_\_  
 DATE: \_\_\_\_\_

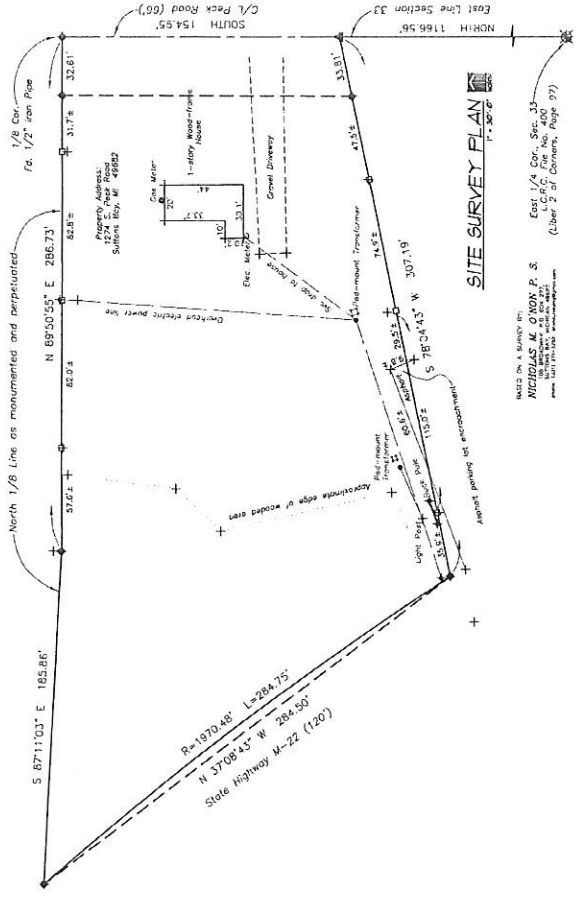
NOTE:  
 THERE WILL BE NO GENERAL BOAT WORKING  
 OR STORAGE ON THIS SITE. ALL BOAT WORKING  
 SHALL OCCUR SOUTH AND WEST DOWN DIRT  
 DRIVE. DISCREPANCY WHEN THEY OCCUR.



**SITE LAYOUT PLAN**  
 1" = 30' 0"



**SITE LOCATION MAP**



**SITE SURVEY PLAN**  
 1" = 30' 0"

BASED ON A SURVEY BY:  
**MICHAEL M. O'CONNOR, P.E.**  
 East 1/4 Cor., Sec. 33  
 T24N, R12W, S10E, M-22  
 (Lib. 2 of Cor. 1, Page 37)

**AGENDA**  
**SUTTONS BAY TOWNSHIP PLANNING COMMISSION**  
**SPECIAL MEETING**  
**Tuesday, March 16, 2021**  
**6:00 PM**

Electronic remote access, in accordance with Public Act 228 of 2020 will be implemented in response to COVID-19 social distancing requirements and Michigan Health and Human Services restrictions of Indoor gatherings. The public may participate in the meeting through Zoom access by computer and smart phone using the following link:

<https://us02web.zoom.us/j/81296471593?pwd=Z.XpOUmdXMmlPMGJaZlEzZUdzWGd0dz09>

Meeting ID: 812 9647 1593  
Passcode: 782326

**Call to Order and Notation of Quorum**

”

**Approval of Agenda**

**Public Comment**

**Conflict of Interest**

**Items of Discussion/Consideration:**

1. Continuation of Site Plan Review, Leelanau Watersports, 1274 S Peck Road
2. Zoning Ordinance Overhaul-Report From Planner

**Commissioners' Comments**

**Public Comment**

Next Meeting Agenda April 6, 2021

**Adjournment (8:00 PM unless extended by a motion.)**

**Commission Packets can be viewed at: <https://www.leelanau.gov/suttonsbaytwppln.asp>**

*This meeting is a session of the Suttons Bay Township Planning Commission held in public for the purpose of conducting the Commission's business and is not to be considered a public community meeting. There is time set aside for public comment during the meeting as noted on the Agenda, and the Planning Commission welcomes the public's input at that time.*

Planning Commission Memo

For March 16, 2021 PC Meeting

Leelanau Watersports Site Plan Review  
1274 S. Peck Rd.

At the February 2, 2021 Suttons Bay Township Planning Commission meeting, the Planning Commission voted to “seek an outside legal opinion from the township attorney on what is legally allowed in the commercial district, whether the proposed use falls within the approved uses in the commercial district.”

Last week, additional material was submitted by two other attorneys, as well as correspondence from “Suttons Bay Voice”.

Our township attorney was sent this correspondence for review, and will have the requested opinion to us this week.

You will be sent the attorney opinion as soon as we receive it.

Enclosed are:

- Notice received from Suttons Bay Voice.
- Letter received from attorney Aaron D. Cox.
- Letter received from attorney Lorri B. King
- Updated Zoning Report.

SUTTONS BAY TOWNSHIP  
PLANNING COMMISSION

SITE PLAN REPORT – (Updated)

LEELANAU WATERSPORTS, LLC  
PATRICK OTTO  
1274 S. PECK RD., SUTTONS BAY

For February 2, 2021 Planning Commission Meeting  
Updated for March 16, 2021 Planning Commission Meeting

**I. REQUEST**

Request from Leelanau Watersports, LLC, for a change of use in the Commercial Zoning District at 1274 S. Peck Road in Suttons Bay.

The proposed change of use is from a residential dwelling to a commercial watercraft rental business.

The submitted Site Plan also includes the following Site Improvements:

- New gravel access road to M-22.
- Improve existing gravel drive on Peck Road.
- Installation of Privacy Fences

**II. PROCESS**

Per the chart in Section 19.4 of the Suttons Bay Township Zoning Ordinance (ZO), this Change of Use requires a Detailed Site Plan Review by the Planning Commission, since the area is larger than 3000 square feet.

This request is not a Special Land Use, and there is no requirement for a Public Hearing or public notice. The Governing Standards for Special Land Use Permits does not apply.

*Per Article 19 of the ZO, review of a Detailed Site Plan is performed by the Planning Commission. This report is intended to assist the Planning Commission in their review.*

**III. GENERAL FINDINGS OF FACT**

1. Subject property is Parcel Number 45-011-032-005-00, 1274 S. Peck Road, Suttons Bay.
2. According to township records, the subject property is owned by Patrick Otto, 1274 S. Peck Rd., Suttons Bay, MI 49682. Patrick Otto submitted the Site Plan for Leelanau Watersports.
3. The subject property is currently zoned Commercial.
4. The Future Land Use Map in the 2012 Suttons Bay Community Joint Master Plan shows this area as being Commercial.



5. The subject property is within the Village Growth Management Area as shown in the 2012 Suttons Bay Community Joint Master Plan.
6. According to the Applicant the subject parcel contains 1.74 acres.
7. Adjacent property zoning and land use:
 

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	Residential	Residential/single family.
East	Commercial & Residential	Vacant
South	Commercial	Commercial
West	Commercial	Vacant
8. According to the Applicant, all watercraft stored on the property is owned by Leelanau Watersports.
9. According to the Applicant, there is no commercial storage of other watercraft on the property.
10. According to the Applicant, there will be approximately 35 watercraft staged at the property during peak business periods.

#### IV. AGENCY APPROVALS

- Leelanau County Road Commission: The Rd. Commission has issued a permit for use of and improvements to the existing driveway on Peck Road for the new business.
- Michigan Department of Transportation (MDOT): MDOT officials have looked at the potential for a new access drive to M-22. (email included in packet). A formal permit from MDOT is required.
- Leelanau County Drain Commissioner/Soil Erosion: A Soil Erosion Permit will be required for the Commercial Driveway construction.
- Michigan EGLE: The Applicant has contacted EGLE and has requested a wetlands determination for the proposed driveway to M-22.

#### VI. CONFORMANCE WITH ZONING ORDINANCE REQUIREMENTS

##### 1. ARTICLE 8 – COMMERCIAL DISTRICT

##### **SECTION 8.2 USES PERMITTED BY RIGHT**

8.2.E Personal and Business Services.

8.2.F Home Appliance Repair, Equipment Rentals, and Laundries.

**Definition of Personal Service: PERSONAL SERVICES:** Establishments that render services, rather than (sic) provide goods, primarily to other individuals. (Annotation: Definition added by Twp Board Ordinance. No. 4 of 2007, PC Ordinance Amendment 110 effective 10-26-2007)

***The Planning Commission has requested a legal opinion on whether Leelanau Watersports is an allowed use in the Commercial Zoning District.***

**SECTION 8.7 OFF STREET PARKING, AND DELIVERY ACCESS**

Refer to Section 3.15.3 Landscaping and Buffering for minimum standards for parking. Access shall be provided for the unloading of goods, supplies, or merchandise from truck to business establishment without obstructing the public right-of-way.

*The Site Plan shows that there is adequate room for unloading without obstructing the public right-of-way.*

**SECTION 8.8 YARD STORAGE**

Whenever a business establishment finds it necessary to store part of its goods, supplies, merchandise or returnable containers outside the confines of the building structure, it shall provide an enclosure by solid fence or its equivalent not less than six (6) feet high around such storage area, said fence to be made and maintained in a manner that is consistent with the intent and purpose of this Ordinance and does not adversely affect the adjacent property. In approving or disapproving such fence the Zoning Administrator shall apply the following standards:

A. The fence will be constructed of such material and of such design as to reasonably prevent trespassers from entering the premises by scaling such fence.

*Ordinance Section 3.12.9 has standards for structural screening. Should be a condition.*

B. The fence will be solid construction or of material so as to obstruct the view of the premises enclosed.

*Should be a Condition*

C. The fence shall be maintained and/or painted, but shall not be used as a sign or signboard in any way.

*Should be a Condition*

D. Materials stored shall not obtrude above the top of the fence.

*Should be a Condition*

**2. ARTICLE 3 – GENERAL PROVISIONS:**

**I. SECTION 3.6 SCHEDULE OF AREA, HEIGHT, AND PLACEMENT REGULATIONS**

Minimum Lot Area and Lot Width:

*Subject Parcel is an existing legal conforming lot*

Minimum Setbacks: Front: 40'  
Side: 10'  
Rear: 30'

*There are no additional structures proposed as part of this Site Plan.*

Maximum Lot Area Covered by Structures: 25%

*There are no additional structures proposed as part of this Site Plan.*

Note 3.6 (b): Front setback areas in the Commercial and Industrial District shall be appropriately landscaped and maintained in accordance with Section 3.12 Landscaping, Screening, Buffers and Greenbelts.

(Annotation: Subsection changed by Amendment 02-002 effective July 4, 2002)

*Greenbelt is necessary on Peck Road and M-22.*

**II. Section 3.12.2: Landscaping, Screening, Buffers, and Greenbelts**

A. This Section shall apply to any site plan reviewed by the Planning Commission.

B. The chart (in this section) explains when a project shall require a buffer between adjacent land uses:

*The chart shows that a buffer is required between the Commercial and Residential Use.*

*The Site Plan shows a privacy fence proposed between the Residential and Commercial Uses.*

*The height of this fence shall be sufficient so that objects shall not obtrude over the fence.*

F. The width of the area in which the landscaping or screening is to occur is determined by the required setbacks of the zoning district.

G. The area in which the landscaping or screening is to occur may include the required setbacks.

H. A visual screen of natural plantings is preferred. The landscaping shall consist of massed evergreen and/or deciduous trees and shrubs so as to continuously restrict a clear view of the uses onto the property responsible for the landscaping. *Section 8.8 requires a fence. Is additional buffering necessary?*

I. The landscaping may only be required along the portions of the property line that have immediate adjacent uses incompatible with the surrounding parcels.

*The north property line of this Site borders Residential Zoning and must be landscaped.*

J. In required areas where natural landscaping is considered to be impractical or inappropriate, an opaque fence or wall of six (6) feet in height may be substituted in whole or in part provided it meets the approval of the Planning Commission. Where an opaque fence or wall is used it may not be closer than four (4) feet to the property line, and it must be maintained. *Section 8.8 requires a fence. Should be a condition. Should the fence be extended westerly along the south property line between the existing store and Leelanau Watersports? The fence must be 4' off the property line per this section. Landscaping must be added between the property line and the fence for Buffering purposes.*

### III. Section 3.12.3 Parking Lot Landscaping:

*There are no designated parking lots – there is no customer parking on-site.*

### IV. Section 3.12.4 Right-of-Way Landscaping & Greenbelts:

- A. Greenbelts parallel to road right of ways shall be the same depth as the required setback.
- B. The front setback shall be landscaped with a minimum overall number of one (1) tree for each thirty (30) lineal feet or major portion thereof, of frontage. Plantings may occur in groupings throughout the greenbelt, the number of plantings being equal to one (1) per thirty (30) linear feet. The remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs, and/or other natural, living plant material. The approval of the overall plan is subject to site plan review. The Planning Commission shall look for the plan to achieve at least the same degree of visual and/or sound barrier between the area being landscaped and the adjacent property as to meet the goals of this Section.
- C. Access ways from public rights-of-way through required greenbelts shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required.
- D. Nothing in this Section shall be construed as permitting any obstruction to view which could constitute a traffic hazard and/or violate the clear sight distance.

*A Right-of-Way Greenbelt must be planted at 1 tree per 30'. Peck Road: With 155' of frontage = 6 trees required. Trees must meet the standards of Section 3.12.8*

*M-22 frontage is wooded – must be maintained or new Greenbelt planted.*

### V. Section 3.12.5 Height and Traffic Visibility:

- A. Structures (signs) at site entrances and exits may be up to twelve (12) feet in height, although it is not permitted to allow any obstruction to view which could constitute a traffic hazard.
- B. Fencing and structural screening materials of a height greater than three (3) feet shall not be located within a required front setback adjacent to a road or street.
- C. No fence, wall, sign, screen or planting shall be erected or maintained in such a way as to obstruct vision or interfere with traffic visibility on a curve.
- D. No fence, wall, sign, screen or planting shall be erected or maintained in such a way as to obstruct through vision between the height of three (3) and ten (10) feet at entrances and exits.

*There is currently adequate visibility at the driveway on Peck Road. The proposed screening fence will not obstruct visibility at the driveway.  
The required right-of-way Greenbelt trees shall be planted to maintain adequate sight distance.  
There is no signage shown on the Site Plan.*

**VI. Section 3.12.6 Particular Uses Requiring Screening:**

Mechanical equipment, when located outside and at grade, including air conditioning and heating devices and water and gas meters, but not including plumbing and exhaust vents or chimneys, are to be screened to the height of the particular piece of equipment by landscaping, or by a solid wall or fence, from the view of the street or surrounding properties.

*Any mechanical equipment would be screened by the privacy fence shown on the site plan.*

**VII. Section 3.12.9 : Materials for Structural Screening:**

- A. Wooden screens may be erected with wood posts not less than four inch by four inch nominal and solid board cover not less than one (1) inch thick. Masonry piers may be substituted for wood posts. Posts or piers shall be spaced not more than eight (8) feet apart on center. The finished side of the screen shall face abutting properties.
- B. Wrought iron, open mesh or slatted fencing may be used, provided that the ratio of one part open to six parts solid fencing (1:6) is not exceeded. The openings may be a maximum of one (1) inch.
- C. Masonry wall may be used if designed and constructed to facilitate maintenance and not to modify natural drainage in such a way as to endanger adjacent property. Masonry walls must be on cement footings, set a minimum of twenty-four (24) inches below grade.
- D. Other structural screening may be allowed if the Planning Commission finds that such other structural screening will achieve at least the same degree of visual and/or sound barrier effect between the area screened and adjacent property as the screening devices specified in this Section.

*Site Plan is proposing a six-foot high wooden fence. The finish side of the fence shall be facing outwards.*

**VIII. Section 3.12.10 : Exceptions and Alternative Methods of Compliance:**

*Under Section 3.12.10, the Planning Commission has the latitude to grant exceptions and/or approve alternative methods for Landscaping, Buffering, Screening & Greenbelts.*

**X. Section 3.15 Off Street Parking:**

*There will be no customers served at this facility. No customer parking is proposed, and there is adequate room for employees parking in the watercraft storage area. It is recommended that a condition be imposed that there be no parking associated with this business allowed along Peck Road or M-22.*

## **VII. PLANNING COMMISSION SITE PLAN REVIEW:**

The following Sections of Article 19 – Site Plan Review are copied here to assist the Planning Commission:

**Section 19.13 – Standards for Site Plan Review**

The Commission, or Zoning Administrator, as applicable, shall approve, or approve with conditions, a site plan if that site plan meets all of the following standards:

- A. All applicable regulations of this Ordinance which apply generally to all districts, found in Article 3 General Provisions of this Ordinance.
- B. All applicable regulations of this Ordinance which apply to the specific zoning district.
- C. All specific standards for the specific proposed special use, if applicable.
- D. Any conditions imposed with the granting of a Special Use Permit or variance.
- E. All utility easements shall be distributed on site in a manner which is least harmful to surrounding properties. Electric, telephone, coaxial cable and other lines shall be located underground.

- F. Water lines, sewer lines, all provisions of surface water drainage shall be approved by the appropriate agency and designed in compliance with any applicable federal and/or state statute, and any Township and/or county ordinance.
- G. Evidence of sufficient protection to ensure there shall be no additional storm water run-off created by the project, or that adequate measures have been taken to accommodate such storm water run-off created on the site.

**Section 19.14 – Approval and Compliance**

- A. In cases where the Commission reviews the site plan, the Commission shall act to approve, approve with conditions, or disapprove the site plan in writing with findings of fact.
- B. The action shall be recorded in a record of the zoning application and shall be filed with the Zoning Administrator. The Zoning Administrator or Commission shall notify the applicant in writing of its decision along with the Findings of Fact.

**Section 19.15 – Establishing Conditions on Site Plan Approval**

- A. A site plan may be approved with conditions necessary to comply fully with the intent of this Ordinance.
- B. Reasonable conditions may include conditions necessary to:
  - 1. Insure (sic) 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.
  - 2. Protect the natural environment and conserve natural resources and energy.
  - 3. Insure compatibility with adjacent uses of land.
- C. Conditions imposed shall meet all of the following requirements:
  - 1. Be designed to protect natural resources, the health, safety, and welfare of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the land or proposed activity, and the community as a whole.
  - 2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
  - 3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

**Section 19.16 – Security**

*The Township has the authority to require a Financial Security to ensure that Site Plan improvements are made.*

**VIII. POSSIBLE CONDITIONS FOR PC CONSIDERATION:**

*The proposed driveway to M-22 requires approval from MDOT and Soil Erosion and verification from Michigan EGLE regarding possible wetlands. Does the PC want to approve the driveway contingent on these approvals?, or hold off on approving the driveway until the agency approvals have been received?*

*The PC could approve the Site Plan without the entrance to M-22.*

- 1. All applicable requirements of any county, state, and federal permits and statutes shall be met, including Leelanau County Soil Erosion, MDOT, and Michigan EGLE.
- 2. Parking associated with this business is not allowed on Peck Road or M-22.
- 3. Any new utilities installed shall be installed underground.
- 4. Any outdoor lighting shall be shielded downward and shall meet the requirements of the zoning ordinance.
- 5. Any future signage shall be in compliance with the zoning ordinance.

6. Privacy Fence Requirements:
  - A. The fence shall meet the requirements of Section 3.12.9 – Materials for structural screening.
  - B. The height of the fence shall be sufficient to prevent objects from protruding over the fence.
  - C. The fence shall be constructed of such material and of such design as to reasonably prevent trespassers from entering the premises by scaling such fence.
  - D. The fence shall be solid construction or of material so as to obstruct the view of the premises enclosed.
  - E. The fence shall be maintained and/or painted, but shall not be used as a sign or signboard in any way.
  - F. The finished side of the fence shall be facing outwards.
  - G. The fence shall be constructed four (4) feet from the property line per Section 3.12.2.J.
  - H. *(??Should the fence be extended westerly along the south property line between the existing party store and Leelanau Watersports?)*
7. Landscaping shall be required between the privacy fence and the property line as buffering.
8. A greenbelt consisting of at least six (6) trees shall be planted along Peck Rd. The trees shall be of the size and type meeting the requirements of Section 3.12. The trees shall be planted as to not obstruct traffic visibility.
9. The existing wooded greenbelt along M-22 shall be maintained – or a new greenbelt meeting the zoning ordinance must be planted.
10. The privacy fence and Greenbelt must be installed prior to June 15, 2021.

***Motion to (approve with conditions/deny) the Site Plan for Leelanau Watersports dated 10/16/2020.***

If denied, the reasons must be presented in writing.



THE LAW OFFICES OF  
**AARON D. COX**

PLLC

23820 EUREKA RD.  
TAYLOR, MICHIGAN 48180  
WWW.AARONCOXLAW.COM

TELEPHONE (734) 287-3664

FAX (734) 287-1277

February 26, 2021

Suttons Bay Township  
Attn: Planning Commission  
PO BOX 457  
95 W. Fourth St.  
Suttons Bay, MI 489682

RE: 1274 S. Peck Rd., Suttons Bay Township (the "Property")

Dear Planning Commission:

Our office has been retained by the owner of the above referenced Property to provide an analysis and evaluation of the claim that the proposed use of the Property fails to meet current Zoning requirement of Suttons Bay Township (the "Township"). For the reasons set forth below, the owners proposed use of the Property is in perfect conformity with the Township zoning code (the "Code") and cannot be denied.

There is no question that the Property is in the Commercial Zoning District (the "District"). The District has been zoned commercial since at least 1994 according to the Township's last publicly available zoning map. The Property is therefore subject only to those express restrictions set forth in the Code.

The intent of the District is clearly set forth in Section 8.1 as accommodating "those retail and business activities that serve the whole community." The Code, Article 8, sets forth the permitted uses in the District. Those uses permitted by right include: retail stores, business offices, business services, equipment rentals, and all other uses that are accessory and incidental to these uses. See Section 8.2. The Code requires no buffer zone between the District and adjoining residential districts. See Section 8.5.

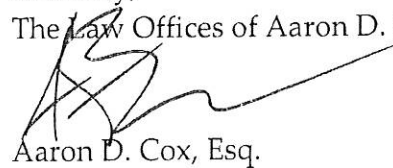
"WE TREAT EVERY CLIENT AS THOUGH THEY WERE OUR ONLY CLIENT."

The Code likewise contemplates the exact use of the Property proposed by my client: storage of goods, supplies, or merchandise outside. The only restriction placed on such use by the Code is the erection of a 6' tall fence surrounding such storage. See Section 8.8. As plainly demonstrated on the submitted site plan, my client has already proposed such a fence for compliance with this requirement.

Further, it is questionable that this issue has even been submitted to the Planning Commission for review. Section 19.2 of the Code limits the applicability of site-plan review to circumstances that do not exist here. There is no land-use permit required, no PUD, no residential development, no appeal, and no variance at issue here. My client merely seeks to use the commercially zoned Property in conformity with the permitted use. There likewise is no change in use as defined by the Code. Use under the Code is defined as: "The purpose for which land or a structure is designed, arranged, or intended, or for which it is or may be occupied or maintained." The purpose of the land and its occupancy is expressly for those commercial activities identified in Section 8 of the Code – the exact activities my client intends – and this use has been in place since at least 1984. The township's purported claim to even have authority over this issue under the guise of a site-plan review is questionable at best.

The Property and proposed use fall within the exact specifications set forth in the Township's own Code. Any attempted denial of my client's lawful rights to use the Property in conformity with the Township's laws would be impermissible and a violation of my client's constitutional property rights. I implore the Township to abide by its duty to uphold its own laws and approve my client's Property and Use as submitted.

Sincerely,  
The Law Offices of Aaron D. Cox, PLLC

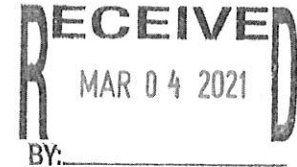
A handwritten signature in black ink, appearing to read 'A. Cox', with a long horizontal flourish extending to the right.

Aaron D. Cox, Esq.



February 26, 2021

Steve Patmore  
Zoning Administrator  
Suttons Bay Township  
PO Box 457  
95 W. Fourth Street  
Suttons Bay, Michigan 49682



Re: Zoning Uses Permitted at 1274 S. Peck Road, Suttons Bay, Michigan 49682

Mr. Patmore:

Our office has been retained by Patrick Otto and Leelanau Watersports, LLC in connection with the real property and improvements located at 1274 S. Peck Road, Suttons Bay, Michigan 49682 (“the Parcel”). It is my understanding that, in connection with a site plan review of the proposed changes to the drive on the Parcel, a question has arisen about whether my client’s uses of the Parcel are permitted uses on the Parcel. It is my understanding that the Parcel is currently zoned Commercial. My client is using the Parcel for rental of equipment and some repairs. My client also uses the Parcel for placement of its rental equipment (which includes the boats that my client owns) on a portion of the Parcel.

Based upon my review of the Zoning Ordinance for Suttons Bay Township, it appears that my client’s use of the Parcel falls squarely within the uses permitted by right within the Commercial District. In particular, the Commercial District is intended for retail and business activities which serve the whole community and specifically include retail stores, equipment rental and repairs. The uses permitted by right also include uses “customarily accessory and clearly incidental” to the principal uses permitted within the district.

Obviously, the rental of equipment and repairs are specifically permitted in the Commercial District which is what my client is doing. Similarly, the storage of my client’s equipment (boats) is permitted within the Commercial District. Not only is storage of equipment a customary and incidental use for retail stores and equipment rental business, but also Section 8.8 of the Ordinance specifically permits a business establishment within the Commercial District to store part of its “goods, supplies, merchandise or returnable containers outside the confines of the building structure” as long as a solid fence is installed around the storage area.

As you are aware, my client has or will be installing a fence (in accordance with the requirement of the Ordinance) around the Parcel (or that portion used for storage) and thus, my

Steve Patmore  
February 26, 2021  
Page 2

client's placement of boats that it owns for rental purposes is covered by the Ordinance and permitted with the Commercial District. It should be noted that my client is storing boats that it owns (versus storing boats for others) and therefore does not fall within the definition of Commercial Storage, which, as defined in the Zoning Ordinance, involves storage of boats that are owned by others and are stored on the property for profit. The boats being placed on the Parcel by my client are part of my client's goods, supplies and merchandise and, as long as the area of storage is fenced, this is a permissible use. Just as other businesses near the Parcel (such as the lumberyard, the masonry/stone business, and the equipment rental business) also store goods, supplies and merchandise outside of their buildings. Suggesting that my client, who is doing the exact same thing, is not permitted to do so would amount to disparate treatment of my client and would be a violation of the Zoning Ordinance.

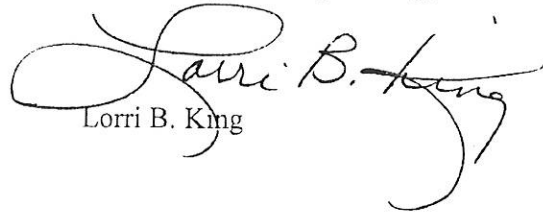
Finally, it is worth noting that my client's use of the Parcel (i) does not increase or significantly change traffic in the area or on the Parcel, rather, with the new drive providing direct access to M-22, my client's use will actually decrease traffic along Peck Road; (ii) is harmonious with the existing uses within the District; and (iii) would provide an improvement to the area.

In summary, it is my client's and my position that the uses to which my client is currently putting the Parcel fall squarely within the uses allowed by right within the Commercial District.

Please feel free to contact me if you have any questions regarding the foregoing.

Sincerely,

Law Offices of King & King, PLLC



Lorri B. King

LBK/bdm  
cc: Client

Suttons Bay Township  
PO Box 457  
Sutton Bay, MI  
49682

Susan Odom  
3400 N Setterbo Road  
Suttons Bay, MI  
49682

February 25, 2021

Re: Possible Open Meeting Act Violation / Planning Commission Members

Susan;

Upon receipt of your written complaints as read to the February 2, 2021 Planning Commission Meeting the Township Board referred the same to the Figura Law Firm for review and advice. They, Figura Law, generated two written opinions. One addressed your specific concerns, the other addressed issues of concern arising from earlier actions of individual Planning Commission Members beyond those specified in your letter.

The Township Board met in a Special Session on February 25, 2021 to review both opinions and issues.

As a result of that review and based on our attorney's advice, the Board, by motion, voted to take no official action.

Respectfully,

Rich Bahle, Supervisor  
Suttons Bay Township

CC: Dennis Rathnaw, Chair  
Suttons Bay Township Planning Commission

March 6, 2021

To: Suttons Bay Township Planning Commission  
Fr: Mathew Cooke, Community Planner  
Re: March 16, 2021 Zoning Ordinance Overhaul Update

### Rhoda Johnson Questions/Comments

- Above Ground Storage Tanks – Does a local government have authority to further regulate them?
  - This item is still being researched.
- Discussion on Baldwin Road Project regarding 200 feet of road frontage and if it is a reasonable expectation.
  - Future meeting discussion topic.
- Herman Road setbacks.
  - Kathy Egan informed me that discussion led to the setbacks being lessened to make a more developed, dense area. This is reflected in the ZOO.
- Car Lots in the C-2: Richter Road.
  - Car Lots are not specifically cited in C-2 but could fall under Commercial Storage, depending on how the Zoning Administrator interprets it.
- Minimum Square Footage for small homes.
  - 600 square foot minimum for Single-Family Residential
  - 500 Square foot minimum for Multi-Family Residential
- RV living discussion.
  - Future meeting discussion topic.
- Special Events discussion.
  - I believe this will take place during a ZOO special meeting.
- Hyperlink final Zoning Ordinance.
  - Planned to be done when ZOO is completed.
- Edited copy of ordinance?
  - Kathy Egan has written completely new ordinance documents for the ZOO project.

### Tom Nixon Definition Questions/Comments

- Page 2-2: "Adult Cararet" should read "Adult Cabaret"
- Page 2-4: "Business Service" – Is there a better word for or give an example of "professional services"?  
Reviewing/checking what others use for this.
- Page 2-4: "Campground" definition – added missing 's' in "unites"
- Page 2-4: "Child Care" definitions – Add/update definitions to include "State Department of Social Services"
- Page 2-5: "Commission" definition – change to include "Township Board of Trustees"
- Page 2-8: "Frontage Road" definition – call into Leelanau Road Commission to see if unmarked speed limit is 55 or 45 and if there is a better word to describe the definition.
- Page 2-8: "Group Home" definition – Add "State Department of Social Services"
- Page 2-11: "Parking Lot" definition – This does not necessarily work as parking lots aren't rented out in Suttons Bay. Checking with Kathy Egan on this definition and potentially reword as needed.
- Page 2-12: "Public Utility" definition – I believe communication is a broad enough descriptor to cover internet, etc.
- Page 2-16: "Wetlands" definition – checking if DNR or EGLE makes final wetland determination.

### Article 12

- Docks definition being reworked.
- Anticipate meeting with Steve Patmore, Zoning Administrator to workshop tying zoning to the historic factor of the district.

### Article 3.14 Signs

- Checking what other communities do for temporary sign durations and if 3.14.3 includes LED lights.

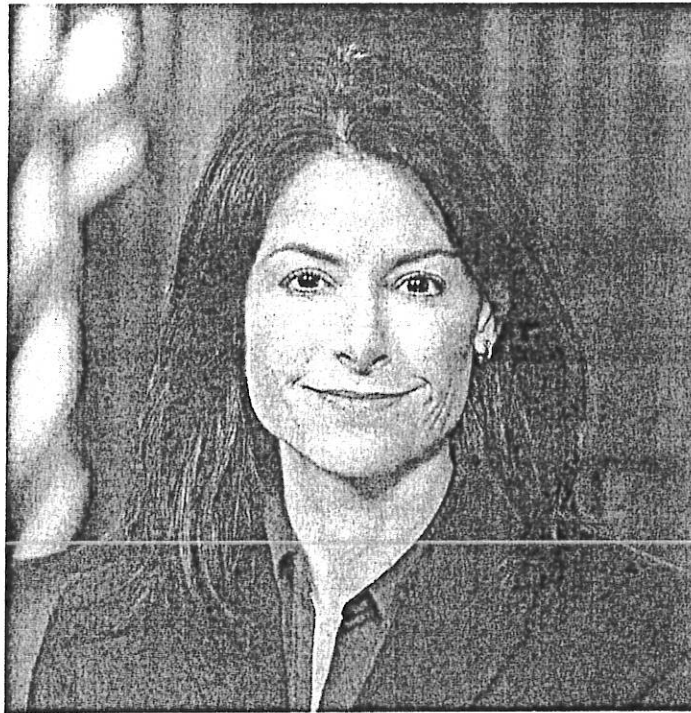
If there is anything you feel I missed or new information/questions on any of the ZOO projects, please don't hesitate to call or ask about anything!

# YOU'RE INVITED

**WHO:** Michigan Attorney General Dana Nessel  
**WHAT:** Freedom of Information Act (FOIA) and Open Meetings Act (OMA) Online Seminar

**WHEN:** Wednesday, March 17 1:00-3:00 p.m.

**WHERE:**



This seminar is open to the public and is aimed at helping public officials better understand the Freedom of Information Act and Open Meetings Act.



Confirm your reservation!

[https://michiganpress.formstack.com/forms/dananessel\\_foia\\_oma\\_event\\_march\\_17](https://michiganpress.formstack.com/forms/dananessel_foia_oma_event_march_17)



MPA General Counsel Robin Luce Herrmann will follow-up this session with a FOIA/OMA Q and A period.

[https://michiganpress.formstack.com/forms/butzel\\_long\\_foia\\_oma\\_q\\_a\\_march\\_17\\_event](https://michiganpress.formstack.com/forms/butzel_long_foia_oma_q_a_march_17_event)

If you have any questions regarding either event, please contact Lisa McGraw  
[lisa@michiganpress.org](mailto:lisa@michiganpress.org) or (313)-247-9859



**AGENDA**  
**SUTTONS BAY TOWNSHIP PLANNING COMMISSION**  
**SPECIAL MEETING**  
**Tuesday, May 4, 2021**  
**6:00 PM**

Electronic remote access, in accordance with Public Act 228 of 2020 and Resolution 10 of 2021 Declaration of Local State of Emergency. The public may participate in the meeting through Zoom access by computer and smart phone using the following link:

Join Zoom Meeting

<https://us02web.zoom.us/j/85263083495?pwd=SWxPMTU4Z0RCMDISZGxNU2hkYVlIZz09>

Meeting ID: 852 6308 3495    Passcode: 392131    +13126266799

**Call to Order and Notation of Quorum**

**Approval of Agenda**

**Approval of the Minutes**-March 16, 2021 & April 6, 2021

**Public Comment**

**Conflict of Interest**

**Items of Discussion/Consideration:**

1. Continuation of Site Plan Review, Leelanau Watersports, 1274 S Peck Road
2. Annual Report
3. Acknowledgement of receipt of new Z.O. Coversheet and Article 4
4. Reports:

Zoning Administrator  
Planner:  
Township Board:  
Chair Comments:

Steve Patmore  
Mathew Cooke, Networks Northwest  
Tom Nixon  
Dennis Rathnaw

**Commissioners' Comments**

**Public Comment**

Next Meeting Agenda June 1, 2021

**Adjournment (8:00 PM unless extended by a motion.)**

**Commission Packets can be viewed at: <https://www.leelanau.gov/suttonsbaytwppln.asp>**

*This meeting is a session of the Suttons Bay Township Planning Commission held in public for the purpose of conducting the Commission's business and is not to be considered a public community meeting. There is time set aside for public comment during the meeting as noted on the Agenda, and the Planning Commission welcomes the public's input at that time.*

**SUTTONS BAY TOWNSHIP  
PLANNING COMMISSION**

**ZONING SITE PLAN REPORT – (Updated)**

**LEELANAU WATERSPORTS, LLC  
PATRICK OTTO  
1274 S. PECK RD., SUTTONS BAY**

**For February 2, 2021 Planning Commission Meeting**  
**Updated for March 16, 2021 Planning Commission Meeting**  
Updated for May 4, 2021 Planning Commission Meeting

**This report is intended to assist the Planning Commission in their Site Plan Review**

**I. REQUEST**

Request from Leelanau Watersports, LLC, for a change of use in the Commercial Zoning District at 1274 S. Peck Road in Suttons Bay.

The proposed change of use is from a residential dwelling to a commercial watercraft rental business.

The original Site Plan included the following Site Improvements:

- New gravel access road to M-22.
- Improve existing gravel drive on Peck Road.
- Installation of Privacy Fences

The Revised Site Plan includes the following:

- The Access drive to M-22 is designated as future, and is subject to permits and approvals from EGLE and MDOT. Since the final location and plans of this access cannot be determined until EGLE and MDOT have completed their review, this can be added to the Site Plan at a later date.
- 6' high privacy fence set back 6' from the property lines on three sides of the property.
- 6'-8" cedar trees proposed in front of the fence.
- Gravel watercraft parking areas shown.
- Gravel employee parking shown.

**II. PROCESS**

Per the chart in Section 19.4 of the Suttons Bay Township Zoning Ordinance (ZO), this Change of Use requires a Detailed Site Plan Review by the Planning Commission, since the area is larger than 3000 square feet.



This request is not a Special Land Use, and there is no requirement for a Public Hearing or public notice. The Governing Standards for Special Land Use Permits does not apply.

***Per Article 19 of the ZO, review of a Detailed Site Plan is performed by the Planning Commission. This report is intended to assist the Planning Commission in their review.***

### **III. GENERAL FINDINGS OF FACT**

1. Subject property is Parcel Number 45-011-032-005-00, 1274 S. Peck Road, Suttons Bay.
2. According to township records, the subject property is owned by Patrick Otto, 1274 S. Peck Rd., Suttons Bay, MI 49682. Patrick Otto submitted the Site Plan for Leelanau Watersports.
3. The subject property is currently zoned Commercial.
4. The Future Land Use Map in the 2012 Suttons Bay Community Joint Master Plan shows this area as being Commercial.
5. The subject property is within the Village Growth Management Area as shown in the 2012 Suttons Bay Community Joint Master Plan.
6. According to the Applicant the subject parcel contains 1.74 acres.
7. Adjacent property zoning and land use:

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	Residential	Residential/single family.
East	Commercial & Residential	Vacant
South	Commercial	Commercial
West	Commercial	Vacant
8. According to the Applicant, all watercraft stored on the property is owned by Leelanau Watersports.
9. According to the Applicant, there is no commercial storage of other watercraft on the property.
10. According to the Applicant, there will be approximately 35 watercraft staged at the property during peak business periods.

### **IV. AGENCY APPROVALS**

- Leelanau County Road Commission: The Rd. Commission has issued a permit for use of and improvements to the existing driveway on Peck Road for the new business.
- Michigan Department of Transportation (MDOT): MDOT officials have looked at the potential for a new access drive to M-22. (email included in packet). A formal permit from MDOT is required. (Future Consideration)
- Leelanau County Drain Commissioner/Soil Erosion: A Soil Erosion Permit will be required for the ~~Commercial Driveway construction~~. Gravel drive and parking placement.
- Michigan EGLE: The Applicant has contacted EGLE and has requested a wetlands determination for the proposed driveway to M-22. (Future Consideration)

## VI. CONFORMANCE WITH ZONING ORDINANCE REQUIREMENTS

### 1. ARTICLE 8 – COMMERCIAL DISTRICT

#### **SECTION 8.2 USES PERMITTED BY RIGHT**

8.2.E Personal and Business Services.

8.2.F Home Appliance Repair, Equipment Rentals, and Laundries.

**Definition of Personal Service:** PERSONAL SERVICES: Establishments that render services, rather than (sic) provide goods, primarily to other individuals. (Annotation: Definition added by Twp Board Ordinance. No. 4 of 2007, PC Ordinance Amendment 110 effective 10-26-2007)

*On March 16, 2021, the Planning Commission made a finding that the proposed Use is an allowed Use in the Commercial Zoning District*

#### **SECTION 8.7 OFF STREET PARKING, AND DELIVERY ACCESS**

Refer to Section 3.15.3 Landscaping and Buffering for minimum standards for parking. Access shall be provided for the unloading of goods, supplies, or merchandise from truck to business establishment without obstructing the public right-of-way.

***The Site Plan shows that there is adequate room for unloading without obstructing the public right-of-way.***

#### **SECTION 8.8 YARD STORAGE**

Whenever a business establishment finds it necessary to store part of its goods, supplies, merchandise or returnable containers outside the confines of the building structure, it shall provide an enclosure by solid fence or its equivalent not less than six (6) feet high around such storage area, said fence to be made and maintained in a manner that is consistent with the intent and purpose of this Ordinance and does not adversely affect the adjacent property. In approving or disapproving such fence the Zoning Administrator shall apply the following standards:

- A. The fence will be constructed of such material and of such design as to reasonably prevent trespassers from entering the premises by scaling such fence.
- B. The fence will be solid construction or of material so as to obstruct the view of the premises enclosed.
- C. The fence shall be maintained and/or painted, but shall not be used as a sign or signboard in any way.
- D. Materials stored shall not obtrude above the top of the fence.

The Applicant has proposed a 6' high privacy fence, with 6'-8' cedar trees on the North, East, and South property lines as shown on the Site Plan.

There was considerable discussion regarding this Section at the March 15<sup>th</sup> PC meeting, particularly D. "Materials stored shall not obtrude above the top of the fence."

Although it is up to the Planning Commission to make the Site Plan determination, the following comments are offered:

- Are the rental watercraft considered as a "material"?
- If the proposed use was a car rental, or an auto sale lot, would the solid fence be applicable?

- The word “obtrude” means to be “visible in an obtrusive manner”, it does not mean that the “material” shall not be visible at all.

**2. ARTICLE 3 – GENERAL PROVISIONS:**

**I. SECTION 3.6 SCHEDULE OF AREA, HEIGHT, AND PLACEMENT REGULATIONS**

Minimum Lot Area and Lot Width:

*Subject Parcel is an existing legal conforming lot*

Minimum Setbacks:      Front: 40’  
    Side: 10’  
    Rear: 30’

*There are no additional structures proposed as part of this Site Plan.*

Maximum Lot Area Covered by Structures: 25%

*There are no additional structures proposed as part of this Site Plan.*

Note 3.6 (b): Front setback areas in the Commercial and Industrial District shall be appropriately landscaped and maintained in accordance with Section 3.12 Landscaping, Screening, Buffers and Greenbelts.

(Annotation: Subsection changed by Amendment 02-002 effective July 4, 2002)

*Greenbelt is necessary on Peck Road and M-22.*

**II. Section 3.12.2; Landscaping, Screening, Buffers, and Greenbelts**

A. This Section shall apply to any site plan reviewed by the Planning Commission.

B. The chart (in this section) explains when a project shall require a buffer between adjacent land uses:

*The chart shows that a buffer is required between the Commercial and Residential Use.*

*The Site Plan shows a privacy fence and the planting of 6'-8' cedar trees is proposed between the Residential and Commercial Uses.*

F. The width of the area in which the landscaping or screening is to occur is determined by the required setbacks of the zoning district.

G. The area in which the landscaping or screening is to occur may include the required setbacks.

H. A visual screen of natural plantings is preferred. The landscaping shall consist of massed evergreen and/or deciduous trees and shrubs so as to continuously restrict a clear view of the uses onto the property responsible for the landscaping. **Section 8.8 requires a fence. Is additional buffering necessary?**

I. The landscaping may only be required along the portions of the property line that have immediate adjacent uses incompatible with the surrounding parcels.

*The north property line of this Site borders Residential Zoning and must be landscaped.*

J. In required areas where natural landscaping is considered to be impractical or inappropriate, an opaque fence or wall of six (6) feet in height may be substituted in whole or in part provided it meets the approval of the Planning Commission. Where an opaque fence or wall is used it may not be closer than four (4) feet to the property line, and it must be maintained. **Section 8.8 requires a fence.**

*The fence must be 4' off the property line per this section. The proposed fence is shown at 6' off the property line.*

**III. Section 3.12.3 Parking Lot Landscaping:**

*There is no customer parking on-site – Employee parking is shown on the Site Plan.*

**IV. Section 3.12.4 Right-of-Way Landscaping & Greenbelts:**

- A. Greenbelts parallel to road right of ways shall be the same depth as the required setback.
- B. The front setback shall be landscaped with a minimum overall number of one (1) tree for each thirty (30) lineal feet or major portion thereof, of frontage. Plantings may occur in groupings throughout the greenbelt, the number of plantings being equal to one (1) per thirty (30) lineal feet. The remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs, and/or other natural, living plant material. The approval of the overall plan is subject to site plan review. The Planning Commission shall look for the plan to achieve at least the same degree of visual and/or sound barrier between the area being landscaped and the adjacent property as to meet the goals of this Section.
- C. Access ways from public rights-of-way through required greenbelts shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required.
- D. Nothing in this Section shall be construed as permitting any obstruction to view which could constitute a traffic hazard and/or violate the clear sight distance.

*A Right-of-Way Greenbelt must be planted at 1 tree per 30'. Peck Road: With 155' of frontage = 6 trees required. Trees must meet the standards of Section 3.12.8 6-8' Cedar trees are proposed. M-22 frontage is wooded – must be maintained or new Greenbelt planted.*

**V. Section 3.12.5 Height and Traffic Visibility:**

- A. Structures (signs) at site entrances and exits may be up to twelve (12) feet in height, although it is not permitted to allow any obstruction to view which could constitute a traffic hazard.
- B. Fencing and structural screening materials of a height greater than three (3) feet shall not be located within a required front setback adjacent to a road or street.
- C. No fence, wall, sign, screen or planting shall be erected or maintained in such a way as to obstruct vision or interfere with traffic visibility on a curve.
- D. No fence, wall, sign, screen or planting shall be erected or maintained in such a way as to obstruct through vision between the height of three (3) and ten (10) feet at entrances and exits.

*There is currently adequate visibility at the driveway on Peck Road. The proposed screening fence will not obstruct visibility at the driveway.*

*The required right-of-way Greenbelt trees shall be planted to maintain adequate sight distance.*

*There is no signage shown on the Site Plan.*

**VI. Section 3.12.6 Particular Uses Requiring Screening:**

Mechanical equipment, when located outside and at grade, including air conditioning and heating devices and water and gas meters, but not including plumbing and exhaust vents or chimneys, are to be screened to the height of the particular piece of equipment by landscaping, or by a solid wall or fence, from the view of the street or surrounding properties.

*Any mechanical equipment would be screened by the privacy fence shown on the site plan.*

**VII. Section 3.12.9 : Materials for Structural Screening:**

- A. Wooden screens may be erected with wood posts not less than four inch by four inch nominal and solid board cover not less than one (1) inch thick. Masonry piers may be substituted for wood posts. Posts or piers shall be spaced not more than eight (8) feet apart on center. The finished side of the screen shall face abutting properties.
- B. Wrought iron, open mesh or slatted fencing may be used, provided that the ratio of one part open to six parts solid fencing (1:6) is not exceeded. The openings may be a maximum of one (1) inch.
- C. Masonry wall may be used if designed and constructed to facilitate maintenance and not to modify natural drainage in such a way as to endanger adjacent property. Masonry walls must be on cement footings, set a minimum of twenty-four (24) inches below grade.
- D. Other structural screening may be allowed if the Planning Commission finds that such other structural screening will achieve at least the same degree of visual and/or sound barrier effect between the area screened and adjacent property as the screening devices specified in this Section.

*Site Plan is proposing a six-foot high wooden fence. The finish side of the fence shall be facing*

outwards.

**VIII. Section 3.12.10 : Exeptions and Alternative Methods of Compliance:**

*Under Section 3.12.10, the Planning Commission has the latitude to grant exceptions and/or approve alternative methods for Landscaping, Buffering, Screening & Greenbelts.*

**IX. Section 3.15 Off Street Parking:**

*There will be no customers served at this facility. No customer parking is proposed, and there is adequate room for employees parking in the watercraft storage area. It is recommended that a condition be imposed that there be no parking associated with this business allowed along Peck Road or M-22.*

## **VII. PLANNING COMMISSION SITE PLAN REVIEW:**

The following Sections of Article 19 – Site Plan Review are copied here to assist the Planning Commission:

**Section 19.13 – Standards for Site Plan Review**

The Commission, or Zoning Administrator, as applicable, shall approve, or approve with conditions, a site plan if that site plan meets all of the following standards:

- A. All applicable regulations of this Ordinance which apply generally to all districts, found in Article 3 General Provisions of this Ordinance.
- B. All applicable regulations of this Ordinance which apply to the specific zoning district.
- C. All specific standards for the specific proposed special use, if applicable.
- D. Any conditions imposed with the granting of a Special Use Permit or variance.
- E. All utility easements shall be distributed on site in a manner which is least harmful to surrounding properties. Electric, telephone, coaxial cable and other lines shall be located underground.
- F. Water lines, sewer lines, all provisions of surface water drainage shall be approved by the appropriate agency and designed in compliance with any applicable federal and/or state statute, and any Township and/or county ordinance.
- G. Evidence of sufficient protection to ensure there shall be no additional storm water run-off created by the project, or that adequate measures have been taken to accommodate such storm water run-off created on the site.

**Section 19.14 – Approval and Compliance**

- A. In cases where the Commission reviews the site plan, the Commission shall act to approve, approve with conditions, or disapprove the site plan in writing with findings of fact.
- B. The action shall be recorded in a record of the zoning application and shall be filed with the Zoning Administrator. The Zoning Administrator or Commission shall notify the applicant in writing of its decision along with the Findings of Fact.

**Section 19.15 – Establishing Conditions on Site Plan Approval**

- A. A site plan may be approved with conditions necessary to comply fully with the intent of this Ordinance.
- B. Reasonable conditions may include conditions necessary to:
  1. Insure (sic) 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.
  2. Protect the natural environment and conserve natural resources and energy.
  3. Insure compatibility with adjacent uses of land.
- C. Conditions imposed shall meet all of the following requirements:
  1. Be designed to protect natural resources, the health, safety, and welfare of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the land or proposed activity, and the community as a whole.
  2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
  3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

**Section 19.16 – Security**

*The Township has the authority to require a Financial Security to ensure that Site Plan improvements are made.*

## **VIII. POSSIBLE CONDITIONS FOR PC CONSIDERATION:**

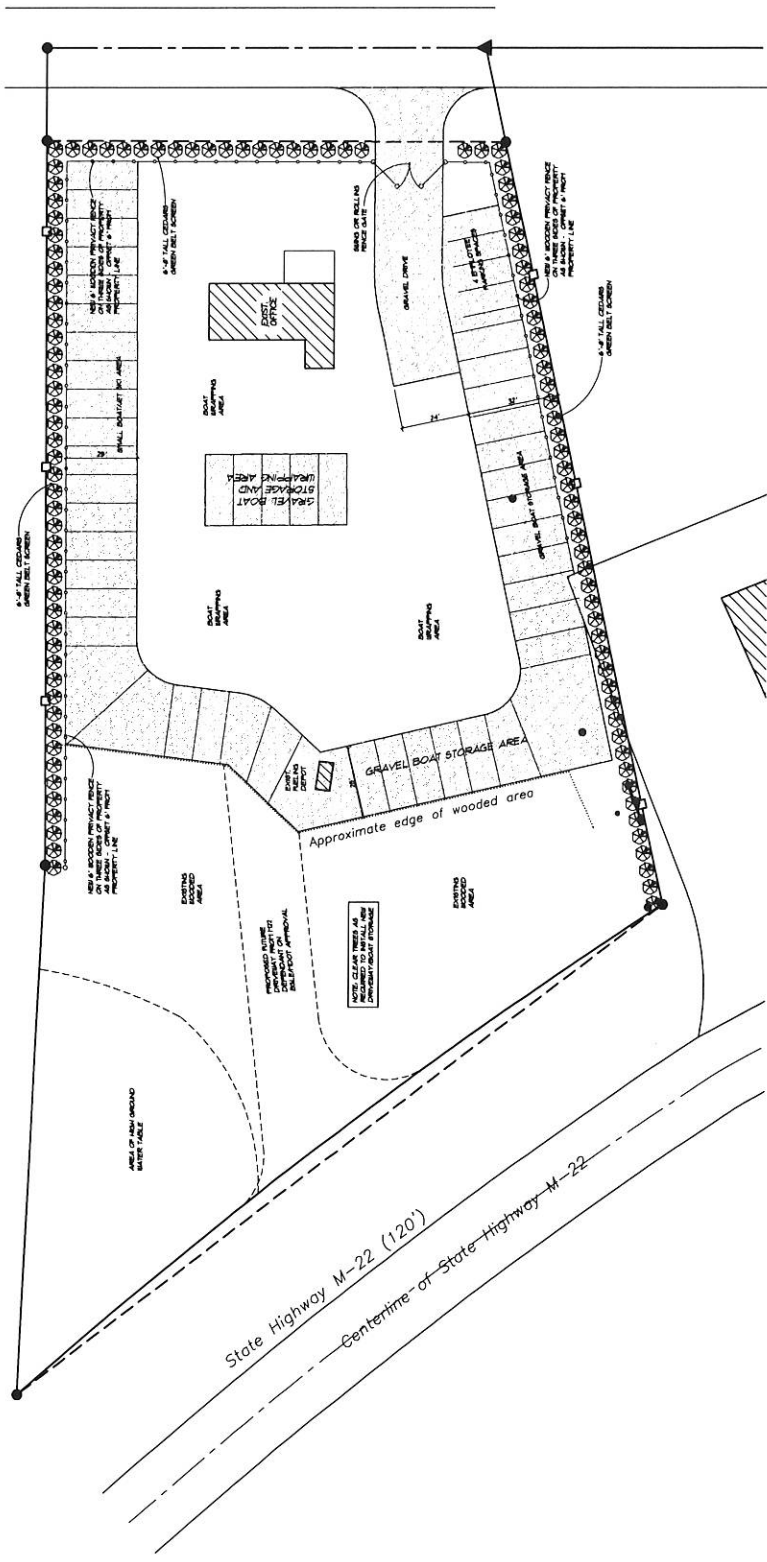
*The proposed driveway to M-22 requires approval from MDOT and Soil Erosion and verification from Michigan EGLE regarding possible wetlands.*

1. All applicable requirements of any county, state, and federal permits and statutes shall be met, including Leelanau County Soil Erosion, MDOT, and Michigan EGLE.
2. Parking associated with this business is not allowed on Peck Road or M-22.
3. Any new utilities installed shall be installed underground.
4. Any outdoor lighting shall be shielded downward and shall meet the requirements of the zoning ordinance.
5. Any future signage shall be in compliance with the zoning ordinance.
6. Privacy Fence Requirements:
  - A. The fence shall meet the requirements of Section 3.12.9 – Materials for structural screening.
  - B. The fence shall be constructed as shown on the Site Plan.
  - C. The fence shall be constructed of such material and of such design as to reasonably prevent trespassers from entering the premises by scaling such fence.
  - D. The fence shall be solid construction or of material so as to obstruct the view of the premises enclosed.
  - E. The fence shall be maintained and/or painted, but shall not be used as a sign or signboard in any way.
  - F. The finished side of the fence shall be facing outwards.
9. Landscaping shall be installed as shown on the Site Plan.
10. The existing wooded greenbelt along M-22 shall be maintained – or a new greenbelt meeting the zoning ordinance must be planted.
11. The privacy fence and Greenbelt must be installed prior to \_\_\_\_\_, 2021.
12. The access driveway to M-22 is not part of this approval.

***Motion to (approve with conditions/deny) the Site Plan for Leelanau Watersports dated \_\_\_\_\_.***

If denied, the reasons must be presented in writing.





SITE LAYOUT PLAN  
 1" = 100'



You can't really block that, it's tall if it's 15 feet.

- Dennis Rathnaw - I would like to concentrate on the use by right. I'm not sure if the fencing is involved in that.
- Tom Nixon - An attorney for our township gives us advice to help us. That has to carry some weight. Their purpose in citing an opinion for us is to help us keep out of trouble. It doesn't mean that their opinion resolves all matters, but it's their thinking rather than our feeling that allows them to say, this is what we think is best for you. Secondly, I would remind the commissioners that Steve occupies a position of authority on this Planning Commission as well as an independent zoning administrator. As a respective township board member, I have no authority over what Steve can opine. I can't tell him what he should say and what he shouldn't say any more than the body of the township board can say to Steve, no, you must think this way Steve rather than that way. He is an independent contractor who is by law under the Zoning Act permitted the right to offer opinions and to seek redress for issues as he feels appropriate. .... The value of a township attorney is to be weighed in respect to their opinion to assist us, and to assist us from not getting into trouble. The value of a zoning administrator is an independent judgment as well, and I think that we have received both of those opinions which strengthens my point of view is that I think practically speaking that this meets the ordinance requirement for this being a service use.

Motion that the water craft rental business is a use by right in the commercial district  
*Don Gregory/moved, Tom Nixon/supported, that the water craft rental business is a use by right in the commercial district. Roll call vote: Yes: Dee McClure, Tom Nixon, Don Gregory, Rhoda Johnson, Andy Brandt, Dennis Rathnaw. No: Susan Odom. Absent: Amy Coleman. Motion passed.*

Planning Commission requests that Patrick Otto submit a revised site plan with the following information:

Leelanau Watersports Revised Site Plan

- Show off-street parking and delivery access - SHOWN
- Show employee parking places - SHOWN
- Show how boat parking will be configured - SHOWN
- Show gravel field if part of this phase - SHOWN
- Show paved apron entrance - MDOT Standard - NOT PART OF SITE PLAN
- Show evidence of 35 boat parking spaces - SHOWN
- Show where internal circulation is - SHOWN
- Show driveway location, indicate if tentative - PECK RD DRIVEWAY SHOWN
- Submit letter from EGLE that the requirements for the location of the driveway have been met - N/A
- Identify where tall boats will be stored (less intrusive to the neighbors)
- Show drawing of the fence
- Show buffering-combine fence and landscaping-between different land uses (greenbelt on M-22) - SHOWN
- Need schedule of plantings for specific areas (type and size) - CEDARS, SHOWN

MINUTES FROM PREVIOUS MEETING  
REVISED PLAN

ARTICLE 2 SECTION 2 RULES APPLYING TO THE TEXT For the purposes of this Ordinance, certain rules of construction apply to the text as follows: A. Words used in the present tense include the future tense, and the singular includes the plural, unless the context clearly indicates the contrary. B. The word "person" includes a corporation or firm as well as an individual. C. The term "shall" is always mandatory and not discretionary; the word "may" is permissive. D. The word "used" or "occupied" as applied to any land or structure shall be construed to include the words "intended, arranged, or designed to be used or occupied." E. Any word or term not interpreted or defined by this Article shall be used with a meaning in common or standard usage. Any current standard collegiate dictionary is considered to be common or standard usage.

SECTION 6 schedule of area, height, and placement. Commercial 1 acre lot minimum 150' width minimum. 30 ft. max height. Minimum setbacks Front 40 side 10 rear30

Front setback areas in the Commercial and Industrial District shall be appropriately landscaped and maintained in accordance with Section 3.12 Landscaping, Screening, Buffers and Greenbelts.

(l) Setbacks on Through Lots: Through Lots shall require Front Setbacks from both street or road right-of-ways / easements. Side Setbacks shall be required from the remaining lot lines. **LOT, THROUGH** means a lot bounded on two opposite sides by streets. Provided, however, that if any lot qualifies as being a corner lot and a through lot as hereinbefore defined, such lot shall be conclusively deemed to be a corner lot.

SECTION 3.12.3 PARKING LOT LANDSCAPING Except for parking areas for single-family or two-family dwellings, all parking areas that contain in excess of five (5) parking spaces shall comply with both of the following requirements:

A. Perimeter landscaping. The parking area shall contain a greenbelt strip of no less than eight (8) feet. The greenbelt shall contain both trees and shrubs as required in the following subsections. 1. One (1) canopy tree or understory tree shall be planted for every twentyfive (25) linear feet within the perimeter greenbelt area. 2. Shrubs. One (1) shrub shall be planted for every ten (10) linear feet within the perimeter greenbelt area.

SECTION 3.15.4 NUMBER OF PARKING SPACES REQUIRED

A. Handicap parking required by Federal, State and Local standards must be met  
C. Non-Residential Use: The following parking formulas listed below (C-R) are to be used as guidelines for non-residential Site Plans. The Planning Commission may, at their discretion, depart from these guidelines and allow fewer parking spaces if the following conditions are met: 1. Applicant must present a parking analysis indicating that less parking is necessary for the proposed use(s). A parking study or data from recognized traffic engineering references may be required. 2. A reserve parking area is provided on the Site Plan to be used if the initial parking area is not adequate or the use is such that a reserve area is needed. The Planning Commission has the discretion to determine that a reserve parking area is not necessary.

SECTION 3.15.13 SNOW STORAGE An area for snow storage shall be shown on site plan. If snow removal to an area off site is planned, a statement detailing the snow removal plan shall be required on the site plan.

SECTION 8.8 YARD STORAGE

Whenever a business establishment finds it necessary to store part of its goods, supplies, merchandise or returnable containers outside the confines of the building structure, it shall provide an enclosure by solid fence or its equivalent not less than six (6) feet high around such storage area, said fence to be made and maintained in a manner that is consistent with the intent and purpose of this Ordinance and does not adversely affect the adjacent property. In approving or disapproving such fence the Zoning Administrator shall apply the following standards: A. The fence will be constructed of such material and of such design as to reasonably prevent trespassers from entering the premises by scaling such fence. B. The fence will be solid construction or of material so as to obstruct the view of the premises enclosed. C. The fence shall be maintained and/or painted, but shall not be used as a sign or signboard in any way. D. Materials stored shall not obtrude above the top of the fence.

The purpose of the Suttons Bay Twp Zoning Ordinance is “to protect the *public health, safety, and general welfare* of the **inhabitants** of Suttons Bay Township.”

Article 21 pertains to nonconformities, This parcel is zoned commercially.

However according to available records this parcel has historically been used as a RESIDENCE. The home is a residence, tax records show residential - NOT commercial property taxes being paid, and the proposed change of use is *from* a residence to a commercial rental company.

Therefore this parcel is, by definition, an existing nonconforming use - a residence on a commercially zoned parcel.

Additionally, Section 21.2 clearly states There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, buildings or structures, or premises, **provided** there is **no change** in the **nature, size, scope or character** of such nonconforming uses.

Section 21.6 further states “A nonconforming use shall not be increased in land area to be more than the **existing nonconforming use**” Change in use requires a public hearing IF the proposed change 1. Will not adversely affect the natural environment, especially any creek, stream pond, lake, wetland area, floodplain or groundwater. 2. Will not adversely affect surrounding properties;

The reasons why this development cannot be allowed are spelled out quite clearly in the zoning ordinance. It is the responsibility of the Planning Commission to act in the best interest of the inhabitants of Suttons Bay utilizing the zoning ordinance **AS IT EXISTS**.

There should also be caution in taking Leelanau Watersports words at face value. Claims that most rentals are 3-4 weeks in length, that all maintenance is performed off-site at “local marinas”, that operations don’t occur before 8a.m., are very unique... in the watersport rental industry. If these claims are factual they can easily be supported by rental records, maintenance records, proof of warranty coverage, etc. The scale and activities of this operation should not be allowed to be downplayed by the owner of LWS or any other parties with personal interest in the development.

Understanding the impact allowing this development to proceed will have on the character of Suttons Bay is the task you have been given, Please do not take it lightly.

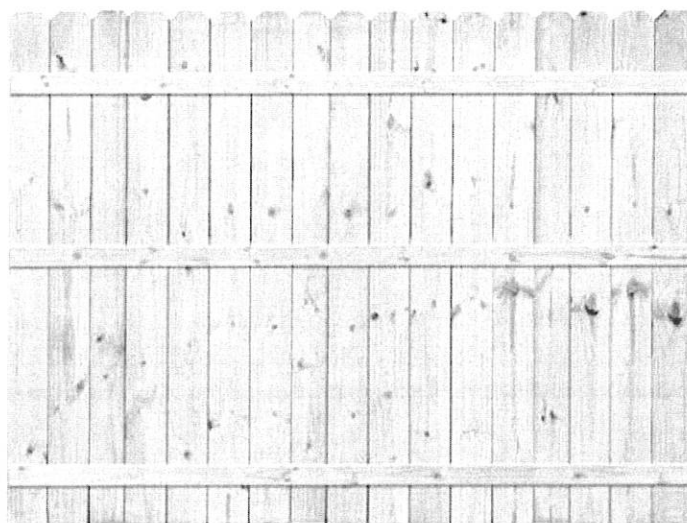
Thank you

On Tue, May 4, 2021 at 9:39 AM, Patrick Otto  
<[leelanauwatersports@yahoo.com](mailto:leelanauwatersports@yahoo.com)> wrote:  
Good morning Steve,

We have yet to receive anything back from EGLE regarding the wetlands.

There is no permit, or approval paperwork with a fuel tank that small. Only an onsite inspection. However, I did reach out to Jeff Johnson, the regional Hazardous Fuels Specialist for the State of Michigan requesting something in writing that he has inspected our set up and approved it. I also voluntarily registered my tank with the state last year when it was inspected.

As far as a fencing panel idea, I am looking at the attached picture.



**AGENDA**  
**SUTTONS BAY TOWNSHIP PLANNING COMMISSION**  
**REGULAR MEETING**  
**Tuesday, June 1, 2021**  
**6:00 PM**

Electronic remote access, in accordance with Public Act 228 of 2020 and Resolution 10 of 2021 Declaration of Local State of Emergency. The public may participate in the meeting through Zoom access by computer and smart phone using the following link:

<https://us02web.zoom.us/j/81949697641?pwd=Z0REckZiMGZZL0NnUmZYVWJNTzI0UT09>

Meeting ID: 819 4969 7641

Passcode: 201032

Dial by Phone: +1 312 626 6799

**Call to Order and Notation of Quorum**

**Approval of Agenda**

**Public Comment**

**Conflict of Interest**

**Approval of Minutes:** April 20, 2021 and May 4, 2021

**Items of Discussion/Consideration:**

1. Continuation of Site Plan Review, Leelanau Watersports, 1274 S Peck Road
2. Introduction-Application for Site Plan Review & Special Land Use Permit, Vineyard View Apartments, 525 N. Marek Road, Submitted by Homestretch Non-Profit Housing Corporation
3. Zoning Ordinance Overhaul Project-Items yet to be Completed

**Reports:**

Zoning Administrator	Steve Patmore
Planner:	Mathew Cooke, Networks Northwest
Township Board:	Tom Nixon
Chair Comments:	Dennis Rathnaw

**Commissioners' Comments**

**Public Comment**

**Next Meeting Agenda July 6, 2021**

**Adjournment (8:00 PM unless extended by a motion.)**

**Commission Packets can be viewed at: <https://www.leelanau.gov/suttonsbaytwppln.asp>**

*This meeting is a session of the Suttons Bay Township Planning Commission held in public for the purpose of conducting the Commission's business and is not to be considered a public community meeting. There is time set aside for public comment during the meeting as noted on the Agenda, and the Planning Commission welcomes the public's input at that time.*

**SUTTONS BAY TOWNSHIP  
PLANNING COMMISSION**

**ZONING SITE PLAN REPORT – (Updated)**

**LEELANAU WATERSPORTS, LLC  
PATRICK OTTO  
1274 S. PECK RD., SUTTONS BAY**

**For February 2, 2021 Planning Commission Meeting  
Updated for March 16, 2021 Planning Commission Meeting  
Updated for May 4, 2021 Planning Commission Meeting**

**This report is intended to assist the Planning Commission in their Site Plan Review**

**I. REQUEST**

Request from Leelanau Watersports, LLC, for a change of use in the Commercial Zoning District at 1274 S. Peck Road in Suttons Bay.

The proposed change of use is from a residential dwelling to a commercial watercraft rental business.

The original Site Plan included the following Site Improvements:

- New gravel access road to M-22.
- Improve existing gravel drive on Peck Road.
- Installation of Privacy Fences

The Revised Site Plan includes the following:

- The Access drive to M-22 is designated as future, and is subject to permits and approvals from EGLE and MDOT. Since the final location and plans of this access cannot be determined until EGLE and MDOT have completed their review, this can be added to the Site Plan at a later date.
- 6' high privacy fence set back 6' from the property lines on three sides of the property.
- 6'-8" cedar trees proposed in front of the fence.
- Gravel watercraft parking areas shown.
- Gravel employee parking shown.

**II. PROCESS**

Per the chart in Section 19.4 of the Suttons Bay Township Zoning Ordinance (ZO), this Change of Use requires a Detailed Site Plan Review by the Planning Commission, since the area is larger than 3000 square feet.

This request is not a Special Land Use, and there is no requirement for a Public Hearing or public notice. The Governing Standards for Special Land Use Permits does not apply.

*Per Article 19 of the ZO, review of a Detailed Site Plan is performed by the Planning Commission. This report is intended to assist the Planning Commission in their review.*

### III. GENERAL FINDINGS OF FACT

1. Subject property is Parcel Number 45-011-032-005-00, 1274 S. Peck Road, Suttons Bay.
2. According to township records, the subject property is owned by Patrick Otto, 1274 S. Peck Rd., Suttons Bay, MI 49682. Patrick Otto submitted the Site Plan for Leelanau Watersports.
3. The subject property is currently zoned Commercial.
4. The Future Land Use Map in the 2012 Suttons Bay Community Joint Master Plan shows this area as being Commercial.
5. The subject property is within the Village Growth Management Area as shown in the 2012 Suttons Bay Community Joint Master Plan.
6. According to the Applicant the subject parcel contains 1.74 acres.
7. Adjacent property zoning and land use:

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	Residential	Residential/single family.
East	Commercial & Residential	Vacant
South	Commercial	Commercial
West	Commercial	Vacant
8. According to the Applicant, all watercraft stored on the property is owned by Leelanau Watersports.
9. According to the Applicant, there is no commercial storage of other watercraft on the property.
10. According to the Applicant, there will be approximately 35 watercraft staged at the property during peak business periods.

### IV. AGENCY APPROVALS

- Leelanau County Road Commission: The Rd. Commission has issued a permit for use of and improvements to the existing driveway on Peck Road for the new business.
- Michigan Department of Transportation (MDOT): MDOT officials have looked at the potential for a new access drive to M-22. (email included in packet). A formal permit from MDOT is required. (Future Consideration)
- Leelanau County Drain Commissioner/Soil Erosion: A Soil Erosion Permit will be required for the ~~Commercial Driveway construction~~. Gravel drive and parking placement.
- Michigan EGLE: The Applicant has contacted EGLE and has requested a wetlands determination for the proposed driveway to M-22. (Future Consideration)



## VI. CONFORMANCE WITH ZONING ORDINANCE REQUIREMENTS

### 1. ARTICLE 8 – COMMERCIAL DISTRICT

#### **SECTION 8.2 USES PERMITTED BY RIGHT**

8.2.E Personal and Business Services.

8.2.F Home Appliance Repair, Equipment Rentals, and Laundries.

**Definition of Personal Service:** PERSONAL SERVICES: Establishments that render services, rather than (sic) provide goods, primarily to other individuals. (Annotation: Definition added by Twp Board Ordinance. No. 4 of 2007, PC Ordinance Amendment 110 effective 10-26-2007)

*On March 16, 2021, the Planning Commission made a finding that the proposed Use is an allowed Use in the Commercial Zoning District*

#### **SECTION 8.7 OFF STREET PARKING, AND DELIVERY ACCESS**

Refer to Section 3.15.3 Landscaping and Buffering for minimum standards for parking. Access shall be provided for the unloading of goods, supplies, or merchandise from truck to business establishment without obstructing the public right-of-way.

*The Site Plan shows that there is adequate room for unloading without obstructing the public right-of-way.*

#### **SECTION 8.8 YARD STORAGE**

Whenever a business establishment finds it necessary to store part of its goods, supplies, merchandise or returnable containers outside the confines of the building structure, it shall provide an enclosure by solid fence or its equivalent not less than six (6) feet high around such storage area, said fence to be made and maintained in a manner that is consistent with the intent and purpose of this Ordinance and does not adversely affect the adjacent property. In approving or disapproving such fence the Zoning Administrator shall apply the following standards:

- A. The fence will be constructed of such material and of such design as to reasonably prevent trespassers from entering the premises by scaling such fence.
- B. The fence will be solid construction or of material so as to obstruct the view of the premises enclosed.
- C. The fence shall be maintained and/or painted, but shall not be used as a sign or signboard in any way.
- D. Materials stored shall not obtrude above the top of the fence.

The Applicant has proposed a 6' high privacy fence, with 6'-8' cedar trees on the North, East, and South property lines as shown on the Site Plan.

There was considerable discussion regarding this Section at the March 15<sup>th</sup> PC meeting, particularly D. Materials stored shall not obtrude above the top of the fence.

Although it is up to the Planning Commission to make the Site Plan determination, the following comments are offered:

- Are the rental watercraft considered as a "material"?
- If the proposed use was a car rental, or an auto sale lot, would the solid fence be applicable?

- The word “obtrude” means to be “visible in an obtrusive manner”, it does not mean that the “material” shall not be visible at all.

## 2. ARTICLE 3 – GENERAL PROVISIONS:

### I. SECTION 3.6 SCHEDULE OF AREA, HEIGHT, AND PLACEMENT REGULATIONS

Minimum Lot Area and Lot Width:

*Subject Parcel is an existing legal conforming lot*

Minimum Setbacks:      Front: 40’  
                                    Side: 10’  
                                    Rear: 30’

*There are no additional structures proposed as part of this Site Plan.*

Maximum Lot Area Covered by Structures: 25%

*There are no additional structures proposed as part of this Site Plan.*

Note 3.6 (b): Front setback areas in the Commercial and Industrial District shall be appropriately landscaped and maintained in accordance with Section 3.12 Landscaping, Screening, Buffers and Greenbelts.

(Annotation: Subsection changed by Amendment 02-002 effective July 4, 2002)

*Greenbelt is necessary on Peck Road and M-22.*

### II. Section 3.12.2; Landscaping, Screening, Buffers, and Greenbelts

A. This Section shall apply to any site plan reviewed by the Planning Commission.

B. The chart (in this section) explains when a project shall require a buffer between adjacent land uses:

*The chart shows that a buffer is required between the Commercial and Residential Use.*

*The Site Plan shows a privacy fence and the planting of 6’-8’ cedar trees is proposed between the Residential and Commercial Uses.*

F. The width of the area in which the landscaping or screening is to occur is determined by the required setbacks of the zoning district.

G. The area in which the landscaping or screening is to occur may include the required setbacks.

H. A visual screen of natural plantings is preferred. The landscaping shall consist of massed evergreen and/or deciduous trees and shrubs so as to continuously restrict a clear view of the uses onto the property responsible for the landscaping. *Section 8.8 requires a fence. Is additional buffering necessary?*

I. The landscaping may only be required along the portions of the property line that have immediate adjacent uses incompatible with the surrounding parcels.

*The north property line of this Site borders Residential Zoning and must be landscaped.*

J. In required areas where natural landscaping is considered to be impractical or inappropriate, an opaque fence or wall of six (6) feet in height may be substituted in whole or in part provided it meets the approval of the Planning Commission. Where an opaque fence or wall is used it may not be closer than four (4) feet to the property line, and it must be maintained. *Section 8.8 requires a fence.*

*The fence must be 4’ off the property line per this section. The proposed fence is shown at 6’ off the property line.*

### III. Section 3.12.3 Parking Lot Landscaping:

*There is no customer parking on-site – Employee parking is shown on the Site Plan.*

#### IV. Section 3.12.4 Right-of-Way Landscaping & Greenbelts:

- A. Greenbelts parallel to road right of ways shall be the same depth as the required setback.
- B. The front setback shall be landscaped with a minimum overall number of one (1) tree for each thirty (30) lineal feet or major portion thereof, of frontage. Plantings may occur in groupings throughout the greenbelt, the number of plantings being equal to one (1) per thirty (30) lineal feet. The remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs, and/or other natural, living plant material. The approval of the overall plan is subject to site plan review. The Planning Commission shall look for the plan to achieve at least the same degree of visual and/or sound barrier between the area being landscaped and the adjacent property as to meet the goals of this Section.
- C. Access ways from public rights-of-way through required greenbelts shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required.
- D. Nothing in this Section shall be construed as permitting any obstruction to view which could constitute a traffic hazard and/or violate the clear sight distance.

*A Right-of-Way Greenbelt must be planted at 1 tree per 30'. Peck Road: With 155' of frontage = 6 trees required. Trees must meet the standards of Section 3.12.8 6-'8' Cedar trees are proposed. M-22 frontage is wooded – must be maintained or new Greenbelt planted.*

#### V. Section 3.12.5 Height and Traffic Visibility:

- A. Structures (signs) at site entrances and exits may be up to twelve (12) feet in height, although it is not permitted to allow any obstruction to view which could constitute a traffic hazard.
- B. Fencing and structural screening materials of a height greater than three (3) feet shall not be located within a required front setback adjacent to a road or street.
- C. No fence, wall, sign, screen or planting shall be erected or maintained in such a way as to obstruct vision or interfere with traffic visibility on a curve.
- D. No fence, wall, sign, screen or planting shall be erected or maintained in such a way as to obstruct through vision between the height of three (3) and ten (10) feet at entrances and exits.

*There is currently adequate visibility at the driveway on Peck Road. The proposed screening fence will not obstruct visibility at the driveway.*

*The required right-of-way Greenbelt trees shall be planted to maintain adequate sight distance. There is no signage shown on the Site Plan.*

#### VI. Section 3.12.6 Particular Uses Requiring Screening:

Mechanical equipment, when located outside and at grade, including air conditioning and heating devices and water and gas meters, but not including plumbing and exhaust vents or chimneys, are to be screened to the height of the particular piece of equipment by landscaping, or by a solid wall or fence, from the view of the street or surrounding properties.

*Any mechanical equipment would be screened by the privacy fence shown on the site plan.*

#### VII. Section 3.12.9 : Materials for Structural Screening:

- A. Wooden screens may be erected with wood posts not less than four inch by four inch nominal and solid board cover not less than one (1) inch thick. Masonry piers may be substituted for wood posts. Posts or piers shall be spaced not more than eight (8) feet apart on center. The finished side of the screen shall face abutting properties.
- B. Wrought iron, open mesh or slatted fencing may be used, provided that the ratio of one part open to six parts solid fencing (1:6) is not exceeded. The openings may be a maximum of one (1) inch.
- C. Masonry wall may be used if designed and constructed to facilitate maintenance and not to modify natural drainage in such a way as to endanger adjacent property. Masonry walls must be on cement footings, set a minimum of twenty-four (24) inches below grade.
- D. Other structural screening may be allowed if the Planning Commission finds that such other structural screening will achieve at least the same degree of visual and/or sound barrier effect between the area screened and adjacent property as the screening devices specified in this Section.

*Site Plan is proposing a six-foot high wooden fence. The finish side of the fence shall be facing*

outwards.

**VIII. Section 3.12.10 : Exceptions and Alternative Methods of Compliance:**

*Under Section 3.12.10, the Planning Commission has the latitude to grant exceptions and/or approve alternative methods for Landscaping, Buffering, Screening & Greenbelts.*

**IX. Section 3.15 Off Street Parking:**

*There will be no customers served at this facility. No customer parking is proposed, and there is adequate room for employees parking in the watercraft storage area. It is recommended that a condition be imposed that there be no parking associated with this business allowed along Peck Road or M-22.*

**VII. PLANNING COMMISSION SITE PLAN REVIEW:**

The following Sections of Article 19 – Site Plan Review are copied here to assist the Planning Commission:

**Section 19.13 – Standards for Site Plan Review**

The Commission, or Zoning Administrator, as applicable, shall approve, or approve with conditions, a site plan if that site plan meets all of the following standards:

- A. All applicable regulations of this Ordinance which apply generally to all districts, found in Article 3 General Provisions of this Ordinance.
- B. All applicable regulations of this Ordinance which apply to the specific zoning district.
- C. All specific standards for the specific proposed special use, if applicable.
- D. Any conditions imposed with the granting of a Special Use Permit or variance.
- E. All utility easements shall be distributed on site in a manner which is least harmful to surrounding properties. Electric, telephone, coaxial cable and other lines shall be located underground.
- F. Water lines, sewer lines, all provisions of surface water drainage shall be approved by the appropriate agency and designed in compliance with any applicable federal and/or state statute, and any Township and/or county ordinance.
- G. Evidence of sufficient protection to ensure there shall be no additional storm water run-off created by the project, or that adequate measures have been taken to accommodate such storm water run-off created on the site.

**Section 19.14 – Approval and Compliance**

- A. In cases where the Commission reviews the site plan, the Commission shall act to approve, approve with conditions, or disapprove the site plan in writing with findings of fact.
- B. The action shall be recorded in a record of the zoning application and shall be filed with the Zoning Administrator. The Zoning Administrator or Commission shall notify the applicant in writing of its decision along with the Findings of Fact.

**Section 19.15 – Establishing Conditions on Site Plan Approval**

- A. A site plan may be approved with conditions necessary to comply fully with the intent of this Ordinance.
- B. Reasonable conditions may include conditions necessary to:
  1. Insure (sic) 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.
  2. Protect the natural environment and conserve natural resources and energy.
  3. Insure compatibility with adjacent uses of land.
- C. Conditions imposed shall meet all of the following requirements:
  1. Be designed to protect natural resources, the health, safety, and welfare of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the land or proposed activity, and the community as a whole.
  2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
  3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

**Section 19.16 – Security**

*The Township has the authority to require a Financial Security to ensure that Site Plan improvements are made.*

## **VIII. POSSIBLE CONDITIONS FOR PC CONSIDERATION:**

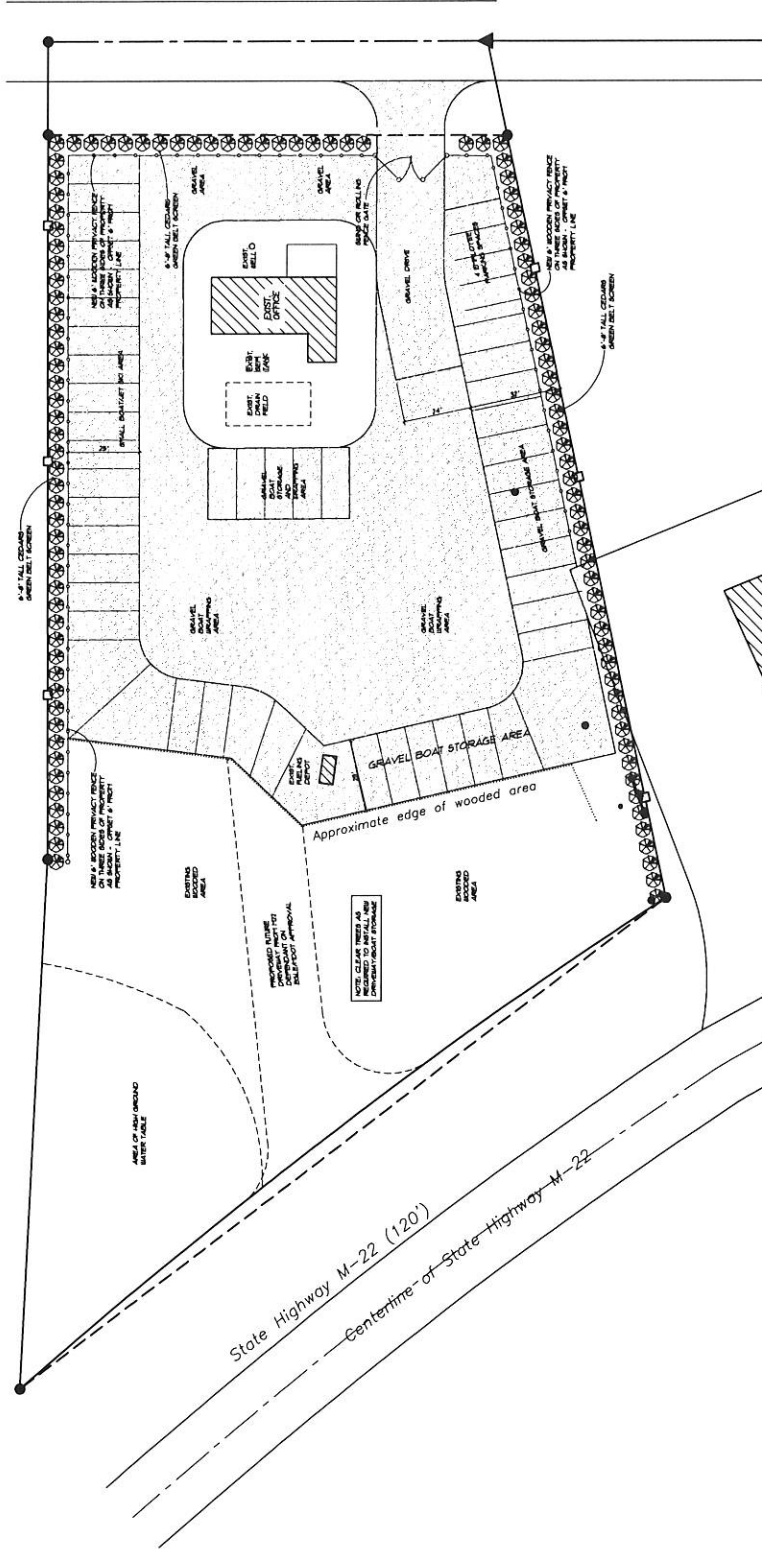
*The proposed driveway to M-22 requires approval from MDOT and Soil Erosion and verification from Michigan EGLE regarding possible wetlands.*

1. All applicable requirements of any county, state, and federal permits and statutes shall be met, including Leelanau County Soil Erosion, MDOT, and Michigan EGLE.
2. Parking associated with this business is not allowed on Peck Road or M-22.
3. Any new utilities installed shall be installed underground.
4. Any outdoor lighting shall be shielded downward and shall meet the requirements of the zoning ordinance.
5. Any future signage shall be in compliance with the zoning ordinance.
6. Privacy Fence Requirements:
  - A. The fence shall meet the requirements of Section 3.12.9 – Materials for structural screening.
  - B. The fence shall be constructed as shown on the Site Plan.
  - C. The fence shall be constructed of such material and of such design as to reasonably prevent trespassers from entering the premises by scaling such fence.
  - D. The fence shall be solid construction or of material so as to obstruct the view of the premises enclosed.
  - E. The fence shall be maintained and/or painted, but shall not be used as a sign or signboard in any way.
  - F. The finished side of the fence shall be facing outwards.
9. Landscaping shall be installed as shown on the Site Plan.
10. The existing wooded greenbelt along M-22 shall be maintained – or a new greenbelt meeting the zoning ordinance must be planted.
11. The privacy fence and Greenbelt must be installed prior to \_\_\_\_\_, 2021.
12. The access driveway to M-22 is not part of this approval.

*Motion to (approve with conditions/deny) the Site Plan for Leelanau Watersports dated \_\_\_\_\_.*

If denied, the reasons must be presented in writing.





SITE LAYOUT PLAN  
 1" = 50'-0"