

**VILLAGE OF EMPIRE
PLANNING COMMISSION REGULAR MEETING
TUESDAY, MARCH 5, 2024, AT 7 PM
EMPIRE TOWNSHIP HALL
10088 W. FRONT STREET**

CALL MEETING TO ORDER

ROLL CALL

APPROVAL OF MINUTES – 02/06/2024 Regular Meeting Minutes

TREASURER’S REPORT

ADDITIONS OR CHANGES TO THE AGENDA

CONFLICT OF INTEREST

CORRESPONDENCE

PUBLIC COMMENT

ZONING ADMINISTRATOR'S REPORT

UNFINISHED BUSINESS

1. Planner RFP Review
2. Recreation Plan Requirements
3. Amending ZO to Allow for STR in Residential Districts

NEW BUSINESS

1. Land Division Ordinance No. 103

COMMITTEE REPORTS

PUBLIC COMMENT

PLANNING COMMISSION MEMBERS AND CHAIRPERSON COMMENTS

ADJOURNMENT

Persons with questions or individuals with disabilities requiring auxiliary aids or services to effectively participate in the meeting should contact the Village of Empire Office at (231) 326-5466, PO Box 253, Empire, MI 49630, or at deputyclerk@villageofempire.com.

**EMPIRE VILLAGE PLANNING COMMISSION
PUBLIC HEARING AND REGULAR MEETING MINUTES
THURSDAY, FEBRUARY 06, 2024**

The Empire Village Planning Commission held a special meeting on Thursday, February 06, 2024, in the Empire Township Hall.

Schous opened the hearing at 7:00 PM.

ZONING ORDINANCE TEXT AMENDMENT PUBLIC HEARING

Attorney Marc McKellar, representing TC Vision, LLC (Cherry Republic), summarized the zoning ordinance text amendment proposal of the Light Industrial District.

Karen Baja inquired if the purpose of the amendment could be accomplished by going to the Zoning Board of Appeals. McKellar responded that use variances are not allowed. Baja asked if the Planning Commission will be sending the amendment to the Village Attorney.

Tim Barr asked about the type of expansion and if there will be increased parking and cars. McKellar responded the expansion will require more employees and operations, consisting mostly of more storage and refrigeration.

Chair Schous reminded the audience that the hearing is specifically for consideration of a text amendment and there will be a chance to review the expansion project during site plan review.

Laurel Voran asked if the request was denied, where would the expansion occur, and inquired about the empty land on the Cherry Republic parcel to the north. McKellar stated that TC Vision, LLC would illuminate the self-storage and build in its place.

John Collins inquired about creating a new zoning district instead of changing the current text in the Light Industrial District. McKellar's concern was the length of time it would take to amend the zoning map, create new language for an entirely new district and the requirement to hold more public hearings.

Laurel Voran expressed concerns about the additional activity, sounds, and smells packed into a small space and the implications that will have on the surrounding residential neighbors.

Schous closed the public hearing at 7:26 PM.

ROLL CALL –Bacon, Chase, Collins, Deering, Schous, and Ford present. Ellibee was excused. Zoning Administrator Hall was not in attendance.

APPROVAL OF MINUTES - Motion by Deering, supported by Chase to recommend approving the minutes of regular meeting 11/01/2023 and special meeting 12/13/2023. AYES: 6, NO: 0. MOTION PASSED.

TREASURER'S REPORT – Chase summarized the revenue and expenditure report for period ending 01/31/2024. 27% of the budget has been used to-date.

ADDITIONS/CHANGES TO THE AGENDA – Schous added Master Plan Update as an agenda item.

CONFLICT OF INTEREST – None.

PUBLIC COMMENT & CORRESPONDENCE – Correspondence from Zoning Administrator Hall was read aloud that included recommendations on how to proceed with the text amendment request, which included County Planning review, legal review, and Council adoption.

Karen Baja commented on adding a dog park to the master plan.

CHERRY REPUBLIC ZONING ORDINANCE TEXT AMENDMENT APPLICATION

The light industrial district currently consists of two parcels and are both owned by TC Vision, LLC, (Cherry Republic 041-719-024-10 and Manitou Self Storage 041-719-024-05). In preparation for a Cherry Republic expansion, TC Vision, LLC is planning to combine these two parcels to solve issues encountered with setbacks, parking, drainage easements, etc. The text amendment proposal will allow for a mix of uses permitted by right or special use permit and will eliminate the need to tear down the self-storage units.

Proposed:

Add to Section 4.06.2 permitted uses:

6. Combination of uses, subject to Section 4.06.5.

Add a new Section 4.06.5:

4.06.5 Combination of uses: In the review of site plans, and/or special land, use permit applications for uses involving combinations of uses otherwise permitted by right or by special land use approval in the LI district planning commission shall find that all such uses be mutually compatible with one another and the all-special use standards applicable to any such component use in a combined land use shall be met. Recognizing the potential unnecessary duplication of parking requirement for each use, the planning commission may reduce the overall parking requirement by up to 25% if they are satisfied with the sufficiency of the proposal.

Planning commissioners asked about the purpose of the discretionary parking language requirements in Section 1.06.5. McKellar stated that language is subjective, but it made sense to put it in this part of the Ordinance. It gives the authority of the PC to reduce parking on a parcel that has multiple uses upon site plan review.

Motion by Chase, supported by Deering to approve the proposed text amendment adding to Section 4.06.2 permitted uses: 6. Combination of uses, subject to section 4.06.5. and adding a new section 4.06.5: Combination of uses as written. Roll Call Vote: AYES: Bacon, Deering, Chase, Collins, Ford, Schous. NO: 0. MOTION PASSED.

Motion by Bacon, support by Ford to forward the text amendment to Leelanau County Planning and to Mika Meyers for legal review. AYES: 6, NO: 0. MOTION PASSED.

ADOPTION OF 2024-25 FY PLANNING COMMISSION MEETING SCHEDULE

Acton noted that due to a scheduling conflict in the Township Hall, the November meeting has been scheduled for Thursday, November 7, 2024. **Motion by Chase, support by Ford to approve the FY 2024-25 as presented. AYES: 6, NO: 0. MOTION PASSED.**

MASTER PLAN UPDATE

Bacon distributed MSU Extension Checklist #11 For Adoption of an Amendment to a Plan. Step #2 requires giving notice to other governmental agencies that the Village intends to prepare a plan amendment. Schous referred to comments made by the MEDC community planner, that in order to align with RRC expectations the following item needs to be addressed:

“While the plan identifies goals, objectives and actions, there is no timeline or responsible parties. An action-oriented plan that has timelines and responsible parties helps drive the implementation of the plan. This can be created using a separate document and reviewed annually.” **Recommendation: Add timelines and responsible parties to the implementation section of the plan.”**

Bacon and Schous both noted that while the existing plan can be used as a guide for 15- 20 years out and put in a “Plan Book”, the new plan should be streamlined and list goals that are more achievable.

Motion by Bacon, supported by Ford, that the Planning Commission begin the process of updating the Master Plan by giving notice to other governmental agencies that the Village intends to prepare an update to the plan. AYES: 6, NO: 0. MOTION PASSED.

Bacon noted that Renovare is available to provide planning services to update data pieces, create surveys, and help with any public input sessions. Bacon is recommending that they request to increase the professional services to \$10,000 next fiscal year.

Motion by Chase, supported by Deering, directing Bacon to request a budget increase from \$6k to 10k for the next fiscal year. AYES: 6, NO: 0. MOTION PASSED.

Commissioners held a discussion about drafting an RFP for planning services. Bacon noted that she has a previous RFP that could be utilized. A list of planners to send the RFP out to, should be created.

COMMITTEE REPORTS – Chase gave an update on the Short-Term Rental Ordinance Committee. Bacon reported that Council is working on the budget for next year. Bacon also spoke about the Asset Based Community Development Group that recently gave a presentation to the Village Council.

PUBLIC COMMENT – None.

PLANNING COMMISSION MEMBERS AND CHAIRPERSON COMMENTS – Schous commented that the New Neighborhood may be amending their PUD in the future.

ADJOURNMENT – There being no further business, the meeting adjourned at 8:07 PM.

Alacia Acton, Recording Secretary

These draft minutes will be considered for approval at the March 5, 2024, Village of Empire Planning Commission meeting.



Village of Empire
 11518 S. LaCore Street | P.O. Box 253
 Empire, Michigan 49630-0253

[Village of Empire \(leelanau.gov\)](http://leelanau.gov)

231-326-5353

za@villageofempire.com

STAFF REPORT
 MARCH 2024

Land Use Permit (zoning) Activity
 (year-to-date summary)

PERMIT #	TYPE	ZONE	PARCEL ID	Name (last)	Name (first) - Builder	Site Address / Location	ZA Comments
2024-01	RA	GR	45-041-824-052-00	Greisiger, Joe		11472 S. LaCore Road	DENIED-02/23/2024 Letter Mailed

Village of Empire | [Land Division Ordinance](#) | [Ordinance No. 103](#)

The ZA was involved in a recent issue involving a ‘platted lot’ in an established subdivision that caused some understandable concerns regarding deeding a portion of one platted lot to an adjoining platted lot. First, Ordinance No. 103 contains no definitions and often uses the words ‘lot’ and ‘parcel’ interchangeably – they are NOT the same in the context of reviewing possible land divisions and / or boundary line adjustments. Additionally, while Act 288 of 1967 permits such occurrences for a platted lot, it also stipulates that the municipality must have an ordinance providing for such.¹

Typically, municipalities with a Land Division Ordinance will also have a Subdivision | Subdivision Control Ordinance that all work in harmony with the zoning ordinance. Our (the Village of Empire) Land Division Ordinance seems to commingle the regulations for both metes and bounds descriptions and platted lots.

Minimum recommendations:

- Add definitions as appropriate; and
- Separate Land Divisions of ‘meets and bounds’ descriptions from ‘lots’ that are platted; and
- Create dedicated Sections in Ordinance No. 103 | Metes and Bounds vs. Platted Lots; or
- Create two new ordinances; and
- Create new application(s) that follow the ordinance review process and solicit the desired information in the review order process in the ordinance review process.

Planning and Zoning

The recommendation(s) to adopt new ordinance provisions regarding uses in the LI [Light Industrial] zoning district have been forwarded to Leelanau County Planning for review by Deputy Clerk Acton. They have 30 days to review before the Council can act to adopt.

¹ See Section 263 of Act 288 of 1967



Although review of a Village Zoning Ordinance amendment by a County Planning Commission is not 'mandated' it is recommended to ensure overall compliance with community plans. There has been no further communication from Cherry Republic or their representatives.

The ZA is making every effort to address scheduling conflicts that affect my attendance. Working for multiple jurisdictions always presents challenges when meetings get scheduled on the same day of the week each month. When this does happen, I make every effort to split my time fairly and equitably based upon the community needs, special meetings, public hearings, and basic administrative needs.

Though this may not seem like a big deal in the Village of Empire, there is a [citizens group](#) working on a proposed ballot initiative that would restore large scale alternative energy siting control back to the local municipality.

For Planning Commission review,



Robert (Bob) Hall
Village of Empire – Zoning Administrator



**Village of Empire
Master Plan Update
REQUEST FOR PROPOSAL**

The Village of Empire requests proposals from qualified professionals in the fields of planning, economic and community development, or related fields, to assist the Village of Empire Planning Commission updating the Village of Empire Master Plan.

Proposals will be accepted until **1:00 PM Thursday, March 28, 2024**, at the Empire Village Office, PO Box 253; 11518 S. LaCore Street. Empire, MI 49630-0253, at which time the proposals will be opened and read aloud in the Village Office. To assure that the respondents' submittal arrives at the proper place, on time and to prevent opening by unauthorized individuals, submissions must be clearly identified on the outside, as follows: **Village of Empire Master Plan Update Proposal**.

Electronic submissions will be accepted. Once received, submissions will not be returned. Formal communication such as requests for clarification and/or information concerning this solicitation shall be submitted to Alacia Acton, Planning Commission Recording Secretary, via email addressed to deputyclerk@villageofempire.com, by phone at 231-326-5466 or by mail to PO Box 253; 11518 S. LaCore Street, Empire, MI 49630-0253

The anticipated activities for this project is as follows:

ACTIVITIES

RFP Available
Submittals Due
Planning Commission Review and selection
Kickoff Meeting

The Planning Commission reserves the right, in its absolute discretion, to reject any or all proposals, to waive irregularities, informalities and/or non-conformities in any submission, to select the proponent and proposal deemed to be in the best interests of the Village and to negotiate with the selected proponent(s).

SELECTION PROCESS

Selection of a consultant will be made at the discretion of the Planning Commission and staff. The proposals will be evaluated through consideration of several factors. The review of all documents submitted will be in accordance with the following criteria:

- General approach to project scope of work.
- Capacity to perform the services in the required time desired by the Planning Commission.
- Fee and references.

- Qualifications and previous experience.

Proposals will be reviewed following the March 28, 2024, deadline.

Following a review of the submittals and reference checks, the selected consultant shall begin working with the Planning Commission immediately.

REQUIREMENTS

The successful firm will complete the project requirements within an agreed upon timeline negotiated between the firm and the Village of Empire Planning Commission.

The successful firm will be asked to provide a qualified representative to attend all public hearings related to the revision of the Master Plan.

BACKGROUND

Empire is a village on Lake Michigan in the northwestern Lower Peninsula of Michigan. Located in the southwestern corner of Leelanau County. In 2021, Empire had a population of 362 people with a median age of 59.7 and a median household income of \$60,781. Between 2020 and 2021 the population of Empire, MI grew from 324 to 362, a 11.7% increase and its median household income grew from \$51,786 to \$60,781, a 17.4% increase (DataUSA: <https://datausa.io/profile/geo/empire-mi>).

The village is located within Empire Township and is famous for its proximity to the Sleeping Bear Dunes National Lakeshore, several parks (Lake Michigan Beach Park, Shalda Park and privately owned, but publicly accessible Johnson Park owned by the Lions Club) and small town character. Empire is home to the National Lakeshore's headquarters, the Philip A. Hart Visitor Center. The Village has seen growth in the residential sector since the 2019 Master Plan was completed.

An important element to updating the Master Plan will be to include a strong public participation component. The Village of Empire has enjoyed a long history of active citizen involvement and feels that this is an invaluable resource to include in developing a vivid vision for the Village's future. It is also important to include the Township in discussions on the update as they have also just completed their own Master Plan update. This is important to ensure that the vision of both communities are headed somewhat in the same direction.

SCOPE OF WORK

I. Purpose.

This purpose of the work is to update the data and statistics from the 2019 Master Plan and assist the Planning Commission in creating a more achievable focus using the 2019

Master Plan as the foundation. The task of the Planning Consultant will be to assist the Planning Commission with:

1. Updating demographic and other relevant data from the 2019 Master Plan.
2. Assist the Planning Commission with the creation, implementation, and summarizing of a community survey. This may be done in concert with a new formed Community Engagement Group – Asset-Based Community Development in the Village.
3. Provide advice and counsel to Planning Commissioners in focusing the plan on the next five (5) years. This will include assisting with developing achievable goals, objectives and narrative that also fit with the Michigan Economic Development Corporation Redevelopment Ready requirements.

It is important to note the 2019 Master Plan may continue to offer future Planning Commissions with inspiration for future updates. It was extensive in scope and depth – in keeping with a 20-year plan.

II. Community Input.

The Planning Commission recognizes that meaningful public participation is a critical element of any planning process. The Consultant, in cooperation with the Planning Commission will be expected to incorporate meaningful public participation elements at appropriate times throughout the process. The Consultant will be expected to attend Planning Commission meetings to assist in the public participation process. The proposal should outline a procedural approach to identify and include participation, in an appropriate degree, of various individuals and groups, both public and private, in the master planning update process.

III. Goals and Implementation

The Master Plan Update will have goals and implementation statements that are reasonable and realistic within the five (5) year timeline for Village community development. This document will be used by representatives of the Village, those making private sector investments, and by all citizens interested in the future development of Empire. The Consultant will assist the Village in forming meaningful and achievable goals to serve as a guide in defining and implementing the Plan.

Implementation strategies are a key component of any Master Plan. They need to prescribe how the Plan's recommendations and programs can become reality. While a Master Plan is intended to provide the necessary guidelines for making future land use, community facility and capital improvement decisions, its true value cannot be realized unless it is implemented.

VII. Redevelopment Ready Communities Compliant

The plan should address items that are required for Redevelopment Ready Community (RRC) certification so that the Village may continue progress towards RRC certification.

PROJECT DELIVERABLES

- a. Updated demographic and other statistics related to Empire with citations that can easily be inserted in the update. The consultant may recommend the additions or deletions of data sets in relation to relevance, update scope or general best practices.
- b. A public engagement plan that may include polling, surveys and/or townhall meetings. Surveys are not required to be scientifically based. However, a survey or poll that offers some controls related to response rate is preferred. Consultant will be expected to assist the Planning Commission with analyzing results and making recommendations for how best to include those results in the update.
- c. Documented (written or in presentation format) recommendations related to the five (5) year focus of the updated Plan based on polling, surveys, or public meetings in addition to those that may be in the current Plan.
- d. All materials presented by the consultant for potential use in the update shall be in digital format: Microsoft Word and PDF format suitable for copying and posting.

PROPOSAL REQUIREMENTS

1. Written in an 8 1/2" x 11" format.
2. A cover letter shall be signed by a member of the consulting firm empowered to commit the firm to a contractual arrangement with the Village. The cover letter shall also identify the person who will be responsible for regular communications with the Village, including meeting attendance.
3. Delivered in sealed envelope(s) by 1:00 PM Thursday, March 28, 2024. Addressed to:

The Planning Commission Recording Secretary, Alacia Acton
Empire Village Office,
PO Box 253; 11518 S. LaCore Street.
Empire, MI 49630-0253

4. Provide information on the firm's background, including:
 - a. Organization and Michigan office locations.
 - b. The office location where work associated with the project would be performed.
 - c. A description of the range of services provided by the firm. Please list the other master plans the firm has completed for other communities and provide some detail on said plans.

- d. The qualifications of the person identified above who will be providing the planning services to the Village. List their experience in providing services to cities and villages similar in size and character.
5. Experience and References: Provide a short description of recent prior experience with similar communities. For each project, include the name, title, and telephone number of a representative that the Village may contact to discuss their experience with the firm.
6. (Optional) Samples: Include representative samples of deliverables, as prepared by the individual who would be assigned to work with the Village, and other material and/or correspondence that may be helpful in assessing the level and quality of the services proposed.
7. Disclosure: The Village of Empire expects potential Planning Consultant to identify any potential conflicts of interest and the plan for handling these matters.
8. Work Effort and Timeline:
 1. Description of the total number of anticipated hours (minimum to maximum) to complete the scope of work and a detailed timeline for the entire project.
 2. Timeline showing anticipated work schedule
9. Fees: Fee schedule should include all fees charged for performing the required services. Fee schedule must be stated as a total not-to-exceed fee for all services outlined in the proposal (including but not limited to labor, time, printing, mileage, sub-consultants, etc. and other expenses). No fees over the not-to-exceed estimate will be paid without prior approval by the Planning Commission. Describe any modifications you would recommend to the work scope described in this Request for Proposal and state what impact of those modifications would have on your fee proposal.

Checklist

Please check each box to certify that the listed information is included in the final, adopted plan. If the DNR Approval box next to an item is not checked, see the DNR Comments box below for details.

Required Plan Content

Community Description

Administrative Structure

Includes: Roles of commission or advisory board, organization chart, budget, funding sources, roles of volunteers, relationship with school districts, public agencies, or private organizations

Recreation Inventory

Includes: Description of the methods used to conduct the inventory, an inventory of all community-owned parks & recreation facilities, location maps, accessibility assessment, grant assisted site status report, waterways inventory (if applicable)

Natural Resource Inventory (Optional)

Description of the Planning Process

Description of the Public Input Process

Goals & Objectives

Action Program

Supporting Documentation (Required Uploads)

Post-Completion Self Certification Report(s)

Early input before draft plan is written

Notice of draft plan for 30 days of public comment

Notice of the public hearing

Minutes from public hearing

Minutes from the meeting to pass a resolution of adoption

Certified Resolution

Transmittal Letters to the county and regional planning agencies

Navigate to the Plan & Supporting Documentation section to upload a copy of the plan and supporting documents.

OVERALL CERTIFICATION

I hereby certify that the recreation plan for Village of Empire includes the required content, as indicated above and set forth by the DNR.*
Authorized Official:

VILLAGE OF EMPIRE
LAND DIVISION ORDINANCE

Ordinance No. 103
March 20, 2007

AN ORDINANCE TO REGULATE PARTITIONING OR DIVISION OF PARCELS OR TRACTS OF LAND, ENACTED PURSUANT BUT NOT LIMITED TO MICHIGAN PUBLIC ACT 288 OF 1967, AS AMENDED; TO PROVIDE A PROCEDURE FOR ADDRESSING REQUESTS FOR LOT SPLITS; TO REPEAL ANY ORDINANCE OR PROVISION THEREOF IN CONFLICT HEREWITH; AND TO PRESCRIBE PENALTIES AND ENFORCEMENT REMEDIES FOR THE VIOLATION OF THIS ORDINANCE.

THE VILLAGE OF EMPIRE ORDAINS:

Section 1. Title

This ordinance shall be known and may be cited as the Village of Empire Lot Division Ordinance.

Section 2. Purpose

The purpose of this ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act) (LDA), to prevent the creation of parcels of property which do not comply with applicable ordinances and the LDA, to ensure conformance with the requirements of the Village Zoning Ordinance, to prevent the creation of unbuildable lots, to protect purchasers of newly created lots, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise to provide for the health, safety and welfare of the residents and property owners of the Village of Empire by establishing reasonable standards for prior review and approval of lot divisions within the Village.

Section 3 Prior Approval Requirement for Lot Divisions

Land in the Village, including any platted lot, out lot, or other parcel of land within a recorded plat, shall not be divided or combined with another parcel or lot unless such division or combination is approved by the Village Council. The creation of any other lot after the effective date of this Ordinance shall also require the approval of the Village Council.

Section 4. Application Procedures

An applicant for a land or lot division or combination shall file an application for said division or combination with the Village Zoning Administrator together with the application fee in such amount as shall be established from time to time by resolution of the Village Council. An application for a proposed division or combination shall not be considered filed with the Village, nor shall the time period for review and approval of the application commence until all of the requirements for an application have been met. Such application shall contain all of the following:

- A. A completed application on such form as is determined and provided by the Village.
- B. The zoning district in which the proposed parcel(s) or lot(s) is/are located and a full description of the minimum dimensional requirements of that district for lot size, minimum frontage required, setbacks, coverage requirements, etc.
- C. Proof of fee ownership of the land proposed to be divided or combined.
- D. An adequate and accurate legal description of the proposed parcel(s) or lot(s) to be created, and a drawing or survey showing:
 - 1) the size of the proposed parcel(s) or lot(s) to be created and the boundaries thereof;
 - 2) the size of the remainder of the parcel or lot from which the proposed parcel(s) or lot(s) is split;
 - 3) public utility easements;
 - 4) the location of all existing structures and other land improvements on the proposed parcel(s) or lot (s);
 - 5) the accessibility of the parcels for vehicular traffic and utilities from existing public roads.

If the drawing provided is other than a survey map, the application shall not be deemed complete until the Village Zoning Administrators satisfied that the drawing accurately depicts the land proposed to be divided.
- E. A copy of the recorded plat or other official maps showing the size of parcels in the vicinity of the parcel proposed for division.
- F. The purpose of the proposed division or combination;
- G. Whether or not public sanitary sewer, public storm sewer or public water exists, available or proposed for each parcel or lot created by the proposed division.
- H. If the parcel proposed to be spilt is unplatted, the history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the LDA.
- I. Proof that all due and payable taxes or installments of special assessments pertaining to the land proposed to be divided or combined are paid in full.

Section 5 Procedure for Review of Land Division Application

The Village Zoning Administrator shall review said application and shall make a recommendation to the Village Council for approval or disapproval of the proposed division or combination. The Village

Zoning Administrator shall make such recommendation based on his/her determination of the compliance of the proposed division or combination with the following requirements:

- A. The proposed parcel(s) or lot(s), as divided or combined, shall fully conform to or, if presently nonconforming, will be more conforming to the requirements of the Village Zoning Ordinance.
- B. The property remaining after the proposed division or combination has occurred constitutes a lot or parcel which conforms fully with the requirements of the zoning district in which it is located or, if presently nonconforming, will be more conforming to the requirements of the Village Zoning Ordinance.
- C. A lot in a recorded plat is not being divided into more than four (4) parcel(s) or lot(s) as a result of the proposed division.
- D. The division of an unplatted parcel of land complied with the requirements of the LDA.
- E. Any lot resulting from the proposed division or combination must meet the minimum dimensional requirements of the zoning district in which it is located.
- F. Any lot resulting from the proposed division or combination must meet the minimum buildable area requirements of the zoning district in which it is located.
- G. The division or combination shall not result in the creation of a flag lot except upon a finding by the Village Council that, due to limited street frontage, there is no other way to gain access to a parcel or lot which is otherwise buildable under the requirements of the zoning district in which it is located. In such cases, the flag lot created must have at least twenty (20) feet of frontage on a public street and it must be separated from another flag lot by a distance equal to the minimum lot width of the zoning district in which the flag lot is located. In addition the main (non-flag) portion of the lot shall meet the front, side and rear yard setback requirements of the zoning district in which it is located.

Section 6. Procedure for Approval of Land Division Application

- A. Upon receipt of the recommendation of the Village Zoning Administrator the Village Council shall consider the request for the land or lot division or combination. Before approving a proposed division or combination, the Village Council shall find that all of the requirements of Section 5 and any applicable provisions of the LDA have been met. In doing so, it shall consider, but is not bound by the recommendation made by the Village Zoning Administrator.
- B. The Village Council shall approve or disapprove the application within forty-five (45) days from receipt of a completed application by the Village Zoning Administrator. Any application which is not approved or disapproved by the Village Council within forty-five (45) days from receipt of a completed application by the Village Zoning Administrator shall be deemed approved. A complete application for a proposed division or combination shall be approved if; in addition to the requirements of this Ordinance it meets the applicable requirements of the Land Division Act.

- C. The Village Council shall provide the person who filed the application written notice whether the application is approved or disapproved and, if disapproved, all the reasons for disapproval.

Section 7. Consequences of Noncompliance

Any parcel or lot created in noncompliance with this Ordinance shall not be eligible for any building permits, or zoning approvals, such as special land use approval or site plan approval, and shall not be recognized as a separate parcel on the assessment roll.

Section 8. Penalties and Enforcement

Any person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punishable by a fine of not more than \$500.00 or by imprisonment in the county jail not to exceed 90 days or by both such fine and imprisonment.

Section 9. Severability

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this Ordinance other than said part or portion thereof.

Section 10 Repeal.

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed, except that this Ordinance shall not be construed to repeal any provision in the Village Zoning Ordinance.

Section 11 Effective Date

This Ordinance shall take effect 20 days after adoption or the date of publication, whichever occurs later.

At a regular meeting of the Village Council of the Village of Empire held on March 20, 2007, adoption of the foregoing ordinance was moved by Walter and supported by Gray.

Voting for: Gray, Diller, Payment, Michener, Walter, Carpenter

Voting against: Baja

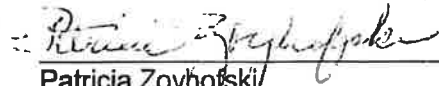
The village president declared the ordinance adopted.



Susan Carpenter
Village President

CERTIFICATION

The foregoing is a true copy of Ordinance No. 103 which was enacted by the Empire Village Council at a regular meeting held on March 20, 2007.



Patricia Zoyhowski
Village Clerk

A REGULAR MEETING OF THE LEELANAU COUNTY PLANNING COMMISSION WAS HELD ON TUESDAY, FEBRUARY 27, 2024, AT THE LEELANAU COUNTY GOVERNMENT CENTER.

Proceedings of the meeting were recorded and are not the official record of the meeting. The formally approved written copy of the minutes will be the official record of the meeting.

EXCERPT OF DRAFT MINUTES

CALL TO ORDER

Meeting was called to order at 5:30 p.m. by Chairman Yoder who led the Pledge of Allegiance. The Meeting was held at the Leelanau County Government Center, 8527 E. Government Center Dr., Suttons Bay, MI.

ROLL CALL

Members Present: S. Yoder, C. Brown, M. Lautner, B. Fenlon, T. Nixon, T. MacDonald, F. Criqui

Members Absent: M. Black, R. Brush, R. Miller, C. Noonan
(prior notice)

Staff Present: G. Myer, Planning Director, J. Herman, Planning Secretary

Public Present: None

CONSIDERATION OF AGENDA

Nixon reminded the board that they agreed to incorporate Reports Item #3, into Commissioner & Chairperson Comments.

Motion by Nixon, seconded by MacDonald, to approve the agenda as amended. Motion carried 7-0.

CONFLICT OF INTEREST- None.

PUBLIC COMMENT – None.

STAFF COMMENTS- None.

CONSIDERATION OF JANUARY 23, 2024 MEETING MINUTES

Brown noted that the first initial for Mr. Brush is ‘R’ not ‘B’.

Motion by Lautner, seconded by Brown, to approve the minutes as amended. Motion carried 7-0.

OLD BUSINESS – None.

NEW BUSINESS

PC05-2024-41 Village of Empire- Text Amendment- Permitted Uses

Myer reviewed the staff report saying that the request was received on February 15, 2024 and the last day for review is March 16, 2024. Myer stated that the Village of Empire Master Plan states the following on page 51, Future Land Use Recommendations: “The intent of the Light Industrial district is to accommodate existing light industrial uses, and to encourage and provide opportunities for additional light industry, including wholesale and warehousing uses as well as activities like research laboratories, high-tech industries, light assembly operation, office space, and commercial uses that support light industrial activities.” The Leelanau General Plan does not specifically address this amendment.

Myer continued, saying that the township held a public hearing on February 6, 2024 and that several comments and questions were made. After the public hearing, a motion was passed to approve the proposed text amendments and then another motion was passed to forward the proposed amendments to the county for review.

Myer said the purposed amendment will add the following to Article 4: Zoning Districts and Map, Section 4.06.2- Permitted Uses:

6. Combination of uses, subject to Section 4.06.5

And add the following new subsection 5 to Article 4: Zoning Districts and Map:

Section 4.065 COMBINATION OF USES

In the review of site plans, and/or special land use permit applications for uses involving combinations of uses otherwise permitted by right or by special land use approval in the LI district, the planning commission shall find that all such uses be mutually compatible with one another and the all-special use standards applicable to any such component use in a combined land use shall be met for that component use. However, recognizing the potential unnecessary duplication of parking requirements for each use, the planning commission may reduce the overall parking requirements for each use, the planning commission may reduce the overall parking requirement on the parcel by up to 25% if they are satisfied with the sufficiency of the parking at the reduced amount proposed by the applicant.

Myer said the proposed amendment was made by Marc McKeller II of Kuhn Rogers PLC, who represents TC Vision LLC (Cherry Republic). They are seeking to amend the zoning ordinance in the LI District, to allow for a mix of uses permitted by right or special use permit. Myer concluded that this is in preparation for the combination of two parcels for enhanced efficiency, job creation, and improved storage solutions for the community.

Brown commented that he had no issues since that is the only area with light industrial use in the Village and combining the parcels allowing the use of what the zoning ordinance allows. Nixon said on page 4-15 of the zoning ordinance, it lists all of the uses that are subject to special use as well as the permitted uses. He said if something else is added in these sites, they have to make a determination to see if it is compatible with other uses on that property.

Motion by Fenlon, seconded by Brown, to recommend approval, and to forward the staff report and all comments to the Village of Empire. Motion carried 7-0.

