



EMPIRE VILLAGE COUNCIL PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN that the Empire Planning Commission will be holding a public hearing on Tuesday, February 06, 2023, 7:00 pm, at the Empire Township Hall located at 10088 W. Front Street, Empire.

The hearing will be to consider a Zoning Ordinance text amendment application received by TC Vision LLC, the owner of parcels at 9896 West Fisher St. (041-719-024-10) and 9888 West Fisher St. (041-719-024-05) to permit a combination of uses in the Light Industrial District and the applicable standards related to those uses.

The regular Village Planning Commission meeting will immediately follow. Written comments may be sent to the Village Office, P.O Box 253, 11518 S LaCore Rd., Empire, MI 49630 or deputyclerk@villageofempire.com. A complete copy of the application and proposed Ordinance is available at the Village Office, (231) 326-5466 and on the Village website at: <https://www.leelanau.gov/empvlqplanning.asp>.



December 12, 2023

Village of Empire
Zoning Administrator, Robert Hall
Planning Commission Chair, Peter Schous
PO Box 253
Empire, MI 49653

Via email- ZA@villageofempire.com
pjschous@yahoo.com

Re: REQUEST FOR TEXT AMENDMENT TO ZONING ORDINANCE

Dear Mr. Hall and Mr. Schous,

Please be advised that I represent TC Vision LLC, the owner of two adjacent parcels at 9896 West Fisher St. (041-719-024-10) and 9888 West Fisher St. (041-719-024-05), both exclusively the only property zoned as Light Industrial in the Village of Empire. My client is eager to collaborate in utilizing the property for a diverse mix of uses permitted by right or special use permit. In an effort to foster cooperation my client is seeking to amend the zoning ordinance in the LI district, to allow the combination of these parcels for enhanced efficiency, job creation, and improved storage solutions for the community.

In specific terms, my client proposes amending Section 4.06 of the zoning ordinance by adding the following **bold** text:

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."

KUHN ROGERS PLC

December 13, 2023

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The proposed amendment (section 4.06.5) emphasizes cooperation by ensuring compatibility in reviewing site plans or special land use permit applications for combinations of uses. It does not introduce additional uses but instead encourages cooperation by allowing the combination of uses on a single property, thereby benefiting the community. This aligns seamlessly with the master plan and future zoning map.

The amendment fulfills the cooperative spirit of the master plan's recommendation to accommodate existing activities and encourage additional light industrial endeavors. This includes wholesale and warehousing, research, laboratories, high-tech industries, light assembly operations, office space, and supporting commercial uses.

This cooperative amendment allows for a mix of uses within the permitted space without compromising the township's authority or regulations. The request demonstrates a cooperative approach, aligning harmoniously with the criteria outlined in section 10.015 A through L.

Consequently, my client respectfully requests the planning commission to cooperate in approving the proposed amendment for a recommendation to the village council. I appreciate your cooperation thus far and look forward to seeing you on December 13, 2023 to introduce the proposal.

Sincerely,

KUHN ROGERS PLC



Marc S. McKellar II
Direct Dial: (231) 947-7901 x106
msm@kuhnrogers.com

MSM

Application for TEXT AMENDMENT

----- Original Message -----

From: "Marc S. McKellar II" <msm@kuhnrogers.com>

To: "ZA@villageofempire.com" <ZA@villageofempire.com>

Cc: "pjschous@yahoo.com" <pjschous@yahoo.com>, "s.palmer@villageofempire.com" <s.palmer@villageofempire.com>

Date: 01/10/2024 4:15 PM

Subject: Cherry Republic

Bob,

Thanks for taking my call today. As I mentioned I have not been able to find an application for a petition or a fee as is outlined in Article 10 of the zoning ordinance. Without a petition application then a petition would be permitted in a form that is substantively compliant for Article 10. Further, there appears to be no adopted fee, therefore not required. My clients wish to move forward with their request, as we mentioned several times, because timing is very important to getting on the construction calendar. So please consider this the formal petition application. If there is an application and/or a fee that has already been adopted that is applicable, but I missed, I would happily provide same. But as you can imagine my client wishes to get the ball rolling in the meantime. At the December meeting of the PC we presented language regarding the change and what the purpose of the change was. I believe that we had a positive response to the concept and are hopeful for the amendment's ultimate success.

Application:

Pursuant to Article 10.01(b) TC Vision LLC, is the owner of two adjacent parcels at 9896 West Fisher St. (041-719-024-10) and 9888 West Fisher St. (041-719-024-05) located within the village and have proper standing to request an amendment to the zoning ordinance.

Both parcels represent the only property zoned as Light Industrial in the Village of Empire. My client is eager utilizing the property for a diverse mix of uses permitted by right or special use permit. To foster cooperation my client is seeking this amendment to the zoning ordinance in the LI district, to allow the combination of these parcels for enhanced efficiency, job creation, and improved storage solutions for the community.

In specific terms, my client requests an amendment of Section 4.06 of the zoning ordinance by adding the following **bold** text:

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, 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 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.

The proposed amendment (section 4.06.5) emphasizes cooperation by ensuring compatibility in reviewing site plans or special land use permit applications for combinations of uses. It does not introduce additional uses but instead encourages cooperation by allowing the combination of uses on a single property, thereby benefiting the community. This aligns seamlessly with the master plan and future zoning map.

The amendment fulfills the cooperative spirit of the master plan's recommendation to accommodate existing activities and encourage additional light industrial endeavors. This includes wholesale and warehousing, research, laboratories, high-tech industries, light assembly operations, office space, and supporting commercial uses.

This cooperative amendment allows for a mix of uses within the permitted space without compromising the township's authority or regulations. The request demonstrates a cooperative approach, aligning harmoniously with the criteria outlined in Article 10.

Consequently, my client respectfully requests that you notify the Village Clerk and Chair of the PC, pursuant to Article 10.01(C)2 that an amendment request has been made so that a public hearing may be scheduled by the planning commission. My client respectfully requests a public hearing at the PC's earliest convenience and if necessary, requests a special meeting to achieve same. If such a special meeting is necessary, please notify me of the cost for such a meeting and payment will be remitted to the village.

I believe the application and request is rather self-explanatory, but should you have any questions please feel free to contact me.

As always, thank you for your efforts in this matter.

Best regards,

Marc S. McKellar II

4033 Eastern Sky Drive

Traverse City, MI 49684

(231) 947-7900 Reception

(231) 941-5154 Fax

msm@kuhnrogers.com

VILLAGE OF EMPIRE
LEELANAU COUNTY, MICHIGAN
ORDINANCE NO. ____

“AN ORDINANCE TO AMEND THE VILLAGE OF EMPIRE ZONING ORDINANCE
EFFECTIVE [INSERT DATE] BY ADDING MIXED USES AS A PERMITTED / SPECIAL USE IN THE LIGHT
INDUSTRIAL DISTRICT AND TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH”
THE VILLAGE OF EMPIRE ORDAINS:

Section 1. Amendment to Article 4, Section 4.06.2 of the Village of Empire Zoning Ordinance.

Article 4, Section 4.06.2, of the Village of Empire Zoning Ordinance (“Ordinance”) is hereby amended by the addition of a new subsection 3, as follows:

3. Combination of uses, subject to Section 4.06.5 (*recodify remaining subsections*)

Section 2. Amendment to Article 4, Section 4.06.5 of the Village of Empire Zoning Ordinance.

Article 4, Section 4.06 of the Village of Empire Zoning Ordinance (“Ordinance”) is hereby Amended by the addition of a new subsection 5, as follows:

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, 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 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.

Section 3. Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Section 4. Effective Date.

This ordinance shall be effective at 12:01 a.m. on the eighth day following its publication in accordance with the law.

Section 4.06 Light Industrial District (LI)

The following provisions shall apply to the Light Industrial District (LI).

Section 4.06.1 - Intent

The Light Industrial District is designed to primarily accommodate wholesale activities, warehouses and other medium scale business and other industrial operations whose external physical effects are restricted to this district and do not affect in a detrimental way any of the surrounding districts. The Light Industrial District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared material.

Section 4.06.2 - Permitted Uses

1. Food processing and packaging
2. Contractor facilities
3. Public utility buildings without storage yards
4. Public parks, playgrounds and recreation facilities
5. Accessory buildings and uses customarily incidental to the above permitted uses

Section 4.06.3 – Uses Subject to Special Use Permit

Special approval use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Article 6 - Uses Subject to Special Use Permit** and the applicable portions of **Article 7 - Supplemental Site Development Standards**.

1. Production, processing, assembly, manufacturing or packaging of goods or materials such as facilities may include testing, repair, storage, distribution and sale of such products.
2. Warehouses and storage buildings, but not including commercial bulk storage of flammable liquids and gases
3. Contractor's equipment storage yard
4. Machine shop
5. Public utility buildings with outside storage yards
6. Vehicle, boat or recreational vehicle repair facilities
7. Planned Unit Development
8. Sexually oriented business
9. Telecommunication towers and facilities
10. Commercial wind turbine generators
11. Accessory buildings and uses customarily incidental to the above special uses

Section 4.06.4 – Dimensional Requirements

Structures and uses in the Light Industrial District are subject to the area, height, bulk and placement requirements in **Section 4.10 - *Schedule of Regulations***