

AGENDA
SUTTONS BAY TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
201 N St Marys Street, Suttons Bay
Tuesday, July 6, 2021
6:00 PM

MEETING WILL BE HELD AT SUTTONS BAY BINGHAM FIRE AND RESCUE 201 N. ST MARYS STREET MEETING ROOM AS WELL AS BY 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/85498351637?pwd=VjFlaS9iRENwTUw0MGE4cHdBUmFvdz09>

Meeting ID: 854 9835 1637 Passcode: 634883 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: June 1, 2021

Items of Discussion/Consideration:

1. Public Hearing for an Application from Homestretch Nonprofit Housing Corporation, Traverse City, MI, for a Site Plan Review and Special Land Use Permit to construct and operate eight (8) multi-family dwelling units at 525 N. Marek Rd.
2. Zoning Ordinance Overhaul Project/Mathew Cooke

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 August 3, 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.

Draft Minutes

SUTTONS BAY TOWNSHIP

REGULAR PLANNING COMMISSION MEETING - June 1, 2021

CALL TO ORDER

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

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

ROLL CALL - Quorum Present

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

Absent: Amy Coleman, Doug Periard, Andy Brandt

Staff Present: Steve Patmore. Planner Present: Mathew Cooke

Approval of the Agenda

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

Public Comment

Alex Dingrando, spoke about Leelanau Watersports.
Scott Howard, spoke about Leelanau Watersports
Gary Hoensheid, Peck Rd., spoke about Leelanau Watersports
Wayne Livingston, spoke about Leelanau Watersports
Sharon Livingston, spoke about Leelanau Watersports

Conflict of Interest

None.

Approval of the Minutes

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

April 20, 2021 Minutes

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

May 4, 2021 Minutes

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

Items of Discussion/Consideration

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

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

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

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

Comments from Planning Commissioners -

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

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

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

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

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

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

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

Roll call vote for the motion:

Yes: Don Gregory, Susan Odom, Rhoda Johnson, Tom Nixon, Dee McClure, Dennis Rathnaw. No: None

Absent and excused: Andy Brandt, Doug Periard, Amy Coleman
Motion passed.

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

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

Background information and Zoning Administrator's Comments were reviewed.

John Stimpson represented Homestretch Non-Profit Housing Corporation.

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

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

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

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

REPORTS

Zoning Administrator - Written report submitted by Steve Patmore

Planner - Mathew Cooke - no report.

Township Board - Upcoming OMA Training with township attorneys and Township Noise Ordinance has been submitted to attorney. Tom Nixon reminded planning commission members that they are not allowed on applicant's property without an invitation.

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

PUBLIC COMMENT

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

Next meeting agenda - July 6, 2021

ADJOURNMENT

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

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

Planning Commission Memo

July 6, 2021 PC Meeting

Vineyard View Apartments Special Use Permit / Site Plan Review

1. Please refer to the Application and Site Plans sent out for the June 2021 Meeting.

The Application and Site Plan can be viewed on-line at:

https://www.leelanau.gov/downloads/210518_vineyard_view_apartments_site_plan_review_application_packet_21112_1.pdf

2. The Public Hearing Notice is attached.
3. The Zoning Report is attached.

**SUTTONS BAY TOWNSHIP
PLANNING COMMISSION**

ZONING REPORT

APPLICATION FOR SPECIAL LAND USE PERMIT

VINEYARD VIEW APARTMENTS

PROPOSED MULTI-FAMILY HOUSING

For July 6, 2021 PC HEARING

I. REQUEST

Request from Homestretch Nonprofit Housing Corporation for a Special Use Permit to construct and operate an 8-unit multi-family apartment building on approximately 2.5 acres of agriculturally zoned property at 525 N. Marek Road in Suttons Bay Township.

The Application includes the following Site Improvements:

- Remove existing single-family dwelling.
- Construction of Two, Four-Unit, Two-Story Apartment Buildings. (8 units)
- Construction of an asphalt service drive off of Marek Road with a turn-around.
- Asphalt Parking areas.
- Gated dumpster enclosure.
- Outdoor light fixtures.
- Stormwater retention areas.
- Construction of septic system and potable water system.
- Landscaping trees and shrubs.

II. PROCESS

Per the Zoning Ordinance this Application is a Detailed Site plan review by the Planning Commission.

For the Special Use Permit to be approved, the proposed use must meet the zoning ordinance requirements of the Agricultural District, General Conditions of the zoning ordinance, Standards for Special Land Uses, and Abbreviated Site Plan Review.

A Public Hearing was noticed for the July 6, 2021 Planning Commission meeting and notices were sent out to property owners within 300' of the subject property.

III. BACKGROUND/GENERAL FINDINGS OF FACT

1. The subject property is located at 525 N. Marek Road, Suttons Bay, MI. Parcel No. 45-011-020-004-13.
2. The subject property consists of 2.63 acres.
3. The subject property currently has an un-inhabited single-family dwelling on it.
4. The subject property is currently zoned Agricultural.
5. The subject property is currently owned by the Leelanau County Land Bank Authority according to township records and the Application.
6. According to the Application, the Applicant has an agreement with the Land Bank Authority to purchase the property.
7. The subject property was split via Land Division Act approval from the Parent Parcel by a previous Owner in 2005.
8. The subject property is not actively farmed, however, the photos submitted with the Application suggests that the neighboring vineyards may slightly encroach onto the subject property.
9. The subject property has frontage on Marek Road including an easement for ingress and egress due to topography. The proposed access to the subject property would be through the easement.

10. Adjacent property zoning and land use:

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
East	Agricultural	Wooded/Agricultural
Southeast	Residential	Single-Family
North	Agricultural	Residential lot - vacant
West	Agricultural	Vineyard
South	Agricultural	Vineyard

11. The Future Land Use Map on page 56 of the 2011 Suttons Bay Community Joint Master Plan shows that this area was designated as Working Lands, as defined in the Plan. However, it should be noted that the area delineated as future Rural Residential is relatively close to Marek Rd and this property.
12. The Prime Farmland Map on page 47 of the 2011 Suttons Bay Community Joint Master Plan indicates that this area does not include Prime Farmland, however, a portion of the property may be in the area designated as Farmland of Local Importance.
13. The Application does not include any work on the existing Marek Road or the intersection of Marek Road and M-22.

IV. AGENCY APPROVALS

- Benzie Leelanau District Health Department: The Application includes a Vacant Land Evaluation Report dated July 13, 2020 indicating that the site is suitable for a conventional sewage disposal system. The Applicant will need to have a sewer system designed and approved as well as a potable water system.
- Leelanau County Road Commission: The Application does not include any correspondence or review by the Road Commission. The Site Plan indicates an asphalt driveway approach to the county road. Marek Road is a relatively narrow gravel road. The Township sent the Application to Road Commission Staff for their information.
- Michigan Department of Transportation: The Application does not include any correspondence or review by MDOT. The Marek Road/M-204 intersection should be reviewed. The Township sent the Application to MDOT Staff for their information.
- Leelanau County Drain Commissioner/Soil Erosion: The Application does not include any correspondence or review by the Drain Commissioner/Soil Erosion Office. The project will need to be approved by the Drain Commissioner and a Soil Erosion Permit issued prior to construction.
- Suttons Bay Bingham Fire Chief: The Application was sent to the Fire Chief for any comments or concerns that they might have. A condition of approval should be that the access roads be maintained at all times for access by emergency service vehicles. That includes snow storage and no on-street parking by residents or visitors.
- Leelanau County Sheriff's Department: Although the Sheriff's Department is not required to approve the project, the Applicant submitted an email from the Undersheriff.
- The Leelanau County Department of Building Safety must review and approve the plans for the apartment buildings.

V. STAFF FINAL SITE PLAN QUESTIONS/COMMENTS:

1. In a project like this, is there a need for visitor parking?
2. Where will the septic tanks and sewer pumps be located?
3. Outdoor lighting is proposed – no details were submitted.

VI. CONFORMANCE WITH ZONING ORDINANCE REQUIREMENTS

1. ARTICLE 4 – AGRICULTURAL DISTRICT REQUIREMENTS

A. Section 4.4.B: Multi-Family Housing provided:

1. Development shall not be sited on Prime Farmland Soils as shown on the Prime Farmland Map in the Suttons Bay Community Joint Master Plan. (August 2011, page 47)

A review of the Prime Farmland Map shows that there are no prime farmland soils on the subject parcel, however, there could be Farmland Soils of Local Importance.

2. Lot width required is a minimum of two hundred (300) feet on public or approved private road.
The Subject Parcel has over 300' frontage on Marek Road including the dedicated ingress and egress easement.
3. Minimum lot size is two (2) acres.
Application meets this standard – Gross acreage is 2.63 acres.
 - a. Maximum density of single-story buildings is four (4) dwelling units per acre.
Not Applicable – buildings are two story.
 - b. Maximum density of two-story buildings is eight (8) dwelling units per acre.
*Application meets this standard:
Allowable = 2.63 acres X 8/acre = 21 units
Proposed = 8 units*
 - c. Maximum density on one parcel is sixteen dwelling units.
Application meets this standard:
4. Setbacks:
 - a. The Planning Commission may require greater setbacks to minimize the impact on surrounding properties as per the requirements of Section 3.12, Landscaping, Screening, Buffers, and Greenbelts.
*Does the Planning Commission feel that the proposed setbacks are adequate?
The Applicant has noted the existing vegetation on the property.*
 - b. Front setback shall be forty (60) feet.
Application meets this standard – proposed setback is 60'
 - c. Agricultural District Setbacks: (Sides and Rear)
*Application meets the Agricultural District Side and Rear Setback of 35'.
Sides: 45' and 50'
Rear: 200'*
5. Minimum square footage per dwelling unit is six hundred (600) square feet.
Application meets this standard – the units listed at 960 to 1,200 square feet.
5. Maximum lot coverage shall not exceed twenty-five (25) percent.
Application meets this standard – listed at 18%.
6. Applicant must have Health Department evaluation or permit to insure adequate well and septic capabilities prior to applying for a Special Land Use Permit. (Annotation: Section added by Amendment 14-002 effective November 28, 2014)
Evaluation Received – Permits should be a condition.

2. ARTICLE 3 – GENERAL PROVISIONS:

A. Section 3.12; Landscaping, Screening, Buffers, and Greenbelts

There is existing vegetation on the property that is designated to remain.

The Application shows additional plantings around the parking lots.

Does the Planning Commission determine that the proposed Landscaping, Screening, Buffers, and Greenbelt are adequate?

B. Section 3.12.3 Parking Lot Landscaping:

None of the proposed parking areas contain more than 5 parking spaces, therefore, this section does not apply.

However, the Site Plan shows landscaping around the parking lot.

C. Section 3.15 Off Street Parking:

Number of Spaces Required: Residential Use: Two (2) parking spaces per dwelling unit.
8 units x 2/unit = 16 spaces required.

Number of Spaces Provided: *17 spaces shown on Final Site Plan, including one handicap parking space. The number of handicap spaces is reviewed by Leelanau County.*

Application meets this requirement, however, visitor parking should be discussed.

VII. PLANNING COMMISSION REVIEW:

The Planning Commission, as a group, must go through the following standards and make findings:

The findings can show that the Application meets/does not meet/or meets with the establishment of conditions.

The Planning Commission can establish reasonable conditions pursuant to Section 20.9 of the Ordinance.

FINDINGS OF FACT RELATED TO SPECIAL LAND USES:

SECTION 20.8 GOVERNING STANDARDS

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 the zoning district, the 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. Meet all the specific requirements of the particular special land use contained in the zoning district for which the special land use is proposed.

See above review.

B. Be designed, constructed, operated and maintained so that such use will not change the essential character of the zoning district and surrounding vicinity in which it is proposed.

See Applicant responses contained in the Application

The Planning Commission finds that the Application and Site Plan (meets/does not meet) this Standard.

THERE IS NO "C" IN THIS SECTION OF THE OFFICIAL ZONING ORDINANCE

D. 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.

See Applicant responses contained in the Application

The Planning Commission finds that the Application and Site Plan (meets/does not meet) this Standard, provided that all permits and approvals are obtained, particularly the Road Commission and MDOT approvals.

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

See Applicant responses contained in the Application

The Planning Commission finds that the Application and Site Plan (meets/does not meet) this Standard, provided that all permits and approvals are obtained, particularly the Road Commission and MDOT approvals.

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

The Planning Commission finds that the Application and Site Plan (meets/does not meet) this Standard.

G. Not adversely affect farmland or farming operations, but to the extent practicable preserve it as open space or provide adequate buffering between the special land use and farmland.

The Planning Commission finds that the Application and Site Plan (meets/does not meet) this Standard.

H. 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 receipt of a Soil Erosion permit or Drain Commissioner's review shall satisfy this requirement.

- **Soil Erosion Permit should be a condition of approval**

- I. Provide that the special land use including off-street parking, loading and unloading areas, outside storage areas, and areas for the storage of trash, which face or are visible from neighboring property or public thoroughfares, shall be screened in accordance with Section 3.12 Landscaping, Greenbelts, Buffers, Screen, and Fences.
The Planning Commission finds that the Application and Site Plan (meets/does not meet) this Standard.
- J. Conform to the requirements of Section 3.18 Outdoor Lighting Standards.
 • **Condition? Outdoor Lighting is proposed.**
- K. Not be hazardous to adjacent or neighboring properties, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or to adjacent and neighboring properties, through the excessive production of traffic, noise, smoke, odor, fumes, or glare.
The Planning Commission finds that the Application and Site Plan (meets/does not meet) this Standard.
- L. 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, Leelanau County Soil Erosion Control Officer, Suttons Bay/Bingham Fire Department, DNR, and other applicable Township, County, State, and Federal statutes.
Should be a condition of approval.

VIII. POSSIBLE CONDITIONS FOR PC CONSIDERATION:

1. Regular Land Use Permits must be obtained from the Zoning Administrator for all structures. The following must be submitted:
 - A. Site Plan showing any minor changes required by Agencies.
 - B. Benzie/Leelanau District Health Department Permits for the water and sewer.
 - C. Architectural Plans for the buildings.
 - D. Details of outdoor lighting fixtures.
2. All applicable requirements of any county, state, and federal permits and statutes shall be met.
3. The access drive, parking areas, proposed tree plantings, and water and sewer systems shall be completed prior to occupancy of the apartments.
4. There shall be no parking allowed for apartment use on Marek Road.
5. Parked vehicles within the facility shall not block emergency access routes at any time. Emergency access and fire lanes shall be maintained at all times.
6. Any outdoor lighting shall be shielded downward and shall meet the requirements of the zoning ordinance.

7. Any signage, including temporary or portable signage, shall be in compliance with the zoning ordinance.
8. Landscape plantings shall be maintained and replaced if necessary. The buffer of existing vegetation must be replaced with a greenbelt if removed for any reason.
9. Expiration Dates:

This Approval and Special Use Permit will expire if Land Use Permits are not obtained and meaningful progress made toward completion within two (2) years from this approval. This date can be extended another two years by the Planning Commission upon written request.

MOTION

Motion to approve with conditions the Application submitted by Homestretch Non-profit Housing Corporation for a Special Land Use Permit to construct and operate eight (8) multi-family housing units on the subject property as shown on the Site Plan dated 5/04/2021. This Decision is based upon the Application, Site Plan, Public Comment, General Findings of Fact, and review of the Special Use Permit Governing Standards. Subject to the following conditions:

OR

Motion to deny the Application submitted by Homestretch Non-profit Housing Corporation for a Special Land Use Permit to construct and operate eight (8) multi-family housing units on the subject property as shown on the Site Plan dated 5/04/2021. This Decision is based upon the Application, Site Plan, Public Comment, General Findings of Fact, review of the Special Use Permit Governing Standards, and the following reasons:

July 6, 2021

To: Suttons Bay Township Planning Commission

Fr: Mathew Cooke, Community Planner

Re: Zoning Ordinance Overhaul – Special Events

Special Events

Please see the attached draft Special Events language with changes based on previous Planning Commission discussions and a meeting with Zoning Administrator Steve Patmore and Planning Commission Chair Dennis Rathnaw.

- Included Special Event definition language at the end of the 1st paragraph
- All activity must end by midnight. Music or other entertainment ends by 10:00 p.m. (Sunday to Thursday) and 11:00 p.m. (Friday and Saturday)
- Sound amplifiers are permitted inside of buildings only, and not to exceed 60 decibels measured 50 feet from any property line
 - CDC/National Institute for Occupational Safety and Health identifies 60 decibels as normal conversation levels
 - Future change could be made as Township examines their noise ordinance
- Addition of an Event Management Plan
 - Sourced from Leelanau Township

Additional considerations for Special Event language that could utilize Planning Commission input include:

1. Limited hours for outdoor music
2. Increase or decrease Special Event threshold limit of 60 people

Special Use or Temporary Use

In preparing this draft language, Rob Carson and I discussed the possibility of Special Events shifting from Special Use Permits to Temporary Use Permits. We would like to hear the perspective of the Planning Commission on this possible change. Currently, Special Use Permits issued for special events are done so in perpetuity. Moving special events as a Temporary Use would allow the Planning Commission the ability to review/issue permits on an annual basis (or however the PC decides).

This change could be done through adding to Article 23 (Administration and Enforcement) Section 4 (Land Use Permits) subsection 5 (Temporary Use Permits) to include Planning Commission review and approval of Special Events as Temporary Uses citing back to Article 14.23 Special Events.

We would also need to see a change to the current fees schedule the Township has to include Temporary Use Permits. The Special Events draft language would still be included in the ZOO if this is an option to explore.

Current ZOO Temporary Use Permits Language:

Section 23.4.5 Temporary Use Permits

1. The Zoning Administrator is authorized to issue a temporary land use permit for temporary uses, as follows:

- A. Carnival, Circus, or Fair, for a period not to exceed seven (7) days.
- B. Open Lot Sale of Christmas Trees, for a period not to exceed forty-five (45) days.
- C. Real Estate Sales Office, for lots or units on the premises and for a period not to exceed one (1) year, provided no cooking or sleeping accommodations are maintained in the structure.
- D. Contractor's Office and Equipment Sheds, for the development on the parcel and for a period not to exceed one (1) year, provided that such office be placed on the property to which it is appurtenant.

POTENTIAL LANGUAGE

- 2. The Planning Commission is authorized to issue a temporary land use permit for temporary uses by majority vote, as follows:
 - A. Special Events as identified in Article 14 Use Requirements Section 23 Special Events, not to exceed xx events in 1 year.

Commercial Farm Threshold

In looking through various Zoning Ordinances, Suttons Bay Township is one of few that place a monetary value to identify a commercial farm. Below are definitions from Emmet County and Leland Township that could be utilized to create a new definition. Do Planning Commission members prefer to keep a monetary value?

Suttons Bay Township Current/ZOO

Commercial Farm: a farm which had produced agricultural or horticultural products worth \$2,500 or more annually for at least three of the past five years.

Leland Township

Farm Operation: A condition or activity which occurs on a farm in connection with the commercial production of farm products, and includes, but is not limited to: marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

Emmet County

Farm, commercial: Includes the land, plants, animals, buildings, structures, including ponds used for agriculture or aquicultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products. It is a farm operation producing a farm product intending to be marketed and sold at a profit.

Section 14.23 Special Events

When permitted, special land use activities should have minimal impact on other properties and its residents, and on the ongoing active agriculture practices in the district. Special events may be allowed in the Agricultural District. Agritourism uses may be a primary or accessory use on the parcel, although special events shall always be considered an accessory use. All of these uses shall be farm related and shall not detract from the agricultural emphasis of the farm. Special events do not preclude personal uses (i.e. graduation parties) by property owners or lessees.

A. Special Events Parcel Requirements:

1. For special events the parcel must be a licensed winery or cidery with a pre-approved special land use permit or a commercial farm of at least twenty-five (25) acres with a minimum lot width of at least three-hundred-twenty-five (325) feet.
2. Special events taking place in a structure must be within a building built before May 27, 2016 [[effective date of amendment]] or in a permitted winery or cidery.

B. Special Events Setbacks:

1. All buildings and structures, including tents, open to the public shall be not less than forty (40) feet from any right-of-way, and shall be set back at least one hundred (100) feet from any lot line.
2. Preexisting structures prior to the date of the adoption of this ordinance (1993) may be utilized. To encourage the use of existing buildings, the setback requirements may be reduced to the other standards of the district, subject to site plan review by the planning commission.
3. The planning commission may require greater setbacks if necessary to buffer adjacent properties as determined during the Special Land use permit process.

B. Special Events Conditions:

1. The number of special events of more than sixty (60) people shall be determined by the planning commission at site plan review and shall not exceed four (4) per month during the months of May through October, and not more than three (3) during each of the other months.
 2. All activities must be completed by 12:00 AM. Any music or entertainment provided for the event must be for background purposes only, not a featured segment of the activity, and completed by 10:00 PM on Sundays through Thursday and 11:00 PM on Friday and Saturday.
 3. Sound amplifiers are permitted inside of buildings only as determined in site plan review. At no time will the sound decibel level exceed 60 decibels, measured 50 feet from any property lines.
 4. The operator must have a written statement from the County Health Department indicating the maximum number of persons that can be accommodated with existing toilet facilities. Additional portable toilets must be provided for any guests exceeding the aforementioned number.
 5. The applicant shall maintain a log of the activities including dates, group identity, times and number of guests. This list must be signed and certified by
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the permit holder as to its accuracy and submitted to Suttons Bay Township annually, no later than March 1 for the previous calendar year.

6. A Event Management Plan (EMP) approved by the planning commission at a public hearing. The following information must be provided in the EMP.
 - a. General description of the Special Event Venue.
 - b. Types of events anticipated and total number and frequency of events
 - c. Proposed maximum number of guests.
 - d. Detailed specifics of where events will take place.
 - e. How power will be provided (generators?).
 - f. How potable water will be provided.
 - g. How garbage and recycling will be removed.
 - h. Contact information for on-site event manager and owner.
 - i. Established maximum occupancy for each building.
7. A site plan must be approved by the planning commission at a public hearing. The following information must be provided in addition to information required for Minor Project Site Plan Review as per Section 19.6.
 - a. Existing and proposed structures, including tents, with maximum capacity of each building where guests have access as established by the fire marshall.
 - b. The maximum number of people attending a single event.
 - c. Location of temporary toilet facilities, which may be required.



SUTTONS BAY TOWNSHIP

95 W. Fourth Street
P.O. Box 457
Suttons Bay, MI 49682
(231) 271-2722

RE: Public Hearing – July 6, 2021, 6:00 p.m. by Electronic Remote Access
Application for Special Use Permit – Homestretch Nonprofit Housing Corporation, Traverse City -
Address: 525 N Marek Road – Suttons Bay Township
Property No. 45-011-020-004-13

As a Property Owner or occupant within the vicinity of the subject property, you are being notified of the upcoming Public Hearing by remote electronic access.

The Suttons Bay Township Planning Commission will conduct this Public Hearing and consider a request by Homestretch Nonprofit Housing Corporation, Traverse City – for a Special Use Permit to construct and operate (8) multi-family dwelling units at 525 Marek Road, Suttons Bay.

The Public Hearing will be held at 6:00 p.m. on Tuesday, July 6, 2021 via electronic remote access in response to a Local State of Emergency Declaration, Michigan Department of Health and Human Services limits on indoor gatherings and amendments to the Michigan Open Meetings Act. The public may participate in the meeting through Zoom access by computer and smart phone using the links and/or phone numbers on the enclosed Notice.

An Overall Site Plan is enclosed, as is the official Public Electronic Meeting Notice.

The Application and Site Plan may be viewed during regular hours at the Planning & Zoning Office, located at the Suttons Bay Township Office, 95 W. Fourth Street, Suttons Bay, MI 49682, or on-line at <https://www.leelanau.gov/sbtwpmtg.asp?MAId=287>

The Planning Commission will allow Public Comment at designated times during the meeting.

Comments may be made at the Public Hearing via electronic remote access, or written comments will be accepted by US Mail, drop-off, email or fax until 12:00 p.m. on the date of the hearing. Suttons Bay Township Planning Commission, P.O. Box 457, 95 W. Fourth Street, Suttons Bay, MI 49682, fax (231-271-2773), or by email; clerk@suttonsbaytwp.com or zoningadmin@suttonsbaytwp.com

Suttons Bay Township Planning Commission
P.O. Box 457
Suttons Bay, MI 49682
(231) 271-2722

ZONING ADMINISTRATOR'S REPORT

SUTTONS BAY TOWNSHIP

June 2021 (to-date)

For July 2021 Planning Commission and Township Board Meetings

Prepared by Steve Patmore
As of June 27, 2021

LAND USE PERMITS ISSUED

DATE	TOTAL	NEW HOMES	ADDITIONS	ACCESSORY STRUCTURES	OTHER
June 2021 (to date)	5	2	2	1	0
Year To Date	22	12	4	5	1
Year to date 2020	13	3	3	6	1
Year to date 2019	19	11	5	3	0
Year to date 2018	23	12	4	7	0
Year to date 2017	22	6	4	9	3
Year to date 2016	16	4	5	5	2
Year to date 2015	10	3	3	3	1
Year to date 2014	5	0	2	3	0

1986 S. Simon Rd – deck addition
2101 N. Our Majesty Tr. – new single-family dwelling
418 N. Stony Point – Roof expansion
1212 S. Peck Rd – accessory building
381 S. Nanagosa Tr. – remove existing home – new single-family dwelling.

2 revisions or extensions to existing Land Use Permits

Land Divisions:

- Land Division Application approved for one division on land lying between Center Highway and Richter Rd.
- Preliminary reviews and many questions about splitting of land.

Zoning Board of Appeals:

- No Activity

Short Term Rentals:

- 30 Short-Term Rental Permits issued for 2021 (26 Renewal Permits– 4 New Permits).

Other:

- Site Plan Review 1274 Peck Road
- Site Plan Review Marek Road Multi-Family Housing Project
- Follow-up on Special Use Permits previously approved by PC.
- Assist with Zoning Ordinance Overhaul Project – discussions on Special Events.
- There have been numerous questions and requests for interpretations on properties in the township that are on the market or recently purchased.
- Attending Workshop on Agricultural Tourism.