

LELAND TOWNSHIP PLANNING COMMISSION
Wednesday, Wednesday May 5, 2021 - 7:00pm
Leland Township Office meeting room
123 N. St. Joseph St. Lake Leelanau, MI
and Zoom Meeting Room
<https://us02web.zoom.us/j/84275786017>

PRESENT: Chair Dan Korson; Clint Mitchell, Township Board Rep;
Ross Satterwhite, ZBA Rep; Sam Simpson, Secretary,

ABSENT: Vice Chair Skip Telgard (excused)

STAFF: Tim Cypher, Zoning Administrator; Sandy Dunkin,
Recording Secretary; and Larry Sullivan, Planning

GUESTS (IN-PERSON): Chris Bunbury and Steve Mikowski

GUESTS (ZOOM): Kathleen Aker, Jim Carpenter, Matthew Hawkins,
Machin Engineering Inc., Mannie Maxwell, Rebecca Reynolds, and
Patricia Souta-Little, County Commissioner

CALL TO ORDER: Chair Dan Korson called the meeting to order at
7:02pm with the Pledge of Allegiance.

AGENDA: Chair Korson called for a motion to approve the agenda
for May 5, 2021. Satterwhite moved to approve the May 5, 2021,
meeting agenda as presented; seconded by Korson. All in favor,
motion carried.

DECLARATION OF POTENTIAL CONFLICTS OF INTEREST: No conflicts of
interest declared.

APPROVAL OF MINUTES: Chair Korson asked for a motion to approve
minutes from the April 2021 meeting. Korson advised there are
areas that need AG/RES and AG/CON specified. Satterwhite moved
to approve the April 7, 2021, minutes as corrected; Mitchell
seconded. All in favor, motion carried.

PUBLIC COMMENT:

Zoom:

Mannie Maxwell, full time resident of Leland, asked to go on
record as being in favor of the Popp Road Recycling Center. Ms.
Maxwell advised she has been in contact with 25 friends,
including young moms who want to move forward with this project.

Jim Carpenter, Leland Township resident, encourages the planning commission to move ahead on the Popp Road project as it was approved by the Township Board one year ago. Carpenter stated that a significant amount of money has gone into this worthy project.

Rebecca Reynolds, resident in Leland, supports the Popp Road project, which is much needed in the county, especially with increased home deliveries. Reynolds stated Leland and Lake Leelanau already pays for this service and currently uses the temporary site and looking forward to the permanent site on Popp Road. Reynolds urges the commission to approve the land use.

Patricia Soutas-Little, Leelanau County Commissioner (District 5), thanked the planning commission for taking up the Popp Road issue tonight. Soutas-Little is happy to answer any questions about the project tonight.

Kathleen Acker, Leland Resident, reported that she and her husband are in huge support of the Popp Road project. Acker stated it is even more important to residents, especially as the township is moving into the busy season with increased seasonal rentals that will increase demand for recycling.

Chair Korson, hearing no further comments, closed public comments from Zoom attendees currently.

REPORT FROM TOWNSHIP BOARD REP: Mitchell advised that the Township Board voted to have the Planning Commission to take up the short-term rentals under advisement again with no timeline of completion.

Mitchell advised that the \$200,000 approved funds from the American Rescue Act, earmarked for the township, will be receiving \$100,000 next month.

REPORT FROM ZBA REP: Satterwhite advised there is no report. Cypher advised an application for dimensional variance has been received. Cypher will be sending this to ZBA members.

NEW BUSINESS

1. Popp Road Recycling Center - Special Land Use application - Leland Twp. & Leelanau County

Cypher reported that the Popp Road Project has been ongoing with the Township Board approving a year ago. Cypher stated that the application has been received and is complete. Cypher advised that the road commission items with the entry drive have been resolved with confirmation forthcoming.

Cypher advised that Matthew Hawkins, Machin Engineering Inc., will be presenting on the Popp Road project as Patrick Machin is not in attendance. Hawkins reported that Machin Engineering was hired in the Fall of 2020 by the Township Board to review and design the Popp Road Recycling site for minimum impact, storm water and accessibility off Popp Road. Hawkins stated the desire was to bring in minimal alterations as possible to the site and make accessible for trucks, while minimizing impact for the community.

Hawkins advised that the plans provided to planning commission members meet the requirements for the storm water and they have met with Mr. Christenson, with County Soil Erosion and Road Commission. Hawkins confirmed with Soutas-Little that the County Road Commission have finished their site review and have classified the recycling site as a small business with commercial classification.

Hawkins stated that plans are to bring in gravel fill to maintain the site as close to the original use as possible while allowing for truck traffic and storm water retention with no pavement or major alterations with existing location being used for the driveway.

Chair Korson confirmed with Cypher that the entire site was looked at by Machin Engineering. Korson advised of a letter from Ken Hagstrom, Leland Township Maintenance, regarding the condition of the surface area with the previous dump area. Korson asked if any soil analysis has been completed to confirm that the land can hold the bins and trucks that will be necessary. Discussion followed. Hawkins advised that there will be Geotech fabric underneath the gravel as to mitigate the soils interacting with each other, along with a 12" gravel roadbed with minimal disturbance to the site with some fill and no excavating of the site.

Cypher reported that back in 1992 when the old dump was there, it was specified that the clay cap is not to be disturbed for 30 years. Cypher asked if there will be personnel there to assure that the cap will not be disturbed in the construction process. Hawkins advised this could be part of the requirements of the project. Discussion followed with respect to this being an altered site and not disturbing the cap. Soutas-Little advised the engineering specification is feet not inches, with no records being on file, but that the specifications of the time were met.

Sullivan asked if any soil borings have been made to determine boundaries of the where waste was disposed of historically. Discussion followed. Hawkins advised that current truck traffic does not seem to be affecting the site. More discussion as to concerns of not knowing type of waste that was disposed of and the exact area of the disposal.

Cypher advised that whatever standards were in effect in 1992, approval was completed through the MDNR with no further records found for the five-year period after. Cypher advised that a condition could be made if clay was found, then further investigation would need completed. Discussion followed. Korson advised some soil borings could be completed now, in that upfront cost is normally cheaper than fixing or repairing after.

Chris Bunbury advised that even though there is a 30-year cap requirement, if anything is done that affects the cap, this will be the township's problem and may affect potable water. Bunbury stated that a Geoprobe will not create big issues and is a way find the boundary issues now.

Satterwhite confirmed the placement of the six bins with trucks driving in and out of existing area. Discussion followed. Satterwhite confirmed with Hawkins that Machin Engineering took the larger trucks into consideration. Hawkins advised that is why Machin Engineering is recommending 12" of gravel being used versus the normal 6" to 8" of gravel. Discussion followed with respect to truck traffic on the site.

Sullivan confirmed that American Waste is the vendor and they come in with a loader and do not take bins in and out.

More discussion ensued. Simpson confirmed with Korson that the weight limit on the cap is the main issue, with Korson stating that it a good investment for the township to get the soil samples completed to make sure that the township is covered. Cypher advised that the planning commission can approve with the condition that an engineering confirmation that underlying soil will support the truck weight necessary for pick-ups at the recycling site. Cypher stated that maintenance has confirmed that from 1996 to present, there have been sinkholes.

Chair Korson confirmed with Soutas-Little that there is not any data on the cap, with Gary Bardenhagen being the supervisor at the time. Cypher reported that EGLE was contacted with chances being slim that records for that time-period exist. Sullivan advised he will attempt to track down arial photos from the 60s to 70s to try and ascertain the area where the previous dump was located.

Mitchell feels that concerns for knowing specifics of what the site can handle are significant. Discussion followed with Mitchell and Satterwhite confirming that the public hearing can be approved now with the Township Board having the ability to start the process of soil testing of the site, which is more time efficient as residents want to keep moving forward on the recycling site.

Cypher advised that the Munoz family has recently agreed to keep the Leland temporary recycling site available until the Popp Road Recycling Project is completed.

Mitchell brought up concerns of the cost of the Popp Road Project by residents and is it worth speaking with Manitou Transit to see what might be worked out in the future. Discussion followed regarding boundaries for Provemont Park area. Cypher advised that the area has already been designated by the Township Board last year for a recycling site so there is no option for discussion on adjustments to the area unless Township Board makes changes. Cypher reiterated that the Popp Road Site has been defined for the current use of recycling.

Satterwhite asked if the Popp Road Project Public Hearing can be approved with the condition that soil testing is completed. Cypher advised the public hearing can be set now with Mitchell's idea of going to the township board now

to start the soil testing to move forward on confirming that the site is safe for the proposed use. Discussion followed. Mitchell confirmed with Cypher that the planning commission can recommend to the township board to move forward with the public hearing with conditions. Discussion followed. Planning commission members confirmed with Cypher that setting the public hearing is not giving any approval of the project at tonight's meeting.

Cypher reiterated that the temporary recycling site timeline has been extended for now so that township does not go without recycling services. Cypher stated that moving forward on a public hearing is what is on agenda for tonight's meeting. Cypher confirmed with Hawkins that no multi-use of the site has been discussed.

Mitchell asked if there is space for parking for the proposed bike trail. Discussion followed. Cypher advised that there is an actual agreement with the township and county for a recycling site that was agreed upon in August 2020.

Cypher advised the earliest date for a public hearing on May 28, 2021, with the normal meeting on June 2, 2021. Cypher noted that May 28, 2021, is the Friday of Memorial Day weekend.

Steve Mikowski shared comments that he believes this is a sloppy meeting and a beautiful job of political engineering. Mikowski cannot believe that soil borings have not been done to see if the site is even safe for the proposed use. Mikowski has concerns as to why would we want to disturb the park. Mikowski showed pictures of the park 33 years ago. Chair Korson thanked Mr. Mikowski for his comments and moved the meeting forward.

Cypher advised that as the Township Board has already made the decision and has a contract with the county for this area to be a recycling site. Satterwhite advised that the planning commission is responding to an application. Discussion followed. Satterwhite advised that the planning commission needs to review and decide whether to move forward on a public hearing with the condition of the soil boring.

Chair Korson asked for a motion for a public hearing on the Popp Road Recycling Site. Discussion followed. Sullivan confirmed with Cypher to check with Register of Deeds office to see if DNR required a deed in 1992. Satterwhite moved to set a public hearing for the Popp Road Recycling Site Plan Application on June 2, 2021, at 7:00pm with the recommendation of a condition for soil testing of the site, Simpson seconded. All in favor, motion carried.

OLD BUSINESS

- **No Public Hearing**

1. Presentation by Applicant
2. PC Questions/Discussion by Applicant
3. Public Comments (limited to three minutes per person unless extended by Chair)
4. Applicant's Response to Public Comment
5. PC Discussion with Staff (if required)
6. PC Deliberation/Findings of Fact
7. PC Motions/Action

- **Zoning Amendments - Status - Lot Coverage/Character Clause**

Korson reviewed a proposed mathematical equation he provided to planning commission members in advance of tonight's meeting. Korson advised that this equation is a simple example of lot coverage to attempt getting away from just putting a specific square footage number for a new house to be built on the lot size. Korson advised that by using a formula it takes away the concerns about specifying a certain number for the square footage, with no restriction of a cap on home size. Discussion followed. Korson advised that the curve can be controlled based on AG/CON or AG/RES. Cypher advised that currently 15 percent of the house size can be used for other buildings on the site.

Mitchell stated that he believes this formula is complicated and overly restrictive, plus encourages people to build two story homes. Discussion followed. Korson advised this is a concept and can be adjusted for numbers. Satterwhite advised he is not opposed to a gradual function as a starting concept with the planning commissioners entertaining the idea to limit size so future housing is not out of character for the township. Intense discussion followed.

Simpson stated he likes this approach with carve outs for AG/CON and AG/RES and not one blanket formula across all districts.

Satterwhite reviewed the idea of focusing on the total house size not first or second floor sizes. Discussion followed. Simpson feels this is good approach, which needs to be layered.

Bunbury stated this is about residential preservation with a focus on waterfront and village properties. Bunbury loves the math formula and would consider lower lot coverage percentages on the small lots with Mitchell in agreement.

Satterwhite asked about a listing of current lot sizes, with Cypher advising that it is in the ordinance just before the map. Discussion followed about Article 9.4. Satterwhite advises to refine the formula, run it, and see what the planning commissioners think of it. Cypher reported that there have only been a few outliers with respect to homes being out of character over 100 years and expressed that Bunbury is correct, this could happen and is important to discuss. Satterwhite advised that this is a discussion the planning commission needs to have for future character of the township.

Mitchell shared that commissioners must be careful of specific numbers and to consider a range so not to discourage people from building new homes. Satterwhite feels more thought needs to go into this with Korson advising each member needs to think about total house size column and then perhaps can average the numbers each member provides at the next meeting. Mitchell asked for information he sent to Cypher before the meeting to be shared with all members. Satterwhite asked that Sullivan add the current ordinance maximum allowance so planning commission members can see what is current for the different districts and the planning commissioners can use the data to calibrate a formula.

- **Master Plan - Status - Update from Planner & ZA -**

Consensus is to table the master plan. Mitchell confirmed with Cypher that 2020 census numbers may not be provided until August 2021. Sullivan advised there are other components, such as language for section six that is being worked on now. Mitchell reported that he would like to see more focus on big picture items rather than trash on the road or raccoons.

OTHER BUSINESS (as required)

No other business presented.

Zoning Administrator Comment: Mr. Cypher advised that he received an amendment request for 18.25B. The completed application will be reviewed and put on next month's agenda.

Planning Commission Comment: No comment currently.

Public Comment: No comment currently.

The next meeting is scheduled for Wednesday, June 2, 2021, 7:00pm, at the Leland Township Office

Adjournment: There being no objection, Chair Korson adjourned the meeting at 9:10 p.m.

Respectfully Submitted

Sandra Dunkin, Recording Secretary

Date Approved: June 2, 2021