

**APPROVED
EMPIRE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES**

January 16, 2024

The Empire Township Planning Commission held a regular meeting on Tuesday, January 16, 2024. The meeting was held at the Empire Township Offices.

CALL TO ORDER: Duane Shugart, Chair, called the meeting to order at 7:00 p.m.

ROLL CALL:

Members Present: Duane Shugart, Larry Krawczak, Tom Petersen, Dale DeJager, Micah Deegan

Members Absent: None

Staff Present: Tim Cypher, Zoning Administrator; Dana Boomer, Recording Secretary

APPROVAL OF AGENDA: The PC briefly discussed the agenda. **Motion by Deegan, second by Krawczak to approve the agenda as presented. All in favor, motion carried.**

ANY CONFLICT OF INTEREST – None

APPROVAL OF MINUTES: The PC briefly discussed the minutes of the December 5, 2023 regular meeting. **Motion by Krawczak, second by Petersen to approve the December 5, 2023 Regular Meeting Minutes as presented. All in favor, motion carried.**

COMMUNICATIONS: Shugart received a communication from a member of the public regarding the repaving of M-22 in the area of Glen Lake Manor and the fact that the road is still quite narrow, to the point that some of the lines had been painted on the grass instead of on the road. Shugart had passed the issue along to MDOT, who said they would be looking into it.

PUBLIC COMMENT: None

ZONING ADMINISTRATOR'S REPORT: Cypher had previously distributed his monthly reports for November and December 2023. Cypher reported on complaints and enforcement action in the township over the last couple months. He continues to work with the Glen Lake Manor, which continues to be a pending matter. **Motion by Petersen, second by Krawczak to acknowledge receipt of the November and December 2023 written reports. All in favor, motion carried.**

OLD BUSINESS:

- **Master Plan Update from Board** – The Township Board has determined that based on the Township Planning Commission Ordinance, it is up to the Planning Commission to pass the final version of the Master Plan, which must be done by resolution. The Board had two recommendations – the first to remove “consistent with legal precedent” from the first bullet point on page 37 and the second to discuss whether clarification is needed throughout the document that only part of South Bar is governed by the Township and the rest is governed by the Village. The PC discussed these points. The following change was made:
 - Remove “Consistent with legal precedent,” from page 37

Deegan moved to remove “consistent with legal precedent” from page 37 and make no further changes to the Master Plan. Petersen seconded. All in favor, motion carried.

Boomer had prepared a draft resolution for approval of the Master Plan, which would be Resolution 01-2024 (see attached). The PC briefly discussed.

Deegan moved to approve Resolution 01-2024, Krawczak seconded. Roll call vote: Deegan (yes), Peterson (yes), DeJager (yes), Krawczak (yes), Shugart (yes). All in favor, motion carried.

- **Zoning Ordinance Review** – At the December meeting, it was requested for members to review Articles 1-4 for discussion tonight. The PC began the discussion of these articles. Proposed changes made:
 - Change Article 1 title to “Introduction”
 - Article 2.2, Accessory Use, remove portion “...such as an office for an industrial use.”
 - Article 2.2, Building, Accessory, change “shed” to “storage area”.
 - Article 4.16.C – Add Critical Dune
 - Article 4.20 – Change to 33 percent to be consistent with state law
 - Amend land use district section setbacks to be consistent with schedule of regulations

Several areas were highlighted for further research or discussion. Boomer will distribute a red-line document of the changes up until this point and continue to work to get an updated zoning map. At the February meeting, the PC will continue with the discussion of Article 4 and then move forward.

NEW BUSINESS:

- A. 2023 Annual Report** – Boomer had drafted the 2023 Annual Report (see attached). The PC briefly discussed. **DeJager moved, Deegan seconded to adopt the 2023 Annual Report as presented. All in favor, motion carried.**
- B. Pleasure of the Board** – None

PUBLIC COMMENT: None

BOARD COMMENT: DeJager and the rest of the PC thanked Cypher for his contributions to the discussion on the Zoning Ordinance tonight.

ADJOURNMENT: **Motion** by Krawczak to adjourn at 9:19 pm, Petersen seconded. With no objection, Shugart adjourned the meeting.

Respectfully Submitted,

Dana Boomer
Recording Secretary

Resolution 01-2024

STATE OF MICHIGAN)
LEELANAU COUNTY) SS)
EMPIRE TOWNSHIP)

RESOLUTION BY THE EMPIRE TOWNSHIP PLANNING COMMISSION TO ADOPT THE 2024 EMPIRE TOWNSHIP MASTER PLAN

WHEREAS, the Michigan Planning and Enabling Act, MCL 125.3801 *et seq* (“MPEA”), delegates to local units of government the power to zone and regulate development within their municipal boundaries; and

WHEREAS, the MPEA, MCL 125.3807 provides, that a local unit of government may prepare and, after public hearing, adopt or amend a municipal Master Plan or component parts thereof, to guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare; and

WHEREAS, the Michigan Zoning Enabling Act MCL 125.3201 (MZEA) *et seq* provides that a local unit of government may adopt or amend a Zoning Ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon only after the municipal Planning Commission has adopted a Master Plan; and

WHEREAS, MPEA 125.3845 (2) provides that a local unit of government shall, at least every 5 years, provide for a general reexamination of its Master Plan by the Planning Commission, which shall review the master plan and determine whether to commence the procedure to amend the master plan or adopt a new master plan; and

WHEREAS, the Empire Township Planning Commission (“Commission”) last reviewed and updated its municipal Master Plan, which included a Land Use Plan Element and a Housing Plan Element, in 2010, and in 2020, the Commission voted to review the 2010 Master Plan and subsequently determined that updates were needed; and

WHEREAS, the Commission commenced a 5-year general review of the Master Plan, beginning January 13, 2021; and

WHEREAS, the COVID-19 epidemic, and its resulting restrictions on public gatherings, delayed and hampered meetings where the Plan was to be discussed and updated; and

WHEREAS, at the Empire Township Board’s January 9, 2024 meeting, it was determined that the Empire Township Planning Commission Ordinance grants the Empire Township Planning Commission the right of final approval over the Empire Township Master Plan; and

NOW, THEREFORE, BE IT RESOLVED BY THE EMPIRE TOWNSHIP PLANNING COMMISSION, COUNTY OF LEELANAU, STATE OF MICHIGAN as follows:

A. That the Empire Township Master Plan 2024 draft version as amended at the January 16, 2024 Planning Commission meeting be accepted and adopted as the Planning Commission's final draft of the update to the Empire Township Master Plan 2010.

PASSED BY THE EMPIRE TOWNSHIP PLANNING COMMISSION THIS 16th DAY OF JANUARY, 2024.

A motion was made by Deegan, and seconded by Krawczak to approve Resolution # 01-2024.

Ayes: Deegan, Krawczak, Petersen, DeJager, Shugart

Nays: None

Absent: None

The Planning Commission Chair declared the resolution adopted.

EMPIRE TOWNSHIP PLANNING COMMISSION
ANNUAL REPORT
January 16, 2024

Pursuant to section 19 of the Michigan Planning Enabling Act, the Empire Township Planning Commission hereby presents the Empire Township Board with this annual report for the commission's activities during calendar year 2023.

1. Meetings: The planning commission held seven (7) regular meetings and two (2) special meeting.
2. Public Hearings: Conducted two public hearings in May and September to receive public input on the proposed updates to the Master Plan.
3. Plan Reviews: No plan reviews were conducted during 2023
4. Master Plan: Finalized updates to Empire Township Master Plan. Held two public hearings to receive public input and received input from Leelanau County Planning Commission. Delivered plan to Empire Township Board for review and input.
5. Personnel: 2023 saw the retirement of long-time PC Chair Richard Figura, and the appointment of Tom Petersen as the newest Planning Commission member. Duane Shugart was appointed as the new Chair of the Planning Commission.
6. Review of Neighboring Plans. Reviewed portions of plans from neighboring communities and the county as relevant to the township.
7. Budget request. We do not see the need for any increase in the planning budget. While there may be increased attendance at training programs, there seems to be sufficient funds available for that purpose if the budget remains the same.

Duane Shugart
Chairperson