

Recommended Procedures for ZBA Hearing on Leelanau Pines Appeal

The following is a set of procedures for the ZBA's hearing of the Northgate Leelanau Pines, LLC appeal of the Planning Commission's denial of site plan approval. Township legal drafted these recommended procedures in consultation with the Chair.

- Record before the ZBA:
 - The record before the ZBA has been organized and indexed and is stored in a Dropbox site. There are links to the record on the Township's website.
 - Under the zoning ordinance, no new evidence will be considered by the ZBA. The ZBA can and should consider written and oral comments and arguments about the information in the record.
- December 7, 2022 meeting:
 - Consideration of these procedures –
 - Township legal will provide an overview.
 - We ask the ZBA to review the procedures, modify them as necessary to meet your needs, and then approve them by motion.
 - Initial presentation by appellant –
 - The appellant will have uninterrupted time to present argument in support of the appeal.
 - Time limit: 20 minutes.
 - If the ZBA members have any questions they will ask them at the conclusion of the appellant's presentation to avoid subtracting from their time.
 - Public hearing –
 - Open to any member of the public who wishes to speak.
 - Time limit: 3 minutes.
 - Close public hearing.
 - Reply comments by appellant –
 - This is an opportunity for the appellant to respond to anything they wish from the public hearing.
 - Time limit: 10 minutes.
 - Board deliberation –
 - ZBA members will discuss their opinions regarding the appeal and particularly the 17 site plan review standards as well as other zoning and master plan provisions highlighted in the staff report.
 - Focus is on whether the Planning Commission made a correct or incorrect decision regarding each standard.

- The ZBA is required to make detailed findings of fact and a written decision. The objective of the discussion is to provide sufficient guidance to legal to draft possible findings of fact and a decision reflecting the Board's discussion, for consideration at the December 20 meeting.
 - No additional comments from anyone should be allowed during deliberation but Board members may ask questions if they wish.
- Public comment at the end of the meeting should be limited to matters other than the Leelanau Pines appeal.
- Between meetings:
 - Legal will prepare proposed findings of fact and draft decision for the Board to consider at the next meeting.
 - Appellant may submit any final written comments or arguments addressing matters from the December 7 hearing by December 13, 2022.
- December 20, 2022 meeting:
 - Board will review and discuss proposed findings and draft decision, modify them as needed, and vote.
 - Public comment will be taken at the beginning of the meeting but not a second public hearing.