

NOTICE OF MEETING

A Regular Meeting of the Leelanau County Planning Commission (LCPC) will be held at **5:30 pm Tuesday, FEBRUARY 28, 2023** in the Leelanau County Government Center – 1st floor.

(Please silence any unnecessary cellular/electronic devices)

DRAFT AGENDA

CALL TO ORDER & PLEDGE OF ALLEGIANCE

ROLL CALL

WELCOME NEW MEMBER – Brian Fenlon

CONSIDERATION OF AGENDA

CONFLICT OF INTEREST (*refer to Section 3.7 of the Bylaws*)

PUBLIC COMMENT

STAFF COMMENTS

CONSIDERATION OF JANUARY 23, 2022 MEETING MINUTES *pgs 2-8*

NEW BUSINESS

1. PC02-2023-03 Cleveland Twp. – Text Amend. *pgs 9-14*
2. PC03-2023-02 Centerville Twp. – Text Amend. *pgs 15-23*
3. Topic for annual planning session

REPORTS

1. Housing Action Committee
2. Parks & Recreation Committee
3. Report from LCPC members of attendance at township/village meetings, or Other Meetings/Trainings

COMMUNICATIONS

PUBLIC COMMENTS

STAFF COMMENTS

COMMISSIONER & CHAIRPERSON COMMENTS

ADJOURN

LCPC Members

Steve Yoder
Casey Noonan
Melvin Black
Melinda Lautner
Tom MacDonald
Robert Miller
Tom Nixon
Amy Trumbull
Rodney Brush
Brian Fenlon
1 Open Positions

A REGULAR MEETING OF THE LEELANAU COUNTY PLANNING COMMISSION WAS HELD ON TUESDAY, JANUARY 23, 2023, AT THE LEELANAU COUNTY GOVERNMENT CENTER.

Proceedings of the meeting were recorded and are not the official record of the meeting. The formally approved written copy of the minutes will be the official record of the meeting.

CALL TO ORDER Meeting was called to order at 5:30 p.m. by Chairman Yoder who led the Pledge of Allegiance. The Meeting was held at the Leelanau County Government Center, 8527 E. Government Center Dr., Suttons Bay, MI.

ROLL CALL

Members Present: S. Yoder, R. Miller, T. Nixon, A. Trumbull, C. Noonan
T. MacDonald, R. Brush

Members Absent: M. Black, M. Lautner
(prior notice)

Staff Present: T. Galla, Director, G. Myer, Senior Planner

Public Present: S. Patmore, one other citizen

Yoder welcomed new members Brush and MacDonald.

CONSIDERATION OF AGENDA

Motion by Noonan, seconded Miller, to accept the agenda as presented. Motion carried 7-0.

CONFLICT OF INTEREST – None.

ANNUAL ORGANIZATIONAL ITEMS

Election of Officers (2022 officers: S. Yoder-Chair, C. Noonan-Vice-Chair, M. Black-Chair Pro-Tem)

Chairman

Vice Chairman

Chair Pro-Tem

Motion by Nixon, seconded by Trumbull, to re-elect the same officers: S. Yoder-Chair, C. Noonan-Vice-Chair, M. Black-Chair Pro-Tem for 2023. Nominations were closed and the motion passed 7-0.

ANNUAL REVIEW OF BYLAWS

Motion by Noonan, seconded by Nixon, to approve Bylaws as presented. Motion carried 7-0.

CONSIDERATION OF 2023 MEETING SCHEDULE & ANNUAL MEETING DATE

Miller said December 26th may be a difficult meeting for everyone to make. Galla suggested moving it to the 3rd Tuesday, downstairs.

Motion by Noonan, seconded by Trumbull, to approve the proposed 2023 meeting schedule as amended. Motion carried 7-0.

COMMITTEE APPOINTMENTS

Housing Action Committee

Galla informed member that County Commissioner Gwen Allgaier is interested in becoming a member of the Housing Action Committee.

Motion by Noonan, seconded by Miller, to appoint County Commissioner Allgaier to the Housing Action Committee. Motion carried 7-0

Parks & Recreation

Yoder appointed Noonan to Parks & Recreation for 2023.

PUBLIC COMMENT – None.

STAFF COMMENTS

Galla passed out a MAP (Michigan Association of Planning) training brochure and told members if they are interested in attending any of the training sessions to contact staff and they will register them.

Galla mentioned their review of the Benzonia Joint Master Plan and said she received an email from Sara Kirk, of SRP Designs Studio, who thanked members for a thorough review and stated another proof read ahead of the draft would have been great to have. She is not used to getting much response on the drafts, so it was much appreciated.

CONSIDERATION OF SEPTEMBER 27, 2022 MEETING MINUTES

Motion by Noonan, seconded by Trumbull, to accept the minutes as presented. Motion carried 7-0.

NEW BUSINESS

PC01-2023-08 Leelanau Twp. – Rezone Agricultural to R1

Galla reviewed the staff report saying this was a request on the December meeting agenda, but a few members had things happen at the last minute that could not be avoided, so there wasn't a quorum. The township has requested that this be reviewed tonight, that is why it is being reviewed after the 30-day review period has expired.

Galla continued, saying this is a rezoning request for just under 28 acres located west of N. Old Farm Rd., from Agricultural to Residential 1. The Lake Michigan ridgeline runs along the west side of the parcel. The property to the north and east is vacant and zoned Agricultural and to the south are some single-family dwellings, orchards and the zoning is Residential 1, Residential Conservation and Agricultural.

Galla said the Leelanau Township Future Land Use Map calls for Residential Conservation in this area and in the township master plan it states one dwelling unit per 10 acres for rural lands that are not suitable for agricultural or horticultural production on a large scale. The plan also states for low density residential development at densities no higher than one dwelling unit per two acres. The Low-Density Residential category is, in general, located remotely from urban and other intense uses. Most of the

mainland shoreline perimeter area is included in this category. Uses are limited to single family residences and appropriate accessory uses. Galla said the Leelanau County General Plan Future Land Use Maps notes the Northern Hardwoods in this area, and agricultural lands but does not specifically identify any community types or densities for the area.

Galla continued, saying a public hearing was held on August 25, 2022 and adjourned to September 8, 2022, and then October 13, 2022. On October 11, the township received a written offer of conditions and republished the Public Hearing notice for November 10, 2022. Most of the public comment that has been received on this rezoning request has been opposition to the rezoning. At the November 10, township planning commission meeting, the commission reviewed Findings of Fact and then made a recommendation to approve the application subject to the voluntary conditions submitted by the applicant including the voluntary amendments to the conditions discussed that night.

Galla reviewed the history next, saying that in 2004, two rezoning requests were reviewed by the county planning commission for property directly to the south of the subject parcel: PC10-04-08 and PC11-04-08. Staff report PC10-04-08 was a request from Clifford Hale to rezone 9.6 acres of land with one existing house, from the Agricultural District to the Residential 1 district. Due to the steep slopes and soils unsuitable for development, it was noted only one additional split could be made for this parcel. The rezoning would remove that nonconforming status (less than 10-acre size), and allow the applicant to make one additional parcel split. The parcel was rezoned by the township.

Staff report PC11-04-08 was a request from Barbara Yearn to rezone 10.4 acres of land with one existing house, from Agricultural to Residential Conservation. The applicant had originally requested rezoning to Residential 1 and later changed it to Residential Conservation. In 2004 the Residential Conservation had the same minimum lot size as the Agricultural district but allowed the option of Planned Site Option to increase the density. The Yearn parcel previously included 7 acres to the immediate north which was rezoned in 2000 and split off from the parent parcel. The township board approved rezoning of the Yearn parcel to Residential Conservation.

Galla then moved on to Staff Analysis and Findings, saying that according to the Leelanau Township Zoning Map, parcels directly to the south of this parcel are zoned Residential 1 and Residential Conservation. There is residential development along the shoreline/bluff, and agricultural use to the east. Rezoning would be consistent with the residential development along the shoreline. Galla pointed out that the township Master Plan designates this entire shoreline area as Residential Conservation with a 10-acre minimum lot size and several of the parcels along the shoreline in this designated Residential Conservation area are less than 10 acres in size. The existing zoning is reasonable and the applicant can use the property as currently zoned. There is a 10-acre minimum lot size in the Agricultural district which would allow the applicant to develop 2 homes on 2 separate parcels.

Galla continued, saying that during the public hearing there were a lot of concerns raised regarding the private road used to access the subject parcel, storm water runoff and potential development density and the shoreline bluff. Galla noted that it is important to look at what is allowed in the current use and what is allowed if it is rezoned to a different district regardless of what the applicant is telling you. In this case, the applicant didn't bring forward any conditions saying they would limit the use to a certain use. Galla then mentioned some of the current permitted uses in the Agricultural District and some permitted uses in the proposed Residential 1 District.

Galla explained that a conditional rezoning is when the owner of the land brings forth conditions to that rezoning request for the township to consider. The township is not to suggest conditions or barter back and forth. They must be offered and either accepted or denied. Galla said there is language in the townships zoning ordinance explaining the process and how it all takes place, if the property is rezoned.

Galla said usually, with a conditional rezoning, a person is proposing a certain use. To reduce controversy or concerns, the applicant might volunteer to condition the zoning to restrict the use of the parcel(s) to only a specific certain land use. The applicant in this case, offered six conditions, some of which appear to be requirements that would already have to be followed for local and/or state review/approval for development. If it is already a requirement that an applicant/developer would have to comply with, there's no reason to include it as an Offer of Condition. The first condition was "Place all portions of the parent parcel (i.e., 18 acres) lakeward of the steep slope ridge line in a conservation easement (CE) to be held by the Leelanau Conservancy, Leelanau Township or another qualified third party. CE to be tailored to allow for a future walkway, stairway access lakeward of the ridge line for pedestrian shoreline access." Would the pedestrian access be for the public? If it is only for the property owners, what benefit does it serve the township to accept this Condition? Does the township want to take on the responsibility of a conservation easement on a private piece of property? If there is no access to the shore due to steep slopes and the ridgeline and that portion of the property is not buildable, what benefit does the conservation easement provide? If it will be used by the public as an access to the shoreline, then there is increased traffic to consider to get to this access.

Galla said the main condition is number two. That is where the applicant has offered for a maximum of four parcels. The applicant purchased this property and should have known what was allowed by the zoning. It was stated in some of the documentation that the applicant wanted to have additional parcels due to the initial cost of the property which was over a million dollars. The last couple of years have seen a dramatic increase in the price of properties and homes in this region, with some being sold sight unseen, well above appraised or asking price, and sometimes without inspections. There are other parcels along the shoreline that are more than 10 acres in size. If this Conditional Rezoning is approved, will the township receive similar requests for additional splits?

Galla pointed out that the concerns with the road and road improvements need to be addressed by the property owners that have legal access, along with any township requirements.

Galla concluded by saying the current conditions do not leave the applicant without options. The applicant can build on the parcel or request a division for a maximum of 2 parcels of at least 10 acres in size. There are areas along the shoreline that are steep and will most likely not be used for any of the uses in the Agricultural district except for single family homes, and many of the parcels along the shoreline are already less than 10 acres in size but zoned for Agricultural, perhaps the township should take a look at the zoning along the whole shoreline. Does it make sense to keep these properties in Agricultural? Is there another district that could be considered? There are several parcels that are greater than 10 acres in size along the shoreline, as well as parcels around 2 acres in size. Would a minimum size between these work better for this area? And, is the Planned Site Option in the zoning ordinance being used, or should that be reconsidered?

Brush said he is familiar with the parcel and granting the four splits would put the development in a small portion of the land. He understands the applicants reasoning, but maybe three splits would be better.

Miller addressed the first voluntary condition offered by the applicant and said it doesn't make sense. This is accessed by a private road and those who live and support that road would be penalized. He would be hard put to support this rezoning when they knew the zoning when it was purchased.

Noonan stated that there is no guarantee that the conservancy wants a conservation easement. How can you have that built into your plan? Trumbull said she didn't have any concerns with the rezoning because it is not an agricultural site. Nixon said the master plan calls for this area to become R1 which makes sense when you look at the topography out there.

MacDonald questioned Article 13 which was mentioned in an email from Marsha Buehler. This implies that there are other options available. Are there other alternatives available besides R1? Nixon said he shares this concern also. He would like to know what impact her comments have on this request, if at all.

Steve Patmore, Leelanau Township Zoning Administrator, said the township planning commission spent a lot of time on this request and they received some conflicting information. They looked at a variety of options. Under Article 13, Open Space Residential Development, essentially a clustering, with this being zoned Agricultural they still could have gotten four lots. It would have been clustered with dedicated open space, but it wasn't in the configuration that the applicant wanted, therefore they asked for the rezoning to R1. Patmore said the townships definition of Agricultural property is 65% tillable and he agrees, that this property is not agricultural. Patmore said they are working on their master plan and looking at a possible new district called Lake Michigan Shoreline which would encompass these areas.

Patmore continued, saying the planning commission thought with the conditions of four lots, zoned R1, when you can do four lots zoned Agricultural made it a better possibility. Patmore addressed MacDonald and Nixon's concerns regarding Article 13 by saying they could have done four lots with the open space residential development. He doesn't agree entirely with the conclusion of Buehler's letter that this could have been done with the configuration that the applicant wanted. The applicant wanted two ten acre lots and two smaller lots. Patmore doesn't think that is clustering. In conclusion, Patmore said the road and bluff issue will get handled internally during the permitting and site plan review process. The township has a private road ordinance that will kick in regardless if the rezoning happens or not.

Brush said it is just a matter of permitted uses under Agricultural or R1 then, correct? They can get the four lots either way. Patmore said there wasn't anything brought up during the discussion that the applicant would do, that the township was concerned about. It was pointed out in Buehler's letter that the applicant indicated that they wanted to have the two smaller lots be mini farms. There are a lot of agricultural things you can't do in the R1 District.

Miller questioned how the conservancy easement that was offered would impact this if the property is rezoned and it doesn't happen? Patmore stated the township could have them record an easement and the township would be the monitor of it. There are different ways to convey an easement on your property. Patmore doesn't think the conservancy would want an easement on this parcel. Miller questioned whether the conservancy would want to maintain steps down to the lake. Patmore said the steps would be for the applicants or owners personal use only. Patmore stated that if the township approves the rezoning, the attorney will work on the conditions and how to convey them. Nixon said so there really is no public access in any of those conditions. Patmore responded no; it wasn't offered. Galla commented that it seems like they could have said something like "we won't build here, except steps to the beach" instead of getting tied into the whole conservation easement. Patmore said the attorneys will try and simplify that.

Nixon questioned what was the applicant specifically looking for on this property? Patmore said Article 13 is a clustering, so they would have to be four smaller lots, on less than 50% of the property. According to their application they wanted to have ten acres per house. Miller questioned if smaller lots with a common area would have tax implications which could have been a driver.

Motion by Noonan, seconded by Nixon, to forward the staff report, minutes and all comments to the Leelanau Township Planning Commission. Motion carried 7-0.

Myer reviewed the staff report saying that this request was received on December 28, 2022 and the last day to review under the Michigan Zoning Enabling 30-day review period was January 27, 2023. The Elmwood Township Master Plan does not specifically address this amendment and neither does the Leelanau General Plan. Myer said a public hearing was held on December 13, 2022, at which time no public comments were received. Following the public hearing, the township planning commission unanimously passed a motion to forward the amendment to the county for review.

Myer continued, saying the proposed amendment will add the following definition to Section 2.2 Definitions: “Frontage. With regard to a lot, the length of a lot line directly abutting a street or right-of-way providing legal access to a lot; typically, the front lot line.” And add the following sentence to the definition of Nonconforming Parcel: “Evidence of legal access to any nonconforming parcel shall be provided prior to issuance of any Land Use Permit for development.” The proposed amendment will amend Section 3.5 One Dwelling Per lot so that it reads as follows: “In any zoning district no more than one (1) dwelling shall be permitted per lot or parcel, unless two family or multiple-family dwellings are specifically permitted under this Ordinance in a given zoning district.” And add the following sentence to Section 3/12 B Single Family Dwelling Requirements: “Prior to the dwelling being occupied, the applicant shall obtain a Certificate of Occupancy from the County.”

Myer said the proposed amendment will also add Section 3.13 Dwellings: Unless allowed under any other applicable provisions of this Ordinance, a tent, camper, Recreational Vehicle, or similar shall not be used as or like a dwelling and doing so shall be deemed a violation of this Ordinance. Staff questioned if kids can sleep in a tent or camper in the backyard without a permit? Can a visiting relative stay in a camper in the yard or driveway without a permit?

Staff questioned the amendment to “Footnotes To The Table of Dimensional Requirements Note G.” Will this be replaced with the proposed amendment? Or, is this a new footnote and should be letter “H”?

Myer continued, pointing out that in the current zoning ordinance, Section 5.7 Accessory Buildings and Decks, B.1 states: “For purposes of this Ordinance, decks shall be considered an accessory structure.” Does this mean it would be counted as one of the (3) accessory dwellings?

Myer said the Leelanau County Housing Action Committee (HAC) and Housing North have been working to develop new incentives and options for housing. An Accessory Dwelling Unit (ADU) can provide additional living quarters that are independent of the primary dwelling unit. ADUs can be an effective way to address housing challenges in our communities and because of their size, cost less to construct.

In conclusion, Myer said that Cleveland Township recently adopted language allowing Farmstays in the Agricultural District. These lodging options could be rented out when seasonal workers are not present or they could allow workers to stay year-round and send their kids to school here. Leelanau Township also adopted zoning language regarding housing in its agricultural district. Elmwood Township is encouraged to consider adding ADU language to its zoning ordinance to assist with developing the much-needed housing Leelanau County needs for its workforce and families, as well as language regarding the use of housing in its agricultural areas. By allowing these additional housing opportunities, communities can help increase the inventory of available housing and a variety of options for families seeking places to rent, and/or buy.

Nixon questioned if there was an existing definition for “dwelling” in the township zoning ordinance

and stated if not, there should be. Also, he recommends including a timeline to Section 3.13 Dwellings to allow for the use of tents and RV's or similar for short term housing. This would take care of staff's question regarding kids sleeping in a tent or family members visiting and staying in a camper.

Miller questioned why the township zoning ordinance would reference the fact that you need a building permit or occupancy permit because those are not zoning issues but covered in the State Building Code and administered by the County Building Safety Department.

Motion by Noonan, seconded by Nixon, to forward the staff report, minutes and all comments to the Elmwood Township Planning Commission. Motion carried 7-0.

Zoom future meetings

Yoder said they have the option to live stream their meetings or they can post the video to the website the following day. Galla explained that there wouldn't be any participation from those viewing via Zoom. There isn't any back and forth and members can't participate by Zoom. The only way a member would be allowed to participate and vote would be if they are in the service. Galla said the County Board is currently the only board using Zoom for live video of their meetings. There is a separate video recording that could be posted to the county website the day after a meeting.

Discussion ensued and members agreed it was not necessary to continue with Zoom.

REPORTS

HAC

Galla reported they are working with Housing North and Zach Hillyer, the Housing Ready representative for Leelanau County, along with a couple developers. People are asking how to get assistance in building apartments or workforce housing. HAC will meet again in March.

PARKS AND RECREATION

Noonan commented on how quiet the park is right now. There isn't any snow to groom for skiing.

REPORTS from LCPC members

Nixon said Suttons Bay has a dog park now, they are expanding their parking lot, hopefully adding additional pickle ball courts and working on the budget.

Brush reported he is currently taking a four-part housing webinar.

Yoder mentioned that the Cedar recycling site was moved to Buntings Market and everyone involved seems happy that it is staying in the area and hopefully helping support the small business area.

COMMUNICAITONS – None.

PUBLIC COMMENT – None.

STAFF COMMENTS – None.

ADJOURN

Meeting adjourned by consensus at 6:37 p.m.

TEXT AMENDMENT REVIEW
PC02-2023-03 Cleveland Township
Text Amendment – Articles V, IX and Definitions

Reviewing Entity: Leelanau County Planning Commission
Date of Review: February 28, 2023

Section 1: General Information

Date Request Received: February 3, 2023
Last Day of Review Period: March 5, 2023 (30-day review period under the Michigan Zoning Enabling Act)

Requested Action: Review and comment on proposed amendments to the Cleveland Township Zoning Ordinance, Article V; Section 5.08 Setback Restrictions, Section 5.02 Residential 1(b), Article IX; Section 9.11,3 a)vi, Section 9.11,3 b) and Definitions; Section 3.19 Dwelling.

Applicant: Cleveland Township Planning Commission
Dean Manikas, Chairman

Section 2: Proposal

See Appendix for a copy of the proposed text amendments.

Section 3: Other Planning Input

Township Plan: The Cleveland Township Master Plan (2020) does not specifically address this amendment.

Leelanau General Plan: The Leelanau General Plan (2020) does not specifically address this amendment.

Township Planning Commission:

A public hearing was held on February 1, 2023 and following the public hearing, commissioner Nowak moved and seconded by commissioner Stowe, with unanimous support from the Cleveland Township Planning Commission “recommend to the Cleveland Township Board adoption of the zoning amendments to 5.08, 5.02, 9.11 and 3.19.”

Section 4: Analysis

Compatibility

A. Is the proposed text compatible with other language in the zoning ordinance?

Yes

B. Are there any issues with the proposed text (such as poor wording, confusing text, unenforceable language, etc.)?

See staff comments.

C. Do the land uses or other related dimensional standards (height, bulk, area, setback, etc.) in the proposed text amendment(s) conflict with the existing zoning ordinance?

No

Issues of Greater Than Local Concern

A. Does the proposed text amendment(s) include any issues of greater than local concern? Please list.

No

Comparison with Local Plans or Ordinances

A. Do the contents in the proposed text amendment(s) conflict with the community’s plan? Please list.

No

Comparison with County Plans or Ordinances

A. Do the contents in the proposed text amendment(s) conflict with the General Plan? Please list.

No

Current Zoning District: For Current text, Link to the Township Zoning Ordinance at:

<https://www.leelanau.cc/clevelandtwpod.asp>

Section 5: Staff Comments

The current Article V. RESIDENTIAL DISTRICT, Section 5.08 Setback Restrictions reads as follows:

No building or structure shall be built closer than forty (40) feet to the nearest right-of-way line of any public street or thoroughfare, no closer than ten (10) feet for side yards, no closer than ten (10) feet for rear yards, and no closer than seventy-five (75) feet to the water's edge. Where compliance with either of these restrictions creates a hardship, application for possible relief may be made to the Zoning Board of Appeals. All Ag-Residential Lots created under Section 9.04 shall have the following setback restrictions: 10 feet for side yards and rear yards where Ag-Residential Lots abut one another, 50 feet where side yards or rear yards abut Restricted Open Space land or other land in the Agricultural District (this requirement may be waived under the provision of Section 9.04(b), et seq)

The proposed amendment will **replace** the current Section 5.08 Setback Restrictions with the following:

No building or structure shall be built closer than forty (40) feet to the nearest right-of-way line of any public street or thoroughfare, no closer than ten (10) feet for side yards, no closer than ten (10) feet for rear yards, and no closer than seventy-five (75) feet to the water's edge. Where compliance with either of these restrictions creates a **practical difficulty**, application for possible relief may be made to the Zoning Board of Appeals.

The current Article V. RESIDENTIAL DISTRICT, Section 5.02 Residential I – Use Permitted: (b) reads as follows:

(b) One guest house located on the same building lot area as the main house, and not attached to same, nor occupied for over six (6) months in any one calendar year.

The proposed amendment will **replace** this language with the following:

(b) One guest house located on the same building lot area as the main house, and not attached to same, nor occupied for periods of less than thirty consecutive days at a time as a rental in any calendar year.

The current Article IX. AGRICULTURAL DISTRICT, Section 9.11 Agricultural Tourism, 3 a) vi reads as follows:

vi. Maximum of four (4) camp sites or rooms. Maximum occupancy of two (2) adults per room or site, excluding **minor** children.

The proposed amendment will **amend** this to read as follows:

vi: Maximum of four (4) camp sites or rooms. Maximum occupancy of two (2) adults per room or site, excluding **dependent** children.

The proposed amendment will **add** the following to **Section 9.11, 3**:

b) xiii : In collaboration with the township affiliated fire department, a site appropriate fire suppression system (plan) is developed and implemented.

The **current** Article III. DEFINITIONS, Section 3.19 Dwelling reads as follows:

Any building or part thereof, occupied as the home, residence, or sleeping place of one or more persons either permanently or transiently, except automobile trailers, mobile homes or cabins. The building or part thereof shall provide complete independent living facilities for one or more persons, including, permanent provisions for living, sleeping, eating, cooking, well/water, and sanitation.

The proposed amendment will **amend** the definition of Dwelling to read as follows:

Any building or part thereof, occupied as the home, residence, or sleeping place of one or more persons either permanently or transiently, except automobile trailers or mobile homes.

Under the Section 9.11,3, will the fire suppression system (plan) be reviewed each year/season to make sure it is up to date and being implemented?

Regarding the amendment to Section 5.02 (b) what about those individuals currently renting out their guest house on a weekly basis? Will they be grandfathered in?

Staff commends the township for allowing use of a 2nd housing unit on a property for at least 30 days at a time. This would be consistent with an 'accessory dwelling unit' which is something the Housing Action Committee and Housing North have been promoting, as a means to provide additional housing units.

Appendix - Correspondence from Cleveland Township

Gail Myer

From: Trudy Galla
Sent: Friday, February 3, 2023 10:00 AM
To: Gail Myer
Subject: FW: Zoning Ordinance Amendments for County PC review
Attachments: ZO amendments.docx

Expires: Wednesday, August 2, 2023 12:00 AM

Please set up staff report. Thanks.
Trudy

From: Dean Manikas <manikasdean@gmail.com>
Sent: Friday, February 3, 2023 9:56 AM
To: Trudy Galla <tgalla@leelanau.gov>
Subject: Zoning Ordinance Amendments for County PC review

Dear Ms. Galla and the Leelanau County Planning Commission:

Attached please find the text of our recommended zoning amendments. After a Public Hearing on 2/1/23 commissioner Todd Nowak moved and seconded by commissioner Paul Stowe with unanimous support from the Cleveland Township Planning Commission:

“Recommend to the Cleveland Township Board adoption of the zoning amendments to 5.08, 5.02, 9.11, and 3.19.”

Please find the amendments attached.

Rationale for each:

5.08 Legal consul advises the Michigan Zoning Enabling Act, section 125.2604(7) uses the language “practical difficulties” not “hardship”.

5.02 is a change to the use of ADUs currently allowed in residential districts as a strategy to create more long term housing in the township.

9.11,3 a)vi is a minor change to allow family stays.

9.11,3(b) is a response to community comments and seems prudent, though EGLE standards for campgrounds does not include fire suppression.

3.19 we determined a cabin fits the description of dwelling.

Thank you for your continued support and advise.

Dean Manikas

Zoning Ordinance amendments for consideration

Section 5.08 Setback Restrictions: No building or structure shall be built closer than forty (40) feet to the nearest right-of-way line of any public street or thoroughfare, no closer than ten (10) feet for side yards, no closer than ten (10) feet for rear yards, and no closer than seventy-five (75) feet to the water's edge. Where compliance with either of these restrictions creates a **hardship (practical difficulty)**, application for possible relief may be made to the Zoning Board of Appeals.

Section 5.02 Residential I(b): One guest house located on the same building lot area as the main house, and not attached to same, nor occupied for ~~over six (6) months~~ (periods of less than thirty consecutive days at a time as a rental) in any calendar year.

Section 9.11, 3 a) vi: Maximum of four (4) camp sites or rooms. Maximum occupancy of two (2) adults per room or site, excluding ~~minor~~ (dependent) children.

Section 9.11, 3 b): Amend by addition xiii: In collaboration with the township affiliated fire department, a site appropriate fire suppression system (plan) is developed and implemented.

Section 3.19 Dwelling: Any building or part thereof, occupied as the home, residence, or sleeping place of one or more persons either permanently or transiently, except automobile trailers or mobile homes ~~or~~ ~~cabins.~~

TEXT AMENDMENT REVIEW
PC03-2023-02 Centerville Township
Text Amendment – Site Plan Review-towers

Reviewing Entity: Leelanau County Planning Commission
Date of Review: February 28, 2023

Section 1: General Information

Date Request Received: February 13, 2023

Last Day of Review Period: March 13, 2023 (30-day review period under the Michigan Zoning Enabling Act)

Requested Action: Review and comment on proposed amendments to the Centerville Township Zoning Ordinance, Article XIII, Procedures for Site Plan Review, Section 13.1(C)(b).

Applicant: Centerville Township Planning Commission
Tim Johnson, Chairman

Section 2: Proposal

See Appendix for a copy of the proposed text amendments.

Section 3: Other Planning Input

Township Plan: The Centerville Township Master Plan (2020) does not specifically address this amendment.

Leelanau General Plan: The Leelanau General Plan (2020) does not specifically address the amendment.

Township Planning Commission:

A public hearing was held on February 6, 2023, and no public comment was received. Following the public hearing, the planning commission unanimously passed the following motion:

Hubbell moved that the first and third sentence of Section 13.1(C)(b) be stricken from the ordinance. Kellogg seconded. Motion carried.

Section 4: Analysis

Compatibility

A. Is the proposed text compatible with other language in the zoning ordinance?

Yes

B. Are there any issues with the proposed text (such as poor wording, confusing text, unenforceable language, etc.)?

See staff comments.

C. Do the land uses or other related dimensional standards (height, bulk, area, setback, etc.) in the proposed text amendment(s) conflict with the existing zoning ordinance?

No

Issues of Greater Than Local Concern

A. Does the proposed text amendment(s) include any issues of greater than local concern? Please list.

No

Comparison with Local Plans or Ordinances

A. Do the contents in the proposed text amendment(s) conflict with the community's plan? Please list.

No

Comparison with County Plans or Ordinances

A. Do the contents in the proposed text amendment(s) conflict with the General Plan? Please list.

No

Current Zoning District: For Current text, Link to the Township Zoning Ordinance at:
<https://www.leelanau.gov/centtwpord.asp>

Section 5: Staff Comments

The **current** Article XIII PROCEDURES FOR SITE PLAN REVIEW, Section 13.1 C Site Plan Review and Approval (b) reads as follows:

All site plans, exclusive of towers, shall be acted upon within ninety (90) days of receipt by the Centerville Township Planning Commission of a complete application and site plan meeting the requirements in B of this Section. Site plans for towers shall be acted on within 60 days of receipt by the Centerville Township Planning Commission of a complete application and site plan meeting the requirements in B of this Section. This review period may be extended upon written agreement between the applicant and the Planning Commission. Following approval of a site plan and after the twenty one (21) day waiting period for appeals, the petitioner shall apply for the appropriate County and/or State permits as may be required by said agencies and present appropriate plans and specifications as may be required by such agencies.

The proposed amendment will **amend** this to read as follows:

Site plans for towers shall be acted on within 60 days of receipt by the Centerville Township Planning Commission of a complete application and site plan meeting the requirements in B of this Section. Following approval of a site plan and after the twenty one (21) day waiting period for appeals, the petitioner shall apply for the appropriate County and/or State permits as may be required by said agencies and present appropriate plans and specifications as may be required by such agencies.

The Declaratory Ruling and Notice of Proposed Rulemaking (WT Docket No. 19-250) reads:¹

The 60 day shot clock begins to run when an applicant takes the first procedural step in a locality's application process and submits written documentation showing that a proposed modification is an eligible facilities request.

An applicant has effectively submitted a request for approval that triggers the running shot clock when it satisfies both of the following criteria:

- (1) the applicant takes the first procedural step that the local jurisdiction requires as part of its applicable regulatory review process under section 6409(a), and to the extent it has not done so as part of the first required procedural step,
- (2) the applicant submits written documentation addressing the applicable eligible facilities request criteria, including that the proposed modification would not cause a "substantial change" to the existing structure.

It was noted from the township that there is an FCC rule that Site Plans for communication towers be acted upon within 60 days or they are deemed approved. The township recently reviewed an extensive Site Plan for the expansion of the RV park and were under the 90 day review period. Removing this language provides the township with more time for these reviews.

¹ 1. Federal Communications Commission FCC-CIRC2006-03 Declaratory Ruling And Notice of Proposed Rulemaking

Appendix - Correspondence from Centerville Township

From: [Trudy Galla](#)
To: [Gail Myer](#)
Subject: FW: Centerville Twp ZO amendment
Date: Monday, February 13, 2023 10:33:41 AM

Please set up staff report.
Trudy

From: timjohnson@centurytel.net <timjohnson@centurytel.net>
Sent: Monday, February 13, 2023 10:28 AM
To: Trudy Galla <tgalla@leelanau.gov>
Subject: RE: Centerville Twp ZO amendment

Trudy,

Section 13.1(C)(b) of our ZO reads:

- b. All site plans, exclusive of towers, shall be acted upon within ninety (90) days of receipt by the Centerville Township Planning Commission of a complete application and site plan meeting the requirements in B of this Section. Site plans for towers shall be acted on within 60 days of receipt by the Centerville Township Planning Commission of a complete application and site plan meeting the requirements in B of this Section.—This review period may be extended upon written agreement between the applicant and the Planning Commission. Following approval of a site plan and after the twenty one (21) day waiting period for appeals, the petitioner shall apply for the appropriate County and/or State permits as may be required by said agencies and present appropriate plans and specifications as may be required by such agencies.

From the draft minutes:

- Discussion and decision regarding revision to Zoning Ordinance Section 13.1(C)(b). Hubbell moved that the first and third sentence of Section 13.1(C)(b) be stricken from the ordinance. Kellogg seconded. Therefore, changed to:
 - ~~All site plans, exclusive of towers, shall be acted upon within ninety (90) days of receipt by the Centerville Township Planning Commission of a complete application and site plan meeting the requirements in B of this Section. Site plans for towers shall be acted on within 60 days of receipt by the Centerville Township Planning Commission of a complete application and site plan meeting the requirements in B of this Section.—This review period may be extended upon written agreement between the applicant and the Planning Commission.~~ Following approval of a site plan and after the twenty one (21) day waiting period for appeals, the petitioner shall apply for the appropriate County and/or State permits as may be required by said agencies and present appropriate plans and specifications as may be

required by such agencies.

There is an FCC rule that Site Plans for a communication tower be acted upon w/in 60 days or they are deemed approved. Funny, having just written that I don't see the word "communication" in this section.... Well, we'll address that at a later date, as we have a lot of other changes we'd like to make to the ZO. We just need to get rid of the 90 time limit ASAP.

Meeting Minutes forthcoming....

Tim.

From: Trudy Galla <tgalla@leelanau.gov>
Sent: Monday, February 13, 2023 10:07 AM
To: timjohnson@centurytel.net
Subject: RE: Centerville Twp ZO amendment

We are meeting this month. Please send along the amendment as soon as you can and then minutes when ready.

Trudy

From: timjohnson@centurytel.net <timjohnson@centurytel.net>
Sent: Monday, February 13, 2023 9:57 AM
To: Trudy Galla <tgalla@leelanau.gov>
Subject: Centerville Twp ZO amendment

Trudy,

Good day, and another day of sunshine! While I don't like the warm weather and lack/loss of snow, the sunshine sure does help.

Just a heads up that at our PC meeting last Monday, we approved a motion to amend our ZO to remove the 90 day time limit we impose on deciding the outcome of a SPR application. As you know, the 90 limit is arbitrary and may not be enough time to act on a large project, e.g., the Leelanau Pines Campground proposed expansion.

We'd like to fast track the revision, so I'm hoping you can get it on the County PC's agenda the end of this month (assuming of course they meet this month).

I'll send you the draft meeting minutes today as soon as I have them.

Thanks,

Tim.

Centerville Township Planning Commission

Regular Meeting

Centerville Township Hall

February 6, 2023

Call to Order: Tim Johnson, Chair, called the meeting to order at 6:30pm.

Attendance: Present: Tim Johnson, Joe Mosher, Dan Hubbell, Lindy Kellogg, Jamie Damm. Staff Present: Chris Grobbel

Public Comment: None

Agenda: The PC reviewed the agenda. Motion to approve agenda as presented by Hubbell, second by Mosher. All in favor, motion carried.

Conflict of Interest: None

Election of Officers: PC discussed the need to annually elect officers (Chair, Vice Chair and Secretary). Motion to elect Tim Johnson as Chair, Lindy Kellogg as Vice Chair and Jamie Damm as Secretary presented by Hubbell, seconded by Kellogg. Discussion confirmed Johnson and Kellogg accepted positions as recommended, Damm declined to serve as Secretary. Motion was withdrawn, new motion to elect Johnson Chair and Kellogg as Vice Chair presented by Hubbell, seconded by Kellogg. All in favor, motion carried. Election of Secretary was tabled for future meeting.

Revise / Approve Minutes: The PC reviewed the draft minutes of December 5, 2022, regular meeting. Motion to approve as presented by Hubbell, seconded by Kellogg. All in favor, motion carried.

Report from Township Board Representative: Hubbell had nothing to report from the previous Township Board meetings.

Report from ZBA Representative: Johnson reported that the ZBA Minutes were approved on January 17, 2023. Any further appeal would be directed to the Circuit Court if so desired.

Report from the Zoning Administrator: Cypher had previously distributed his reports for December 2022. The PC briefly discussed.

Public Hearing: Revision of Article XIII, Section 13.1(C)(b) Site Plan Review and Approval

Public Hearing was Opened at 6:52pm.

Process Description – Johnson summarized the process for the public hearing tonight.

The proposed ordinance change is to eliminate the requirement to act upon any non-tower related site plans within ninety (90) days of receipt by the Centerville Township Planning Commission. There is a required sixty (60) day limit set by the FCC for all towers. The 90 day restriction to ‘act upon’ the site plan application was defined further by legal council as approving / denying / approving with conditions placing an undo restriction on the PC to comply with the timing for site plan applications requiring additional time.

Public Comment – None

Close Public Hearing – the Public Hearing was closed at 7:05pm.

Planning and Zoning Issues:

Discussion and decision regarding revision to Zoning Ordinance Section 13.1(C)(b). Hubbell moved that the first and third sentence of Section 13.1(C)(b) be stricken from the ordinance. Kellogg seconded.

PC members discussed the remaining verbiage to ensure correctness, completeness and understanding.

Roll Call – All approved, motion carried.

Hubbell – Yes; Kellogg – Yes; Damm – Yes; Mosher – Yes; Johnson – Yes.

Johnson agreed to send the potential changes to the County Planning Commission (Trudy Galla) for urgent review and action. Once complete, the PC will receive any notes from the County Planning Commission and if approved, will send the changes to the Township Board for final approval.

Recording Secretary for PC. Johnson has contacted multiple people from other jurisdictions and organizations looking for a resource to take up the position vacated by Boomer. He will contact the Park and Recs Secretary for interest. Kellogg requested a brief job posting identifying the major responsibilities of the Recording Secretary, pay scale, average hours expected in addition to monthly meetings, training needs and an ‘up to’ number of hours per month. Other suggestions include newspaper advertisement, freelance websites, MSU Extension for Land Use, NMC and personal connections of the PC members. Kellogg also suggested increasing the budget by 10-15% of average hours to account for the learning curve. Johnson will prepare the write up and Kellogg will post on the website.

ZA for Site Plan Review. Cypher will no longer be involved in performing site plan reviews (SPRs). The Township Board discussed the needs and approved a motion to include a Township Planner for these tasks. Chris Grobbel has been identified as the Township Planner and Zoning Administrator for SPRs.

LLA Boat Wash Station. ‘DNR West Boat Cleaning Station Project’ site plan application was received by the Township Planner on January 19, 2023, reviewed and considered administratively complete on February 2, 2023. Township Planner was authorized to review site plans on behalf of the Township on February 1, 2023. The 90 day ‘act upon’ window closes on May 3, 2023.

Project Description – Lake Leelanau Lake Association is requesting approval to build a boat wash station at the DNR West Boat Access Site. A question as to whether the Site Plan review and application were necessary; to alleviate any questions, a full application has been submitted for review. The boat wash station will be placed next to the existing access road about 100’ east of County Road 643. A shed, permeable gravel pad, high-pressure spray pump and ancillary equipment would be added.

Grobbel discussed the content of the ordinance regarding site plan review and approval and then detailed the request from the LLLA. The Planner then walked the PC members through the Findings of Fact document line by line to ensure the PC understood the request and impacts of the application.

The document prepared by Grobbel titled ‘Planner’s Report and Findings of Fact’ (attached herein) was reviewed in detail and the PC discussed each item noted in the findings of fact.

A Public Hearing will be held on the application during the scheduled March 6, 2023, PC Monthly Meeting. Grobbel will place a notice in the newspaper for print prior to 18th of February providing adequate 15 day public hearing notice for the March 6, 2023, meeting.

General Update of Zoning Ordinance. The PC discussed the next priorities for consideration. An update to the Ordinance will be next with an update to the Master Plan to follow.

Public Comment: None

Adjournment: Johnson moved to adjourn the meeting at 8:10pm; seconded by Hubbell.

Respectfully submitted – Jamie Damm

DRAFT