

NOTICE OF MEETING

A Regular Meeting of the Leelanau County Planning Commission (LCPC) will be held at **5:30 pm Tuesday, MAY 28, 2024** in the Leelanau County Government Center – 1st floor.

(Please silence any unnecessary cellular/electronic devices)

DRAFT AGENDA

LCPC Members

Steve Yoder
Casey Noonan
Melvin Black
Craig Brown
Rodney Brush
Brian Fenlon
Melinda Lautner
Tom MacDonald
Robert Miller
Tom Nixon
Francis Criqui

CALL TO ORDER & PLEDGE OF ALLEGIANCE

ROLL CALL

CONSIDERATION OF AGENDA

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

PUBLIC COMMENT

STAFF COMMENTS

CONSIDERATION OF APRIL 23, 2024 MEETING MINUTES *pgs.2-6*

NEW BUSINESS

1. PC09-2024-09 - Leland Twp.- Text Amendment – Lot coverage *pgs. 7-71*
2. PC10-2024-09 – Leland Twp. Master Plan review (sent separately)
3. 2025-2030 CIP DRAFT, and Proposed Projects *pgs. 72-107*
4. LCPC 2023 Annual Report *pgs. 108-111*

REPORTS

1. Housing Action Committee
2. Parks & Recreation Committee

COMMUNICATIONS

PUBLIC COMMENTS

STAFF COMMENTS

COMMISSIONER & CHAIRPERSON COMMENTS

ADJOURN

A REGULAR MEETING OF THE LEELANAU COUNTY PLANNING COMMISSION WAS HELD ON TUESDAY, APRIL 23, 2024, 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, B. Fenlon, M. Black, R. Miller, T. Nixon, T. MacDonald, C. Brown, C. Noonan, M. Lautner, F. Criqui

Members Absent: R. Brush
(prior notice)

Staff Present: G. Myer, Planning Director, J. Herman, Senior Planner

Public Present: None

CONSIDERATION OF AGENDA

Motion by Noonan, seconded by Fenlon, to approve the agenda as presented. Motion carried 10-0.

CONFLICT OF INTEREST- None.

PUBLIC COMMENT – None.

STAFF COMMENTS

Myer announced Herman as the Senior Planner for the Planning Department and said that they will now be looking for a Planning Secretary. Myer said that staff will work on the Annual Report and the CIP for review at the next month's meeting.

CONSIDERATION OF FEBRUARY 27, 2024 MEETING MINUTES

Motion by Lautner, seconded by Nixon, to approve the minutes as presented. Motion carried 10-0.

OLD BUSINESS – None.

NEW BUSINESS

PC06-2024-04 -Elmwood Twp. -Text Amendment- Definitions

Myer reviewed the staff report saying that the request was received on March 20, 2024 which was a day after the March LCPC meeting was cancelled due to lack of no new business. The Elmwood Township Master Plan does not specifically address this amendment and neither does the Leelanau General Plan.

The township held a public hearing on December 19, 2023, after much deliberation, the public hearing was closed and more information was requested by the commission. Discussion continued at the January 16, 2024 Planning Commission meeting and a second Public Hearing was scheduled due to changes made to the proposed amendment. The second Public Hearing was held on February 20, 2024, and a motion was then passed to forward the proposed amendment to Leelanau County for review.

Myer stated that the proposed amendment will add Active Farm Operation, Festival, and Special Event Facilities definitions to Article 2, Definitions. The proposed amendment will also amend Article 5- Use Restrictions, SECTION 5.4 LAND USE AND ZONING DISTRICT to add Special Event Facility. Amend Article 6- Site Development, SECTION 6.1.3 Spaces Required, to add minimum required parking spaces for Special Event Facilities. The proposed amendment will also amend Article 9- Special Land Uses, SECTION 9.8., ADDITIONAL REQUIREMENTS FOR CERTAIN SPECIAL LAND USES, H., to add requirements for Special Event Facilities.

Myer stated that in October of 2019, the County Planning Commission reviewed a proposed amendment to remove Special Event and Special Event Facility. (PC12-19-04) It was noted in this prior Staff Report that the township had talked about special events quite a bit in the past 5 years and based on recommendation from the township attorney, changes needed to be made. The township attorney recommended removing the language from the ordinance while they worked on the changes.

Lautner questioned if these special events could only be held on agricultural land or could they be held on non-agricultural land? MacDonald said it is a reasonable effort to provide new business opportunities while protecting the adjacent properties.

Nixon said Section 2. h. is a difficult concept to wrestle with to control the sounds of special events. He suggested Elmwood Township include the term “plainly audible”. He also noted confusion in Section J and the subsections that follow regarding the duration of the event hours exceeding the 12-hour limit. It was unclear if that included set-up or if it was a misperception.

Miller commented on the Active Farm Operation definition, why commercially sold cows? If they were giving them away, could they not have cows? Miller continued questioning whether other livestock such as bison, goats, hogs, and the use of guns on the property for part (4) of the definition turning into a hunting camp.

Fenlon had similar comments as Nixon. He added that this could be a full-time job for someone to track all of the special events. Who will police this? There should be contact information available if there is a violation. Miller questioned Section L that a management plan meeting shall be provided, but to whom? Fenlon asked about a timeline before holding an event so the township could have time to review the event plans.

Motion by Noonan, seconded by Miller, to forward the staff report and all comments to Elmwood Township. Motion carried 10-0.

PC07-2024-04 -Elmwood Twp. -Text Amendment- Multi-Dwelling Requirements

Myer reviewed the staff report saying that the request was received on April 15, 2024 and the last day for review is May 15, 2024. The Elmwood Township Master Plan does not specifically address this amendment and neither does the Leelanau General Plan. The proposed text is compatible with other language in the zoning ordinance and does not conflict with the General Plan.

A public hearing was held on March 19, 2024, at which time no public comment was received and a motion was passed to forward the proposed amendment to Leelanau County for review. Myer stated that the proposed amendment will add Dwelling, Multi. to Article 2, Definitions, Section 2.2. The proposed amendment will also amend definitions; Parcel, Lot, Lot Area Gross and Lot Area Net. The proposed amendment will also amend Article 3, SECTION 3.14 RESERVED and Article 5-Use Restrictions, SECTION 5.6 TABLE OF DIMINSIONAL REQUIREMENTS to add 'Note I: Density'. Amend Article 7-Land Development Options, SECTION 7.1.2 General Requirements C. and Article 7-Land Development options, SECTION 7.2.2 Application And Review Procedures E., 1. d. Myer concluded, stating that the proposed amendment will also amend Article 8-Site Plan Review, SECTION 8.4. REQUIREMENTS FOR SITE PLAN APPROVAL, 12.

MacDonald questioned the term 'sustainable units' on Section 3.14. Nixon suggested they change "dwelling units" to "housing units" or "domicile" in the Dwelling Definition. Black expressed concern that trying to crowd as many dwelling units possible on a parcel will create problems. The house size and number of occupancy was also concerning. Miller questioned if the dwellings will be attached or detached? Brown noted that they do not address parking for these dwellings.

Motion by Noonan, seconded by Miller, to forward the staff report and all comments to the Elmwood Township. Motion carried 10-0.

PC08-2024-04 -Elmwood Twp. -Text Amendment – Alcohol Requirements

Myer reviewed the staff report saying that the request was received on April 15, 2024 and the last day for review is May 15, 2024. The Elmwood Township Master Plan does not specifically address this amendment and neither does the Leelanau General Plan. The contents in the proposed text amendment does not conflict with the General Plan.

A public hearing was held on March 19, 2024 at which time no public comment was received and a motion was passed to forward the proposed amendment to Leelanau County for review. Myer stated that the proposed amendment will add the following definitions in Article 2, Definitions, SECTION 2.2 DEFINITIONS:

- Alcohol
- Beer
- Brewer
- Brewery
- Distiller
- Micro Brewer
- Small Distiller
- Small Wine Maker
- Spirits
- Tasting Room
- Wine Maker

And amend the following definitions:

- Distillery
- Wine
- Winery

And delete the following definitions:

- Distillery Tasting Room
- Wine, Brandy
- Wine Drink, Mixed
- Wine-Related Beverages
- Wine Tasting Room

Myer continued, saying that the proposed amendment will amend Article 5-Use Restrictions, SECTION 5.4 LAND USE AND ZONING DISTRICT TABLE. Will also delete #5 and #6 from Section 5.5 SPECIAL REQUIREMENTS FOR SPECIFIC USES, K. This section will also be amended to create a new 5.5N. The proposed amendment will also amend Article 6-Site Development, SECTION 6.1.3 Spaced Required and Article 9-Special Land Uses, SECTION 9.8 ADDITIONAL REQUIREMENTS FOR CERTAIN SPECIAL LAND USES, J. Wine Tasting Room. In conclusion, Myer stated that the proposed amendment will remove requirements for Distillery Tasting Rooms from Section 9.8.L., Distillery Tasting Room.

Lautner questioned the deletion of #5 and #6 from Section 5.5. SPECIAL REQUIREMENTS FOR SPECIFIC USES, K. and stated that those are allowed under Right to Farm as a product that is raised or grown there.

Miller did not understand the definition for 'Distillery' and suggested they revise it so it is not defective. He also said that the wording of "5 spaces plus 1 per employee on largest shift" is awkwardly written and suggested the language read "number of spaces equal to the number of employees on largest shift."

Motion by Fenlon, seconded by Nixon, to forward the staff report and all comments to the Elmwood Township. Motion carried 10-0.

REPORTS

Housing Action Committee

Lautner had no update since they will not meet until May 13.

Parks & Recreation Committee

Noonan said they will meet on May 1. He will be bringing up that there is an individual who is interested in paving his property but has a shared easement with Old Settlers Park.

COMMUNICATIONS

Myer handed out a flyer with all of the collections, dates and locations for Household Hazardous Waste, Scrap Tire, Mattress Recycling and Electronic Waste Collections for the year. Myer also handed out a photo of Trudy Galla who received her Fellowship Award at the APA Planning Conference in Minneapolis.

PUBLIC COMMENT- None.

STAFF COMMENTS- None.

COMMISSIONER & CHAIRPERSON COMMENTS

Lautner and Criqui congratulated Herman on her promotion and kudos to Myer on the packet. Lautner

encouraged members to visit the baseball diamond area in Empire that has a paved loop with gym equipment in stations. Noonan said it is popular and gave members directions to get there. Brown said the Leelanau County Road Commission has completed the bridge work in Cedar and are seeking upcoming projects. Yoder said that Solon Township has hired Christina Deeren as Interim Township Zoning Administrator.

ADJOURN

Meeting adjourned by consensus at 6:30 p.m.

DRAFT

PC09-2024-09 Leland Township Text Amendment – Lot Coverage, R-1, R-2 and R-3

Reviewing Entity: Leelanau County Planning Commission
Date of Review: May 28, 2024

General Information

Date Request Received: May 1, 2024

Last Day of Review Period: May 31, 2024 (30-day review period under the Michigan Zoning Enabling Act)

Requested Action: Review and comment on proposed amendments to the Leland Township Zoning Ordinance, Sections 9.10, Schedule of Regulations, 11.02, R-1A Medium Density Lakeshore Residential, 11.03, R-2 Medium Density Village Residential, and 11.05, R-3 High Density Residential.

Applicant: Leland Township Planning Commission
Lee Cory, Chairman

Section 2: Proposal

See Appendix for a copy of the proposed text amendments.

Section 3: Other Planning Input

Township Plan: The Leland Township Master Plan (2008) does not specifically address this amendment.

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

Township Planning Commission:

The township held a Public Hearing on May 3, 2023, at which time there was a lot of discussion and numerous public comments received. After the Public Hearing, the Planning Commission discussion with staff, Finding of Fact and Discussion of text needed to accompany the proposed amendment were all tabled.

Following the March 6, 2024 Planning Commission meeting the following motion was made:

Mitchell moves to approve along with finding of fact and the effective date. Satterwhite seconds. All in attendance said aye, the motion is approved.

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.)?

No.

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/lelandtwpplan.asp>

Section 5: Staff Comments

The proposed amendment will **amend** Article 9, Zoning Districts and Map, Section 9.10: Schedule of Regulations to read as follows:

Schedule of Regulations for “Uses Permitted by Right”

Zoning District	Minimum Lot Area	Minimum Lot Width & Frontage (in feet)	Maximum Building Height (in feet)	Minimum Yard Setback (in feet)			Maximum Lot Coverage (%)
				Front Yard	Side Yard	Rear Yard	
R-1A: Medium Density Lakeshore Residential	15,000 sq. ft.	100	35	40	10	25	35% for first 10,000 s.f. of lot area + 10% for 10,001 to 45,000 s.f. of lot area + 5% over 45,000 s.f. lot area
R-2: Medium Density Village Residential	15,000 sq. ft.	80	30	25	8	10	40%
R-3: High Density Residential	20,000 sq. ft.	100	35	30	10	30	50% for first 10,000 s.f. of lot area + 10% over 10,000 s.f. lot area

The **current** Article 11: RESIDENTIAL DISTRICTS, Section 11.02, R-1A MEDIUM DENSITY LAKESHORE RESIDENTAIL DISTRICT, D. Site Development Requirements, reads as follows:

- 1. Minimum Lot Area:** Fifteen thousand (15,000) square feet.

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

- 1. Maximum Lot Coverage:** 35% for first 10,000 s.f. of lot area + 10% for 10,001 to 45,000 s.f. of lot area + 5% over 45,000 s.f. lot area.

The **current** Article 11: RESIDENTIAL DISTRICTS, Section 11.04, R-2, MEDIUM DENSITY VILLAGE RESIDENTIAL DISTRICT, D. Site Development Requirements reads as follows:

3. Yard and Setback Requirements:

- a. Front (street) Setback: 25 feet:
- b. Rear Setback: 10 feet
- c. Side Setback: One side—minimum 5 feet; combined two sides—minimum 15 feet.

- 4. **Maximum Lot Coverage**: Forty (40) percent.
- 5. **Maximum Height**: Thirty-five (35) feet.

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

3. Yard and Setback Requirement:

- a. Front yard: Twenty-five (25) feet.
- b. Side Yard: Eight (8) feet.
- c. Rear Yard: Twenty-five (25) feet.

- 4. **Maximum Lot Coverage**: 40%
- 5. **Maximum Height**: Thirty (30) feet.

The **current** Article 11: RESIDENTIAL DISTRICTS, Section 11.05, R-3, HIGH DENSITY RESIDENTIAL DISTRICT, D. Site Development Requirements reads as follows:

3. Yard and Setback Requirements:

- a. Front yard: Twenty-five (25) feet
- b. Side yard: Ten (10) feet.
- c. Rear Yard: Twenty-five (25) feet.

- 4. **Maximum Lot Coverage**: Thirty-five (35) percent.

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

3. Yard and Setback Requirements:

- a. A Front yard: Thirty (30) feet
- b. Side yard: Ten (10) feet.
- c. Rear Yard: Thirty (30) feet.

- 4. **Maximum Lot Coverage**: 50% for first 10,000 s.f. of lot area + 10% over 10,000 s.f. lot area + 10% over 10,000 s.f. lot area.

The proposed amendment was first introduced by a member of the public during the October 4, 2017 Planning Commission meeting and has been discussed in great length since then. According to the Leland Township Planning Commission, members of the community have expressed concern about the construction of very large homes in certain areas of the township.

Appendix - Correspondence from Leland Township

Gail Myer

From: tim@allpermits.com
Sent: Wednesday, May 1, 2024 1:50 PM
To: Gail Myer
Subject: Leland Twp. Residential Character Amendment
Attachments: 2024-01 Amendment - Approved 3-6-2024 - FINAL.pdf; Leland Twp Res Char Q and A Sheet.pdf; RESIDENTIAL CHARACTER VISUAL AIDS 03022023.pdf; legal_notice_for_leland_twp_res_char_amendment_04072023.pdf; leland_twp_pc_minutes_7_6_2023_approved-1.pdf; leland_twp_pc_minutes_532023_approved.pdf; leland_twp_pc_minutes_672023_approved.pdf; MEETING MINUTES LELAND PC MARCH 2024 - DRAFT[59].docx

Gail,

Please find attached the documents related to the aforementioned matter. As you will see, there is a lot of history that goes with this driven by citizen's amendment request.

Let me know if you have questions.

Thanks in advance,
Tim

Timothy A Cypher
Leland Township Zoning/Planning Office
231-360-2557
tim@allpermits.com

Zoning Amendment 2024-01

Leland Township

An Ordinance to amend portions of the Leland Township Zoning Ordinance to change lot coverage in the R-1A, R-2 and R-3 zoning districts.

Leland Township Ordains:

Section 1. Amendment.

The Leland Township Zoning Ordinance is hereby amended to amend Sections 9.10, Schedule of Regulations, 11.02, R-1A Medium Density Lakeshore Residential, 11.03, R-2 Medium Density Village Residential, and 11.05, R-3 High Density Residential with the following language.

Section 9.10 SCHEDULE OF REGULATIONS

Schedule of Regulations for “Uses Permitted by Right”

Zoning District	Minimum Lot Area	Minimum Lot Width & Frontage (in feet)	Maximum Building Height (in feet)	Minimum Yard Setback (in feet)			Maximum Lot Coverage (%)
				Front Yard	Side Yard	Rear Yard	
R-1A: Medium Density Lakeshore Residential	15,000 sq. ft.	100	35	40	10	25	35% for first 10,000 s.f. of lot area + 10% for 10,001 to 45,000 s.f. of lot area + 5% over 45,000 s.f. lot area
R-2: Medium Density Village Residential	15,000 sq. ft.	80	30	25	8	10	40 %
R-3: High Density Residential	20,000 sq. ft.	100	35	30	10	30	50% for first 10,000 s.f. of lot area + 10% over 10,000 s.f. lot area

Section 11.02 R-1A: MEDIUM DENSITY LAKESHORE RESIDENTIAL DISTRICT

D. Site Development Requirements:

- 1. **Maximum Lot Coverage:** 35% for first 10,000 s.f. of lot area + 10% for 10,001 to 45,000 s.f. of lot area + 5% over 45,000 s.f. lot area

Section 11.04 R-2: MEDIUM DENSITY INLAND RESIDENTIAL DISTRICT

D. Site Development Requirements:

3. Yard and Setback Requirements:

- a. Front yard: Twenty-five (25) feet.
- b. Side yard: Eight (8) feet.
- c. Rear Yard: Twenty-five (25) feet.

4. Maximum Lot Coverage: 40%

2. Maximum Height: Thirty (30) feet.

Section 11.05 R-3: HIGH DENSITY RESIDENTIAL DISTRICT

D. Site Development Requirements:

3. Yard and Setback Requirements:

- a. Front yard: Thirty (30) feet.
- b. Side yard: Ten (10) feet.
- c. Rear Yard: Thirty (30) feet.

4. Maximum Lot Coverage: 50% for first 10,000 s.f. of lot area + 10% over 10,000 s.f. lot area + 10% over 10,000 s.f. lot area

Section 2: Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence, and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses be declared invalid.

Section 3: Effective Date.

This Ordinance shall become effective eight (8) days following publication.

Leland Township

By: _____
Susan Och, Supervisor

By: _____
Lisa Brookfield, Clerk

Adoption Date:

Published Date:

Effective Date:

Leland Township Legal Notice
For April 13th, April 20th and April 27th Editions,
Leelanau Enterprise
Attention: Legals

Please publish the following legal notice in the April 13th, April 20th and April 27th, editions of the *Leelanau Enterprise*. If there are any questions, call Tim Cypher at 231-360-2557.

LELAND TOWNSHIP PLANNING COMMISSION
NOTICE TO THE PUBLIC
PUBLIC HEARING
Wednesday, May 3, 2023 – 7:00 p.m.
Leland Public School, 200 N. Grand Avenue, Leland, MI 49654
(Public Hearing to be held in the new gymnasium;
please use the parking lot and entrance in the rear of the building.)

In accordance with the requirements of the Michigan Planning Enabling Act, Public Act 33 of 2008, and related amendments, this is notice that the Leland Township Planning Commission would like to invite your participation, cooperation, and comment with regard to a proposed amendment to the Leland Township Zoning Ordinance. The amendment is titled, “Residential Character Amendment” and pertains to the R-1A, R-2 and R-3 zoning districts. A presentation will be made which shows existing lot area square feet, existing lot coverage allowed, and the Residential Character formula that was used to determine the proposed building footprint. The decrease or increase in square footage will also be discussed. Visual aids will be provided at the Public Hearing.

To review the Residential Character Amendment visual aids in advance of the Public Hearing, please visit the Leland Township website at: <https://www.leelanau.gov/lelandtwpplan.asp>. The visual aids can be found under the “Handouts” tab for the May 3, 2023 Regular Meeting/Public Hearing.

To submit comments before the hearing, write or call the Leland Township Zoning Administrator, P.O. Box 226, Lake Leelanau, MI 49653; or email staff@allpermits.com; or call (231) 360-2557.

Timothy A. Cypher, Leland Township Zoning Administrator

RESIDENTIAL CHARACTER VISUAL AIDS

Zoning Districts	Existing Lot Area Square Feet	Existing Lot coverage allowed	RC formula 35% of first 10,000 s.f. + 10% for 10,000 to 45,000 s.f. then + 5 % Remainder	PROPOSED BUILDING FOOTPRINT	DECREASE / INCREASE SQ. FT.
R-1A: 30% L.C	38,600	11,580	equals 3,500 S.F. + 2,860 S.F. =	6,360	5,220
R-1A: 30% L.C.	57,000	17,100	equals 3,500 S.F. + 3,500 S.F. + 600 S.F. =	7,600	9,500
R-1A: 30% L.C	79,850	23,955	equals 3,500 S.F. + 3,500 S.F. + 1,743 S.F. =	8,743	15,212
R-2: 40% L.C.	5,000	2,000	equals 2,000 S.F. =	2,000	0
R-2: 40% L.C.	10,000	4,000	equals 2,000 S.F. + 250 S.F. =	2,250	1,750
R-2: 40% L.C.	15,000	6,000	equals 2,000 S.F. + 500 S.F. =	2,500	3,500
R-3: 35% L.C.	14,000	4,900	equals 5,000 S.F. + 500 S.F. =	5,400	500
R-3: 35% L.C.	28,000	9,800	equals 5,000 S.F. + 1,800 S.F. =	6,800	3,000

**LELAND TOWNSHIP PLANNING COMMISSION
PROPOSED RESIDENTIAL CHARACTER AMENDMENT
QUESTION AND ANSWER SHEET**

The following questions were posed to the Zoning Administrator and/or to the Planning Commission at the Public Hearing on May 3, 2023, or in correspondence that was received. In addition, some questions and answers have been provided to give the public an understanding of how this Amendment has progressed since the idea was first introduced.

Q: How did the idea for this proposed Amendment come about?

A: Mr. Chris Bunbury first introduced this idea to the Leland Township Planning Commission at a meeting in October of 2017. While speaking during Public Comment, Mr. Bunbury proposed that there be some way to limit the size of building very large homes in the Township. The Planning Commission agreed to consider this request in response to comments from members of the community; people have expressed that they are concerned about the construction of very large homes in certain areas of the Township. Although the Planning Commission has proposed limiting square footage, it should be noted that large homes may still be built in the zoning districts in question.

Q: What is the definition of “character”?

A: *Residential character* means characteristics of appearance and use that are similar to typical residential use, scale, building form, and building materials. It does not include uses or exterior appearances that are industrial or commercial in nature. (Source: lawinsider.com)

Q: Why is this amendment titled the “Residential Character Amendment”?

A: This is the term that was first given to this initiative when it was proposed to the Planning Commission. At this time, the Planning Commission is currently considering whether to change the title to: “Residential Lot Coverage Amendment”. This is due to the fact that terms such as “character” and “preservation” can be vague and people tend to interpret these terms differently.

Q: Why was the Public Hearing for this proposed Amendment held on Wednesday, May 3rd when many of the seasonal residents who are property owners have not yet returned to the Township?

A: The order of business simply follows the calendar and May was the month for when the Public Hearing was scheduled. This matter has been before the Planning Commission since October of 2017 and has been a regular part of each meeting agenda when there was information to address.

Q: What are the R-1A, the R-2 and the R-3 zoning districts?

A: As defined in the Leland Township Zoning Ordinance, these three districts are the R-1A (Medium Density Lakeshore Residential), R-2 (Medium Density Village Residential) and R-3 (High Density Residential). Under the proposed Amendment, each of these zoning districts is treated differently, but they are all affected.

Q: Does this Amendment include the Commercial zoning district?

A: The proposed Amendment does not apply to the three (3) Commercial Zoning Districts.

Q: Does this Amendment apply to the Agricultural Conservation District or the Low Density Agricultural Residential District?

A: The proposed Amendment does not apply to the AC or the AR districts.

Q: The term “under roof” was mentioned at the Public Hearing on May 3, 2023. What exactly does this term mean?

A: The term “under roof” refers to the total livable square footage of a home between the eaves. If a garage is connected to the home, the garage is also considered to be “under roof”.

Q: What does the term “footprint” mean?

A: The term “footprint” refers to lot coverage.

Q: What if a construction project is in the planning stage or has already begun? How are these projects affected by the proposed Amendment?

A:

Q: How does the proposed Amendment pertain to single-story homes versus those that are 1&1/2 stories, two stories or three stories in height? As people age, they are more inclined to want to reside in a single-story home which consumes a larger footprint.

A:

Q: The formulas shown on the spreadsheet appear to be overly complicated. Is there an easier way for a property owner to understand what will be allowed on lots in each of the three zoning districts in question?

A:

Q: Does the proposed Amendment legally represent a “taking” of property?

A:

Q: Does this Amendment apply to apartments?

A: This Amendment does apply to apartment buildings; multi-family housing is contained in the R-3 zoning district.

Q: What has been the greatest pushback from the public regarding this Amendment?

A: The Planning Commission believes that the greatest pushback are the concerns regarding height and setback changes in the R-1 district.

Q: What are the proposed changes regarding setbacks?

A:

Q: What are some of the unintended consequences that may result if this Amendment is approved?

A:

Q: What is the process for approving this proposed Amendment?

A: The proposed Amendment will be sent to the Leelanau County Planning Commission for review and comment. Once those comments are received, the Leland Township Planning Commission, which functions only as a recommending body, may vote to forward the proposed Amendment to the Leland Township Board for final approval. The Township Board may also opt to hold a Public Hearing on this matter.

Q: If the proposed Amendment passes, does an individual property owner have the right to appeal to the Zoning Board of Appeals?

A: Yes, a property owner may submit an application to the Zoning Board of Appeals to have the matter reviewed.

LELAND TOWNSHIP PLANNING COMMISSION
Regular Meeting/Public Hearing
Wednesday, May 3, 2023
Leland Public School
200 North Grand Avenue, Leland, MI 49654

I. Call Meeting to Order/Pledge of Allegiance

Chairman Korson called the meeting to order at 7:04 pm with the Pledge of Allegiance.

Present: Clint Mitchell, Township Board Rep; Ross Satterwhite, Vice Chairperson, ZBA Rep; and Skip Telgard, Secretary

Excused: Sam Simpson

Staff Present: Tim Cypher, Zoning Administrator; Allison Hubley-Patterson, Recording Secretary

There were approximately 78 members from the public in attendance at various times throughout the meeting.

II. Motion to Approve Agenda (additions/subtractions)

Chairman Korson stated that items 5, 6 and 7 under the "Public Hearing" agenda item would be tabled.

Chairman Korson moved to approve the May agenda as amended; Telgard seconded. All present in favor; motion carried.

III. Declaration of Potential Conflicts of Interest - None

IV. Approval of Minutes from April 5, 2023

Chairman Korson asked for a motion to approve the April 5, 2023 minutes as presented. **Satterwhite moved to approve the April 5, 2023 minutes as presented; Mitchell seconded. All present in favor; motion carried.**

V. Correspondence

Cypher stated that he would address correspondence that was received regarding the proposed Residential Character Amendment during the Public Hearing portion of the agenda. No other correspondence was received.

VI. Public Comment (three minutes per person unless extended by Chairperson)

There was no public comment on non-Residential Character Amendment issues.

VII. Reports

Township Board Rep:

Mitchell reported that the Township Board approved the contract for Ms. Sara Kopriva who will serve as the new Contract Planner. The Board continues to work with Mr. Jim Tiffany on the seawall. An offer has been made to purchase a building that would serve as the new site for the Leland Township Office; the Board is waiting for a reply from the seller.

ZBA Rep:

Satterwhite did not have any information to report.

VIII. New Business - None

IX. PUBLIC HEARING – RESIDENTIAL CHARACTER AMENDMENT

1. Presentation by Leland Township Zoning Administrator

Cypher apologized for some errors that were discovered on the R-2 visual aid. Once these were discovered, corrections were made and a revised visual aid was posted to the website. In order to bring the public up to speed on this matter, Cypher discussed the timeline of events from when this matter was first brought to the PC by Mr. Chris Bunbury. This has been a matter before the PC since October of 2017.

2. PC Comments

Chairman Korson inquired as to the best process for handling questions and providing answers to the public. He proposed that Mitchell explain various things that the public has questions about and reiterated that the PC is not in a hurry to pass or not pass this Amendment. He informed the audience that there can be a second Public Hearing, if necessary.

Telgard stated that since this is a public hearing, the PC should listen to what everyone has to say tonight. He stated that staff do an awesome job but due to the fact that there was an error in material that was posted to the website, Telgard suggested that a second Public Hearing could be held when more people are back in town.

Mitchell suggested that people bring their questions down to the table. Satterwhite informed the audience that the PC wants to hear from them. He said that the PC is looking to find out if the public feels that they should make changes to the height that is allowed and should the PC further regulate this matter. Satterwhite added that members of the public may be surprised at how large a house can be built on a lot in the zoning districts in question. He added that the PC can shrink the footprint, shrink the house height, change the setbacks, etc. He stated that the PC is not attempting to convince people but stated that the PC desires to give the community what they want. Satterwhite suggested that questions be submitted in writing and the PC can respond at either the next meeting or tonight, if possible.

3. Review Correspondence regarding Residential Character Amendment

Cypher took the opportunity to briefly mention several letters that were received.

- Mr. Bischoff is present at tonight's meeting. He stated that he may have unintended consequences as a result of this Amendment.
- A letter from Brad Hanpeter states that he is against the proposed changes.
- Mr. Weston, who is a Professional Engineer, reviewed the documents and stated that reducing the building footprint is something that the military does.
- Mr. Charles Schroer had a conversation with Cypher. As a follow-up to that conversation, he stated that he is sympathetic but has concerns. He feels the Amendment is unfair to property owners in the Township.
- Mr. Chris Lund submitted two letters. He asked questions which the PC hopes to address at tonight's meeting.
- Ms. Michelle Brown submitted comments that were only intended for the PC; however, Cypher explained that all emails received become part of the public record once they are submitted.
- Mr. Westerman is concerned about the legal notice that was published and stated it lacked specific information. He acknowledged that the PC has more knowledge regarding this topic but expressed his concern for the community.
- Mr. Nick Laurent – stated he is opposed to the proposed Amendment.
- Ms. Joan Strassman – stated that she is opposed to the proposed Amendment.
- Heidi Weckwert, J.D. – stated that it is a problem that the website contained incorrect information. Cypher stated that the website is provided as a courtesy to Township residents. The PC is not required by law to change the date of a Public Hearing if there are errors with the materials posted to the website. It was reiterated that these errors were promptly corrected once they were discovered.
- Maude Babington – stated that she is concerned with the overlay.

- Tucker and Mary Hawkins – they are long-term homeowners in the Township and support the proposed Amendment.
- Ms. Susan Walters – stated she has an architectural and design business and is approximately halfway through a construction project. The proposed Amendment would affect this project.
- Mr. Steve Beeders – stated that he supports the proposed Amendment and added that it is about time that the Township looked at this issue.
- Warren and Ann Watkins – stated that they are in favor of the proposed Amendment.
- Mr. Walter Schmid (Letter #1)– stated that he is looking to have his questions answered; he believes the reduction for an R-2 lot seems excessive.
- Mr. Walter Schmid (Letter #2) – would like to see more detail. He believes that more of an eyesore could be created than what currently exists.
- Mark Nesbitt and Sarah McVay - stated that they are in favor of the proposed Amendment.
- Shep Burr – expressed concern that a Public Hearing is being held when snowbirds are not in the local area.

Cypher responded to 39 telephone calls on this matter and encouraged people to continue to write letters as this will eventually go before the Township Board. Some individuals asked Cypher to determine their lot size but he stated that he cannot do this work for people.

4. Public Comment (limited to three minutes per person unless extended by chair)

Mr. Scott Larigan stated that he understands that this is a Public Hearing and that the PC is not taking any questions; however, he stated that there are many questions yet to be answered. Mr. Larigan stressed that the public needs the answers to these questions before they can respond and added that many terms that the PC has mentioned need to be defined.

Mr. Tom Bischoff resides on Cedar Street in Leland. He owns three platted lots that he and his wife were planning to divide. Their project is based on the existing zoning ordinance and they have adhered to these rules. Mr. Bischoff believes that the proposed changes will affect their project.

Mr. Chris Lund stated that his family has lived in the Village of Leland for 85 years; Mr. Lund has worked as a builder for many years. As a builder, he indicated that he was required to have a deep understanding of zoning and knows that it is complicated. Adding additional overlays causes extra complication and confusion. He believes that the R-2 zoning district gets punished in three ways. First, he believes that a village is a place where people live and he is very opposed to the Residential Character Amendment. Second, Mr. Lund stated that he is concerned with the term “Character”.

Lastly, he stated that we should allow homeowners to build their dream home but their dreams will be crushed due to the new overlays being proposed.

Ms. Dawn Lund stated that she wanted to respond to the issue of house height. Ms. Lund stated that there is no way that restricting the height to 30 feet will work. Their home is 25-feet high and their neighbor on one side has a 20-foot-high home. The Lunds look at their neighbor's rooftop and this 20-foot-high home has blocked their view. Ms. Lund is very happy that her neighbors were able to build their dream home but the consequence was that the Lunds lost their view.

Mr. Drew Atkinson discussed the setbacks and stated that he is not sure why they were changed. The setback was changed from 10-feet from the property line to a combined 15-feet which includes both sides.

Mr. Walter Schmid does not reside in town but stated that he is very interested in Leland as it is a special place. The proposed changes may result in creating a situation that we will be unhappy with. He stated that we are making changes but do not know what the outcome will be. He commends the PC for their work on this project but stated that they should not flush the baby out with the bath water.

Mr. Jim Kletzien lives on Lake Leelanau. He asked for a clarification of the term "under roof". He would like to know what is and what is not included in this definition.

Ms. Karen Zemaitis does not feel that the public has enough knowledge to make a good decision regarding the proposed Amendment. She is concerned about property rights and does not believe it is right for a small group of men to make a decision on this matter. She added that this matter should be put to a vote of the residents.

Mr. Rick Jamieson stated that his family and step-family have been coming to this area since 1966. Mr. Jamieson and his wife are halfway through the architectural development process on a project and are ready to break ground. He stated that it looks as if something is trying to be fixed that is not actually broken.

Ms. Nelle Jamieson stated that they have a wonderful architect who is working on their project. They do not have an oversaturated lot and their roof is 32-feet high now. If they were to adjust this to 30-feet or have a 1&1/2 story house, this would be a problem. Ms. Jamieson added that a one-size fits all formula does not fit here.

Mr. Dave Hunter stated that there are a couple of ways to plan a township. Questions such as where to start and where to end up should be asked. The

public does not have a good understanding of where the PC is going with this project. Mr. Hunter believes that the term "Residential Character" must be defined. He added that the formula is interesting and stated that it may be fair or some tweaking may be required. The PC must make things easier for the public to understand where they are going with this proposed Amendment.

Mr. Gary Zemaitis discussed the rules and regulations for condos, duplexes and apartment buildings.

Mr. Kevin Morrow asked if the Peterson project on Main Street has been approved.

Ms. Kerry Satterwhite thanked the PC for doing this work.

Mr. Dan Lisuk concurred with Ms. Satterwhite. He appreciates the fact that the PC members have stepped forward to address this matter. Mr. Lisuk supports the proposed Amendment because it is an attempt to preserve residential character and added that the definition may be a good thing. The change of people who are coming into the area is making things very fluid. He again thanked the PC for their work.

Dave Couturier from Lake Leelanau inquired if this would apply to a rental, too, or does this only pertain to a residential house.

Ms. Gloria Garrett represents the Lake Leelanau Lake Association and thanked the PC members for tackling this complex issue. She stated that there were three individuals present at tonight's meeting from the Lake Association and they applaud the efforts of the PC as this will help to preserve water quality for our children and grandchildren.

Ms. Jamieson asked if a homeowner is grandfathered in, do others get to sell their homes for more money? She thanked the PC for their work on this matter but indicated that she is opposed to the proposed Amendment.

Following the public comments, Satterwhite stated that he wanted to make a few comments in response to some of the questions that were asked.

Satterwhite informed the public that the Peterson project has not been approved. A formal application has not yet been received in this matter.

Satterwhite explained that, as of today, one is limited to the size of their existing lot coverage. In the R-1A, R-2 and R-3 zoning districts, things are a little different. The term "under roof" refers to livable square footage. If a garage is connected, it is classified as being "under roof".

Satterwhite asked, "What are we trying to accomplish" and then answered his question by stating that the PC is trying to respond to the community. He noted that people are concerned that their neighbor may build a very large house; people believe this is a risk that exists. Satterwhite stated that questions often come before the PC and people ask what the PC is doing about it. For the R-1A, R-2 and R-3 zoning districts, the PC took the footprint and made it smaller. In terms of definitions, "footprint" means "lot coverage". Satterwhite noted that in some places, the footprint is now smaller, but added that it did not change at all in some areas. He acknowledged that all zoning ordinances are complicated. He stated that one can still build a large home in many areas.

Cypher addressed a question that was asked pertaining to the approval process of the proposed Amendment. He stated that the PC does not have the final say as they are a recommending body only. Cypher informed the public that Mr. Mitchell is the designated Township Board Representative and stated that the PC is trying to be fully transparent. The PC has held this Public Hearing tonight and the proposed Amendment would eventually go to the County Planning Commission for their review and comment. Ultimately, the PC, if it chooses to do so, will recommend sending this to the Township Board; this body also has the right to hold a Public Hearing on the matter.

Cypher stated that any individual who is aggrieved by this amendment can bring this to a vote and he proceeded to explain the referendum process. Cypher added that the PC makes recommendations, not final decisions. Final decisions are only made in some situations but any aggrieved party can pursue an administrative remedy. He explained how the PC is required to follow the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act requirements.

Chairman Korson asked if the Residential Character Amendment passes, may an individual go to the Zoning Board of Appeals. Cypher replied, "Yes".

Cypher explained the process for starting construction and further explained what it means to "commence". He stated that "hardship" can be difficult to define and noted that there are eight different criteria that must be met to show hardship.

Cypher informed the public that a decision from the Zoning Board of Appeals takes approximately five to six weeks. The fee to file a ZBA petition is \$300.00. The ZBA is comprised of a five-member Board and requires three votes for a quorum. The ZBA is an administrative remedy that is available to all members of the public. If there were to be a referendum, this matter would go on the next election ballot.

The question regarding the difference between a residence and a rental under the proposed Amendment was discussed. Per the Leland Township Zoning Ordinance, there is no difference here.

A member of the public asked for clarification regarding the term “footprint”. If a lot already has an existing structure, such as a pole barn, what does this mean for the footprint? Cypher explained that all existing buildings on the lot, including accessory buildings, will count when determining lot coverage.

Ms. Patty Croom asked how the proposed Amendment works when one has multiple lots. Cypher stated that, under normal circumstances, if there is a double lot, it has one tax parcel number; the lots were consolidated at one point. The entire double lot is the gross of what you have to begin with.

Mitchell stated that we are not talking about total square footage of the home; he reiterated that this pertains to lot coverage. He added that even though the PC is dialing this back, large homes are still permitted.

Mr. Schmid discussed how living space could be less than 1,500 square feet in some cases and asked if a distinction would be made between one and two-story homes. He is not trying to address homes that are on Lake Michigan but mentioned that there are certain things that people who live in the R-1, R-2 and R-3 zoning districts want, such as an office, a few bedrooms, etc. He believes that the footprint for those living in town should be reconsidered. It is important to look at this in a realistic fashion in terms of what the homeowner will end up with in terms of livable space. He asked the PC members to consider enlarging the footprint and stated that the formula, as presented, is not realistic in terms of what people want today.

Chairman Korson stated that there has been a lot of discussion regarding short-term rentals and how this makes things look in the Village. He added that we are looking at the collateral damage from this situation. Defining the word “character” is difficult and Chairman Korson added that the PC understands that short-term rentals are a real problem. He noted that the reduction here is to help solve the problem of short-term rentals.

Chairman Korson explained that the PC has been monitoring what is happening at the state level for a long time. The threat is to treat homes and short-term rentals the same and he added that we cannot control short-term rentals. Chairman Korson stated that the PC has to go through the process and explained that Mr. Bunbury initially asked the PC to look at this matter.

Ms. Lund asked who serves on the Zoning Board of Appeals. She listed the names of the members as identified on the Leland Township website: Susan Och, Kathy Dawkins, Nancy Smith and Brooks Bunbury. It was noted that Mr. Ross Satterwhite is also a member of the ZBA; however, he is not listed on

the website. Ms. Lund noted that this is a curious connection. Brooks Bunbury is the son of Mr. Chris Bunbury, the original applicant in this matter and Mr. Satterwhite is currently a member of the PC. It was noted that Mr. Brooks Bunbury would declare a conflict of interest should any matter pertaining to this Amendment come before the ZBA.

A member of the public stated that he previously had a conversation with Cypher and asked about the side setbacks. He also asked Cypher why the height has increased. Cypher replied that the height has not increased. The member of the public stated that the Fire Chief wanted it this way and inquired as to the reason. Cypher stated that, at the time, the Fire Chief did not object.

Satterwhite stated that the PC has received a lot of great information and questions at tonight's meeting, such as how one-story homes will be treated. Satterwhite stated that the PC must do a better job of explaining what they are putting out there for the public to consider.

Mr. Lund stated that all houses that he sees which are one-story in height are short-term rentals.

A member of the public inquired as to how individuals should submit their opinions on this matter. PC members stated that opinions and comments can be emailed to any PC member or to Zoning Administrator Cypher.

Telgard stated that he was amazed at how many people mentioned that they are ready to retire and indicated that they do not want two levels in their home.

A member of the public asked if short-term rentals are exempt from being commercial.

Mr. Jamieson stated that he concurred with Satterwhite's comments regarding short-term rentals. He added that the majority of the residents in attendance this evening do not have homes that are being used as short-term rentals.

5. PC Discussion with Staff - tabled
 6. Findings of Fact - tabled
 7. Discussion of text needed to accompany Residential Character Amendment – tabled
- X. OLD BUSINESS – tabled to June meeting
- XI. Other Business (as required) - None

APPROVED

XII. Zoning Administrator Comment

Cypher stated that, if another Public Hearing was going to be held next month, it must be set this evening. He stated that staff can work on preparing a "Question and Answer" sheet based on tonight's questions for the next meeting.

XIII. Planning Commission Comment

There were no comments from the PC members

XIV. Public Comment – (limited to three minutes per person unless extended by Chair) - None

XV. Adjournment

There being no objection, Chairman Korson adjourned the meeting at 9:15 p.m.

The next scheduled meeting will be held on Wednesday, June 7, 2023 at 7:00 pm at the Leland Township Library in the Munnecke Room.

Respectfully submitted,

Allison Hubley-Patterson
Recording Secretary

APPENDIX A – Leland Township ZA Report (April 2023)

Leland Township
Zoning Administrator's
APRIL 2023 REPORT

To: Leland Township Board & Leland Planning Commission

From: *Timothy A. Cypher* 5/6/2023

Land Use Permits Issued:	5	YEAR TO DATE 25
Signs / Home Occupation	0	
Single Family Residences (SFR)	2	
Additions to SFR	0	
Garages / or additions to	0	
Decks & Porches / MISC.	1	
Accessory Buildings	1	
Commercial Construction	1	
Stairs & Landings	0	
Agriculture construction	0	
Demolitions	0	
Boat houses	0	
Solar Panels	0	
Renewal of / Change of use	0	
Z.B.A. proceedings	0	1 INQUIRY
Special Land Use Permits	0	2 INQUIRY
Lot Consolidations	0	1 INQUIRY
Land Divisions	0	1 INQUIRY
Property Line Adjustments	0	1 INQUIRY
Private Roads / Driveways	0	1 INQUIRY
Zoning / Site Plan Reviews	0	
Construction Inspections	9	
Violations/Investigations	1 **VIOLATIONS**	
	0 INVESTIGATIONS PENDING	
	RV USE AS SINGLE FAMILY DWELLING	
	APPLYING FOR PERMIT TO BUILD DWELLING	

I supplied information via 59 phone calls & 46 emails to Township residents & others.
I attended the Planning Commission meeting and the Township Board was attended by staff
Please feel free to contact me with any questions.

staff@allpermits.com

Phone 231-360-2557

APPROVED

APPENDIX B – Leland Township ZA Monthly Summary (April 2023)

LELAND TOWNSHIP - ZA'S MONTHLY SUMMARY

Period: APRIL 2023

DATE	PERMIT #	NAME	USE	REC. #	CK.#	AMOUNT
4/17/2023 009-024-045-20 & 30	LUP 23-21 105 E. PHILIP STREET	GREEN MONKEY PROP	LAND USE	202321	2006	\$ 300.00
		DECK EXPANSION & PERGALO			1,344 S.F.	
4/23/2023 009-022-031-20	LUP 23-22 5935 E. RYANS WAY	KLIETHERMES	LAND USE	202322	2806	\$ 50.00
		ACCESSORY BUILDING - COVERED PAD ON GRADE			1,168 S.F.	
4/23/2023 009-770-204-00	LUP 23-23 225 W. MAIN STREET	PLAMONDON FAMILY	LAND USE	202323	PAID 3872	\$ 90.00
		CHG OF USE FROM STORAGE TO DWELLING			944 S.F.	
4/23/2023 009-552-009-00	LUP 23-24 4811 E. WATERVIEW DR.	FELEY	LAND USE	202324	253	\$ 50.00
		SPLIT RAIL FENCE PATION STAIRS ROCK WALL			184 S.F.	
4/23/2023 009-021-027-45	LUP 23-25 144 N. HIGHLAND DRIVE	SIMPSON	LAND USE	202325	688	\$ 150.00
		CHG OF USE FROM STORAGE TO DWELLING			456 S.F.	

TOTAL \$ 640.00

SIGNED:

TIMOTHY A. CYPHER

DATE: 5/6/2023

TIMOTHY A. CYPHER
LELAND TOWNSHIP ZONING ADMINISTRATOR
231-360-2557

LELAND TOWNSHIP PLANNING COMMISSION
Regular Meeting
Wednesday, June 7, 2023
Leland Township Library, Munnecke Room
200 North Grand Avenue, Leland, MI 49654

I. Call Meeting to Order/Pledge of Allegiance

Chairman Korson called the meeting to order at 7:00 pm with the Pledge of Allegiance.

Present: Clint Mitchell, Township Board Rep; Ross Satterwhite, Vice Chairperson, ZBA Rep; Sam Simpson; and Skip Telgard, Secretary

Staff Present: Tim Cypher, Zoning Administrator

Staff Absent: Allison Hubley-Patterson, Recording Secretary

There were approximately 14 members from the public in attendance at various times throughout the meeting.

II. Motion to Approve Agenda (additions/subtractions)

Chairman Korson stated that this evening is officially his last meeting; however, he would be willing to remain on the PC and in the Chair position until the Master Plan is completed. After speaking with Cypher, they believe that this can be accomplished by year-end. He would like to change the agenda for this meeting to work on the Master Plan first and then the Residential Lot Coverage Amendment. Agenda item X-B will be moved ahead of agenda item X-A.

Chairman Korson moved to approve the June agenda as amended; Simpson seconded. All present in favor; motion carried.

Satterwhite commented that the reality is that the PC will probably not address the Residential Lot Coverage Amendment this evening; Chairman Korson concurred. Satterwhite made sure that members of the public were aware of this in case they attended the meeting due to this one particular agenda item.

Mr. Chris Bunbury asked the PC when they might get back to addressing the Residential Lot Coverage Amendment. Chairman Korson replied that he was unsure of the timeline. There is a lot to review this evening regarding the Master Plan.

Satterwhite stated that he is fine with tabling the Residential Lot Coverage Amendment for this evening, but he is not okay delaying this for six months until the Master Plan is completed. He believes that the PC can work on two things at once. Satterwhite noted that we recently had a Public Hearing on the Residential Lot Coverage topic and he believes the PC should keep moving on this project; Simpson concurred. Korson stated that the Master Plan is required by law but the Residential Lot Coverage Amendment is not; it is important to wrap-up the Master Plan. Discussion ensued regarding the order of business this evening and what length of time would be devoted to each topic.

It was discussed that there is no scheduled meeting in July and Cypher stated that, in the past, a summer meeting has been difficult due to the lack of a quorum.

III. Declaration of Potential Conflicts of Interest - None

IV. Approval of Minutes from May 3, 2023

Chairman Korson asked for a motion to approve the May 3, 2023 minutes as presented. **Mitchell moved to approve the May 3, 2023 minutes as presented; Telgard seconded. All present in favor; motion carried.**

V. Correspondence

Cypher stated that he received a few letters in opposition to the Residential Lot Coverage Amendment and added that these items of correspondence came in late in the evening after the last meeting/Public Hearing.

VI. Public Comment (three minutes per person unless extended by Chairperson)

Ms. Maude Babington resides at 409 S. Main Street. She reviewed the minutes of May 3, 2023 and noticed that the PC was going to create a question and answer sheet for the public. She stated that this was not in the handouts for tonight's meeting and asked what happens to homeowners who have already submitted plans to obtain building permits and who are prepared to start building. She stated that there were many negative comments at the Public Hearing and asked the PC how the public is expected to know what they are planning going forward. She has great concern about the proposal to cut lot coverage for 15,000 square feet by 30%; this is down from about 40% lot coverage allowed today to about 26.5% lot coverage allowed under the new proposed ordinance. She added that she is not an attorney but she believes that, in legal terms, this is considered a "taking" and would greatly reduce the value of property even if the landowner decided not to build due to the proposed changes. She also has great concern that the PC is giving decision making control on the very subjective issue of whether a house

design is “compatible in design and appearance” to only one person—the zoning administrator. If the zoning administrator decides to reject the plan, she believes that a homeowner should have a path to appeal this decision. If this is the role of the ZBA, she asked that this be added to the Q&A sheet. Ms. Babington stated that the proposed zoning ordinance will prevent them from building an elegant, primarily one-story house designed for aging in place.

Mr. Shep Burr thanked the PC for considering this new rezoning for the Township. He also thanked Cypher for his responsiveness and for offering thoughtful direction in the past. He has three primary questions. He lives in a modest house on a modest lot at 492 N. Mill Street along the river; it is zoned R-1A. He believes his lot size is less than one-third the size of the smallest R-1A illustration provided by the PC and that is a lot size of 38,600 square feet. He asked if it would make sense to illustrate what would happen to small lot sizes in the R-1A district similar to his lot. He believes that there are many properties that fall into this category and added that it would be helpful to see the effect of the proposed Amendment; the effect on the larger lots do not mean anything to him due to the difference.

Mr. Burr’s second question was to ask the PC if they should consider different lot size coverages for one-story versus two-story structures. He is not sure as to the actual purpose of this exercise other than trying to eliminate the “McMansions”. He does not reside in Leland year-round and was unable to attend the last meeting. He believes there are many people like him who have a one-story home or want to build one. To the extent that their roofs are not soaring, he asked if it would make sense to allow the same lot size coverage for a one-story building as opposed to a two-story where things can start to get very large.

Mr. Burr’s third question noticed on the footnote on the Residential Lot Coverage spreadsheet that the 24-foot maximum building height at the minimum setback line...is this a proposed rule or a golden rule? Cypher replied that this is a proposed rule and confirmed that it is currently at 35-feet. Mr. Burr confirmed that this would be reduced to 24 feet at the minimum setback line; Cypher stated that this is correct. He does not feel that people understand what the impact of this will be and he believes it is necessary for this to be crystal clear to everyone. He has spent many hours trying to figure this out. He asked the PC if they would be open to suggestions if the public wanted to propose other ideas. He feels this is a good idea but noted that people must understand the proposed Amendment or it will create a great deal of controversy and fear.

Mr. Jeff Green stated that he is with the Lake Leelanau Lake Association. He wanted to remind the PC that the Lake Association would very much like to work with the PC as they progress through the Master Plan.

VII. Reports

Township Board Rep:

Mitchell did not have any information to report.

ZBA Rep:

Satterwhite did not have any information to report.

VIII. New Business

A. Fiddlehead's – Site plan Review (proposed food truck)

Cypher discussed the process that brought us to where we are today. In the past, there has not been a process for connecting a food truck to a specific site in either Leland or Lake Leelanau. Many of the food trucks that have been proposed were proposed for public parkways. The Township Board has a policy that has been in place for over 15 years that their preference is to support the brick-and-mortar businesses.

Under the current zoning in the C1 district, there are standard restaurants which have a use by right. However, there are also accessory uses and structures customarily incidental and subordinate to the permitted principal use. In our definition, Cypher stated that a "building" is anything that is either temporary or permanent and which is used for the purpose or carrying on of different business activities.

On the site of Fiddlehead's, there is an existing restaurant that has been in place for years. Cypher searched the Township archives and discovered that there was never a site plan review because it was a pizza place before zoning came into play. There was never an opportunity for a site plan review with the previous business.

Cypher stated that standard restaurants have expanded with exterior seating, etc. but they have all come through a process. Unless they were pre-existing and grandfathered long ago, they have come before the PC for a review through the site plan review process.

Cypher introduced Josh Deters who will speak to his overall plan. Cypher also prepared draft findings of fact which the PC can go through this evening.

1. Presentation by Applicant

Mr. Josh Deters stated that he has owned the V.I. Grill in Suttons Bay for almost 13 years and opened Fiddlehead's in October of 2021 during Covid. Mr. Richard Roberts was his former business partner but they have parted ways and Mr. Deters now has sole ownership of both V.I. Grill and Fiddlehead's.

He would like to put a food truck on the Fiddlehead's property. He has access to a 1977 Air Stream that is fully built-out with running water, handwashing sinks and refrigeration. The food truck would go in the outdoor seating area running east to west in the parking lot. He will be removing two parking spots but relocating them on his property which will be supplemented with flower pots. The Fire Chief was on vacation when he submitted his packet of information. The food truck does have a propane tank attached to it. The Road Commission has provided a permit to Mr. Deters to possibly shut down the west exit of the parking lot so that people would no longer be able to drive through the lot. The Health Department has technically given their approval pending a final inspection. In order for this to take place, the unit must be at the facility. The food truck is currently located on Secor Road in Traverse City. Fire, safety, plumbing, propane and wastewater tank inspections have already been conducted on the food truck. The Health Inspector is on vacation until June 18th but the unit must be at Fiddlehead's for the inspection to take place. The application has been approved contingent on the final inspection.

Mr. Deters has spoken to Steve Patmore. There will be no drainage into the sewer. Williams & Bay will be pumping the unit as needed; there is very little water coming from the food truck as it will primarily be for hand washing. The correct tanks are in place and there is an on-demand hot water heater.

Mr. Deters stated that he needs to install a 30-amp connector similar to that for a camper that the food truck will plug into. He has lined up an electrician who will be installing the plug by the end of the week.

Mr. Deters would like to undertake this project because he is a business owner and he must increase the business on the restaurant that he just purchased. Fiddlehead's has come a long way and they do a very good business. The volume that they have now achieved and the additional volume that they will experience as more people learn about Fiddlehead's is very hard on the building, especially the kitchen. They will continue to operate inside but will be closing down the kitchen to do prep work in order to support the food truck at 3:00 p.m. daily. The food truck will operate on a very limited basis and will offer express breakfast sandwiches and express lunches. They are trying to expedite the dining experience for their customers because they are a small operation and must turn as many people over as possible.

Fiddlehead's is very affordable but Mr. Deters stated that, in order to make money, he needs to also be open for dinner. He believes the best way to do this is from the food truck in order to take pressure off of the building. The dining experience for people may be as long as 30 to 40 minutes but the food truck will expedite this experience for those who do not want to wait in line or who have small children. Food trucks are typically unprecedented in the County.

They will be closed before it gets dark; however, there are external lights on the food truck. It is a unique vehicle and measures 21-feet in length; it is a silver Air Stream. Mr. Deters stated that the vehicle fits the quirky vibe that Fiddlehead's has to a tee. They will be providing more employment as people will be needed to operate the food truck. He actually is over-staffed at the present time but a couple of existing employees can be used to manage the food truck. The vehicle will be temporary and will be moved by November 1, 2023. Mr. Deters is leasing the food truck and has a copy of the lease in his possession; the lease has been submitted to all necessary parties.

Mr. Deters stated that he has not done this before but he is happy to expand on anything that he stated.

2. PC Questions/Discussion with Applicant

Telgard inquired about bathrooms in the restaurant. Mr. Deters stated that they have one unisex, accessible bathroom inside and they are fully compatible with requirements.

Chairman Korson asked about the exact purpose of the food truck—is it for seating, cooking or food distribution? Mr. Deters stated that they will not be doing any raw cooking in the food truck; all food will be prepared in the commercial kitchen. A hand-held payment system will be used and the food truck will accept credit cards only. Payment will take place at the counter and the customer will receive their food. No alcohol will be served from the food truck. Fiddlehead's does have a license to serve alcohol but the customer will be required to go inside. The vehicle does not provide any seating and no additional seating is planned.

Simpson inquired about the number of parking spaces. Mr. Deters discussed the flower pots and stated that they are actually zoned by the MLCC. They could have extended their fence out to where they could serve the liquor inside but the decision was made to shorten the seating area in case they decided to put extra tables in this area. The parking spaces are being shifted to a different part of the lot so they are not losing any parking.

Chairman Korson asked about room to expand and inquired if lot coverage is the reason they are adding the food truck. He asked Mr. Deters if they have

room to expand. Mr. Deters stated that this is strictly due to cost; he is renting the food truck for \$1,000 per month. His intention with the building is not to build a giant restaurant.

3. Discussion with staff, if needed

Chairman Korson inquired as to the process. Cypher explained that the PC can move to public comment. He added that he heard a few things this evening that have prompted some additional questions, such as the number of trash cans. This will be discussed when the findings of fact are reviewed. Mr. Deters stated that there are already more trash cans in the area than what is needed and explained that it is such a small area that people are only 20-feet from just about everything on the property.

Cypher asked about the seating. This will be in the front, in the back along the side and the restaurant will be open for inside seating, too; existing seating arrangements will be used. Telgard asked if they have reached the limit for seating. Mr. Deters replied that the seating limit has been reached inside but he can add another 15 seats outside. As of right now, there are only 18 seats outside and there is plenty of room for additional seating. He does not plan on adding unnecessary seating but wants to make it easy for people to obtain food. He reiterated that the food truck will help to expedite the food process.

Cypher asked about closing the west drive and inquired if people may be parking on Main Street close to the corner where they are coming off of 204. Cypher stated that this is not a striped area but everyone has the right to use this for parking. Cypher mentioned that he is primarily concerned about the street when people are making the turn. He asked if a barricade would be used. Mr. Deters stated that people pull out of the parking lot near the chiropractor's office and do not look so he believes the arrangement he is proposing will be safer.

Cypher stated that he is not excited about an orange snow fence. Mr. Deters indicated that it is actually a wooden slat fence and he agrees that he does not want the fence to be an eyesore or be offensive to anyone.

Telgard asked if Fiddlehead's is currently on the sewer. Cypher replied that they are on the sewer system. Cypher indicated that Steve Patmore had a note in the packet that his only concern was regarding grease traps. Telgard stated that he is asking due to increased bathroom use which will result in greater input into the sewer; however, if this is metered, everything should be all set.

Mr. Deters hopes to increase his business but is essentially planning to improve the experience for his customers.

4. Public Comment (limited to three minutes per person unless extended by chair)

Ms. Lynn Telgard stated that she has concerns and feels that a food truck is going down a slippery slope. She is concerned about the bathroom and how many people will be using it. She asked where the regulation comes into play that two bathrooms (one for men and one for women) are required. She is also concerned that there is no way to increase the property tax on Fiddlehead's under this proposal. She is aware that business owners need to make money during the season but indicated that she would like to see the community stay with brick-and-mortar structures. She is also concerned about the food truck only having a handwashing sink but added that pots and pans will be in there and these will need to be washed. Water usage will be increased inside the building because these items will need to be washed. Overall, her concerns pertain to other people bringing in food trucks, property taxes, etc. She stated that Mr. Deters is adding on to his building but nothing is being done about this. She stated that the PC must address this in the Master Plan if there is nothing in the zoning ordinance that prohibits food trucks.

Ms. Joy Lang Anderson stated that she feels that Lynn and Skip should recuse themselves from this discussion since they own the Bluebird. Telgard asked if he could reply. Someone stated that they were confused as to why they could not talk and Cypher stated that they should have every right.

5. Applicant's Response to Public Comment

Mr. Deters stated that even if the food truck is not approved, Fiddlehead's will be open for dinner. He will either do the business outside or it will be conducted inside the building. He believes that adding the food truck will not be a big issue because they will be open for dinner anyway. He also discussed the issue of the bathroom with Williams & Bay and an enclosed portalet could be placed out back that would be out of view. Mr. Deters reiterated that the kitchen will close at 3:00 p.m. if the food truck is approved; otherwise, it will be open until 10:00 p.m. so that dinner can be served inside.

Satterwhite informed Mr. Deters that he has a lot of flexibility with the restaurant now in terms of when he can be open. He added that it is nice to know when the restaurant will be open but it is not relevant to the topic being discussed. Mr. Deters repeated that his primary intention is to not be open inside at night so the food truck will act in place of the indoor restaurant experience. If this is successful, Mr. Deters stated that he would continue with the food truck next season. However, he added that there is no guarantee that his lease will be extended although he would like to purchase the food truck. He will not leave the vehicle outside in the winter but it will return in about mid-June of the following season.

Cypher asked about the wiring and how Mr. Deters would prevent this from becoming a trip hazard. He replied that the wiring will be buried.

Cypher stated that, for purposes of clarification, if there was not an existing restaurant on the property, a food truck would not be allowed. The only way this can happen on any site is when there is already a standard restaurant and the accessory uses are structured incidental to the restaurant. A food truck cannot exist by itself because it is not customarily incidental to anything. Mitchell inquired about a second restaurant that might come in and put a food truck on the first restaurant's property if they wanted to lease it out. Cypher stated that this could be an option. Mitchell clarified that he is asking because he believes these are two different things. Mr. Deters' situation is a camper/food truck that is selling his product but this is different than if he went to another restaurant and told them to bring their food truck and place it on his lot. Cypher stated that the issue is that the food truck is leased and controlled by the applicant. Cypher mentioned that many people have inquired about having food trucks in the area. One individual sought to place a food truck at Van's Garage but there is not an existing restaurant in this location. There must be an established business on the permitted uses by right in existence already. Cypher discussed how food trucks have become more popular and stated that he made the determination that this was incidental to the existing restaurant business. Cypher informed the PC that language dictating this can be found under section 12.01 of the ordinance.

Chairman Korson confirmed that Mr. Deters could not add a second food truck next year without coming back to the PC; Cypher stated that this is correct. Cypher noted that C1 is somewhat unique because there are no parking requirements; however, there is a caveat that the existing parking cannot be removed or this will result in parking on the street. This would not be a safe corner for this to happen.

Satterwhite asked to return to the ordinance. Cypher stated that section 12.01B.7 talks about standard restaurants. He added that section 12.01B.5 discusses accessory uses and structures customarily incidental to standard restaurants. Cypher added that a building is defined as a structure that is either temporary or permanent which is used for the purpose of carrying on business activities. Mr. Deters' application is appropriate under this definition. Cypher explained again that this is a use by right but does still require a site plan review. Cypher explained that Article 6 denotes what is required to come before the Planning Commission; Mr. Deters' application must still be vetted for health and safety reasons.

6. Findings of Fact / Conditions

Cypher led the PC through a discussion of the findings of fact.

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Item 6.04.A – A condition would be for the Fire Chief to come in and give us an inspection and an approval of the site. Cypher requested that Mr. Deters send him the permit that he received so it can be made an official part of the record.

Cypher stated that verification will be needed from the Sewer Administrator as to whether or not the site is metered; the PC had concerns regarding this as well as the general public regarding water flow.

The Health Department will need to finalize their requirement, too.

The County Construction Code office may decide as they have in other locations and with commercial businesses to mandate additional restrooms; however, this will be their call or will be up to the Health Department. This is not an issue that pertains to the PC

Item 6.05.A – Cypher inquired if the project would impede the normal development of the surrounding property; he asked the PC members to discuss this among themselves. Chairman Korson stated that he has serious concerns. He does not feel that a trailer in the front of downtown Lake Leelanau is a good idea. He added that they look like trailers for a reason and noted that they look great in a campground. Chairman Korson does not believe that the front of our town should have a temporary trailer. He believes this may be different if the business was limited on space. He informed Mr. Deters that if he believes he is putting the trailer out front because it is attractive, he stated that this is wrong; this is not an attractive vehicle. Chairman Korson stated that this is why Leland has not given in to the idea of food trucks whether they are public or private. This was not driven by whether it was a restaurant owner who wanted to have the food truck; he believes the reality is that Leland simply does not want them. They look like food trucks. Chairman Korson stated that there is a storage facility on the other side of town and commented that we do not want trailers parked outside of this business. This is for a reason which is that the trailers are not attractive. Chairman Korson understands that this is an Airstream trailer and added that it is a nice looking trailer, but not parked in the front of Lake Leelanau. He does not believe that this is the right place for the trailer.

Mr. Deters asked to respond to Chairman Korson's remarks. He stated that the food truck would be tucked back as far as possible on the property and added that it will not impede the view of the building. He understands

Chairman Korson's concerns and plans to place the food truck as far back into the parking lot as possible. Chairman Korson stated that he is also concerned about the idea of portable bathrooms being on the property. He stated that this is not what we want in our town. Chairman Korson stated that he represents Lake Leelanau and he does not want to see this. Mr. Deters stated that he does not necessarily want to see portable restrooms either but if this is what it takes for this to happen, he is willing to do what is required. He believes this would be a small price to pay and will make it so that visibility to the public is minimized.

Cypher stated that screening would be required for portalets; Mr. Deters replied that this is fine. Cypher asked if there was consensus among the PC members. Satterwhite stated that he does not believe it is the role of the PC to make judgments in terms of what looks good and what does not. He believes that this is a person who simply wishes to grow their business which is permitted by right and the PC should look at it from this perspective. If they do not feel that this meets the zoning ordinance, Satterwhite stated that this is a different matter. He does not believe the PC can pass judgment simply because they do not like the look of something. The PC needs to stick to the ordinance and address the things that they should be talking about.

Chairman Korson responded that Satterwhite's answer is a safe one but that this is not true. In the Leland Township Zoning Ordinance, Chairman Korson noted that it stated that it must be "harmonious" and he believes that trailers on Main Street are not harmonious. He feels that this is addressed in the ordinance and if it were not, he would not be commenting on this matter. Chairman Korson stated that the safe answer is to say that this does not matter when the PC knows it does matter. He believes this is a planning issue. Satterwhite stated that he reads the sentence from the zoning ordinance to mean something different. He noted that not all of the PC members will have the same interpretation. Cypher asked how the PC would like to have the finding read.

Chairman Korson asked Mr. Deters why he would want to tuck the food truck so far back. He does not like the idea and does not believe it belongs in a commercial district. However, he inquired if it could be parked along side of the building rather than right out in front of town. Mr. Deters said this could possibly be done but stated that this was not his intention. The food truck would be parked right up against the fence and Cypher informed the PC that there is a split rail fence in this location.

Telgard stated that he has less of a problem with the trailer than he does with the idea of porta-john bathrooms. If these were also part of the deal, he can understand the issue with the harmonious aspect of the project. Mr. Deters reiterated that he does not want to have porta-johns if people can use the

restroom inside. He stated that he also believes they do not look good and they would cost additional money.

Mitchell asked if the existing bathroom is tied to seating capacity. Cypher replied that this could be the case. Mr. Deters stated that seating capacity will not change. Mitchell stated that he does not understand why additional bathrooms would be needed if seating capacity will remain unchanged. Cypher replied that this is up to the Health Department and the Building Safety Department; this comes under their jurisdiction. Cypher stated that the PC can only require screening, buffering, and landscaping. What could happen is that the Health Department or Building Safety Department could mandate this based on whatever reason they have to justify it. Simpson asked if the PC could place this as a condition but Cypher commented that the PC normally does not override other regulatory agencies. He added that the jurisdiction over things such as this where there is public gathering, seating requirements, etc. is going to come from either the Health Department or the Building Safety Department. If they mandate something and the PC does not want to see porta-johns on the site, the applicant has the right to come back to the ZBA for further clarification; he is permitted to go through this process.

Mitchell asked if the PC could require any additional bathroom capacity that is required by the County be indoors. Cypher stated that this could be requested but this does not mean that the County will agree. Mitchell confirmed that if the PC states that they do not want bathrooms outside, the County can say that a bathroom is needed and they will allow the applicant to put one outside. Cypher confirmed that this could indeed happen. Mr. Deters stated that Mr. Nick Dow indicated that there should be no problem with the bathroom if the seating is not being increased. Cypher commented that the Building Safety Department is different and the Township recently went through something similar with an application from Picnic Leland where they were trying to use the bathroom of a neighboring property. Although this is not comparing apples to apples, the Building Department weighed in on this matter with a variety of requirements related to this request. This ultimately stopped the outdoor seating for Picnic Leland this summer. Satterwhite stated that the PC should allow the Health Department and the Building Safety Department to make the determination. Cypher added that if they say it is okay, the PC would have a difficult time overriding their decision but we can place a condition on the applicant that the porta-john be well-screened and out of sight.

Satterwhite stated that we should leave the decision to these other two departments to do what makes sense. Chairman Korson stated that this does not make sense. He commented that we would have to live with this decision if they approve outside bathrooms or the PC can take a vote on this tonight and not take the risk. He added that he is not willing to take this risk but informed the PC members that they should vote how they choose. Cypher

asked for clarification on item 6.05.A. He explained that PC members can vote at the end whether they agree or disagree but things are normally put to a vote.

Satterwhite moved that the finding for this section should be that if the Health Department requires outside bathrooms, they must be well-screened and out of view from the public roadways; Simpson seconded. The motion passed with 4 ayes and 1 nay.

Mitchell inquired about the type of fence and also asked what type of porta-johns these would be. Cypher replied that we do not really know at this point. Mr. Deters commented again that he has no desire to put a porta-john outside. Cypher reiterated that this decision is not within the jurisdiction of the PC but added that if the PC trusts him, he will ensure that it cannot be seen. Satterwhite stated that the term “unidentifiable” has been used in the past.

Mitchell asked if the PC could tie a request to this for the Health Department and Building Safety Department to not allow a porta-john. Cypher confirmed that this can be done but added that they may not accept this if they mandate the applicant to place porta-johns on the site for whatever reason. Mitchell stated that he would like to add this request but does not want to hold anything up. Cypher stated that he learned from the Picnic application that you must add bathrooms when adding seating but noted that there could be something else that he is not aware of; a requirement may be in the state building code.

Mitchell asked Mr. Deters what would happen if the other regulatory agencies came back and stated that he would need a porta-john unless he cut two seats. Mr. Deters indicated that he would cut seats. Mitchell commented that it is evident Mr. Deters does not love the idea of porta-johns either. Cypher stated that we must get the facts and find out what will be required.

Item 6.05.B - No landscape plan has been reviewed but this may be required depending on what the Health Department and/or Building Safety Department request.

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Item 6.05.C – No changes are required relating to the site drainage but Cypher asked Mr. Deters to check to see if he is mandated to have anything.

Item 6.05.D – Cypher requested that the PC discuss this matter. This is directly in the C1 Commercial Zoning District. If porta-johns are mandated, Cypher asked if the PC agrees that screening would be required. Chairman Korson asked Mr. Deters if this screening would be better than the snow fence that will go around the trailer. Mr. Deters replied that it would not be

visible to the public and Satterwhite stated that this should be a condition of this finding.

Item 6.05.E – Cypher stated that approval is still required from the Fire Chief but this will hold up a land use permit if Mr. Deters is approved tonight. He encouraged the applicant to obtain the Fire Chief’s approval as soon as possible. Cypher stated that one of Chief Besson’s staff members may be able to look at this for Mr. Deters.

Item 6.05. F – Final approval must be obtained from the LCRC.

Item 6.05.G – Applicant does not propose any changes with regard to pedestrian circulation.

Item 6.05.H – No changes are proposed regarding exterior lighting but any new lighting must be night sky friendly according to the zoning ordinance.

Item 6.05.I – The site plan already reflects the proposed vehicular circulation system in terms of closing off the entry on Main Street. Cypher stated that the PC had concerns with the Peninsula Provisions application in terms of how close cars could be to the M-204 and South Lake Leelanau Drive intersection. Cypher added that we will see what the LCRC says about this matter. Cypher asked if a recommendation is needed depending on the LCRC’s safety review. Satterwhite replied that the PC should allow the LCRC to do what they need to do. If a “no parking” sign is to be placed in this area, Cypher reminded the PC that this must go before the Township Board.

Chairman Korson asked if Mr. Deters is required to apply for this every season since the trailer will be removed from the site. Cypher replied that the PC could request this but an annual renewal is not required. He added that any complaints that are submitted could bring this matter back to the PC for further review. At this time, Mr. Deters is asking for this for the 2023 season until November 1st. Satterwhite stated that the PC does not want to go through the renewal process every year and he believes that this request should just be approved. Cypher stated that the use permit can be changed if complaints are brought forth; this is an option at every step of the way. Cypher explained that there are major and minor categories of things with regard to approvals. The normal site plan reviews run with the land where an applicant does not need to keep coming back. If complaints are lodged, this changes things. Cypher or his successor would have the ability to bring something back to the PC depending on the complaint. Minor complaints can be handled administratively but Cypher would still report on this when giving his monthly report.

To reduce the load, Satterwhite reiterated that this should not be done each season. Cypher asked the PC members if there is a desire to have this

approved for only one season. Simpson stated that this would not be his desire.

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Item 6.05.J – N/A

Item 6.05.K – Met

Item 6.05.L – Met

Item 6.05.M – Cypher stated that a condition would be to obtain the electrical permit from the County Building Safety Department prior to any construction. This will be in the works no matter what.

Item 6.05.N – Cypher stated that all other regulatory agencies must sign off before a land use permit is issued even though there may be an approval tonight.

Item 6.05.O – There is no concern regarding hazardous materials but the Fire Chief will tell the PC if there are any problems.

Item 6.05.O1 – Met

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Item 6.05.O2 – The finding that was discussed earlier regarding the Sewer Administrator's comment that no food truck waste can be discharged in the Leland Township sewer system has been noted. Cypher stated that this is crystal clear and Mr. Deters is aware of this; he understands all conditions and will adhere to this request.

Cypher reminded Mr. Deters that he must adhere to all conditions. If the property is sold, the conditions will run with the land.

Item 6.05.O3 – The other regulatory agencies must sign off prior to issuing the land use permit.

Mr. Deters asked about the regulatory signoffs that are required. For the Health Department to inspect the food truck, it must be on the premises so it can be properly inspected. He asked if this would be possible. Cypher asked if all other approvals are granted, is the PC comfortable with the trailer being brought to the site. He explained to Mr. Deters that if it does not pass inspection, the food truck must go away. Satterwhite asked the trailer being parked on the site for a day but it is not yet operational. Cypher is not ready at this point to respond to this hypothetical. Mr. Deters stated that Mr. Dow is on

vacation until June 19th. He asked if he is permitted to bring the unit in and begin to get it ready if all other regulatory agencies have granted their approval with the exception of the Health Department. He wants the food truck to look nice with plants around it and it will take time to prepare the site. Cypher replied that the PC could be on a slippery slope because we do not know what is going on. He added that normally all approvals are obtained and then the land use permit is issued. He stated that a conditional permit could be granted to allow for this but it would be up to the PC to make this determination. Mr. Deters stated that Mr. Dow has pre-approved the application but added that prepping the unit will take time.

Cypher asked Mr. Deters how long the trailer would be sitting on the property if Mr. Dow does not return until June 19th. Mr. Deters replied that there are ten days between now and the 19th. Mr. Deters replied that the trailer would be brought to the site around the 13th or 14th of June. He added that if it does not pass inspection, it will be removed immediately.

Cypher stated and provided a sample motion in the findings document. Satterwhite asked Cypher to point the PC to the passage in the zoning ordinance regarding temporary structures. Cypher stated that it can be found in Article XVIII, Section 6 under "Accessory Buildings"; the scope is very limited.

Mitchell asked how the food truck would face when people walk up to order—does the trailer face the street or the back side. Mr. Deters replied that the service window will face into the grass area; the street view will be the back of the Airstream and there is an entrance door. Mitchell stated that his concern is the noise for Mr. and Mrs. Couterior who live next to the site. There will be more people likely to sit out in this area. Mr. Deters stated that people like outdoor seating. Mitchell also asked about music. Mr. Deters replied that they did an open mic night but there will not be any bands. Mitchell asked this question because he is concerned about sound. There may be music outside from 5:00 p.m. to 8:00 p.m. but nothing later, other than perhaps a radio.

Simpson asked, from the street view, is there a way to visually create more of a buffer so that people are not looking at the back of a silver trailer. Simpson suggested a landscaping screen; Satterwhite asked about a potted screen. Mr. Deters stated that this will be done so that people are not looking directly at the silver trailer. Simpson is concerned that this may be an eyesore from the road. Mr. Deter indicated that it would be cost prohibitive to provide a landscape screen that would cover the entire unit but he is willing to entertain suggestions. He added that Fiddlehead's is a quirky place and he reiterated that the food truck fits with the motif. Mr. Deters believes the Airstream is cool and fits well with the hip culture. His intention is not to put a trashy trailer out in Lake Leelanau. Mitchell commented that there is an Airstream out in

Northport that he feels looks good. Mr. Deters stated that this is where his idea came from.

Mitchell asked Cypher if there is a way for the PC to approve the structure and inquired what would happen if next year it is not an Airstream. Simpson stated that this can be handled by placing a duration on the permit for either one or two years. The brand of trailer could be different in the future. Cypher reminded the PC that Satterwhite stated that the PC normally does not get involved in aesthetics. Simpson stated that the PC can regulate landscaping. Discussion ensued regarding whether the PC is approving a trailer or a structure and the question was asked if they can approve this particular type of trailer. Cypher stated that the PC can do whatever they wish to do. If this is a major concern, Simpson proposed putting a time limit on the permit approval. Cypher stated that he tends to err on the side of caution and will bring things back to the PC if there are any problems. Mitchell asked if the applicant should be required to come back every couple of years or if there are any problems; Cypher replied that the PC may put a time limit on this if they so desire. The PC would give the zoning administrator the flexibility to bring the matter back to the PC if things changed substantially.

Satterwhite stated that he would like to see landscaping. Discussion ensued regarding what type of landscaping could be used and Cypher stated that there are standards in the zoning ordinance that Mr. Deters should follow.

Returning to Satterwhite's question on 18.06, the temporary uses of residential buildings and structures has virtually word-for-word exactly what the requirements of Article VI require in the standards so it is almost the same. This is mandated to come through the site plan review process based on Article 6.

Telgard asked if the applicant does change trailers next year, can the PC require him to come back because there has been a major change. Cypher confirmed that this is correct. Satterwhite stated that PC must change the landscaping condition to be "consistent with the ordinance".

Chairman Korson allowed the public to speak at this point.

Ms. Telgard asked Cypher if the applicant does not have to come back each year, does the permit go in perpetuity and if the property is sold, can the new owner do this, too? Cypher replied that what he heard tonight is that there will be a two-year limit. Discussion ensued that this has not yet been voted on. Cypher stated that the PC members should finalize this matter.

Mitchell stated that he is somewhat torn. He does not want to have the applicant be required to come back each year but also does not want to extend the permit indefinitely. Mr. Deters stated that he is happy to come

back to explain himself in the future. He added that he may decide to not do this next year. He is fine with the PC placing a two-year limit on the permit. Chairman Korson confirmed that the PC cannot put a condition in the findings that states that if the Health Department requires outside bathroom facilities, this is null and void. Cypher stated that he believes the PC will be exposing themselves to a possible challenge with such a condition. Chairman Korson stated that if bathrooms are put outside, this makes it not “harmonious” according to the zoning ordinance; he believes the issue would then be null and void. The project cannot go forward if the applicant is mandated to add bathrooms but he does not want to do this. Cypher stated that this is very similar to what happened with Picnic Leland.

Satterwhite stated that this matter has already been solved with a motion. Chairman Korson stated that there was consensus among the PC that if bathrooms were put outside, it would not be harmonious. Mitchell indicated that he is less concerned if there will be a two-year review. If there are problems, the PC could state that this is not working. Chairman Korson is not sure how this would go.

Mitchell moved to approve the Fiddlehead’s Site Plan Review application with the condition that the findings of fact statements are incorporated into the record and all standards will be met prior to the issuance of the Land Use Approval by the zoning administrator; seconded by Satterwhite.

7. Further discussions with staff or applicant, if needed

Prior to voting, Chairman Korson asked about the snow fence and where it would be located. The fence will block off the west exit of the parking lot; there will be shrubbery placed here, too. Mr. Deters stated that the shrubbery would be on both the inside and the outside and the reflectors would be on the outside.

Chairman Korson stated that he would like to see this happen in Leland and asked the PC members what they thought about this; he added that he does not believe this would occur in Leland. Mitchell stated that he would not treat the two locations, Leland and Lake Leelanau, differently. Chairman Korson inquired as to why food trucks have not been approved in Leland. Cypher stated that he tried to explain this previously. Applicants that have come before the PC proposing a food truck have not fit this scenario. Telgard stated that his only concern is that they are metered; Cypher replied that this has been added as a condition and this will be verified with Mr. Steve Patmore.

Satterwhite inquired about the taxes and if this would affect the applicant’s assessment. Cypher stated that the assessor gets a copy of all land use approvals. He does not want to speak on behalf of Ms. Krombeen and added

that she is very good at what she does. Ms. Telgard commented that there is also a personal property tax issue here and stated that because this is a rental, the applicant does not own the trailer and will not be taxed on this. Cypher stated that there may be a use tax. The member of the public indicated that the State of Michigan is changing this to get rid of all personal property taxes on businesses as of 2024; there will be no way that personal property can come into play here. Satterwhite concurred and stated that the County should be paying attention to things like this. Cypher reminded everyone that the PC is not the body that addresses this matter.

Simpson returned to the topic of the snow fence and asked if this is required by the LCRC. Mr. Deters stated that they approved the slat fence. Simpson asked if there is something that would be more visually appealing. Mr. Deters stated that he is confident that once things are put together and the shrubbery is incorporated, it will look nice. Mitchell stated that to be fair to Mr. Deters, he has done a nice job with the V.I. Grill and he believes that the applicant wants his businesses to look good. Mitchell stated that the PC knows Mr. Deters and knows that he has two businesses that are very attractive. Mr. Deters added that he will do everything he can to make this look good but he feels he deserves this opportunity. Chairman Korson stated that this does not pertain to a personal relationship; this is a matter of planning and zoning. If we have the term "harmonious" to refer to, we must follow this. Mr. Deters indicated that he believes he has complied with everything up to this point. Simpson reminded the PC that there is a motion on the table for a two-year permit renewal. Cypher added that this time limit can be placed.

8. Consideration of Motion by PC to approve, approve with conditions, or deny application per Zoning Ordinance requirements.

The PC returned to voting. There were four ayes and one nay; motion carried.

***At this point, the PC took a break.**

IX. OLD BUSINESS

A. Residential Lot Coverage – tabled to July meeting

B. Master Plan – continue with Chapter 6

Chairman Korson asked Cypher to bring the PC up to date with the Master Plan. Cypher stated that the PC has reviewed Chapters One through Five. At that time, it was discussed that the version of Chapter Six that was prepared by the previous planner would be used due to the fact that considerable time was spent on this chapter; this section was completely rewritten. Simpson wanted to review Chapter Six again, in particular the section pertaining to Ag

Tourism. Cypher confirmed that Simpson is looking to add a section on Ag Tourism. Simpson stated that he did not have the prior planner's version but he could speak to generalities. Chapter Six is a hybrid of what existed previously and what Mr. Sullivan wrote.

Satterwhite asked about Chapters One through Five. The idea is that these chapters will not be reviewed again. However, Cypher stated that there will be a Public Hearing on the entire Master Plan. Chairman Korson asked Cypher to distribute the most recent version of Chapter Six from Mr. Sullivan and the PC will review it. Chapter Six will then be discussed at the next meeting. A portion of Chapter Seven was also previously discussed.

Chapter 7:

Section 7.1, 7.2 and 7.3 merely need to have the dates updated.

Section 7.3.1 (Land Use Goal) - Discussion ensued regarding Ag tourism. Simpson stated that he believes the Centerville Township Master Plan contains language that would be appropriate to use in the Leland Township Master Plan as it focuses on growing products.

7.3.1A – “including in collaboration with area organizations where possible” will be added to the end of this sentence.

7.3.1D – “Control” will be changed to “manage”.

7.3.2 - Heading will remain as is.

At this point, the PC members realized that sections 7.3.1 and 7.3.2 had previously been discussed. The PC jumped to Section 7.3.3.

Section 7.3.3A

The language “and enforce standards regulating” was discussed and the PC members realized that this had been discussed as well. Satterwhite recalled that the language that has been changed on this page came from the Lake Leelanau Lake Association.

7.3.3E – Satterwhite proposed a change in the language for this section which was previously discussed.

7.3.3F – Cypher discussed this section in relation to his time as the head of the Sewer Operations Task Force. Approximately ten years ago, the Task Force concluded that what is stated in this section is not a feasible outcome due to an

existing task force recommendation that was adopted by the Township Board many years ago. Cypher stated that different jurisdictions handling sewer systems does not normally work. He added that the township could still pursue a district if it got to this point and we would not want to not have this option; however, the issue may be with “other jurisdictions”. “Explore and pursue” will be changed to “Consider the possible establishment...”.

7.3.3G – Satterwhite proposed language for this section that was suggested previously. These proposed comments reflect the comments from the Lake Association. Satterwhite added that we have a group of citizens for whom this topic is very important so the language should reflect their concerns.

7.3.3H - Cypher stated that we have this in place now. He asked if there are other words that should be used in place of “preserve and protect”. He said this could come back under our jurisdiction if we are talking about the natural buffer. All PC members stated that they are fine with how this section currently reads.

7.3.3K – This section will now read “Discourage additional expansion of lake access through keyholing or permitted dock sharing”. Mitchell stated that he does not have as much of an issue with dock sharing as he has with keyholing. Cypher asked exactly what he means by “dock sharing”. He informed the PC that the ordinance currently reads “under shared common water frontage when more than two share”. Mitchell stated he would like to define what “dock sharing” means. Riparian rights were discussed briefly. Cypher stated that if he sees a violation, the Sheriff’s Office will not give him the name of any boat owner. Cypher normally does not audit docks for MC numbers. He stated that keyholing is the use where multiple property owners can use the water frontage. Mitchell stated that he agrees with this but would prefer to stop at keyholing with item 7.3.3K. Cypher mentioned that the township does not have a dock regulation other than when it is common use waterfront. This is triggered under Section 18.23.

Satterwhite asked where the PC can say something about light pollution in the Master Plan. Cypher replied that this falls under night sky information. Cypher stated that this is becoming more and more relevant. He cited an individual on Big Glen who took a series of photographs over a ten-year span and showed the horizon looking towards Glen Arbor. The individual tried to keep the conditions the same in the photographs. Cypher stated that it was amazing to see the aura of lighting even though there is a night sky ordinance in this area. Light will reflect and bounce quite a bit. Discussion ensued regarding individuals who use motion sensing lights versus lights that are left on throughout the night. Satterwhite stated that the Master Plan addresses many important concepts but that we should add that we also want to be mindful of the effects of light pollution. There was consensus that the PC would like to include language about lighting and

night sky friendly, specifically; it will be determined where this language will be placed.

Referring back to Chapter 5, Simpson stated that he learned that the Leland Public School is the designated owner of a parcel of land on North Manitou Island; this is approximately a one-acre parcel. He believes this should also be noted in the Master Plan where the document discusses geography.

Mr. Jeff Green asked if it would be possible for the number of docks/boat houses to be addressed in the Master Plan. He has noticed a proliferation of longer docks and boat houses being added around the lake. He inquired if a limit could be placed on this. Cypher stated that the PC is not normally in the dock business. EGLE will determine the length of a dock. Mr. Green stated that he is not really talking about the length. Cypher stated that this is now referred to the court system because it is unknown where the riparian boundaries of properties are.

Satterwhite stated that the right to have a boat house is covered in the existing ordinance both on the big lake and on the river. Mr. Green asked if the PC could include language about the number of boat houses in the Master Plan; however, Satterwhite explained that this is not the zoning ordinance. The Master Plan brings a lot of demographic, geographic and economic items together to lay out the general direction of where the township is headed. Satterwhite stated that language could be added to say that the township would “give consideration” or “be mindful of” the issue of the number of docks and boat houses. Satterwhite stated that, at some point, this issue will be addressed because there are currently no rules or regulations.

Ms. Telgard asked if the PC can discuss keyholing and dock sharing, why can they not discuss the length of docks. Cypher stated that this is normally determined by how you get to the navigational area of the lake. He explained that EGLE looks at things and has granted approvals based on dredging that has been done and takes into consideration how far out the individual must go to get into the navigational area of the lake. Cypher likened this to how EGLE specifies how many slips can be in front of the restaurant. For temporary docks, they do not regulate. Cypher also explained that zoning cannot be retroactive. He also explained that for residents around the lake who have many docks, this would be grandfathered. It was stated that, at some point, grandfathering should be stopped. Cypher stated that if a nuisance is being created, this is the catch-all for everything.

Mr. Green stated that the PC is going through a great deal of effort to minimize “McMansions”; Mitchell stated that this is not how he would characterize this effort. Members of the public asked if we are limiting the sizes of houses, why is the PC not limiting the number of docks. Mr. Green stated that he is surprised at what he is seeing on the river now and discussed one situation, in particular.

Chairman Korson stated that it is difficult to control all of these things on a micro level. It was suggested that the Master Plan specify that a resident can only have one dock. Satterwhite stated that the PC may take on this issue but not right now. The different categories of docks, permanent and temporary, were discussed. Cypher stated that when one is a riparian owner, you get to use your property. He added that if a nuisance is created, EGLE will get involved and reiterated that this issue may go to the court system. This could be a civil issue between neighbors.

A member of the public (woman speaking again?) asked about a resident in Leland who rents their dock to boaters throughout the season. Cypher stated that this is not allowed because it would be considered a marina. The member of the public stated that she does not like the complaint basis process of the zoning ordinance and the Road Commission. She believes that this pits neighbor against neighbor but added that we all have to live together. She suggested that we be more specific in the language in order to move forward.

7.3.3K – This item was discussed again. Chairman Korson asked what is considered a “dock”? He stated that this becomes very complicated and believes that language regarding the natural capacity for a particular piece of real estate should be added.

Satterwhite proposed “Evaluate allowable docks, dock usage parameters and boat capacity”. A member of the public stated that there must be other communities that are wrestling with this topic, too. Mitchell stated that the PC has looked at keyholing as well as providing easements to other people to allow them to use one’s property. He stated that now the PC is getting to the point where they are limiting how people can use their own property and he believes this is an entirely different thing; he added that this is a slippery slope. Mitchell stated that he does not want to tell people how many docks they should or should not have, but he is fine with addressing keyholing and easements.

Satterwhite proposed another passage: “Evaluate, as appropriate, allowable docks, dock usage parameters and boat capacities”. All PC members agreed that this language is acceptable. Mitchell stated that this should be placed in Section 7.3.3. The language that Satterwhite proposed will now be section 7.3.3L.

Section 7.3.4 (Residential Goal)

Section 7.3.4A - Cypher stated that one thing that may be coming to the PC is that PUDs are currently allowed in Ag Conservation zoning districts. Cypher read section 7.3.4A and stated that, in a sense, someone could argue that the PUD language that is currently on the books is not compatible with this statement. He wanted to bring this to the attention of the PC members. Cypher stated that this goes against the Master Plan. The language in Section 7.3.4A is restricting the PUD. Chairman Korson proposed crossing out this section. Cypher is not sure

why “Agricultural Considerations Areas” was used; it should be “Agricultural Conservation Areas”. Cypher showed a zoning map and asked if the PC wants to control growth in the area. He explained that what he is seeing in other townships is that the rural character is very important to the Ag zoning districts; people want these to remain intact. Satterwhite and Cypher discussed this passage and it was agreed that the change should appear in the zoning ordinance.

Telgard stated that he would like to get across the point that we are not cutting off the possibility of doing such things in the Ag Residential district. Cypher agreed that this makes sense. Telgard stated we need to think about pulsing out into this area a little bit with some other options.

Cypher stated that Section 7.3.4B also needs to be discussed and asked if this is irrelevant. He stated that this goes back to the form-based concept; we do not care what you are doing behind all of the screening, buffering and landscaping but it does potentially have a side effect in that pastoral property is changed. He used the example of Bay Hill but added that the individual had the right to do this development. Cypher confirmed that there will be no change to section 7.3.4B.

Simpson asked a side-bar question. If an operator wanted to come forward with an opportunity to develop their own property with some type of business and had the ability to do campsites, for example, he asked if the individual would not be using a PUD to make this happen. Cypher replied, “No” and added that there is a campground ordinance that is allowed in the Ag Conservation District. Cypher stated that this ordinance is very strict.

Cypher asked the PC their thoughts on section 7.3.4F and read the passage. Mitchell stated that he would prefer the term “Workforce Housing” rather than “Affordable Housing”. All agreed that an “expedited process” does not really exist. Cypher stated that people all over the County do not want things coming in so referendums, etc. are held. It was agreed to remove section 7.3.4F and add “workforce housing options” to section 7.3.4G. Discussion ensued regarding people who live and work in the County versus those who do not but wish to have cheap housing. Mitchell stated that there are different ways that you can promote workforce housing. Cypher stated that we do not have the term “affordable” in the zoning ordinance. Simpson stated that “affordable housing” has a negative connotation and explained why “workforce housing” is a more appropriate term.

The PC is currently not scheduled to have a meeting in July. Regarding the Master Plan, at this point, the PC only needs to work on the rest of Chapter 7 and Chapter 8. A Public Hearing will be held in this matter sometime this fall.

Simpson commented that he believes it is important to continue working on the Residential Lot Coverage Amendment since more people are in the area now. Discussion ensued regarding which date would be best for a July meeting. It was

stated that the Public Hearing on the Residential Lot Coverage Amendment has already taken place; however, Chairman Korson noted that the public will continue to want to hash out this topic. Satterwhite stated that we still need to create materials that will help the public better understand the proposed Amendment based on the comments the PC has already heard. He noted that this is a very confusing topic. Satterwhite and Telgard both commented that the PC has received some very good feedback from the public on this topic.

X. Other Business (as required)

Satterwhite moved to hold a meeting on Thursday, July 6, 2023 at 7:00 p.m.; Simpson seconded. All present in favor; motion carried.

Satterwhite confirmed that the agenda will include one-half of the “Old Business” being devoted to the Residential Lot Coverage Amendment and one-half of the time being spent on the Master Plan. Chairman Korson inquired if any agenda items had been deferred to August since there was originally not going to be a July meeting. Cypher replied that there are no other agenda items pending.

XI. Zoning Administrator Comment – no comment

XII. Planning Commission Comment – no comment

XIII. Public Comment – (limited to three minutes per person unless extended by Chair) – no comment

XIV. Adjournment

There being no objection, Chairman Korson adjourned the meeting at 10:10 p.m.

The next scheduled meeting will be held on Wednesday, July 6, 2023 at 7:00 pm at the Leland Township Library in the Munnecke Room.

Respectfully submitted,

Allison Hubley-Patterson
Recording Secretary

APPENDIX A – Leland Township ZA Report (May 2023)

Leland Township Zoning Administrator's MAY 2023 REPORT

To: Leland Township Board & Leland Planning Commission

From: *Timothy A. Cypher* 6/3/2023

Land Use Permits Issued:	3	YEAR TO DATE 28
Signs / Home Occupation	0	
Single Family Residences (SFR)	1	
Additions to SFR	0	
Garages / or additions to	1	
Decks & Porches / MISC.	0	
Accessory Buildings	1	
Commercial Construction	0	
Stairs & Landings	0	
Agriculture construction	0	
Demolitions	0	
Boat houses	0	
Solar Panels	0	
Renewal of / Change of use	0	
Z.B.A. proceedings	0	1 INQUIRY
Special Land Use Permits	0	2 INQUIRY
Lot Consolidations	0	1 INQUIRY
Land Divisions	2	1 INQUIRY
Property Line Adjustments	2	1 INQUIRY
Private Roads / Driveways	0	1 INQUIRY

Zoning / Site Plan Reviews 0
PUBLIC HEARING ON RESIDENTIAL CHARACTER
 Construction Inspections 7

Violations/Investigations 2 ****VIOLATIONS****
 0 INVESTIGATIONS PENDING
 2 RV USE AS SINGLE FAMILY DWELLING
 APPLYING FOR PERMIT TO BUILD DWELLING

I supplied information via 28 phone calls & 19 emails to Township residents & others.
 I attended the Planning Commission meeting and the Township Board was attended by staff
 Please feel free to contact me with any questions.

staff@allpermits.com Phone 231-360-2557

APPROVED

APPENDIX B – Leland Township ZA Monthly Summary (May 2023)

LELAND TOWNSHIP - ZA'S MONTHLY SUMMARY

Period: MAY 2023

DATE	PERMIT #	NAME	USE	REC. #	CK#	AMOUNT
5/13/2023 009-730-701-00	LUP 23-26 517 WEST STREET	LOCKWOOD NEW DWELLING ATT.GARAGE/BREEZEWAY GUESTH	LAND USE	202326	2735	\$ 180.00
5/15/2023 009-029-005-30	LUP 23-27 649 WOODSMOKE DR.	WENG ACCESSORY BUILDING	LAND USE	202327	392	\$ 50.00
5/17/2023	LUP 23-28	VOID - WITHDREW	LAND USE	202328		
5/17/2023 009-023-028-00	LUP 23-29 104 N. ST. JOSEPH ST.	PARKE DETACHED GARAGE W/PARTMENT BREEZEWAY DI	LAND USE	202329	TREAS. HAS 895046	\$ 140.00
5/3/2023 009-009-003-00 & 001-432 GRAND & 210 CHERR	PLA 23-01	NESBITT/MCVAY PROPERTY LINE ADJUSTMENT BETWEEN TWO LOTS	PROP. LINE	PLA202301	13562	\$ 50.00
5/3/2023 009-023-026-00	LDA 23-03 316 W. MAIN STREET	BIGGS LAND DIVISION WITH PAID SEWER BENEFIT	LAND DIV.	LDA202303	4333	\$ 50.00
5/17/2023 009-015-041-00 & 20	PLA 23-02	HERMAN & HERMAN PROPERTY LINE ADJUSTMENT BETWEEN TWO PARCELS	PROP. LINE	PLA202302	2035	\$ 50.00
5/31/2023 009-750-601-00	LDA 23-04 302 N. MAIN STREET	CARLSON LAND DIVISION WITH PAID SEWER BENEFIT	LAND DIV.	LDA202304	9757	\$ 50.00

TOTAL \$ 570.00

SIGNED:

TIMOTHY A. CYPHER DATE: 6/3/2023

TIMOTHY A. CYPHER
LELAND TOWNSHIP ZONING ADMINISTRATOR
231-380-2557

LELAND TOWNSHIP PLANNING COMMISSION
Special Meeting
Thursday, July 6, 2023
Leland Township Library, Munnecke Room
200 North Grand Avenue, Leland, MI 49654

I. Call Meeting to Order/Pledge of Allegiance

Chairman Korson called the meeting to order at 7:04 pm with the Pledge of Allegiance.

Present: Clint Mitchell, Township Board Rep; Ross Satterwhite, Vice Chairperson, ZBA Rep; Sam Simpson; and Skip Telgard, Secretary

Staff Present: Tim Cypher, Zoning Administrator; Allison Hubley-Patterson, Recording Secretary

There were approximately 7 members from the public in attendance at various times throughout the meeting.

II. Motion to Approve Agenda (additions/subtractions)

Chairman Korson asked for a motion to approve the July agenda as presented. **SATTERWHITE MOVED TO APPROVE THE JULY AGENDA AS PRESENTED; SIMPSON SECONDED. ALL PRESENT IN FAVOR; MOTION CARRIED.**

III. Declaration of Potential Conflicts of Interest - None

IV. Approval of Minutes from June 7, 2023

Chairman Korson asked for a motion to approve the June 7, 2023 minutes as presented. **SATTERWHITE MOVED TO APPROVE THE JUNE 7, 2023 MINUTES AS PRESENTED; SIMPSON SECONDED. ALL PRESENT IN FAVOR; MOTION CARRIED.**

V. Correspondence

Cypher stated that he received a few letters regarding the Residential Lot Coverage Amendment; he will comment on these during that portion of the agenda.

VI. Public Comment (three minutes per person unless extended by Chairperson)

Ms. Maude Babington resides at 409 S. Main Street for one-half of the year. From the motion language on the agenda, stated that it looks as if the PC is ready to vote on the Residential Lot Coverage Amendment at tonight's meeting. In reviewing the Q&A sheet, she believes there are still many questions to be answered. Ms. Babington read a prepared statement and concluded by stating, "I know it is complicated, but I urge you to find a way to address excessive bulk while leaving in place the current rules (40% lot coverage) for normal sized houses in R-2 Village Medium Density".

Ms. Amy Garrett spoke on behalf of her and her husband, Greg Garrett. Their home is in the R-2 district and they do not rent their home out to other people. Ms. Garrett read her prepared statement and also discussed some of the unintended consequences that may come about as a result of this Amendment. She offered several suggestions regarding the proposed zoning changes. She addressed building homes to allow individuals to "age in place", the restriction of short-term rentals and concluded by suggesting that the PC consider working with the Township planning consultant who could conduct some additional research on this topic prior to the PC voting on the matter.

Ms. Heidi Weckwert stated that when they purchased their property, they relied on the language in the 2016 zoning ordinance. They have applied for permits and are moving through the planning stage for their single-story home. She is concerned that the PC will vote on this matter at tonight's meeting. Lastly, she questioned whether this Amendment constitutes a legal "taking". As an attorney, she believes this is a taking considering that their lot coverage will be reduced from 40% to 26.6%.

A member of the public commented that her daughter has property in Leland but is currently down state. She stated that we cannot make up for what past zoning did not recognize.

VII. Reports

Township Board Rep:

Mitchell did not have any information to report.

ZBA Rep:

Satterwhite did not have any information to report.

VIII. New Business – None

IX. Public Hearing – None

X. Old Business

A. Residential Lot Coverage Amendment

Chairman Korson proposed tabling this topic indefinitely. He stated that this Amendment is getting more complicated by the minute and he believes that additional meetings and more input is needed. He added that the PC has given Mr. Bunbury sufficient time in addressing this matter but stated that the percentage of change to the zoning ordinance is small compared to the amount of time that has been invested in this project thus far. Chairman Korson stated that he does not believe the PC is at a critical stage where this project needs to be taken care of at this time. He further added that Mr. Bunbury did not point out specific buildings that he was concerned about. Chairman Korson added that he is concerned about a Board that is charged with making changes regarding the future character of the Leland when they allowed other things to take place in another village.

Cypher asked if Chairman Korson was making a motion to table this topic. Mitchell stated that he is not ready to throw the baby out with the bath water. Simpson suggested that the PC hear from Mr. Bunbury.

Telgard stated that he would like to address Chairman Korson's comments. Since the May 3rd Public Hearing, Telgard expressed that he has been uncomfortable with what is happening in the R-2 district. He stated that we are not talking about monster homes, but these are people who want to build homes in the village. He added that we have heard from quite a few people on this matter. Telgard stated that this Amendment came about due to concern regarding the lots around Lake Michigan as the larger parcels are found around the lake. He commented that he does not want to see Ms. Weckwert, Ms. Babington, Mr. Bischoff and others penalized and reiterated that he is not comfortable with what has been proposed for the R-2 district.

Satterwhite explained that the PC is reacting to the public and added that zoning restricts things by nature. Many people have stated that the zoning ordinance allows one to build anything of any size and the question is whether there is some way to modify this. Satterwhite stated that when we fix one problem, it creates another problem for someone else. He stated that the PC can monkey with the square footage but this gets complicated. Alternatively, the PC can limit the overall size of the house. Personally, Satterwhite stated that he is indifferent as to the approach but he wants to address what the public wants. Satterwhite believes the Residential Lot Coverage Amendment is heading to a vote in the community but it must first go through the normal process.

In response to Chairman Korson's comments, Satterwhite stated that perhaps there should be a discussion about the board members; however, he believes that the board works well.

Mr. Chris Bunbury stated that he works in the environmental field and he often presents information that people have not heard before. In the beginning, he noted that Mitchell worked to develop the formulas for this Amendment. Mr. Bunbury stated that he wanted to preserve the character of the area so it would not turn into Bay Harbor, Charlevoix or other areas. He added that people from around the country want to live in places like Leland.

Mr. Bunbury stated that he has been approached by approximately 100 people; 80% of those people indicated that they did not know that they could do this. He understands that this Amendment will not work for everyone and appreciates the concerns. He thanked everyone for the time they have invested in this project and added that he believes the PC is close to a vote on this matter.

Mitchell stated that he is not hearing much about the R-1 district; he suggested the lot coverage reduction for this district but no other changes are necessary. In R-2, the issues focus on setbacks. Mitchell believes that the 10-foot setbacks have had more of an impact on livable square footage than what the PC intended; he proposed changing the setbacks to 8 feet on each side, as opposed to 10 feet on each side. Mitchell does not feel that people like the five-foot setbacks. He also proposed going with a height of 30 feet. When people inquire about the 24-foot height that has been proposed, he stated that they do not understand even after it is explained. He recommends that 30 feet be used. Lastly, Mitchell recommended moving the effective date out one year to give people time to commence their project.

Simpson asked Telgard if the changes proposed by Mitchell address his concerns. Telgard feels Mitchell's suggestions are more reasonable and that they are a step in the right direction based on comments the PC has heard from the public. Mitchell stated that he was looking to the future; Telgard stated that the trend to single level living spreads the house out more.

Chairman Korson asked Mitchell if what the PC is doing is making a difference and also inquired if this project is worth it. The Amendment will need to go to the County and the PC will make changes based on their comments. Mitchell reiterated that people have told him that they do not like five-foot setbacks or three-story homes in town. Simpson commented that the time invested so far on this project is a sunk cost.

Simpson asked Ms. Weckwert and Ms. Babington if the proposed changes would help them. They responded that their issue is with the overhangs on the house. They explained that their neighbor is 30 feet from their property

line. Cypher commented that the Fire Chief is concerned with long eaves; setbacks help fires from spreading.

Satterwhite stated that he knew after the Public Hearing concluded that some of these issues would need to be addressed. He noted that he is fine with the changes Mitchell proposed. Simpson concurred. Satterwhite asked Cypher what the next step would be. Cypher replied that the Amendment will go to the County; however, there is language that needs to be developed for the zoning ordinance.

Cypher explained that another Public Hearing may be needed but it depends on whether this constitutes a “substantial change”. According to statute, the County is permitted to review any amendment that is proposed; however, Cypher explained that it is not mandatory that their comments be incorporated. Following a review by the County, the Amendment will go to the Township Board. Cypher stated that there have not been any amendments since 2016 or 2017. The process takes time and there are several steps.

Chairman Korson inquired as to who does the work of creating the additional text that is needed. Cypher replied that he would ask the new Planner to work on this project to ensure that Cypher has not overlooked anything.

Mitchell asked if the definition of “commence” is in the zoning ordinance. Cypher replied that this text should be added. Mitchell asked if obtaining a permit means that the property owner has “commenced”. Discussion ensued regarding having a renewal period. Cypher stated that in a two-year period, things should be completed. Mitchell feels that the “effective date” is important and believes people will want to see this in the Amendment.

Satterwhite asked Cypher if he would mark up the language, redline it, and then bring the proposed language to the next meeting. Cypher stated that the Planner is on call. Legal counsel will also be able to assist prior to the next meeting. The PC could then approve everything and the package would go to the County for review. The PC is only a recommending body. Cypher explained that the decision of the Township Board is challengeable. An individual could appeal to the ZBA or have a referendum. The Township could go to Circuit Court if the ZBA sided with an applicant; eventually, this could go to the state Supreme Court as well.

Chairman Korson asked about the definition of “commence”. Cypher stated that he believes there are approximately seven projects that are in process. Discussion ensued that there are still issues with supply chain and finding an available contractor. Mitchell stated that, after two years, if the project has not been completed, this would be acceptable if the property owner was making a good faith effort towards completion. One year could be allowed to obtain a permit followed by one year to start the project. A renewal could be granted

for up to one year, too. Mitchell stated that he does not want to be too restrictive, but he also does not want to see projects linger into perpetuity. Satterwhite added that the PC could give the Zoning Administrator the authority to go through the normal process when evaluating projects.

Mr. Bunbury stated that we have given the public an opportunity to provide comment and the word is out regarding the Amendment. He noted that there are not many people in attendance at tonight's PC meeting.

Cypher asked if there are any other unintended consequences that the PC wishes to discuss. Satterwhite replied that the PC will have another opportunity to comment once Cypher provides the PC with the proposed language.

Chairman Korson asked for a motion to authorize staff to develop and present at the August 2, 2023 PC Meeting the necessary text to accompany the Residential Lot Coverage Amendment with adjustments from tonight's meeting prior to sending it to the Leelanau County Planning Commission (LCPC) for their review and comment. **MITCHELL MOVED TO AUTHORIZE STAFF TO DEVELOP AND PRESENT AT THE AUGUST 2, 2023 PC MEETING THE NECESSARY TEXT TO ACCOMPANY THE RESIDENTIAL LOT COVERAGE AMENDMENT WITH ADJUSTMENTS FROM TONIGHT'S MEETING PRIOR TO SENDING IT TO THE LEELANAU COUNTY PLANNING COMMISSION (LCPC) FOR THEIR REVIEW AND COMMENT; SATTERWHITE SECONDED. ALL PRESENT IN FAVOR; MOTION CARRIED.**

B. Master Plan – continue with Chapter 6

The PC turned their attention to Chapter 6 of the Master Plan which was prepared by Mr. Larry Sullivan. Minor changes were suggested to this chapter and minor typographical errors will also be corrected.

The PC then reviewed Section 7.3.5 to the end of Chapter 8. Chapter 9 will only involve updating dates as this chapter focuses on implementation strategies. Cypher requested that the PC be prepared to discuss the Future Land Use Map at the August PC meeting.

- XI. Other Business (as required) - None
- XII. Zoning Administrator Comment – no comment

Cypher stated that he received a PUD application from Joel Peterson for the project on Main Street; this may be an agenda item for the August PC meeting.

XIII. Planning Commission Comment – no comment

Telgard shared information from the Traverse City Ticker regarding the fact that Leelanau County has an unusually small number of multifamily dwellings. He suggested that this be discussed when the PC is working on planning for the future. The R-3 district is multifamily and Telgard suggested that the PC look at possibly expanding this district.

XIV. Public Comment – (limited to three minutes per person unless extended by Chair)

A member of the public inquired about a 15-acre parcel that will be coming up for sale. A PUD is being considered for this area. These 15 acres are east of the Price Farm.

XV. Adjournment

There being no objection, Chairman Korson adjourned the meeting at 9:17 p.m.

The next scheduled meeting will be held on Wednesday, August 2, 2023 at 7:00 pm at the Leland Township Library in the Munnecke Room.

Respectfully submitted,

Allison Hubley-Patterson
Recording Secretary

APPROVED

APPENDIX A – Leland Township ZA Report (June 2023)

Leland Township Zoning Administrator's JUNE 2023 REPORT

To: Leland Township Board & Leland Planning Commission

From: *Timothy A. Cypher* 7/8/2023

Land Use Permits Issued:	13	YEAR TO DATE 43
Signs / Home Occupation	0	
Single Family Residences (SFR)	2	
Additions to SFR	4	
Garages / or additions to	0	
Decks & Porches / MISC.	2	
Accessory Buildings	2	
Commercial Construction	2	
Stairs & Landings	0	
Agriculture construction	1	
Demolitions	0	
Boat houses	0	
Solar Panels	0	
Renewal of / Change of use	0	
Z.B.A. proceedings	0	1 INQUIRY
Special Land Use Permits	0	2 INQUIRY
Lot Consolidations	0	1 INQUIRY
Land Divisions	0	1 INQUIRY
Property Line Adjustments	0	1 INQUIRY
Private Roads / Driveways	0	1 INQUIRY
Zoning / Site Plan Reviews	1 FIDDLEHEADS	
Construction Inspections	17	
Violations/Investigations	1 **VIOLATIONS**	
	1 INVESTIGATIONS PENDING	
	1 RV USE AS SINGLE FAMILY DWELLING	

I supplied information via 46 phone calls & 27 emails to Township residents & others.
I attended the Planning Commission meeting and the Township Board was attended by staff
Please feel free to contact me with any questions.

staff@allpermits.com

Phone 231-360-2557

APPENDIX B – Leland Township ZA Monthly Summary (June 2023)

LELAND TOWNSHIP - ZA'S MONTHLY SUMMARY

Period: JUNE 2023

DATE	PERMIT #	NAME	USE	REC. #	CK.#	AMOUNT
6/11/2023	LUP 23-31	CARLSON	LAND USE	202331	1492	\$ 130.00
009-750-002-00	123 WILLIAMS STREET	NEW DWELLING ATT.GARAGE COVERED PORCH			3,422 S.F.	
6/11/2023	LUP 23-32	BEHRMANN	LAND USE	202332	15834	\$ 40.00
009-730-101-00	509 S. WEST STREET	DWELLING & DECK ADDITION			388 S.F.	
6/11/2023	LUP 23-33	FENLON	LAND USE	202333	1003	\$ 40.00
009-034-005-31	5094 E. KIRT ROAD	ACCESSORY BUILDING - SHED			180 S.F.	
6/19/2023	LUP 23-34	SCHOMBERG STORAGE	LAND USE	202334	1512	\$ 100.00
009-033-006-20	950 S. SCHOMBERG RD.	ACCESSORY BUILDING - BOAT STORAGE			10,880 S.F.	
6/20/2023	LUP 23-35	CRANE	LAND USE	202335	5814	\$ 50.00
009-023-043-00	6445 E. BAXTER ROAD	DWELLING ADDITIONS			141 S.F.	
6/21/2023	LUP 23-36	TELGARD	LAND USE	202336	29045	\$ 100.00
009-750-111-50 & 120-00	101 & 102 E. RIVER ST.	STAIRS & HEAD DOCK ALONG WATERFRONT			788 S.F.	
6/23/2023	LUP 23-37	MAMPHE	LAND USE	202337	SENT	\$ 50.00
009-135-022-20	6727 E. ALPERS ROAD	AG STORAGE BUILDING			4,800 S.F.	
6/24/2023	LUP 23-38	ACOSTA	LAND USE	202338	1742	\$ 80.00
009-029-017-00	862 S. MANITOU TRAIL	DWELLING ADDITIONS			504 S.F.	
6/27/2023	LUP 23-39	SCHLUETER	LAND USE	202339	81666	\$ 40.00
009-580-001-16	212 S. FOURTH ST.	COVERED PORCH & PERGOLA			413 S.F.	
6/27/2023	LUP 23-40	GARRET	LAND USE	202340	81667	\$ 40.00
009-020-003-50	543 BRDSONG ROAD	NEW DECK			625 S.F.	
6/27/2023	LUP 23-41	CROOM	LAND USE	202341	81677	\$ 50.00
009-009-014-00	101 S. CHANDLER ST.	THREE DWELLING ADDITIONS			867 S.F.	
6/29/2023	LUP 23-42	STANDER	LAND USE	202342	3272	\$ 50.00
009-023-058-00	6055 E. RYANS WAY	ACCESSORY BUILDING			960 S.F.	
6/30/2023	LUP 23-43	LAURENT	LAND USE	202343	PENDING	\$ 130.00
009-550-801-00	403 S. FIFTH STREET	NEW DWELLING ATT.GARAGE SCREENED/COV. PORCHS			2,510 S.F.	
TOTAL						\$ 900.00

SIGNED:

TIMOTHY A. CYPHER

DATE: 7/8/2023

TIMOTHY A. CYPHER
LELAND TOWNSHIP ZONING ADMINISTRATOR
231-360-2557

LELAND TOWNSHIP PLANNING COMMISSION

Ross Satterwhite, Chairperson – term expires 8/25

Skip Telgard, Secretary – term expires 8/25

Sam Simpson – term expires 12/24

Clint Mitchell, Township Board Rep – term expires 12/24

Lee Cory – term expires 12/26

PLANNING COMMISSION MEETING Wednesday, March 6, 2024; 5:30 p.m. Leland Township Library/Munnecke Room 203 E Cedar Street, Leland, MI 49654

DRAFT – MEETING MINUTES

- I. Call to Order
Roll call: [Ross Satterwhite](#), Sam Simpson, ~~ZA Tim Cypher~~, Lee Cory – excused, ~~Ross Satterwhite~~, Clint Mitchell, Skip Telgard, ~~Staff: ZA Tim Cypher~~, Andria Bufka Recording Secretary
The meeting was called to order by Ross Satterwhite at 5:30, and all in attendance said the Pledge of Allegiance
- II. Approval of Agenda (additions/subtractions)
Telgard motions to approve agenda, Simpson seconds, all in attendance vote aye, the agenda is approved.
- III. Declaration of Potential Conflicts of Interest - None
- IV. Approval of Minutes: January 3, 2024 -
No comments on the minutes. Satterwhite moves to approve the minutes, Simpson seconds the motion, all in attendance approve the meeting minutes of 1/3/2024
- V. Correspondence – Satterwhite none – Cypher – none
Gloria Garrett would like a Master Plan on behalf of Lake Leelanau Lake Association FOIA F1, ZA Cypher to send
- VI. Public Comment - (limited to three minutes per person unless extended by chair)

Lynn Telgard: 1) Telgard expressed concern about 3 properties that she owns, one each in the C1, C2, and R3 zones. She is concerned that when she wants to build in the future she won't comply with zoning based on changes the board has been making. She also stated concern about non-conforming in the neighborhood and that she won't be able to develop if she wants to. 2) After reading what ZBA determined, Telgard asked for an explanation of why Lisa Siddell could build what she did in Lake Leelanau with multiple families on the 2nd floor.

Keith Ashley – Mr. Ashley made mention at January meeting about the committee working on rewriting the zoning ordinance. They are not ready yet for him to be able to present it yet. They are looking at character and building restrictions, but not looking at mixing whether there is commercial and residential. What they are proposing would dovetail into 6.1 in the ordinance. (p 78 of the ordinance) Anything they write up could go into the Master Plan.

Susan Walters – She stated that she is interested in residential character change. Wants to know how many were for or against this. Satterwhite clarifies there was no numerical tally. Discussion about single story dwelling. ~~(clarify with Tim)~~

Gloria Garrett – The Lake Association is in the process of finalizing a proposal based on zoning amendments for water quality. Not prepared to present now. Will present when the time is right.

Would like to make proposals for amendments and the Master Plan regarding water quality. When will Master Plan be wrapped up? When will zoning amendments be wrapped up? Satterwhite states that these will be completed sooner vs. later. Aspiration from Ross is to wrap up the Master Plan tonight. Gloria asks if she should present at the next meeting or later? Satterwhite states that we can put that on the agenda for the next meeting.

VII. Reports:

1. Township Board representative – nothing to report
2. ZBA representative – ZA Cypher – ZBA upheld the PC decision. Minutes have been approved and sent to Petersen's attorney. Satterwhite asked about the ZBA minutes and was advised that they are online by ZA Cypher. Cypher stated that a brief will be filed by both parties and this will go in front of a judge. There are no details yet about next steps or dates.

VIII. New Business – no new business

IX. Old Business

1. Residential Character Amendment

ZA Cypher: Sarah Kopriva put a lot of work into preparing her comments. Any changes that need to be made can be made on the fly. Changes shown in red to demonstrate old vs. new/suggested changes. We should answer section D.1.a-f. Simpson clarifies that this isn't the area that Telgard is concerned about.

Satterwhite: This amendment is the culmination of a long road. There have been two public hearings, and several comments from the public during the meetings that were considered. They've looked at various ways to provide some measure of protection. ~~The PC came up with a straw man.~~ They've boiled it down and this is what it is, and we don't want to open it back up for more changes. He wants to get this close to finished soon. It reflects what we've talked about. Telgard: wants to know if each section meets the full criteria. Simpson – when he sees the numbers, that is what they talked about. An issue brought up by those with housing under development, wanted language that staged over years. Wants to make sure that people aren't caught off guard if they are in the middle of building. Satterwhite states the PC is recommending a change. It goes to the county PC and it comes back to the LTTPC for comments. Ultimately, the Amendment would go to the Twp. Board commission and they can make changes, implement or reject, or they the public can file a referendum say we are going to put this on the ballot. Ross clarifies they rgw county PC are only making a recommendation, not making an actual change. ZA Cypher ~~stated:~~ The Board will strongly consider their recommendation. Chris Bunbury - Last June this was supposed to be finalized. People want this done sooner than later. ZA Cypher: we have an amendment request. Satterwhite requests that ZA Cypher lead the PC through the discussion.

D.1 – a – homes have gotten larger, not to scale to adjoining properties. Simpson – if we accept the numbers as is, will it make a difference. Cypher: there may be differences between R1 and R3. Clint – height is a difference. We should break it down and have a comment for each type of property. Anything that's been built between when they started and now, it met the ordinance. Add a general statement. No one is currently violating the ordinance. Zoning permits have been issued that are compliant. Satterwhite notes that the size and scale are increasing. Other properties are disproportionate and that is driving these changes. There is a general overlay that too much size impacts the community. Telgard: I thought we had maximum coverage in R2? We do They eliminated the increase previously. No, not for R2. Telgard: what is the criteria to go from a 5' to 8' on both sides? Mitchell states that 5' is not enough, and when it was 10' that was too much. Satterwhite clarifies that they are trying to keep the max as it is, not further expand. ZA Cypher clarifies that this is more about character. Homes are changing. People can still request variances. ~~Satterwhite, put notes in minutes that accountant can use.~~ Separate comments for each question, by property type. Lump them, and clarify where there are differences. A - R1 & R2 are done. R3 – setbacks were increased.

B – Satterwhite – if we deny a petition, the public won't accept that. End result is that the largest homes will be slightly reduced. True for all, except R2.

C – No impact – all agree

D – property value is hard to be definitive about

E – yes, it does. Came out in findings (scale, mass) – everyone is comfortable

F – Yes – all agree

Simpson wonders if examples will be put into the document, but they are not ready for that tonight.

If this is adopted, could we put visual aids in later? Yes. Feels some of the dimensions are confusing. Wants to help so that others aren't confused. Satterwhite feels the dimensions are not up for interpretation. Mitchell comments that they should keep it less complicated or it could be too broad. ZA Cypher: is there anything else you'd like to add? Effective date – Satterwhite – we should give an effective date. Mitchell responds that it should be 180 days – so then it's been in planning for 2 years. ZA Cypher states that if they don't get it done in a year, they have to come back and then they are under new circumstances. Might take 3-4 months to get it through the process.

Satterwhite – someone make a motion to approve.

Mitchell – discussion to discourage 3 level homes. Telgard has a 3 level home. Lynn Telgard – a lot of homes today are not being built with an 8' ceiling, living rooms are 10-12' high. Their house – 1st and 2nd floor have higher than 8' ceilings. If you take that away that capability, it will take away the capability people have. Have they investigated the houses that are over 35'? How many homes are at 35' feet. Satterwhite – they don't know – thanks for the comment.

Mitchell – he has 9' ceilings on the 1st and 2nd floors. They are trying to discourage 3 full stories, not 2 ½ stories. Satterwhite reminds everyone that people have views that run the continuum. We have ground through this quite a bit, we have to stop relooking at it at every meeting. We need to finalize and move forward to township board and they'll decide or have a public hearing about it. We've gone through this several times, and need to move forward.

Mitchell moves to approve along with findings of fact and the effective date. Satterwhite seconds. All in attendance said aye, the motion is approved.

2. Draft Master Plan

Satterwhite points out that this has been going on for a long time. We've looked through this and can't decide if we want to add text. ZA Cypher – we still need a public hearing to approve. Master Plan is still a work in progress, so he didn't want to put it online now. FOIA request will be filed for a copy by Lake Association. ZA Cypher has clarification questions, his list is short.

Steve Patmore's input regarding the sewer system is pending. Do they want to consider a comment about exploring sewer expansion? Telgard thinks the language is vague. People are asking for more REU's – we are allocating a lot of REU's [in other projects](#). Everyone concurs that they need to be aware of the number of REU's and how many have been allocated.

Economic goals – Heritage Route Committee did a report in 2022 and it has a little passage about Leland. It's an ongoing thing. ZA Cypher had a copy of what they provided in 2020. A list of attractions. A representative from every local govt. meets occasionally and sporadically because state roads go through the area.

8.7 – PC agreed to add a general statement in the Master Plan, broader and will find a spot for it in MP

8.8 – Schomberg is [not](#) a class A road, this needs to be fixed in the Master Plan.

Demographic changes – don't reinvent the wheel, use demographics from general statement.

Satterwhite states that he thought we were holding off for the census data.

Those were ZA Cypher's questions.

Satterwhite– 5.3 they don't call out the three schools. Agree to add in with a range of number enrolled. (this number fluctuates in a 10 year time period)

Simpson: Health services – 5.5 – don't have a health clinic in Lake Leelanau. Pediatric office in SB

now.

Satterwhite 5.5 is ok with this and the PC members agree.

Simpson – is 5.7 harbor information correct? ZA Cypher confirms that it is updated.

Telgard – 7.2.4 – Residential goal – encourage exploration of workforce housing – he thinks it should include multi-family. ZA Cypher – a general statement exists, with a mix of housing types but they will add in multi-family.

ZA Cypher: old homework assignment from about a year ago. Future land use map and where they'd like to see growth is pending. Rob Herman will provide a map and ZA Cypher will see what can be developed. That will be something that they can review. Satterwhite asks about soil maps. No other comments or questions.

Satterwhite asks if they can move to approve. Motion to approve Master Plan, adoption of Master Plan is amended based on what was talked about today and pending the maps from Rob Herman. Satterwhite doesn't want to go through it again with the Lake Association. Rep from LA – they don't want to rehash what's already been agreed upon. They want the chance to suggest info about water quality when there is a good working draft. Lake Association needs to provide input still. There can be language put in there that provides flexibility.

ZA Cypher: During a public hearing, input can be given that evening. Could set a public hearing at the next meeting if we get the maps from Rob Herman. Suggested holding off until May or June to have the public hearing, all agree. Motion to approve and adopt the Master Plan, incorporating the changes discussed at this meeting, is made by Simpson, and seconded by Mitchell (@ 12:54 remaining on the audio). All in attendance are in favor, all voted aye. The motion to [recommend approve](#) and adopt the [changes to the](#) Master Plan is passed [subject to the county PCs comments and then the Township Board approval](#).

X. Other Business (as required)

XI. Zoning Administrator Comment – ZA Cypher communicated that the individual buying on Lake Street (Harbor Square) has withdrawn the project application and the property is back on the market.

XII. Planning Commission Comment – Simpson – general question that someone brought up – Someone has to come back to PC about Duneberg [having– proposing a pickleball court on the site. xxxxxxxxxx. \(@ 9:20 left in recording\)](#) ZA Cypher reviewed with [Beauowner](#) and they would be amending [their SUP](#) to include this. The parties are aware that there is a process to go through. Additional parking is required. It will take a public hearing to resolve. ZA Cypher is looking for where it talks about recreational amenities. Can't create a use that isn't allowed in the zoning district. Satterwhite – thanks for doing the pre-work. He appreciates it. Thanks the public for coming.

XIII. Public Comment - (limited to three minutes per person unless extended by chair)
Lynn Telgard: Telgard is frustrated with new setbacks and height setbacks. She doesn't think that the new setbacks of 8 feet will work and that the personal opinions of PC members shouldn't enter into the discussion. She also expressed concern about the PC not wanting 3 story homes and asked if the PC knew how many 3 story homes there were. If they can't say how many are like this, she feels it's a personal opinion of the PC member(s). Mitchell clarifies that it isn't a personal opinion and the PC has gathered input from many other people, it isn't just their opinion. She feels they are listening to a small group of people. Satterwhite thanks her for sharing her thoughts.

Keith Ashley– he will get information to them as soon as they can about the Master Plan – 2 paragraphs will be provided.

XIV. Adjournment – meeting adjourned at 7 p.m.

Leelanau County Capital Improvements Program (CIP) *2025 through 2030*



Leelanau County Government Center



Leelanau Veterans Memorial

*Prepared by: Leelanau County Planning Commission, pursuant to the Michigan Planning Enabling Act and approved **June 27, 2023***

*Approved by the Leelanau County Board of Commissioners **July 18, 2023***

Board of Commissioners

Ty Wessell – Chairman, Doug Rexroat, Vice-Chairman, Gwenne Allgaier,
Jamie Kramer, Melinda Lautner, James O’Rourke, Kama Ross

Administrator's Office

Richard Lewis, Interim County Administrator
Lauren Cypher, Executive Assistant

Planning Commission (Capital Improvement Planning Committee)

Steve Yoder - Chairman, Casey Noonan - Vice Chairman,
Melvin Black - Chair Pro-Tem, Craig Brown, Rodney Brush, Brian Fenlon,
Melinda Lautner, Tom MacDonald, Robert Miller, Tom Nixon, **Francis Criqui**,

Planning & Community Development Office

Gail Myer, Planning Director
Jenny Herman, Senior Planner

AUTHORITY

This Capital Improvement Program (CIP) is developed under Section 65 of the Michigan Planning Enabling Act, Act 33 of 2008, which states:

125.3865 Capital improvements program of public structures and improvements; preparation; basis.

Sec. 65.

(1)To further the desirable future development of the local unit of government under the master plan, a **planning commission, after adoption of a master plan, shall annually prepare a capital improvements program of public structures and improvements**, unless the planning commission is exempted from this requirement by charter or otherwise. If the planning commission is exempted, the legislative body either shall prepare and adopt a capital improvements program, separate from or as a part of the annual budget, or shall delegate the preparation of the capital improvements program to the chief elected official or a nonelected administrative official, subject to final approval by the legislative body. **The capital improvements program shall show those public structures and improvements, in the general order of their priority, that in the commission's judgment will be needed or desirable and can be undertaken within the ensuing 6-year period.** The capital improvements program shall be based upon the requirements of the local unit of government for all types of public structures and improvements. **Consequently, each agency or department of the local unit of government with authority for public structures or improvements shall upon request furnish the planning commission** with lists, plans, and estimates of time and cost of those public structures and improvements. (Emphasis added)

Leelanau County Capital Improvements Program

2025 through 2030

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PART I: OVERVIEW

WHAT IS A CIP?

A Capital Improvement Program (CIP) is a short-range plan which identifies capital projects and equipment purchases, provides a planning schedule, and identifies options for financing the plan. Essentially, the plan provides a link between a:

- ❖ municipality, school district, parks and recreation department and/or other local government entity, and the
- ❖ entity's comprehensive and strategic plans, and the
- ❖ entity's annual budget.

A CIP is an outline used to designate the financing and prioritizing of upcoming improvement projects. A CIP is used to detail community renovations or improvements and plan out finances for equipment and materials and dates for projects to be started and completed.

Features:

The CIP typically includes the following information:

- A listing of the capital projects or equipment to be purchased.
- The projects ranked in order of preference.
- Financing options.
- A timetable for the construction or completion of the project.
- Justification for the project.
- Explanation of expenses for the project.

Why is the CIP Important?

Since County government has limited resources for capital investments, it must have a process for selecting those with the greatest public benefits to make sure taxpayers receive the maximum return on their investment. It is therefore important that government has a clear assessment of its needs and a process for comparing the relative benefits of different projects with one another.

The process and development of a long-term CIP can realize the following benefits:

Focus attention of community goals and needs. Capital projects are prioritized based on need. The CIP can also be used as a tool to achieve goals and objectives.

Allow for an informed public. The CIP keeps the public informed about future capital investment plans and provides opportunity for them to be involved in the process.

Encourage more efficient program administration. Work can be more effectively scheduled and available personnel and equipment can be better utilized when it is known in advance what, when, and where projects will be undertaken.

Identify the most economically sound method of funding projects. Through proper planning, the need can be foreseen and action can be taken before the need becomes so critical that immediate funding may be required.

Enhance the County's credit rating. Keeping planned projects within the financial capabilities of the County may lead to better credit ratings.

Help plan for future debt. The CIP can be an effective tool to plan for future debt and identify methods for funding long-term debt for large projects.

Making Good Decisions

Understanding the available options for funding capital improvements is essential to good decision-making. Equally important is the completion of five-year revenue and expenditure projections, the adoption of debt and reserve policies, and the implementation of a thoughtful capital request evaluation process. With this type of information in hand, municipal leaders are better equipped to act in ways that effectively protect public assets and realistically plan for the future.

What is a Capital Improvement?

A capital improvement is a major, non-routine expenditure for new construction, improvements to existing buildings, facilities, land, streets, storm sewers, and expansion of parks, to name a few. A capital improvement has a relatively high monetary value, a long-life expectancy, and results in the creation of an asset or extends the life of existing assets. The cost of the capital improvement includes design, legal fees, land, operating equipment, furniture, construction, etc. that is necessary to put the asset into service. Planned capital improvement projects improve our infrastructure including streets we drive on, water we drink, libraries we visit, and parks we visit. A capital need includes various project types such as:

1. Bikeways
2. Bridges
3. Drainage and flood control facilities
4. Libraries
5. Parks and recreation centers
6. Police, fire stations
7. Street improvements
8. Utilities
9. Water and sewer facilities and pipelines
10. Buildings

Is every project a CIP?

No. Every project is not a CIP. CIP descriptions clearly establish that a project is capital in nature. What makes it capital in nature is the construction, purchase, or major renovation of buildings, utility systems, and other facilities; in addition to land acquisition and roadway projects. Some projects will be considered as annual maintenance or activities related to supporting day-to-day operations. (Items such as maintenance costs or replacement costs may still be included in the CIP, even if not considered a project. Examples include: pavement maintenance, replacement of heating/cooling, software/hardware).

CIP DEVELOPMENT PROCESS

The development of a capital improvement program is a continual process and, consequently, should be viewed as a working document. Therefore, while the document covers a six-year planning perspective, it is revised every year in order to accommodate new projects, reflect changes in ongoing projects, and extend the program an additional year.

The first year of the plan is incorporated into the annual budget to appropriate funds. Improvements identified in subsequent years are approved only on a planning basis and do not receive an expenditure appropriation. As County projects are completed, projects in future years are added in order to identify and quantify future needs.

Projects included in the CIP are either County managed projects or include just the County's share of projects that will be managed by other agencies. If an outside agency will contribute funding directly to the County for a project that the County will manage, then that cost and funding are included in the project budget. The CIP includes all capital projects which are to be financed in whole or in part from funds subject to control or appropriation by the County.

IMPLEMENTATION

The County considers input from the citizens, the Planning Commission, the County staff, and the General Plan in the Capital Improvement Program's preparation. A project list is compiled, prioritized by year,

and cost estimates assigned. The County Administrator, County Treasurer, and Accounting Department will look at the need to issue debt, potential impact on the tax rate (if any), and available funds. The Planning Commission will review potential projects and prioritize projects. Prior to the completion of the budget process, the Commission will prepare an update to the CIP and a list of recommendations for capital improvements over the next six (6) years. A final draft of the CIP and list of recommendations is sent to the County Board to consider and approve. The County Board will consider the CIP and recommendations in its annual budget process. Upon Board approval, the CIP is reproduced and distributed for implementation.

Department heads are still responsible for following county policies and procedures for capital improvement projects, and obtaining County Board approval prior to the beginning of any project.

ORGANIZATION STRUCTURE

The structure of County government in Michigan is guided in large part by state statute. There are seven elected officials that comprise the County Board of Commissioners. There are also seven individual elected officials (Clerk, Drain Commissioner, Prosecutor, Register of Deeds, Road Commission, Sheriff, and Treasurer) who represent the statutory responsibilities of each office. In addition, there are independently elected judges who oversee Circuit Court, Probate Court, and District Court. Non-elected county offices include: Administrator, Finance, Building Safety, Emergency Management/9-1-1 Central Dispatch, Equalization, Information Technology, Maintenance, MSU Extension, Planning & Community Development, and Senior Services.

COMMISSIONS AND AUTHORITIES

The following commissions and authorities provide financing oversight of facilities, management of facilities and long-range planning:

County Treasurer – responsible for the receipt, custody, investment and disbursement of all County funds.

Buildings & Ground - The Buildings & Ground department assists with furnishing, equipping, improving, enlarging, operating and maintaining a building or buildings, parking lots or structures, etc.

Parks & Recreation Commission - The Parks and Recreation Commission is an advisory commission to the County Board of Commissioners for the county owned parks.

Planning Commission - Responsibilities of the County Planning Commission include development and implementation of the *Leelanau General Plan*; review local land use plans and zoning ordinances; prepare and update a Capital Improvement Program; provide planning and zoning information, education and outreach; and, review all County property purchases and development projects according to state statute.

County Board of Commissioners – Review recommendations from the County Planning Commission and approve capital expenditures and financing.

COMMUNITY PROFILE

Population *Source: U.S. Census Bureau*

Leelanau County was established in 1863 and is one of 83 counties in the State of Michigan. The County itself is a peninsula surrounded by Lake Michigan on three (3) sides. The county is comprised of 11 townships, 3 villages, the Grand Traverse Band of Ottawa & Chippewa Indians Tribe, and a portion of Traverse City.

Leelanau County consists of 348.5 square miles of land. The County owns or jointly owns land for parks and facilities. Facilities owned include: Law Enforcement Center, Government Center (Courthouse), three county parks, Leland Dam, and Communication Towers.

Suttons Bay Township is the County Seat as of 2008, when the County moved its government facilities from the unincorporated village of Leland. The County experienced a continuous increase in population from the 1930 Census to the 2010 Census. The majority of the population growth in the County is attributable to domestic migration, rather than a natural increase (births minus deaths).

In 2020, the median age of Leelanau County residents was 54.6, about 16 years higher than the national median

of 38.2 years. Leelanau County has one of the oldest populations in the nation. Approximately 30.9% of local residents are 65 and older while only 16.9% are 18 and under. For the U.S. population, 15.9% of the population is 65 or older and 24.1% are 18 and under.

EVALUATING CAPITAL IMPROVEMENT PROJECT REQUESTS

CRITERIA

The planning criteria outline a structure of goals, limitations, and philosophies, which frame and direct the process of the plan. The criteria are also used to test alternative approaches to facilities needs in order to identify optimum strategies for the County. Like other components of the plan, the criteria should be periodically reviewed and updated so that the plan reflects the current priorities of the County.

- **Risk to Public Health or Safety** - To protect against a clear and immediate risk to public safety or health.
- **Deteriorated Facility** - A capital investment that deals with a deteriorated facility or piece of equipment. The action taken may be either 1) reconstruction or expensive rehabilitation to extend its useful life to avoid or to postpone replacing it with a new or more costly one; or 2) replacement of the facility or piece of equipment with a new one.
- **Systematic Replacement** - A capital investment that upgrades a facility or piece of equipment as part of a systematic replacement program. This investment assumes that the equipment will be restored to at least the same level of service.
- **Improvement of Operating Efficiency** - A capital investment that substantially and significantly improves the operating efficiency of a department or an expenditure that has a very favorable return on investment with a promise of reducing existing or future increases in operating expenses.
- **Coordination** - 1) An expenditure that is necessary to ensure coordination with another CIP project; 2) A project that is necessary to comply with requirements imposed by others (*for example: EPA requirements*); 3) A project that meets established goals or objectives of the Board of Commissioners.
- **Protection and Conservation of Resources** - 1) A project that protects natural resources that are at risk of being reduced in amount or quality; or 2) A project that protects the investment in existing infrastructure against excessive demand or overload that threatens the capacity or useful life of a facility or piece of equipment.
- **New or Substantially Expanded Facility**— Construction or acquisition of a new facility (including land), or major expansion thereof, that provides a service, or level of service, not now available.

Project Prioritization

If a project passes the Criteria Evaluation and is determined to be a project to list in the CIP, then the County Planning Commission gives it a priority rating. The rating indicates the following:

PRIORITY RATING

PRIORITY 1 - Urgent

- Completely corrects an existing condition or emergency dangerous to public health, safety or welfare.
- Complies with federal or state requirement whose implementation time frame is too short to allow for longer range planning.
- Meets requirements imposed by others (such as a legal obligation) which have a short time frame to complete.

PRIORITY 2 – Very Important

- Prevents or reduces a condition or emergency dangerous to the public health, safety, or welfare.
- Is required to complete a major public improvement (this criterion is more important if the major improvement can not function without the project being completed, and is less important if the project is not key to the functioning of another project).
- Provides for a critically needed community program.

PRIORITY 3 - Important

- Is consistent with an adopted County Plan (such as the General Plan, Parks & Recreation Plan, etc.)
- Complies with a board approved policy, or federal or state requirement whose implementation time frame allows longer range planning.

PRIORITY 4 – Desirable, but can be postponed

- Would benefit the community.
- Worthwhile if funding becomes available.
- Can be postponed without detriment to present services.

Other anticipated benefits:

- Preservation or historic buildings/features
- Increased economic development opportunity
- Preservation of greenspace / farmland / open space

DEFINITIONS

Maintenance Budget (Short term Element 1 year) - Annual appropriation of funds for specific facilities, equipment, and improvements.

Capital Improvement Program (6 years) - A proposed schedule of public projects and facility improvements to be built or completed by the County over the next six (6) years. The Program is a “rolling” process and subsequent year items in the Program are evaluated annually and advanced each fiscal year. Projects are approved on a planning basis only and do not receive ultimate expenditure authority until they are eventually incorporated into the annual Budget.

Capital Improvement Project - A capital improvement project is a durable, fixed asset, with a lifetime of more than one year and has a value of more than \$5,000 per unit, such as:

- 1) Any acquisition of land for a public purpose;
- 2) Any construction of a new facility (e.g., a public building, or water lines, playfield, or the like) or an addition to, or extension of, such a facility;
- 3) A rehabilitation or major repair of all or a part of a building, its grounds, or a facility, or of equipment,
- 4) Purchase of major equipment

Criteria - A means to evaluate proposed capital improvement project requests.

Facility - A building or buildings owned by the County which houses County operations and services.

Parcel - Land owned by the County.

Priority – a rating for a project indicating it is Urgent, Very Important, Important, or Desirable.

CAPITAL PROJECT FINANCING

Financing capital projects often requires a package of revenue sources. Project financing tools that the County may consider are as follows:

“Pay-as-you-go”

The simplest method of financing capital improvements is “Pay-as-you-go.” This approach involves

appropriating funds to a capital improvement fund each year until the balance is sufficient to pay the cost of a project. It may involve the use of grant funds. It may also involve levying a special assessment or fee that is put aside in a special fund until enough is accumulated to make the improvement. There are drawbacks to “Pay-as-you-go.” Inflation may increase project costs so that the targeted amount may rise over time. Construction costs may increase while the money is being set aside. In addition, there is no immediate benefit to diverting funds to save for a proposed project.

Lease and/or Lease-Purchase an agreement to pay for the use of a building, facility or piece of equipment for a period of time, with or without the option to purchase at the end of the timeframe.

Grants and/or Awards – these could include local, state or federal grants or awards, as well as 2% allocation funds from the local Tribe.

Millage – a voter approved amount added to tax bills for a specific length of time.

Special Assessment - a charge added to a tax bill for a property located within a ‘special assessment district’ (such as a sewer district).

Donations – donations made to the County for a specific purpose (i.e. donations for the Veterans Memorial).

Bonds¹

Issues related to bonding include bonding limits and bond terms. Depending on the type of bond, the project and current debt, bonding limits, or how much debt a county may incur, the term of the bonds have legal and practical considerations that must be determined prior to funding a project. The term of the bonds is the length of the time to repay the bonds.

General Obligation Bonds

General obligation bonds are backed by the authority of the county to levy taxes in any amount without limit to repay the debt. A county board may issue such bonds only if voters specifically approve the issue and give a county board the authority to increase taxes if necessary, to repay the general obligation debt.

Limited General Obligation Bonds

As an alternative to general obligation bonds, limited general obligation bonds are guaranteed by collection of delinquent taxes, tax sale proceeds, and rebates from local units if necessary. This approach does not require voter approval.

Revenue Bonds

Revenue bonds are secured only by the net revenues a project generates. Typical public improvements funded by revenue bonds include water and sewer systems, housing facilities, parking ramps and others. The key to financing a project with revenue bonds is whether the project generates revenues through charges for services and whether the project revenues are sufficient to both operate the facility and repay the debt.

Lease Financing

Lease financing of capital assets provides another alternative to the County and may be used for both equipment acquisitions and major improvement and construction projects.

Property Disposal

Disposal (selling) of currently owned property or resources (land, timber, equipment, etc.) is a method for the county to raise necessary funds to use on capital projects.

User Fees – fees for a permit or pass to use a service or facility. Generates revenue for a specific cause or site.

¹ Michigan Department of Treasury website.

Part II: Recommended Capital Improvement Projects

At the beginning of each year, the Planning & Community Development office gather Submittal forms from department heads for proposed projects. These forms are also shared with the Finance Director and County Administrator for review. The next step in the process is for the Planning staff to prepare the update to the CIP and then present this draft document to the County Planning Commission. Revisions are made until the County Planning Commission is ready to approve the document and send it to the Board of Commissioners, along with any recommendations for the Board to consider. Planning staff will then present the completed document to the Board for consideration and approval. **Projects listed in the first year of the Plan are incorporated into the annual budget to appropriate funds. Department heads are still responsible for following all county policies and procedures for capital improvement projects, and obtaining Board approval prior to the beginning of any project.**

Part II contains a Chart of Proposed Projects submitted by county departments. Each of these projects has been ranked according to a Priority Level of 1, 2, 3 or 4. The **highest Priority Group is “1”** which means the project is considered “**Urgent**”. A **Priority 2** is given to a project that is considered “**Very Important**”, a **Priority 3** is given to a project which is considered “**Important**”, and a **Priority 4** is given to a project that is “**Desirable, but can be postponed**”. A Chart of Other Potential Projects is also included, although some of these projects may not meet the definition of a capital improvement project. Also attached is a proposed timeline of funding for the proposed projects.

PRIORITY RATING

PRIORITY 1 - Urgent

- Completely corrects an existing condition or emergency dangerous to public health, safety or welfare.
- Complies with federal or state requirement whose implementation time frame is too short to allow for longer range planning.
- Meets requirements imposed by others (such as a legal obligation) which have a short time frame to complete.

PRIORITY 2 – Very Important

- Prevents or reduces a condition or emergency dangerous to the public health, safety, or welfare.
- Is required to complete a major public improvement (this criterion is *more* important if the major improvement cannot function without the project being completed, and is *less* important if the project is not key to the functioning of another project);
- Provides for a critically needed community program.

PRIORITY 3 - Important

- Is consistent with an adopted County Plan (such as the General Plan, Parks & Recreation Plan, etc.)
- Complies with a board approved policy, or federal or state requirement whose implementation time frame allows longer range planning.

PRIORITY 4 – Desirable, but can be postponed

- Would benefit the community.
- Worthwhile if funding becomes available.
- Can be postponed without detriment to present services.

Other anticipated benefits:

- Preservation or historic buildings/features
- Increased economic development opportunity
- Preservation of greenspace / farmland / open space

Priority Level, Projected Capital Costs, and Funding Year

* Estimated Costs were presented by County Departments and may be based on estimate, actual bid, or approximation. Estimated costs are subject to change

BLDHD - Benzie Leelanau District Health Department
Govt - Government Building
LEC - Law Enforcement Center
Priority Level 1 - Urgent
Priority Level 2 - Very Important
Priority Level 3 - Important
Priority Level 4 - Desirable, but can be postponed
UA - Universal Access

Priority #	Item Number	Project Title	Department/Agency	2025	2026	2027	2028	2029	2030	Project Totals
1	2017-02	Replace Harris GL software	Treasurer/Finance	\$257,495.00						\$257,495.00
1	2020-01	Leland dam control - room roof	Leland Dam Authority	\$15,000.00						\$15,000.00
1	2020-08	HVAC system-Phase II	Maintenance	\$1,975,000.00						\$1,975,000.00
1	2022-10	Leland dam maintenance	Leland Dam Authority	\$279,000.00						\$279,000.00
1	2023-01	Patrol Boat (Lake Michigan)	Sheriff's Office	\$125,000.00						\$125,000.00
1	2023-02	Body Cameras	Sheriff's Office	\$147,555.00						\$147,555.00
1	2023-11	Sewer Plant Control for LEC/Govt Center	Maintenance	\$40,000.00						\$40,000.00
1	2023-12	Block Wall repairs at Govt Center	Maintenance	\$475,000.00						\$475,000.00
1	2024-04	Cyber Security Improvements	IT	\$50,000.00						\$50,000.00
1	2024-08	Replace patrol vehicles (annual)	Sheriff's Office	\$115,000.00						\$115,000.00
1	2024-10	Exterior Security Cameras - Govt Center	Maintenance	\$50,000.00						\$50,000.00
2	2020-09	HVAC System Phase III	Maintenance		\$1,084,000.00					\$1,084,000.00
2	2022-01	Parking lot paved at Veronica Valley	Parks & Rec		\$75,000.00					\$75,000.00
2	2022-09	Vital statistic software	County Clerk		\$20,000.00					\$20,000.00
2	2022-11	Maple City tower	9-1-1 Emergency Services		\$125,000.00					\$125,000.00
2	2023-05	Ford Exp Replacement	Sheriff's Office		\$53,000.00					\$53,000.00
2	2023-08	Trailer mount generator	Maintenance		\$60,840.00					\$60,840.00
2	2023-10	Access platforms at LEC	Maintenance		\$11,375.00					\$11,375.00
2	2024-01	Refurbish Gazebo at Old Settlers	Parks & Rec		\$40,000.00					\$40,000.00
2	2024-03	Replace Senior Svs vehicle	Senior Services		\$12,000.00					\$12,000.00
2	2024-09	Lower Level Remodel for BLDHD	Administrator		\$600,000.00					\$600,000.00
2	2024-11	Commercial Dishwasher replacement	Sheriff's Office		\$20,010.00					\$20,010.00

**Priority Level, Projected Capital Costs,
and Funding Year**

Priority #	Item Number	Project Title	Department/Agency	2025	2026	2027	2028	2029	2030	Project Totals	
3	2016-03	New pole barn - LEC	Sheriff's Office			\$295,000.00				\$295,000.00	
3	2016-06	Improvements at Myles Kimmerly	Parks & Rec			\$100,000.00	\$100,000.00	\$50,000.00	\$50,000.00	\$300,000.00	
3	2016-08	Improvements at Veronica Valley	Parks & Rec			\$100,000.00	\$100,000.00			\$200,000.00	
3	2016-22	Equipment for park maintenance	Parks & Rec			\$40,500.00				\$40,500.00	
3	2022-08	New network stations for offices	IT			\$26,000.00				\$26,000.00	
3	2023-06	UA path at Myles Kimmerly	Parks & Rec			\$33,050.00				\$33,050.00	
3	2024-02	UA trail at Veronica Valley	Parks & Rec			\$85,000.00				\$85,000.00	
3	2024-05	Picnic enclosure at Veronica Valley	Parks & Rec			\$75,000.00				\$75,000.00	
4	2022-02	Dog park at Myles Kimmerly	Parks & Rec				\$40,000.00			\$40,000.00	
4	2022-03	Paved trail at Myles Kimmerly	Parks & Rec				\$200,000.00	\$200,000.00		\$400,000.00	
4	2023-03	Replace office chairs - LEC	Sheriff's Office				\$15,000.00			\$15,000.00	
4	2023-09	Time clocks-Govt Center	Maintenance				\$35,000.00			\$35,000.00	
4	2023-14	Replace playground equipment-Myles Kimmerly	Parks & Rec				\$22,000.00			\$22,000.00	
4	2023-15	Replace office chairs-Govt Center	Maintenance				\$15,000.00			\$15,000.00	
4	2024-06	Pickleball courts at Myles Kimmerly	Parks & Rec				\$30,000.00	\$20,000.00		\$50,000.00	
4	2024-07	Access and parking - Veronica Valley	Parks & Rec				\$35,000.00			\$35,000.00	
38 Projects				TOTALS	\$3,529,050.00	\$2,101,225.00	\$754,550.00	\$592,000.00	\$270,000.00	\$50,000.00	\$7,296,825.00

Other Potential Projects				
Broadband	Drainage District (Lake Bluffs)	Lower Level of Govt Center - Build out for BLDHD 2024-09	Allocation to Habitat for Humanity-Housing Projects	Pave parking area at Govt Center
BOC	Drain Commissioner/BOC	BOC	BOC/ARPA Funds (if received)	BOC
1,800,000	235,000	500,000	100,000	50,000
Committed	tentative	tentative	Committed	tentative

CIP PROJECTS - PRIORITY LEVEL

Project #	2025-01	2025-02	2025-03	2025-04
Proposed Project	Gov't air handler/cooling tower	Jail humidification reverse osmosis system	Patrol Vehicles (annual)	Asphalt overlay of all pavement & parking lots
Department/Agency	Maintenance	Maintenance	Sheriff's Office	Maintenance
Estimated Cost:	390,000	28,000	208,000	245,000
Priority Level				

Project #	2024-01	2024-02	2024-03	2024-04	2024-05	2024-06	2024-07	2024-08	2024-09	2024-10	2024-11
Proposed Project	Old Settlers - Refurbish Gazebo	Veronica Valley- Construct Universally Accessible (U/A) trail encircling ponds	Senior Services - Vehicle Replacement	IT - Cyber security improvements	Veronica Valley- Construct picnic enclosure	Myles Kimmerly Park- Install 2 pickleball courts	Veronica Valley- Complete access and parking for Porta potty	Patrol Vehicles (annual)	Lower Level of Govt Center - build out (Health Dept)	Exterior Security Cameras at Govt Center	Commercial Dishwasher Replacement
Department / Agency	Parks & Rec	Parks & Rec	Senior Svc	IT	Parks & Rec	Parks & Rec	Parks & Rec	Sheriff's Office	BOC	Maintenance	Sheriff's Office
Estimated Cost:	\$40,000	\$85,000	\$12,000	\$50,000	\$75,000	\$50,000	\$35,000	\$115,000	\$400-\$600,000	\$50,000	\$20,010
Priority Level: (RANKED WITH NEW SYSTEM)	2	3	2	1	1	4	4	1	2	1	2

Project #	2023-01	2023-02	2023-03	2023-04	2023-05	2023-06	2023-07	2023-08	2023-09	2023-10	2023-11	2023-12	2023-13	2023-14	2023-15
Proposed Project	9-1-1 Dispatch Remodel	Body Cameras	Replace Office Chairs in IEC	Patrol vehicles (annual)	Ford Exp Replacement	UA access, enclosures, paved path at Myles Kimmerly	Water Stations/Fillable	Trailer Mount Generator (portable)	Govt Center Time Clocks	Access Platforms at IEC building	Sewer Plant Control for IEC & Govt Center	Block Wall Repairs at Govt Center	New County Website	Replace Playground equipment at Myles Kimmerly Park	Replace Office Chairs in Govt Center
Department / Agency	Emergency Management / 9-1-1	Sheriff's Office	Sheriff's Office	Sheriff's Office	Sheriff's Office	Parks & Rec. Comm.	Maintenance	Maintenance	Maintenance	Maintenance	Maintenance	Maintenance	Administration	Parks & Rec. Comm	Maintenance
Estimated Cost:	\$125,000	\$201,669	\$15,000	\$111,000	\$53,000	\$3,050	\$15,000	\$60,840	\$35,000	\$1,1375	\$40,000	\$475,000	\$44,600	\$22,000	\$15,000
Priority Level:	1	1	4	1	2	3	3	2	4	2	1	1	2	4	4

Project #	2022-01	2022-02	2022-03	2022-04	2022-05	2022-06	2022-07	2022-08	2022-09	2022-10	2022-11
Proposed Project	Parking Lot paving @ Veronica Valley	Dog Park at Myles Kimmerly	Paved Loop Trail at Myles Kimmerly	Fishing Access & Safety Pathway	Switch Upgrades	UPS Battery Replacement	VMWare Redundant Server	New Network Stations for offices	Vital Statistic Software	Leland Dam Maintenance	Maple City Tower
Department / Agency	Parks & Rec Comm	Parks & Rec. Comm	Parks & Rec. Comm.	Parks & Rec. Comm	IT	IT	IT	IT	County Clerk	Leland Dam Authority	9-1-1 Emergency Svs
Estimated Cost:	\$75,000	\$40,000	\$400,000	\$15,000	\$15,000	\$36,000	\$76,000	\$26,000	\$20,000	\$279,000	\$125,000
Priority Level:	2	4	4	2	2	2	2	3	2	2	2

Project #	2020-01	2020-02	2020-03	2020-04	2020-05	2020-06	2020-07	2020-08	2020-09
Proposed Project	Leland Dam Control-Room Roof	Leland Dam Lockout Assembly	Communication Tower-Govt Center	Communication Tower- (Originally Glen Arbor- changed to Leelanau Twn)	Patrol Vehicles	WMWare Server	PolyCom for BOC Room	HVAC System - Phase II	HVAC System - Phase III
Department / Agency	Leland Dam Authority	Leland Dam Authority	9-1-1 Emergency Svc	9-1-1 Emergency Svc	Sheriff's Office	IT	Administration	Maintenance	Maintenance
Estimated Cost:	\$15,000	\$34,300	\$200,000	\$750,000	\$129,000	\$20,000	\$9,000	\$1,975,000/50	\$1,084,000/00
Priority Level:	1	1	2	2	1	2	1	1	2

KEY

	Project modified (Updated cost figures,
	In progress
	Completed
	Projects older than 6 years, still in the C

CIP PROJECTS - PRIORITY LEVEL

Project #	2019-01	2019-02	2019-03	2019-04	2019-05	2019-06	2019-07
Proposed Project	AED Purchase (36 units) replace 17 units	HVAC System - Govt Center	Patrol Vehicles	Tower Generators	Aerial Imagery	Leland Dam repair work	Leland Dam- OSHA Work
Department / Agency	9-1-1 Emergency Svc	Maintenance	Sheriff's Office	9-1-1 Emergency Svc	Planning/Equalization/9-1-1	Leland Dam Authority	Leland Dam Authority
Estimated Cost:	\$44,028	\$3,500,000	\$110,000	\$15,500	\$43,000	\$48,660	\$70,600
Priority Level:	2	2	2	1	2	1	2
		<i>Ph 1 Completed</i>					

Project #	2018-01	2018-02	2018-03	2018-04	2018-05
Proposed Project	Roof Repairs at LEC	Portable Generator	1 Man Lift	Patrol Vehicles	Tower Top Amplifiers
Department / Agency	Maintenance, Sheriff's office	Maintenance	Maintenance	Maintenance	9-1-1 Emergency Svc
Estimated Cost:	\$500,000-\$1,000,000	\$32,671	\$12,975	\$115,600	\$100,000
Priority Level:	1	2	3	2	2

KEY

	Project modified (Updated cost figures, scaled back project, or modified)
	In progress
	Completed
	Projects older than 6 years, still in the CIP

Leelanau County Capital Improvement Program (CIP) Summary of Submittal Form

Project Title: Gov't air handler/cooling tower

Department: Maintenance

Prepared by: Jerry Culman

Date Prepared: 4-15-2024

CIP ID# 2025-01 (New Project)

Anticipated Start Date: ASAP

A) PROJECT DESCRIPTION

Purchase of an air handler and cooling tower to replace the current ones which are 16 years old.

B) JUSTIFICATION

- 1) Exhausting bad air with clean air/cooling building in summer so operation of county business can continue in a controlled atmosphere.
- 2) The community is legally obligated – taxpayer obligation to repair infrastructure to their investment.
- 3) Project will keep the County's infrastructure habitable.
- 4) Project will improve and/or increase the level of service provided by the County by keeping the atmosphere receptive.

Total estimated cost: \$390,000

Project timeline: Open

Funding: County General Fund for maintenance of County infrastructure.

Leelanau County Capital Improvement Program (CIP) Summary of Submittal Form

Project Title: Jail humidification reverse osmosis system

Department: Maintenance

Prepared by: Jerry Culman

Date Prepared: 4-26-2024

CIP ID# 2025-02 (New Project)

Anticipated Start Date: ASAP

A) PROJECT DESCRIPTION

Implement a commercial Reverse Osmosis (RO) water treatment system. The proposed solution consists of a 750 gallon per day Culligan Commercial Reverse Osmosis system, pretreated with a small water softening system. Two 80-gallon pressurized tanks will serve as storage vessels, directly feeding the Neptronic units.

B) JUSTIFICATION

- 1) It has become evident that a water treatment solution is necessary to address the scale buildup issue caused by calcium by-products.
- 2) The existing softeners are approaching the end of their operation life after 17 years of service and are too small.
- 3) The meters on the current systems are unable to accurately register the minimal flow rates associated with the Neptronic units, leading to reduced softening capacity.
- 4) The bypass valve on the softening system is often not fully closed, allowing hard water to flow to the Neptronic units.

Total estimated cost: \$28,000

Project timeline: 3-5 days

Funding: County General Fund for maintenance of County infrastructure. (631-775-001) or (631-970-001)

Leelanau County Capital Improvement Program (CIP) Summary of Submittal Form

Project Title: Annual Patrol Car Purchase
Prepared by: J. Kiessel
CIP ID# 2025-03

Department: Sherriff's Office
Date Prepared: 3-19-2024
Anticipated Start Date: 1-1-2025

A) PROJECT DESCRIPTION

The Sheriff's Office maintains a fleet of 26 vehicles which are used for law enforcement patrol, administration, detective bureau, to include undercover operations with the Traverse Narcotics Team, corrections transports, Marine Safety Program and animal control functions. To maintain a fleet of this number, it is prudent to keep a rotation of new vehicles in and old vehicles out.

B) JUSTIFICATION

1. Increased safety and increased service to the community.
2. Having vehicles under the 125,000-mile threshold set by MMRMA, allows for vehicles that do not require major repair and provide a safe working environment for personnel.
3. Allows efficient and effective response to emergency and routine calls for service.

Total estimated cost: \$208,000
Funding: Motor Pool Fund

Project timeline: 2025

Leelanau County Capital Improvement Program (CIP) Summary of Submittal Form

Project Title: Asphalt overlay of all pavement
Prepared by: Jerry Culman
CIP ID# 2025-04 (New Project)

Department: Maintenance
Date Prepared: 5-7-2024
Anticipated Start Date: Next 5 yrs.

A) PROJECT DESCRIPTION

Mills of reveals around concrete curbing and road tie ins to make room for top course. Full mill handicap spots, haul spoils away, broom off lot and clean edges. Apply bonding agent. Pave driveway with one 1/1/2" lift of 5E1 asphalt.

Add topsoil to flush edges of new asphalt, seed and mulch blanket.

B) JUSTIFICATION

- 1) Project will improve and/or increase the level of accessibility.
- 2) Project will provide safe access to Government Center and Sherriff's Office.

Total estimated cost: \$245,000
Funding: open

Project timeline: open

PART III: Recommendations

Based on the review by staff of the Leelanau County Planning & Community Development office, the Leelanau County Planning Commission reviews the proposed projects and forwards a final recommendation to the County Board. The County Board will then review the final CIP recommendation and consider funding of new projects, as well as the re-appropriation of funds for existing projects, as part of the annual budget cycle.

Recommendations

1. Adopt the CIP

During the planning process, criteria, ranking, and prioritization steps are defined for capital improvement projects, and adopted by the County Planning Commission. These steps are to be applied to all infrastructure decisions. Adoption of the CIP by the County Board of Commissioners establishes a set procedure to be used for making decisions and financing capital improvements.

2. Maintain Capital Improvement Planning

In order to maintain a comprehensive approach to the management of County facilities and parcels of land, the County should maintain a commitment to long range planning, including:

- Continue funding capital maintenance for existing facilities.
- Utilize Michigan Municipal Risk Management Authority (MMRMA) and other grant opportunities for any projects that would qualify and result in reimbursement of project costs.
- Consider revenue generating options on currently owned properties (i.e. sale of timber, leasing or selling property, etc.).
- Require county departments to utilize the CIP on an annual basis and submit proposed projects to the Planning Commission for inclusion in the CIP.
- Develop an annual Capital Improvement Program (CIP) by the Planning Commission, and approval by the Board of Commissioners as part of the budget process.
- Continue to make annual appropriations for the purpose of safeguarding the value of buildings, and address long term needs.
- Explore options and means of making County facilities more efficient in energy usage.
- Continue to commit to technology improvements in order to meet the goals of improved delivery of services and efficient County operations. Software solutions, such as document imaging, web based applications, and geographic information systems (GIS), will help achieve these goals. Hardware solutions, such as servers, are also necessary.

3. Adopt Submittal Form

- Adopt the Submittal Form and require all departments to utilize the Submittal Form for capital projects. The Submittal Form will be reviewed periodically by the County Board as part of the CIP. The Submittal Form will be released at the end of each year to department heads, and required to be completed and returned by January 31 of the next year.

4. Capital Fund

- In order to continue funding future projects, the County Board should allocate annual funds to be deposited into a Capital Improvement Fund. Funds from the sale of property and equipment, should also be considered for deposit into this Fund.

5. Capital Improvements

- For all capital improvement projects, contracts will include language that requires appropriate permits are pulled and passed, and the repair or construction is completed according to bid specs, and local and state construction codes.
- After repairs or new construction are completed and the permit process is completed, the County will establish a date for walk-thru and inspection *prior* to the 18-month warranty time expiring. The contractor will be notified immediately if the walk-thru and inspection reveals that additional repairs or work are required as part of the contract and warranty.
- Track approved projects, the authorized spending level, and the date of completion. Remove these projects from the CIP as they are completed.



Native plantings at the Government Center

Part IV: Existing Capital Facility Inventory

The Existing Capital Facility Inventory is shown on the following maps and charts. This information was derived from County property records, and listings with the county's insurance carrier – Michigan Municipal Risk Management Authority (MMRMA). The Inventory is updated annually, as capital projects are completed and moved from Part II Recommended Projects, or as property/equipment is sold.

MICHIGAN MUNICIPAL RISK MANAGEMENT AUTHORITY

Member: Leelanau County
POLICY NUMBER M0001073
POLICY PROPERTY LIST REPORT
EFFECTIVE DATES 1/1/2024 To 1/1/2025

Location Address		Location Description		
1.	8527 East Government Center Drive, Suttons Bay, MI 49682	Government Center		
	Building Description	Building Value	Contents Value	Total Value
	Government Center	\$15,818,873	\$8,086,561	\$23,905,434
	Law Enforcement Center	\$11,024,911	\$1,227,517	\$12,252,428
	WWTP Plant	\$326,021	\$14,274	\$340,295
	Pump/Well House	\$205,835	\$10,380	\$216,215
	Pole Building	\$246,588	\$97,320	\$343,908
	Storage Building	\$4,620	\$2,677	\$7,297
	Location Totals	\$27,626,848	\$9,438,729	\$37,065,577

Location Address		Location Description		
2.	11750 East Davis Road, Northport, MI 49670	Omena Tower		
	Building Description	Building Value	Contents Value	Total Value
	Omena Control Building & Tower	\$258,550	\$69,350	\$327,900
	Location Totals	\$258,550	\$69,350	\$327,900

Location Address		Location Description		
3.	1095 South Pit Road, Lake Leelanau, MI 49653	Central Tower		
	Building Description	Building Value	Contents Value	Total Value
	Central Control Building & Tower	\$385,700	\$78,900	\$464,600
	Location Totals	\$385,700	\$78,900	\$464,600

Location Address		Location Description		
4.	9237 South Tower Road, Cedar, MI 49621	Maple City Tower		
	Building Description	Building Value	Contents Value	Total Value
	Maple City Control Building & Tower	\$166,800	\$18,000	\$184,800
	Location Totals	\$166,800	\$18,000	\$184,800

Location Address		Location Description		
5.	1397 West Burdickville Road, Maple City, MI 49664	Myles Kimmerly Park		
	Building Description	Building Value	Contents Value	Total Value
	Maintenance Garage	\$87,721	\$67,475	\$155,196
	Restrooms	\$66,385	\$0	\$66,385
	Barn 1	\$147,814	\$0	\$147,814
	Barn 2	\$87,721	\$14,175	\$101,896
	Location Totals	\$389,641	\$81,650	\$471,291

Location Address		Location Description		
6.	8854 South Dunns Farm Road, Maple City, MI 49664	Old Settlers Park		
	Building Description	Building Value	Contents Value	Total Value
	Chapel	\$154,721	\$7,088	\$161,809
	Service Building	\$22,744	\$8,733	\$31,477
	Restrooms	\$55,429	\$0	\$55,429
Location Totals		\$232,894	\$15,821	\$248,715

Location Address		Location Description		
7.	3990 S. Maple Valley Rd., Suttons Bay, MI 49682	Veronica Valley County Park		
	Building Description	Building Value	Contents Value	Total Value
	Pole Building	\$85,650	\$61,926	\$147,576
Location Totals		\$85,650	\$61,926	\$147,576

Location Address		Location Description		
8.	11229 Benzonia Trail, Empire, MI 49630	Empire Tower		
	Building Description	Building Value	Contents Value	Total Value
	Empire Tower	\$64,800	\$30,100	\$94,900
Location Totals		\$64,800	\$30,100	\$94,900

Location Address		Location Description		
9.	12708 S. Bugai Road, Traverse City, MI 49684	Elmwood Tower		
	Building Description	Building Value	Contents Value	Total Value
	Elmwood Tower	\$48,500	\$8,500	\$57,000
Location Totals		\$48,500	\$8,500	\$57,000

Location Address		Location Description		
10.	3507 N. Putnam Road, Peshawbestown, MI 49862	Peshawbestown Tower		
	Building Description	Building Value	Contents Value	Total Value
	Peshawbestown Tower	\$28,000	\$8,500	\$36,500
Location Totals		\$28,000	\$8,500	\$36,500

Grand Totals		
Building Value	Contents Value	Total Value
\$29,287,383	\$9,811,476	\$39,098,859

MICHIGAN MUNICIPAL RISK MANAGEMENT AUTHORITY

**POLICY NUMBER Q000014238
POLICY AUTO SCHEDULE REPORT
EFFECTIVE DATES 1/1/2024 To 1/1/2025**

Vehicle Group	Vehicles
All Other Vehicles	0 Vehicles
Buses	0 Vehicles
Commercial - Historical	0 Vehicles
EMS/Ambulance	0 Vehicles
Fire Vehicles Large	0 Vehicles
Fire Vehicles - Other	0 Vehicles
Garbage Trucks	0 Vehicles
Motorcycles	0 Vehicles
Motorcycles - Historical	0 Vehicles
Police - All Other	7 Vehicles
Police PPT	20 Vehicles
Private Passenger	6 Vehicles
Private Passenger - Historical	0 Vehicles
Service Trucks	4 Vehicles
Vans	1 Vehicles

Grand Totals
Vehicles
38 Vehicles

MICHIGAN MUNICIPAL RISK MANAGEMENT AUTHORITY

Member: Leelanau County
POLICY NUMBER M0001073
POLICY DAM/DAM STRUCTURE/LAKE LEVEL CONTROL STRUCTURES LIST REPORT
EFFECTIVE DATES 1/1/2024 To 1/1/2025

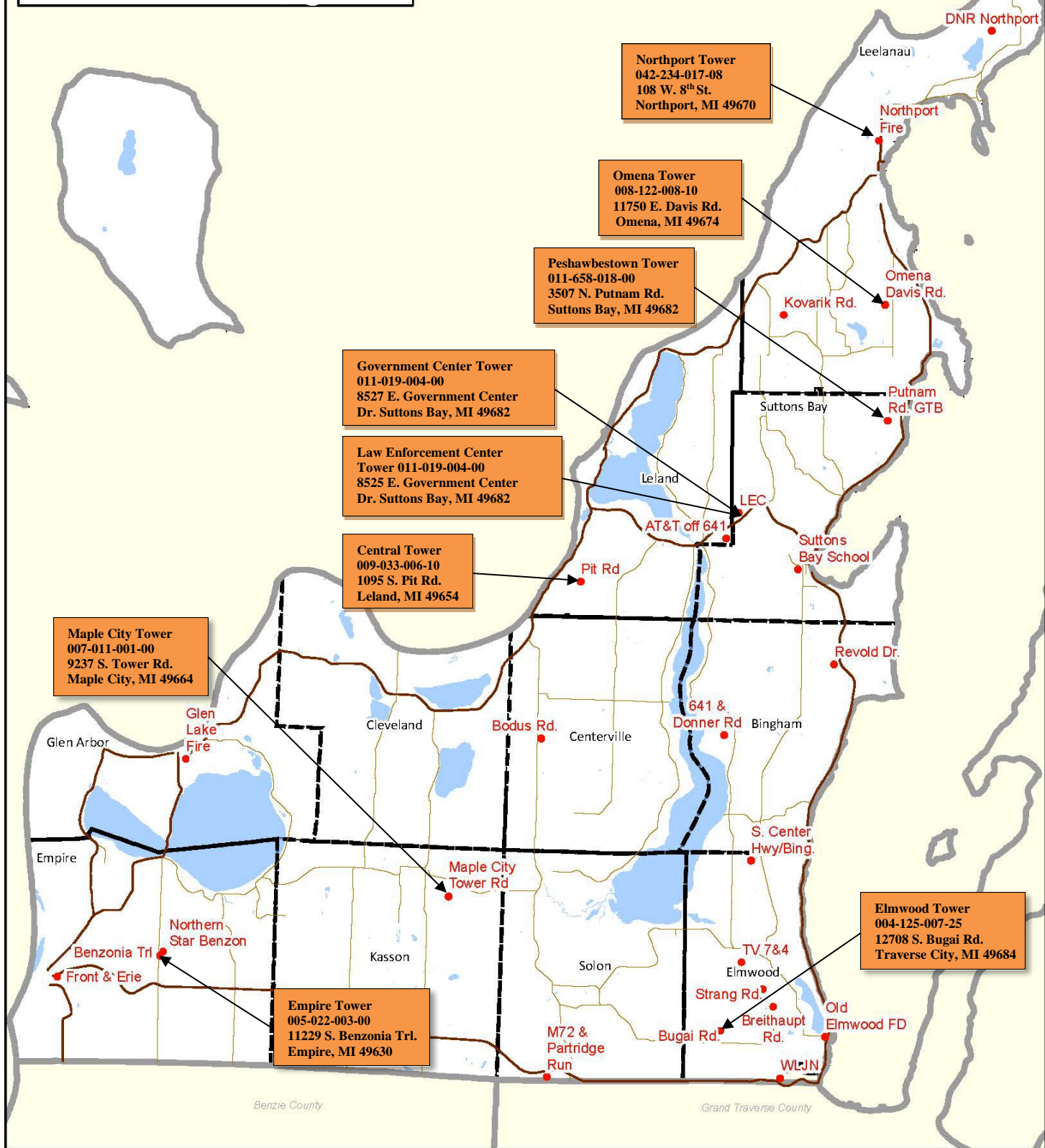
Location / Description	Address	City	State	Zip Code	Value
Leland Dam	109 W River St	Leland	MI	49654	\$4,600,000
Leland Dam Control Room	109 W River St	Leland	MI	49654	\$165,000

Grand Totals

Total Value
\$4,765,000

Communication Tower Sites

Leelanau County



LN County Equalization / RHerman / 5.2.2017

	Comm Towers		State Highway		Township
	Primary Road		Lakes		County



1 inch = 3 miles

This map is prepared by Leelanau County for reference purposes only. Leelanau County is not liable for any errors that may be found in this map.

Central Tower
1095 S. Pit Rd., Leland MI 49654
Property Tax ID# 009-033-006-10
Size: 8.8 acres

Liber 355, Page 988

Deed Recorded: December 30, 1992

Cost: \$40,000

County owns the tower as well as the property on which it sits. It is a 460' lattice guyed structure constructed in 1999. The following co-locators are currently on this site. The County has current lease agreements in place for each vendor:

- AT&T approximately \$34,000 annually with a 3% annual increase
- Verizon approximately \$58,000 annually with a 3% annual increase
- Cherry Capital Connection under contract renegotiations for change in business model and delivery of services
- Baraga Broadcasting approximately \$7,000 annually with a 2% annual increase
- Agri-Valley approximately \$8,000 annually with a 2% annual increase
- Elevate Net has tower lease agreement, but does not currently have equipment installed on the tower

Law Enforcement Center Tower
8525 E. Government Center Dr., Suttons Bay, MI 49682
Property Tax ID# 011-019-004-00
Size: 43 acres

Deed Recorded: December 21, 2000

Cost: \$370,000

This is a 180' free-standing lattice structure (2003, modified 2012). The County owns the tower and the property on which it sits. The County manages this site.

- Cherry Capital Connection under contract renegotiations for change in business model and delivery of services
- Elevate Net has tower lease agreement, but does not currently have equipment installed on the tower

Government Center Tower
8527 E. Government Center Dr., Suttons Bay, MI 49682
Property Tax ID# 011-019-004-00
Size: 43 acres

Deed Recorded: 2022

Cost: \$435,650

This is a 195' free-standing lattice structure. The County owns the tower and the property on which it sits. The County manages this site.

- No lessees under contract for this tower at this time

Maple City Tower
9237 S. Tower Rd. Maple City, MI 49664
Property Tax ID# 007-011-001-00

This 199' guyed lattice structure (1997) is owned by the County and the County leases the land it sits on from Noonan & Sons. The lease agreement is good through 2047. Current co-locators are:

- AT&T approximately \$54,000 annually with a 3% annual increase
- Verizon approximately \$48,000 annually with a 3% annual increase
- Cherry Capital Connection under contract renegotiations for change in business model and delivery of services
- Elevate Net approximately \$1,900 annually with a 5% per term increase
- Agri-Valley approximately \$12,000 annually with a 2% annual increase

The fees generated on this site, minus minimal maintenance fees, are split 3/1 between the County and Noonan & Sons, respectively. The Noonans also receive quarterly land rental payments.

Northport Tower
108 W. 8th St. Northport, MI 49670
Property Tax ID# 042-234-017-08

In 2014, a 199' monopole replaced the 110' free-standing lattice structure. The County owns the tower but leases the property from Leelanau Township in exchange for 50% of collocation fees, minus a small maintenance fee. The property is located within the Village of Northport.

- AT&T approximately \$55,000 annually with a 3% annual increase
- Cherry Capital Connection under contract renegotiations for change in business model and delivery of services
- Elevate Net has tower lease agreement, but does not currently have equipment installed on the tower

Omena Tower
11750 E. Davis Rd. Omena, MI 49674
Property Tax ID# 008-122-008-10

This is a 199' free-standing lattice structure (2012). The County owns and manages the tower, but leases the property from Brian & Kelly Mitchell (2031) for 50% of co-locator fees, minus a small maintenance fee.

- AT&T approximately \$50,000 annually with a 3% annual increase.
- Agri-Valley approximately \$12,000 annually with 2% annual increase.
- Cherry Capital Connection under contract renegotiations for change in business model and delivery of services
- Elevate Net has tower lease agreement, but does not currently have equipment installed on the tower

Elmwood Tower

**12708 S. Bugai Rd. Traverse City MI
49684 Property Tax ID# 004-125-007-25**

The County has equipment on this lattice guyed structure, but it is owned and maintained by the Michigan Public Safety Communications System (MPSCS) – Michigan Dept. of Technology, Management and Budget. We do not pay rent. No revenue stream for the County at this site.

Empire Tower

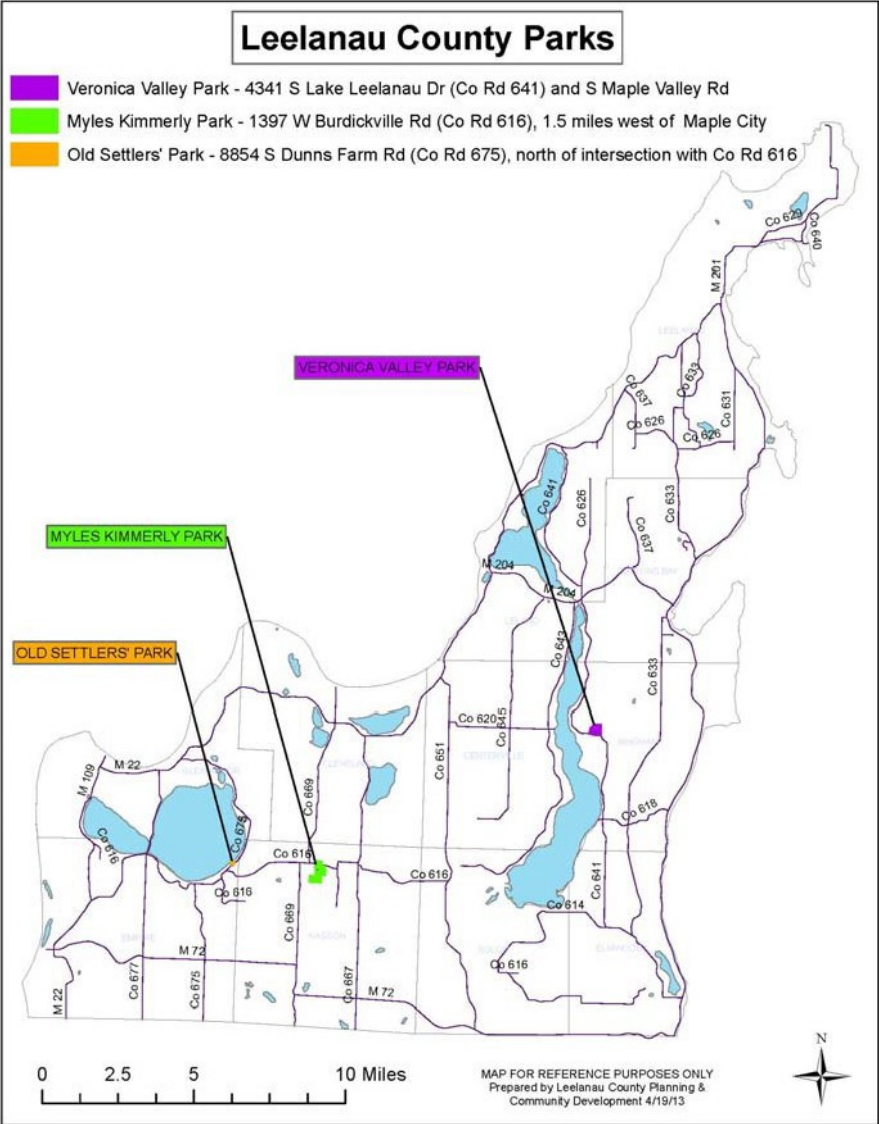
**11229 S. Benzonia Trl., Empire, MI
49630 Property Tax ID# 005-022-003-00**

This is a 200' free-standing lattice tower, unknown date it was built. The County has equipment on this tower but it is owned and managed by American Towers. The County does not pay rent and there is no revenue stream for the County at this site.

Peshawbestown Tower

**3507 N. Putnam Rd., Suttons Bay, MI 49682
Property Tax ID# 011-658-018-00**

This is a 260' free-standing lattice tower (2002) owned and managed by GTB. The County has free space on the tower. This is not a revenue stream for the County.



Myles Kimmerly Recreation Area
Kasson Township Size: 143 acres

Property Tax ID# 007-004-013-00	Property Tax ID# 007-009-004-00
Liber 28, Page 556	Liber 71, Page 615
Deed Recorded: October 29, 1901, Cost: \$2,400	Deed Recorded: October 11, 1944, Cost: \$700

Old Settlers' Park
Empire Township Size: 6.5 acres

Property Tax ID# 005-001-001-00	Liber 45, Page 175
Liber 40, Page 621	Deed Recorded: May 1, 1917, Cost: \$75
Deed Recorded: June 26, 1912, Cost: \$450	

Veronica Valley Park
Bingham Township Size: 92.3 acres

Property Tax ID# 001-112-010-60 & Property Tax ID# 001-113-001-00
Liber 990 Page 899 Liber 998, Page 936

Deed Recorded: October 31, 2008, Cost: \$851,528 Deed Recorded: February 3, 2009 Cost: \$23,841

Myles Kimmerly Recreation Area

Maple City

Property Tax ID# 007-004-013-00, 007-009-004-00

Size: 143 acres

The Myles Kimmerly Recreation Area includes property on the north and south sides of County Road 616 approximately 1 mile west of Maple City in Kasson Township. This 143-acre park's amenities provide the opportunity for team sports such as soccer matches and baseball leagues; individual sports such as tennis and disc golf; group gatherings and nature experiences.

Facilities include:

1. The Patrick Hobbins Hiking Trail, dedicated in 2003 – ¾ mile in length
2. Soccer Fields – spring, summer, and fall
3. Disc Golf Course – 18holes
4. Maintenance Building
5. Picnic Shelters with Picnic Tables (4)
6. Playground with Large Swing – adult, Baby Swings, Merry-go-Round, Monkey Bars, Play Activity Center/Play Set, Balance Beam
7. Ball Diamonds (3) with Bleachers; two have dug outs (leagues)
8. Basketball Court(1)
9. Tennis Courts (2)
10. Driving Range
11. Volleyball Court
12. Sand Box
13. Pit Toilets
14. Water Hydrants (5)
15. Flagpole
16. Bike Rack
17. Grills
18. Forested Area



4H Livestock Arena

This park area is across County Road 616 from the Myles Kimmerly recreation area. Amenities provide the opportunity for group/organizational activities such as horse shows, children's agricultural events, and other group/organizational events.

Facilities include:

1. Large Shelter Area/Pavilion with Access Parking and Pad
2. Show Booth
3. Barn
4. Small Barn/Outbuilding
5. Horse Arenas with Bleachers (2)
6. Picnic Tables
7. Benches (3) Water Hydrants (5)



Renovations:

Landscaping was done in 2000 with grant funds.

Disc golf course developed in 2003. Cost: \$5,000.

Baseball dugouts built in 2003. Cost: \$4,000.

Old Settlers' Park
Empire Township
Property Tax ID# 005-001-001-00
Size: 6.5 acres

Old Settlers' Park is located on the southeastern shore of Glen Lake, on South Dunns Farm Road (County Road 675) in Empire Township. Early settlers established it as a picnic ground in 1892 with access to Glen Lake. The chapel located on the grounds of the park is available for use and is coordinated and maintained by the Glen Lake Woman's Club on a first come, first serve basis.

Residents of the logging community of Burdickville held a picnic on August 2, 1893 to honor two elderly pioneers, Kasson Freeman and John Fisher. High attendance at this first picnic inspired the organizers to hold one annually. In 1905, they formed the Old Settlers Picnic Association and began raising funds to purchase a permanent picnic ground. The present Old Settlers Park reflects two purchases. In 1912, with funds from the Association, Leelanau County bought a five-acre parcel adjacent to the Methodist Episcopal Church, which was built in 1896.



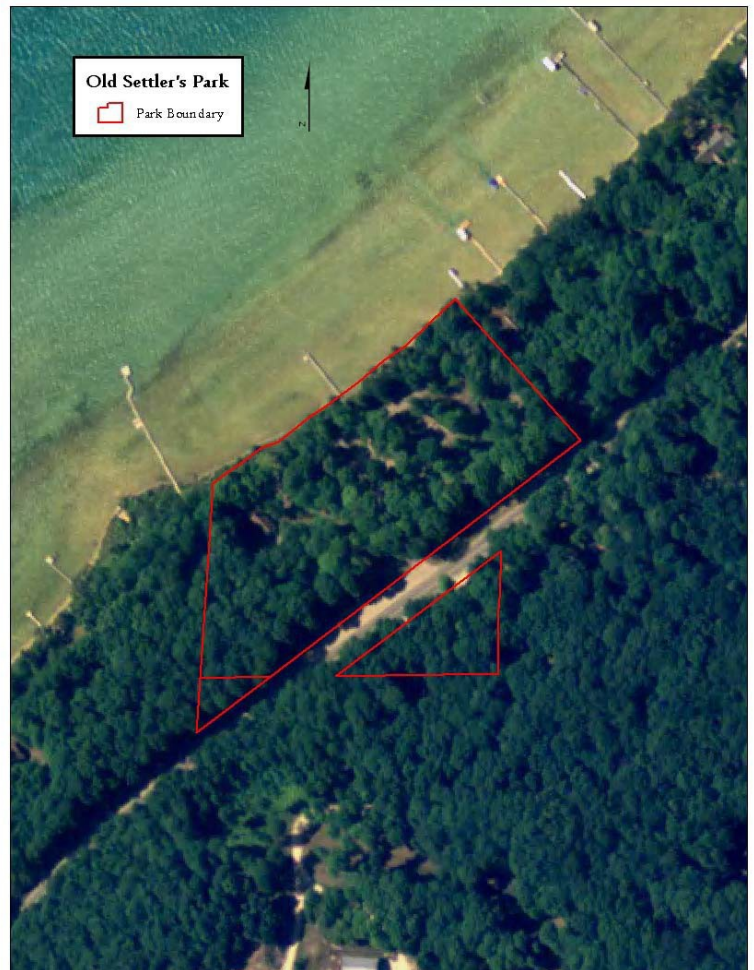
In 1917, the Association funded the county's purchase of the church, with the Methodists stipulating that the church "shall not be used for dancing." Each August, people came from miles around to attend the Old Settlers Picnic.

Facilities include:

1. Chapel/meeting room
2. Fireplaces/Barbecue Stoves(2)
3. Gazebo with seating
4. Playground
5. Boat Launch (Non-motorized)
6. "Grub Shack"
7. Picnic Areas with Tables
8. Grills
9. Benches
10. Pit toilets

Sample activities include:

1. Weddings
2. July 4th Flag Raising
3. Old Settlers Annual Picnic
4. Swimming



Renovations:

A new dock was built in 2000

Chapel foundation restored in 2002.

Cost: \$18,000

Veronica Valley Park
Bingham Township
Property Tax ID# 001-112-010-60, #001-113-001-00
Size: 92.3 acres

The acquisition of the Veronica Valley Park was completed in December 2008 from a Michigan Natural Resources Trust Fund grant award with the help from Rotary Charities and Leelanau County. This parcel is located in Bingham Township at the junction of Maple Valley Road and County Road 641, approximately four (4) miles southwest of Suttons Bay and four (4) miles south of the Village of Lake Leelanau in the east central area of the County. The Park is approximately one-half mile from Lake Leelanau and 12 miles from the City of Traverse City.

The Veronica Valley Park property was formerly a family operated, nine-hole golf course that has not been in use for about four years. The site is characterized by gently rolling hills, open space, wet-lands, and forested wetlands that include dense stands of white cedar. The property has three bridges and six ponds. Mebert Creek, a designated trout stream, also winds approximately 2,268 feet through the site. The forested and agrarian views will make this site a peaceful retreat for the passive recreation user.

The concept plan for the proposed passive recreation activities blends well with this site that includes gently rolling hills, a scenic trout stream and high-quality wetlands. The trail system will reach most of the areas of the park with a high percentage of the trails maintained by a single width of a county mower. Wood-chipped paths and elevated boardwalks are planned leading to viewing platforms in and adjacent to the wetland areas.

In addition to the trails, a picnic area and playground area have been proposed with tables and benches. The two existing parking areas will remain, with one moved so the net increase in parking area will be kept to a minimum. The nature center/youth fishing center will be in and around a proposed pavilion building. This youth/adult educational center will have the following displays: fishing (both in the stream and ponds), stream ecology, pond ecology, wetland ecology, and birdwatching. This center is seen as being used by youth groups, county schools, individual visitors, and tourists and will be a four-season park with cross country skiing, snowshoeing, and sledding in the winter.

Facilities include:

1. Pole barn (24' by 32')
2. Two waterwells
3. Septic system
4. Electricity
5. Drinking water fountain
6. Small playground – swings & climber
7. ADA trail access to fishing ponds



Appendix

Approved CIP Submittal Form

Leelanau County Capital Improvement Program (CIP)
Submittal Form

Directions: Departments/Agencies submitting a proposed project for inclusion in the CIP will receive this form at the beginning of each year. The form must be completed in its entirety, and returned by January 31 to the Planning & Community Development office.

Be specific and provide detailed information for any project anticipated within the next six (6) years. Each Project/Equipment request requires a separate Submittal Form.

Project title: _____ Department: _____

Prepared by: _____ Date Prepared _____

Cost: _____ Anticipated Start Date and End Date: _____

Check one: New Project Revision of Already Submitted Project

PROJECT

A) Project Description: Provide a brief description of the project

B) JUSTIFICATION

If desirable, provide attachments with more details

1) Planning context: Is this project part of an adopted program, policy, or plan?

NO

YES (must identify): _____

Must list the adopted program or policy, and how this project directly or indirectly meets these objectives.

2) Planning context: Is the community legally obligated to perform this service?

NO

YES

Please describe the community's legal obligation:

3) Explain how the project will a) eliminate or prevent an existing health, environment, or safety hazard and/or; b) alleviate an emergency service deficiency or disruption.

4) How is the project consistent with and supported by your department program goals?

5) How is the project supported by goals of the **Leelanau General Plan**?

6) How is the project consistent with and supported by local plans (a Master Plan, Parks & Recreation Plan, Trail Plan, etc.)?

7) How will the project improve and/or protect the County's infrastructure?

8) How will the project improve and/or increase the level of service provided by the County?

9) List any other anticipated benefits that are not described above, such as: preservation of historic building/feature, increased economic development opportunity, saving greenspace/farmland, meeting a regulatory requirement, etc.

C) Coordination: Please identify if this project is dependent upon one or more other CIP projects and please describe what the relationship is:

D) Project time line: Estimated project beginning and ending dates. Be sure to include any work being done in prior years, including studies or other planning:

E) Total estimated cost: \$ _____

1) Basis of cost estimate: Please check one of the following:

- Cost of comparable facility/equipment
- Cost estimate from engineer/architect
- Rule of thumb indicator/unit cost
- Preliminary estimate
- Ball park "guesstimate"

2) Will the project require additional personnel, materials/supplies? _____

3) Will the project increase operating costs? _____

EQUIPMENT

A) Equipment description: _____

Form of acquisition: Please check one of the following:

- Purchase
- Rental/lease

Number of units requested: _____

Estimated service life (years): _____

B) Justification

Purpose of expenditure: Please check appropriate box(es)

- Scheduled replacement
- Replace worn-out equipment
- Expanded service life
- Increased safety
- Present equipment obsolete
- Reduce personnel time
- New operation
- Improved service to community, procedures, etc.
- Other: _____

For Department Use Only

REVIEWED BY FINANCE MANAGER DATE: _____

REVIEWED BY COUNTY ADMINISTRATOR DATE: _____

NOTES: _____



2023 Annual Planning Report

LEELANAU COUNTY PLANNING COMMISSION

Leelanau County Planning & Community Development Office
 8527 E. Government Center Drive, Suite 108, Suttons Bay, MI 49682 (231) 256-9812
 www.leelanau.gov • email: planning@leelanau.gov

The 2023 Planning Report for Leelanau County, Michigan, was prepared pursuant to the requirements of Section 19 (2) of the Michigan Planning Enabling Act, Public Act 33 of 2008, which states:

“A planning commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development”.

In 2023 the County Planning Commission welcomed new members Craig Brown, Rodney Brush, Brian Fenlon & Tom MacDonald.

Planning Commission Members	Category	Term Expiration	Attendance	Training Hours
Steve Yoder-Chair	Finance	12/31/2024	9/9 = 100%	18
Casey Noonan Vice-Chair	Recreation	12/31/2024	4/9 = 44%	0
Melvin Black-Chair Pro-Tem	Legal/Real Estate	12/31/2024	6/9 = 67%	8
Craig Brown	Transportation	12/31/2025	6/6 = 100% (Appointed in April)	69.5
Rodney Brush	Tourism	12/31/2025	6/9 = 67%	0
Brian Fenlon	Agriculture	12/31/2025	7/8 = 87.5%(Appointed in February)	0
Melinda Lautner-County Board Representative	Commissioner Appointee	Annually	6/9 = 67%	0
Tom MacDonald	Business	12/31/2025	8/9 = 89%	0
Robert Miller	Economic Development	12/31/2023	7/9 = 78%	0
Tom Nixon	Municipal Government	12/31/2025	9/9 = 100%	0
Amy Trumbull	Education	12/31/2023	4/7 = 57% (Stepped down in September)	0

History:

The Leelanau County Zoning Commission was established by resolution of May 13, 1968. The Leelanau Planning Commission Ordinance was established on January 13, 1970, and then both zoning and planning functions were combined with the Leelanau County Planning Commission.

In 2011, the County Planning Commission developed and adopted an Ordinance to create a Planning Commission for the County of Leelanau as authorized by Public Act 33 of 2008, as amended, being the Michigan Planning Enabling Act. The County Board of Commissioners approved this Ordinance in May of 2011.

The planning commission is appointed by the Board of Commissioners and its members include one (1) member of the County Board, and ten (10) members appointed to represent different interests across the county as approved in the 2011 Ordinance. The commission holds regular (monthly) public meetings to review development and planning items, per state statutes.

The commission prepares an annual Capital Improvement Program (CIP) listing an inventory of assets, along with a list of proposed projects during the CIP six-year period. The commission also prepares updates to the **Leelanau General Plan**, a Plan for guiding growth in Leelanau County.

The Planning Commission and planning staff provided a range of services and reviewed and made recommendations on one (1) rezoning request, six (6) text amendments, five (5) Master Plans, and a review of Future Land Use Maps.

Township	Date of LCPC Meeting	Ordinance Description	Township Action
Elmwood	1/24	Text Amendment– Definitions, dwelling language, accessory buildings, lighting	Approved March 13, 2023
Cleveland	2/28	Text Amendment– Articles V, IX and definitions	Approved March 14, 2023
Centerville	2/28	Text Amendment– Site Plan review— towers	
Solon	3/28	Review of Future Land Use Maps	
Suttons Bay	3/28	Rezoning Agricultural to Residential	Approved April 12, 2023
Lake Township	3/28	Master Plan Review	
Glen Arbor	3/28	Text Amendment– Agricultural District minimum parcel size	Approved May 16, 2023
Elmwood	4/25	Text Amendment– Definitions	Approved May 8, 2023
Village of Suttons Bay	4/25	Master Plan Review	
Long Lake Township	4/25	Master Plan Map Review	
Empire Township	7/25	Master Plan Review	
Cleveland	9/26	Text Amendment– Short Term Rentals	Approved November 14, 2023
Long Lake	10/24	Master Plan Review	

Planning Staff

Trudy Galla, AICP, Director
Gail Myer, Senior Planner
Jenny Herman, Secretary

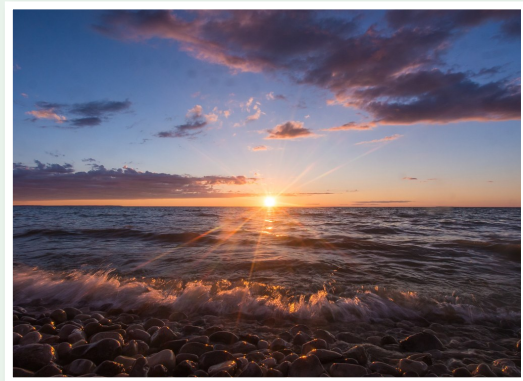
Planning Staff provide:

- ◆ Oversight of the state mandated Solid Waste Management Plan, including the tire and mattress recycling collections, household hazardous waste and electronics collections, and document shredding.
- ◆ Oversight of the Leelanau County Brownfield Redevelopment Authority.
- ◆ Oversight of the Housing Action Committee (HAC).
- ◆ Participation in the Leelanau County Land Bank Authority.
- ◆ Administration of the Leelanau County Address Ordinance, since December of 1989.
- ◆ Administration of the County's Housing Programs. *(Note: Rehabilitation loans for qualified homeowners are done contractually by Northwest MI Community Action Agency with an agreement with Leelanau County.)*
- ◆ Participation in Damage Assessment Team for Emergency Operations.
- ◆ Director Galla serves as the Leader for the Damage Assessment Team for Leelanau County, and Senior Planner Myer serves as a member of the Damage Assessment Team.
- ◆ Director Galla serves as Administrator for the Remonumentation /Monumentation project for the county.

Staff prepared staff reports, agendas, minutes, and agenda items for the planning commission meetings, committee meetings, and for training sessions/workshops.

The following commissions and boards were served by staff in 2023:

Planning Commission and sub-committees
Brownfield Redevelopment Authority (LCBRA)
Land Bank Authority (LCLBA)
Solid Waste Council (SWC)
Housing Action Committee
Remonumentation Peer Group



Training:

Various Commissioners attended online trainings and webinars in 2023 such as the Housing Summit and trainings offered through the Michigan Association of Planning (MAP).

Claire Karner, AICP, East Bay Township Director of Planning and Zoning, and Mary Reilly, AICP, Michigan State University Extension, held a training on Preparing for a Big Project: identifying when “we need help!?” and implementing an escrow policy on Wednesday, September 20.

Staff and the Planning Commission will continue to review opportunities for trainings and resources, particularly those that can be brought before appointed and elected officials such as training by MAP or MSU Extension.



“Plans are nothing; planning is everything.”

~ Dwight D. Eisenhower

GRANT ADMINISTRATION

Implementation of new grants in 2023 included: EGLE Tire Recycling Grant (\$3,000), Remonumentation Grant (\$40,273), 2% allocation funds received from the Grand Traverse Band of Ottawa & Chippewa Indians for tire recycling and mattress recycling. The county has been collecting tires for the past six years and has recycled just over 14,000 tires. This was the second year mattresses were collected and the county has recycled approximately 400.

STAFF NEWS

Senior Planner Myer attended the National Planning Conference (NPC23) in Philadelphia and attended various sessions such as “Planner’s Bar: Legal Risk Aversion and Best Practices.” This session focused on points of conflict between municipal planners and attorneys, issues with code content and administration, and communities that require a need for change in their policies and regulations. The insight gained during this conference has led to a greater understanding of the work planners do.

Director Galla attended the National Brownfield conference in Detroit in August and she also attended the 9th Annual Housing Summit in Traverse City.

Staff worked the Household Hazardous Waste & Electronic Collections as well as the tire and mattress recycling events in 2023. Over 110,000 pounds of hazardous materials and over 71,000 pounds of electronics were collected in 2023.

Thank you for your service Amy Trumbull!