

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, ZBA Rep – term expires 12/26

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

DRAFT MEETING MINUTES

- I. Call to Order – Pledge of Allegiance – Meeting called to order at 5:30 PM. All Commission members in attendance along with 10 members of the public.
- II. Approval of Agenda (additions/subtractions) Mitchell moved to approve the agenda, Simpson seconded the motion, all members voted aye and the agenda was approved.
- III. Declaration of Potential Conflicts of Interest – Telgard declares a conflict on the Bluebird discussion and recuses himself for that section of the agenda.
- IV. Approval of Minutes: May 1, 2024 – Mitchell mentions 2 changes for consistency, all members approve and the changes are made. Mitchell moves to approve the minutes with changes, Telgard seconds, all vote aye and the meeting minutes are approved.
- V. Correspondence
Letter of concern possible helicopter at Dune Bird – will be part of the later discussion on the agenda
ZBA Appeal – Briefs were due on Tuesday regarding the ZBA appeal. They were filed and once the copies stamped by the court are received, it will be forwarded to PC members
- VI. Public Comment - (limited to three minutes per person unless extended by Chair)
Satterwhite explains how public comment works and that there are two opportunities to speak

David Edlestein – lives on Birchwood Road in Leland – Edlestein wants to discuss the helicopter rides reported in the Ticker. Dune Bird is a mile from his house – has concern about the noise of the helicopter and finds the idea of helicopters coming and going disturbing. In March of 2022, private flights were approved for owners of Dune Bird and their family, he asks that they maintain that. Articles in the local press have stated that the helicopter rides will be available from June 15th – October 15th

Keith Ashley – also wants to discuss the Dune Bird. He lives 400 feet from there. He spoke to the owners years ago and was in favor of a private landing strip at the time. He looked into it, and the landing strip is an official airport according to the FAA. The Cove and the Dune Bird both have landing strips and are categorized as airports by the FAA. Mr. Ashley would like to have the owner remove the airport designation with the FAA.

Lynn Telgard – asked last month to be on agenda to discuss C2 & R3 zoning districts and doesn't understand why it's not on the agenda. There was a mix up during the after meeting discussion at the last meeting, so she would like to be on the next agenda.

Jeff Carpenter – lives in Leland and applauds the PC for their service.

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Nancy Radcliffe – lives in Leland. Radcliffe is against the helicopter landings, doesn't want to make it any more touristy than it already is in Leland.

Satterwhite thanks the public for their comments and closes this portion of the agenda for public comments.

VII. Reports:

1. Township Board representative

Nothing to report

2. ZBA representative

Application for a dimensional variance – setbacks almost overlap from lakeside to roadside. The applicant is requesting a ZBA for that purpose. The meeting has not been scheduled yet.

VIII. New Business

1. Dune Bird Winery – Helicopter tours

Satterwhite communicates that there is no application, this is being brought to the PC by ZA Cypher. The owner is currently overseas, but sent a long email which ZA Cypher forwarded to the PC members. The helicopter vendor, 45 Aviation, communicated that it is not intended to be a regularly occurrence and that there will be maybe 5 landings per year. The owner of the Dune Bird does not want to jeopardize their good standing in the community. Simpson: how can the ZA regulate that? What authority is there? ZA Cypher isn't 100% sure. The difference between the helicopter and say a tour bus visiting wineries is that it's a commercial vendor. Because of restrictions and that it was supposed to be private use only, there is a conflict. Cypher is trying to get the flavor of what the commission members feel about the matter before making a determination. Satterwhite: What is the current zoning ordinance permit? Is there anything that regulates this? Cypher: if it's commercial, it's under the ordinance. Article 6 & 7 are triggered because it's commercial. There was a special use permit issued, but it was restricted to personal use only. Cory inquires how the Cove got it? Cypher doesn't know, he didn't know they had it either.

Satterwhite states that they need to know what zoning rules and regs say – we need to tackle that tonight. What kind of review do you need? Uses are separated by commercial vs personal. Proposing to use Dune Bird, then it's commercial. If it's a commercial use, he would differentiate between that and personal. ZA Cypher wanted to find out what the PC thinks. No application right now from owners.

Farmland – is it required to have a permit, special use or other, to land a helicopter. Private not necessarily, but commercial is regulated by the ordinances. If a farmer doesn't get compensation for a helicopter landing, is that commercial use? Mitchell: thinks they need to see where it would happen, and also have a site plan of where it would land. Do they want to get in the business of having commercial aircraft landing in Leland?

Mitchell doesn't understand how any landing there wouldn't be considered commercial. Cypher is on a fact finding mission. Is it expressly allowed? Yes, it's an airport already. Do we want to allow commercial aircraft on commercial properties?

Telgard: it's special use, commercial use. The owner had a lot of information on the original application. This is additional to that special use he originally brought before the PC.

Satterwhite: the zoning ordinance doesn't have anything clearly defined about helicopters.

Personal opinion: owner should be subject to what everyone else is subject to. Cypher: personal vs commercial – that's what the language in the ordinance describes. We can also have a public hearing about it. Satterwhite: problem is the guy across the street who doesn't want the helicopter. Simpson feels that an excavating company makes more noise than a few helicopter landings a year. Mitchell: once they let one do it, what's to say 12 others won't start? Cory brings up that helicopters are landing on the beach. Satterwhite: we aren't here to regulate FAA rules. Cypher:

there's a lot of speculation, and he wants to get facts before making a ruling. Satterwhite suggests the public do a petition banning helicopters, which need 150 signatures. Bo White may come with an amendment. Simpson: the public can bring an amendment forward. Cypher wants to continue fact-finding, and provide minutes to Bo White. Mitchell: concern if this gets approved more will come. If they decide to allow it, he feels they need a site plan. Telgard: why are there 2 stories out there? Satterwhite: he also wants to see how other rural townships regulate this and review any language in their ordinances.

IX. Old Business

1. Bluebird - Sidewalk 2.

Lynn Telgard: hands out new plans for the front yard buffer area.

Cypher reads the language from last meeting about the Front Yard Buffer Areas. Telgard repeats what was discussed in last meeting about not having room for trees, etc. on the M22 side. There are also ADA restrictions. Satterwhite wants to know where existing trees are currently. Telgard says that trees in other businesses aren't living in sidewalks and she doesn't think any trees will live. Not enough soil for water to make it to the roots, and nothing will grow. She's fighting the grade because of the ADA requirement. She can add some dirt, but not enough to grow a tree. Cypher: discusses the way the ordinance reads. Cypher shows her plan and asks if there's a place to have a greenbelt. Difficult to grade soil because of the setback. MDOT and Township – they allow sidewalks in the road right away. Satterwhite: what's the grade? How many steps? 1 step from sidewalk to front door. There's no step when they go up and come around. Mobile people go up 1 step if they don't go up the walkway. Cypher offers to call MDOT about planting a tree in the sidewalk area. 30 years ago trees were planted there, but with low life expectancy. If someone comes down from the bridge, they don't want just dirt there but they can't use concrete. There will be a courtyard on River Street in Phase 2. Cypher questions how many pots they plan on having, she's not sure but guesses 2. Mitchell: to South, by step and ATT box, could there be something there? Telgard says there isn't enough land there.

Telgard requesting a waiver on that side. She has paid a \$2000 bond and wants that refunded if they agree to a waiver. MDOT is usually accommodating. ADA trumps almost everything. ATT box is also a challenge. They don't want to move it.

Mitchell: if they approve with conditions, they want to make sure Telgard is comfortable with what they put into the conditions. Cypher: conditional things on landscaping usually goes through ZA. Satterwhite suggests the PC waive the things that make sense. Two big pots make sense. Telgard will work with ZA Cypher. Mitchell: ground cover and potted plants. Cypher: needs a justification for a waiver. Cory states that the ADA comes first. Telgard states she is working with a landscape architect.. The PC agrees that the practical difficulty of being able to comply with the ordinance is because of the required ADA access and that trumps all requirements.

Satterwhite moves that the PC approve the waiver of the trees and instead have landscaping that includes 2 pots, ground cover, and some additional smaller pots as reasonable. Simpson seconds motion. All present vote aye, and the motion passed.

2. Residential Character Amendment – Comments from Leelanau County PC

Cypher: county planning dept had a snafu. Amendment language shows the amendment itself. County planning commission didn't think much about what was provided. Satterwhite: recommends they forward PC recommendation to Township Board. Satterwhite expresses gratitude for all of the input received and the man hours put into this. He wants to make a motion and send it forward. Motion of gratitude to the county – will send amendment 2024-01 residential character amendment to the township board. The motion is seconded by Simpson. All present vote aye and the motion is approved.

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- X. Other Business (as required) – Mitchell – brings up Master Plan public hearing of July 3rd. Is everyone still ok with this date? The PC discusses the likelihood of low participation on the 3rd and agree to change the meeting. Satterwhite moves that they move the Master Plan Public Hearing to the August meeting and cancel July meeting. Simpson seconded the motion and all voted aye. The motion to cancel the July meeting and have the Master Plan Public Hearing at the August 7th meeting was approved.
- XI. Zoning Administrator Comment – thank you for efforts on residential character. There was a farm stays article that he sent to the PC members provided by Simpson. Once the Master Plan is approved, this would be allowed. He recommends that the PC consider it. Will talk to other ZA's to find out if there have been any issues with this in the other townships. He recommends that they make sure agriculture is main part of the component. It is critical to keep it a farm operation.
- XII. Planning Commission Comment - none
- XIII. Public Comment - (limited to three minutes per person unless extended by chair)

David Edelstein: 2 comments: I looked through regulations and section 16 addresses this. Years of innovation in helicopter tourism, he thinks they should write appropriate regulations. Edelstein provides an example about cell phone towers. Question: will Dune Bird be able to do helicopter tours since the language is ambiguous? Edelstein advised to discuss with ZA Cypher. Edelstein feels now is the time to decide what to do.

Keith Ashley: Mr. Ashley provided information from a website and reported that the Delamar and Dune Bird are advertising helicopter rides. Ashley says that the public can present a petition, but he recommends the PC are forward thinking and address this issue now. He thinks Dune Bird was misleading. Their airport was certified by FAA in Jan 2022 and has 2 runway strips. They aren't marked. He thinks it was misleading because he originally said it was just for family use. He encourages the PC to take a hard look at this and the implications for the township. He doesn't want helicopters dropping in every weekend.

- XIV. Adjournment – Satterwhite adjourns the meeting at 7 pm.