

**Centerville Township
PLANNING COMMISSION**

Planner’s Report and Findings of Fact

DRAFT DECISION

Applicants: Northgate Leelanau Pines, LLC, c/o Chelsea Bossenbroek, 38 Commerce Ave SW, Ste. 200, Grand Rapids, MI 49503 (hereinafter referred to as the “Applicant”).

Review Date: (1st planner’s review 9/7/23; 2nd planner’s review 9/15/23; 3rd planner’s review 10/20/23; planner’s 4th review 10/31/23; 1st PC review 9/18/23; 2nd PC review/public hearing 10/25/23; 3rd PC review 11/6/23; 4th and final PC review 12/4/23).

Final Decision Date: Planning Commission, December 4, 2023.

PROPERTY DESCRIPTION

Northgate/Leelanau Pines is on an 72.74 acre parcel (see Leelanau County website, <https://www.leelanau.gov/propertydetails.asp>, parcel no. 45-002-035-003-13) owned by Northgate Resorts at 6500 E. Leelanau Pines Dr., Cedar Michigan 49621 and described as:

Parcel no. 45-002-35-003-13.

PT GOVT LOT 3 OF SW 1/4 SEC 35 COM W 1/4 COR SD SEC TH S 88 DEG 04'27" E 285.71 FT TO C/L LAKE SHORE DR (A/K/A CO RD 643) & POB TH CONT S 88 DEG 04'27" E 2028.57 FT TH S 01 DEG 22'20" W 250.01 FT TH S 88 DEG 04'27" E 291.88 FT TO SHR LAKE LEELANAU TH ALG SD SHR S 34 DEG 36'51" W 1499.93 FT TH CONT ALG SD SHR S 64 DEG 33'25" W 889.25 TO BANK OF RICE CREEK TH ALG SD BANK N 28 DEG 41'30" W 106.07 FT TH CONT ALG SD BANK N 68 DEG 11'55" W 166.52 FT TH ALG SD BANK N 11 DEG 34'02" W 248.05 FT TH CONT ALG SD BANK N 62 DEG 39'33" W 274.57 FT TH ALG SD BANK N 10 DEG 28'24" W 482.32 FT TH CONT ALG SD BANK N 26 DEG 30'28" W 374.17 FT TH ALG SD BANK N 48 DEG 49'29" W 266.39 FT TH N 01 DEG 22'20" E 125.76 FT TO SD C/L TH ALG SD C/L 427.28 FT ON ACR OF 625.71 FT RADIUS CURVE RIGHT (LC=N 43 DEG 23'32" E 426.80 FT) TO POB INCLUDES ALL LAND BETWEEN SIDELINES TO WATERS EDGE OF LAKE LEELANAU AND THREAD OF SD CREEK SUBJ TO & TOG WITH EASE SEC 35 T29N R12W 72.74 A M/L 2022 SPLIT FROM 002-035-002-00 & 002-035-003-00.

The parcel is located within Section 35, T29N, R12W, Centerville Township, Leelanau County, and hereinafter referred to as the “subject property.”

APPLICATION

On August 31, 2023 the Applicant submitted an application for site plan and special land use approval. On September 7, 2023 the Township Planner emailed agent for the Applicant Mr. Jason VanderKodde, PE of Fishbeck requesting additional site plan information and clarifications. Fishbeck responded to this request in writing on September 13, 2023. Mr. VanderKoodde and the Township Planner met via telephone on September 15, 2023, on which date the Township Planner determined the application was administratively complete. On October 16 and 31, 2023 Northgate provided responses to the PC regarding comments and questions from the October 3, 2023 PC meeting, October 25, 2023 public hearing, and November 6, 2023 PC meeting. On November 27, 2023 and November 30, 2023 counsel for the Applicant provided additional submissions for Planning Commission consideration at the December 4, 2023 Planning Commission Regular Meeting.

Northgate Leelanau Pines, LLC proposes to construct 150 new campsites (170 currently exist); a new check-in office building; new waterfront pavilion; new camp store with associated parking; new bathhouse; new open air pavilion, new pools, equipment building and bathhouse; new maintenance building; and new recreational facilities including walking trails, pools, boardwalk, splash pad, mini golf, jump pillow and sports courts. The Applicant also proposes to renovate the following existing facilities: camp office with restrooms and associated parking; game room & storage; bathhouse and laundry; and a cabin.

The Planning Commission having reviewed the Applicant's revised August 31, 2023 application; having heard the statements of the Applicant and their agents; the Applicant and their agents having completed a pre-application conference with the Township Planner and Planning Commissioners; having reviewed all written documentation and supporting materials; having held a public hearing on October 25, 2023; the Centerville Township Planning Commission having reached a decision on December 4, 2023 on this matter, find the following:

GENERAL FINDINGS OF FACT

1. The Planning Commission finds that the site is located at 6500 E. Leelanau Pines Dr., Cedar, Leelanau County, Michigan.
2. The Planning Commission finds that according to the parcel's warranty deed the subject property consists of 72.74 acres (+/-) (Parcel No. #45-002-35-003-13), and according to a 9/29/21 survey the subject parcel consists of 80.08 acres to shore (+/-) .
3. The Planning Commission finds that the property is zoned Commercial Resort (CR) by the Centerville Township Zoning Ordinance, effective December 7, 2007, as amended through April 27, 2023.
4. The Planning Commission finds that the Applicant has agreed "(t)his revised site plan will cap the number of boats at 82, and will also contain details regarding the boat-washing station to prevent the introduction of invasive species..." see Section 3:

Mediation Settlement Agreement, Case no. 2023-10981-CZ & CZ 2023-10986-AA, dated August 17, 2023.

5. The Planning Commission finds that required local and state agency permits, including but not limited to the required EGLE permits (i.e., Part 41 groundwater discharge for sewage/waste water treatment and disposal (EGLE #HPM-09PX-793C6); Part 125 Campground expansion license (follows final Township action); and Parts 303/301 stormwater discharge, marina, docks/moorings, boat launch, wetland fill, shoreline stairs, shoreline stabilization, etc. (EGLE #HPR-59MH-CX6Z7), Leelanau County Soil Erosion and Sedimentation Control (SESC)/Leelanau County Drain Commissioner; Cedar Area Fire & Rescue; Leelanau County Road Commission; are either already in-place, or need to be submitted to the Township as condition of this approval.
6. The Planning Commission finds that, under Section 13.1.D. of the Centerville Township Zoning Ordinance, the proposed project is a major site plan, and that the Planning Commission is the designated authority to review and approve, approve with conditions, or deny the project site plan.

SECTION 4.4 – Schedule of Regulations. Parcels within the CR District shall meet the following dimensional regulations.

- A. Minimum Lot Area - 20,000 square feet.

According to the parcel's warranty deed, the subject parcel consists of 72.74 acres or 3,168,554.4 sq. ft.

Finding: The Planning Commission found by consensus that this standard had been met.

- B. Minimum Lot Width - 100 feet

The subject parcel lot width is 425 (+/-) feet along S. Lake Shore Dr (CR 643) and 2,930 feet (+/-) along the shore of S. Lake Lake Leelanau.

Finding: The Planning Commission found by consensus that this standard had been met.

- C. Maximum Height of Structure - 40 feet

Finding: The heights of proposed new and renovated buildings and structures have been specified or labeled as "single-story" on site plans or "all will be 40 feet or less." The Planning Commission found by consensus that this standard had been met.

- D. Front Lot/Waterfront Setback - 40 feet minimum

Finding: Applicant proposes that front/waterfront setback for all structures have been met for the proposed camp store, infinity pool, and infinity pool/pool patio structures as sidewalks are not included in the definition of buildings or structures in the Centerville

Township Zoning Ordinance, and that the existing play dome is to be removed (see Sheets C200, C203 and C204, and revised Site Plan Review Response dated 10/31/23). The Planning Commission found on 11/6/23 with a 4-0 vote that this standard had been conditionally met.

E. Side Lot Setbacks - 10 feet minimum

Finding: Proposed side setbacks are 10 feet or greater (see Sheet C200, dated 9/1/23). The Planning Commission found by consensus that this standard had been met.

F. Rear Lot Setback - 15 feet minimum

Finding: Proposed rear setbacks are 15 feet or greater (see Sheet L101). The Planning Commission found by consensus that this standard had been met.

G. Setback from Highway - 40 feet minimum with 66 ft right-of-way

Finding: Proposed entrance parking area setback from C.R. 643/S. Lakeshore Dr. is greater than 40 feet (see Sheet C401, dated 9/1/23). The Planning Commission found by consensus that this standard had been met.

H. Maximum Lot Coverage - 25 percent

Finding: Applicant proposes a 21.58% lot coverage. (See Sheet C205, dated 10/16/23). Applicant states that 17.28 acres of the subject parcel would be covered within the proposed campground facility, utilizing a 80.08 acre parent parcel acreage. Using the County's recorded parcel size and the Applicant's survey size of 72.74 (+/-) acres, the proposed lot coverage is 23.75%. The Planning Commission found that this standard has been met in a 4-0 vote on 11/6/23.

Additional Requirements:

Section 6.2. - CR: Uses Permitted by Special Approval

1. Special land uses include "...campgrounds, and RV parks..."

Finding: The Planning Commission found by consensus that this standard had been met.

Section 3.7.C. - Signs

1. One identification sign of not more than 32 square feet may be erected on the premises as part of any business.

Finding: Applicant proposes the continued use of the existing, legally non-conforming entrance sign. The Planning Commission found by consensus that this standard had been met.

Section 3.18 Outdoor Lighting Ordinance - Section 3.18.2 Standards:

Outdoor lighting fixtures (fixture) and installations shall conform to the following restrictions, excluding applications of single decorative lamps of less than 70 watts:

1. The fixture shall be designed and/or shielded in such a configuration as to limit all lighting above the fixture from horizontal to the lamp and upward.

Finding: The Planning Commission found by consensus that this standard had been met. See Sheet L104.

2. The fixture and installation are to be designed such that direct views of the lamp are not visible from adjacent properties or public property, including roadways.

Finding: The Planning Commission found by consensus that this standard had been met. See Sheets L101 through L104.

3. Fixtures and installations are to be designed in such a way as to minimize energy usage through:
 - A. Optical efficiency of the lamp and fixture.
 - B. High lumen per watt output of the lamp source.
 - C. Use of manual switching, timers and/or motion detectors for minimal usage.

Finding: The Planning Commission found by consensus that this standard had been met. See Sheets L101 through L104.

4. All outdoor recreational facilities, including but not limited to tennis courts, outdoor field sports, golf courses and facilities, and ski areas shall be illuminated with fixtures in compliance with the above restrictions and equipped to manually or automatically switch off before 11:30 pm.

Finding: Applicant distinguishes between 24-hour campground security lighting and outdoor recreation area lighting, as proposed. Applicant proposed that “all campground amenity lighting in areas closed for the night by 10:00 (pm) will be turned off by 10:30 (pm).” (See p. 4, 10/16/23 Fishbeck response letter). The Planning Commission found by consensus that this standard had been met.

5. Spotlights and floodlights shall be directed generally downward. By exception, signage, buildings and landscaping may be uplight only by fixtures less than 70 watts and the lighting must light only the intended surface area.

Finding: The Planning Commission found by consensus that this standard had been met. See Sheets L101 through L104.

6. Signage may be lit only to the extent that the signage itself is directly lit by the lamp source. The lamp source may not be visible to the passing motorist in either direction.

Finding: The Planning Commission found by consensus that this standard had been met. See Sheets L101 through L104.

7. Pole lighting may not be higher than 22'.

Finding: The Planning Commission found by consensus that this standard had been met (See revised Sheets L101-L103).

8. Parking lots may only be lighted during regular business hours + 1hr at closing.

Finding: Applicant proposes 6 pole-mounted security lights, 5 on the main access driveway and 1 at the dry hydrant. No parking lot lighting is proposed. The Planning Commission found by consensus that this standard had been met.

9. Security lighting of parking lots and buildings is exempt from the above provision, except that Security lighting must comply with articles 1, 2 & 3. If Security lighting is to be wall mounted, it must be oriented downward.

Finding: The Planning Commission found by consensus that this standard had been met. See Sheets L101 through L104.

10. The use of lighting for farming is specifically exempt from the standards of this ordinance, except that greenhouse and hothouse lighting is to be considered an industrial application.

Finding: The Planning Commission found that this standard was N/A.

11. Other uses as specifically applied for to the planning commission may or may not be granted by a majority vote such as: temporary lighting events, night construction operations, sports events, specialized industrial applications, etc.

Finding: The Planning Commission found that this standard was N/A.

Article 13, Section 13.1: Requirements for Site Plan - Application for Site Plan Review

Through the application of the following provisions, the attainment of the aims of the Centerville Township Master Plan will be assured and the Township will develop in an orderly fashion.

Finding: The Planning Commission found on 11/6/23 in a 3 to 1 vote that this standard has been conditionally met.

- a. Each submittal for Site Plan Review shall be accompanied by an application and site plan...the application shall at a minimum, include the following:
 1. The applicant's name, address, e-mail, and phone number in full.
 2. Proof of property ownership, and whether there are any options on the property, deed restrictions, or any liens against it.
 3. A signed statement that the applicant is the owner of the property or officially acting on the owners behalf.
 4. The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land), and the signature of the owner(s).
 5. The address and property tax number of the property.
 6. Name, phone number, e-mail, and address of the developer (if different from the applicant).
 7. Name, phone number, e-mail, and address of the engineer, architect and/or land surveyor.
 8. Project title.
 9. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, parking spaces, carports or garages, employees by shift, amount of recreation and open space, type of recreation facilities to be provided, hours of operation if applicable and related information as pertinent or otherwise required by this ordinance.

Finding: Planning Commission requested additional information regarding nine (9) existing cabins and five (5) existing glamping units. Agents for the Applicant replied in writing on 11/27/23 that “9 existing park model cabins and 5 glamping units...do not fall within the definition of structures under the Zoning Ordinance, as they can be moved and do not have a ‘permanent location on the ground or attachment to something having such location on the ground’...etc.” The Planning Commission found on 11/6/23 that information regarding existing structures and units, including the 9 existing cabins and 5 existing glamping units, had not been provided, and thereby this standard had not been met. Applicant provided floor plans on 11/27/23 in for Rancher Log Cabin(s) (400 sq ft) and Sierra Log Cabin(s) (400 sq ft) and glamping units (220 sq ft). See 11/27/23, Tab 1. The Planning Commission found on 12/4/23 that this standard had not been met (PC vote: 2 nay, 1 conditionally met - 12/4/23).

10. A vicinity map drawn at a scale of 1" = 2000' with north point indicated.

11. The gross and net acreage of all parcels in the project.
12. Land uses, zoning classification and existing structures on the subject parcel and adjoining parcels.
13. Project completion schedule/development phases.
14. Written statements relative to project impacts on existing infrastructure (including traffic capacity of streets, schools, and existing utilities) and on the natural environment of the site and adjoining lands.

Finding: Applicant provided an expanded project impact statement on October 16, 2023, see pp. 6-7. The Planning Commission found on 11/6/23 on a 3 to 1 vote that this standard had not been met regarding potential and/or likely traffic impacts, lakeshore impacts (especially tree removal/sedimentation), water quality impacts, waste water treatment, stormwater management, wetland impacts, lighting, and noise - i.e., likely impacts to the the infrastructure and natural environment.

Counsel for the Applicant provided additional information and details on 11/27/23, regarding “tree removal along the lakeshore,” and concludes that “Leelanau Pines is planting more trees than it is removing, and the vast majority of trees on the lakeshore will be undisturbed.” Applicant’s Counsel in the November 27, 2023 submittal did not address the Planning Commission’s findings regarding the Applicant’s failure to meet this standard regarding potential and/or likely other impacts to the existing infrastructure and the natural environment, i.e., traffic impacts, lakeshore impacts (including but not limited to tree removal/sedimentation), water quality impacts, waste water treatment, stormwater management, wetland impacts, lighting, and noise. Also see Tab 2 revised Sheet L103: Landscape Plan West & South, dated 11/20/23. The Planning Commission found on 12/4/23 that this standard had not been met. (PC vote: 3 nay, 0 yay - 12/4/23).

- b. The site plan shall consist of an accurate, reproducible drawing at a scale of 1" =100' or less, showing the site and all land within 300' of the site. If multiple sheets are used, each shall be labeled and the preparer identified. Each site plan shall depict the following unless previously waived by the Centerville Township Planning Commission:
 1. Location of proposed and/or existing property lines, dimensions, legal description, setback lines and monument locations.
 2. Existing topographic elevations at two-foot intervals, proposed grades and direction of drainage flow.
 3. The location and type of existing soils on the site and any certifications of borings.
 4. Location and type of significant existing vegetation.
 5. Location and elevations of existing watercourses and water bodies, including county drains and man-made surface drainage ways, floodplain and wetlands.

6. Location of existing and proposed buildings and intended uses thereof, as well as the length, width, and height of each building.
7. Proposed location of accessory structures, buildings and uses, including but not limited to all flagpoles, light poles, bulkheads, docks, storage sheds, transformers, air conditioners, generators and similar equipment, and the method of screening where applicable.
8. Location of existing public roads, right-of-ways and private easements of record and abutting streets.
9. Location of and dimensions of proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development. Details of entryway and sign locations should be separately depicted with an elevation view.
10. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
11. Location, size, and characteristics of all loading and unloading areas.
12. Location and design of all sidewalks, walkways, bicycle paths and areas for public use.
13. Location of water supply lines and/or wells, including fire hydrants and shut off valves, and the location and design of storm sewers, retention and detention ponds, waste water lines, clean-out locations, connection points and treatment systems, including septic systems if applicable.

Finding: On 11/6/23 the Planning Commission found by deliberation that information regarding the proposed upgraded facility waste water/septic treatment system had not been provided as needed to calculate lot coverage, etc., and thereby this standard had not been met (PC vote: 3 not met, 1 met - 11/6/23).

14. Location of all other utilities on the site including but not limited to natural gas, electric, cable, telephone and fiber optic.
15. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.
16. Location, size and specifications of all signs and advertising features with cross- sections
17. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
18. Location and specifications for all fences, walls, and other screen features with cross-sections.

19. Location and specifications for all proposed perimeter and internal landscaping and other buffering features. For each new landscape material the proposed size at the time of planting must be indicated. All vegetation to be retained on the site must also be indicated, as well as its typical size by general location or range of sizes as appropriate.
20. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
21. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
22. Identification of any site amenities or natural features.
23. Identification of any views onto or from the site to or from adjoining areas.
24. North arrow, scale and date of original submittal and last revision.
25. Seal of the registered engineer, architect, landscape architect, surveyor, or planner who prepared the plan.
26. Deed restrictions, Master Deed restrictions, and bylaws as applicable, for Township review to insure that the condominium subdivision, or any use or development which requires site approval, its Master Association, and the applicant have provided for the continual maintenance of the development's services and facilities, to insure protection of the natural environment; compatibility with adjacent uses of land; and general upkeep of the subdivision's land in a socially and economically desirable manner.

Finding: The Township Planner determined that the application was administratively complete on 9/15/23, and Planning Commission found by consensus that other than stated above, Section 13.1: Requirements for Site Plan have been met.

Article 13, Section 13.1.G – Standards for Granting Site Plan Approval

- a. Each site plan shall conform to all applicable provisions of this Zoning Ordinance and the standards listed below:
 1. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

Finding: The Planning Commission found on 11/6/23 with a 4 to 0 vote that this standard has been met.

2. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.

Finding: The Planning Commission on 11/6/23 in a 2 to 2 vote did not reach a final decision on this standard. Planning Commission found with further deliberation on 12/4/23 that this standard had not been met. (PC vote: 2 not met, 1 met - 12/4/23).

3. Site plans shall fully conform with the published surface water drainage standards of the County Drain Commission.

Finding: The Planning Commission found on 11/6/23 with a 4 to 0 vote that this standard had been conditionally met.

4. Special attention shall be given to proper site drainage so that removal of stormwaters will not adversely affect neighboring property owners.

Finding: The Planning Commission found on 11/6/23 with a 4 to 0 vote that this standard had been conditionally met.

5. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein and adjacent parcels. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

Finding: Applicant proposed to retain existing trees as a “perimeter buffer” along the entirety of the project boundary at a minimum 40 ft, but with varying widths. See Sheets L101-103, dated 10/15/23. Applicant stated that the zoning ordinance lacks a perimeter buffering requirement. Applicant also stated that “pavilion usage will be dependent on the campground director and staff, the campground rules, the desired camper experience, and the seasonal weather conditions. No further specific programming information has been determined” (p. 10, Site Plan Review Response, dated 10/16/23). The Planning Commission found on 11/6/23 with a 3 to 1 vote that this standard had not been met.

Counsel for the Applicant provided additional information on 11/27/23 stating the belief that the site's lakeshore is not included in the requirement "(t)he site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein and adjacent parcels." The Planning Commission again found on 12/4/23 that this standard had not been met. (Planning Commission affirmed 11/6/23 decision with a vote: 2 not met, 1 met - 12/4/23).

6. All buildings or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides.

Finding: Applicant proposed twelve (12) 12 ft by 12 ft, permanent roofed cabanas west of the pool and infinity pool along the lakeshore with "2 ft to 3 ft between structures." (See Sheet C202, dated 10/16/23). Section 3.5: Fire Hazard of the Centerville Township Zoning Ordinance requires that "no building or structure nor any part thereof, may be erected or maintained closer than ten (10) feet to any other building, structure, or neighboring property line." The Planning Commission found on 11/6/23 with a 3 to 1 vote that this standard had not been met.

Counsel for the Applicant on 11/27/23 proposed a single cabana structure with internal dividers within the same footprint to replace the previously proposed 12 separate cabana structures. The Planning Commission found on 12/4/23 that this standard had been conditionally met (PC vote 3 to 0 - 12/4/23).

7. If there is a pedestrian circulation system, it shall be insulated as completely as reasonably possible from the vehicular circulation system.

Finding: The Planning Commission found that this standard has been met.

8. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant material no less than six (6) feet in height.

Finding: Applicant proposes a dumpster enclosure north of the maintenance building at 30 ft by 10 ft, with 6 feet screen height. The Planning Commission found that this standard had been met.

9. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets.

Finding: The Planning Commission found that this standard had been met.

10. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are a part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified by the County Road Commission.

Finding: The Planning Commission found that this standard had been met.

11. All streets shall be developed in accordance with the Centerville Township Private Road Ordinance or the Leelanau County Road Commission specifications as required.

Finding: The Planning Commission found that this standard had been met.

12. Site plans shall fully conform to the driveway and traffic safety standards of the Michigan Department of Transportation and/or the County Road Commission.

Finding: Applicant provided additional detail regarding their 2022 Traffic Impact Assessment report. Applicant stated that “The LCRC has found our proposed mitigation measures to be acceptable for the motoring public within the County Right-of-Way based upon our projected turning movements with the Labor Day traffic volumes as studied. No further road improvements are necessary or proposed at this time (see Site Plan Review Response, p. 12, dated 10/16/23).” The Planning Commission found on 11/6/23 with a 3 to 1 vote that the applicant needed to provide additional independent study and information regarding likely traffic impacts for Planning Commission review/approval.

Counsel for the Applicant on 11/27/23 provided additional information that the Version 6 Finding of Fact statement above is in error as there was “one (PC) approval ...and three conditional approvals.” The PC’s conditional approval consisted of requiring additional, independent traffic study for subsequent project phases, if any, as a condition of the present approval. That condition of approval was added to a “Conditions” section at the end of this document in the event that conditionally approval is granted. Conditional approval was not granted by the PC on 12/4/23 (PC vote: 2 deny, 1 conditionally approve - 12/4/23).

13. Site plans shall fully conform to the applicable fire safety and emergency vehicle access requirements of the State Construction Code and/or local Fire Chief requirements.

Finding: The Planning Commission found that this standard had been met.

14. Site plans shall fully conform to the County Soil Erosion and Sedimentation Control Ordinance.

Finding: The Planning Commission found that this standard had been conditionally met.

15. Site plans shall fully conform to the requirements of the Michigan Department of Public Health and the District Health Department.

Finding: The Planning Commission found that this standard had been conditionally met.

16. Site plans shall fully conform to all applicable state and federal statutes.

Finding: The Michigan Environmental Protection Act (MEPA), Part 17 of Michigan's Natural Resources and Environmental Protection Act applies supplementarily (MCL 324.1706) to existing administrative and regulatory procedures provided by law, including local governmental land use decision making pursuant to the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended. MEPA, among other things, protects the air, water and other natural resources and the public trust of the State from pollution, impairment or destruction (MCL324.1701). Specifically, in their review of this matter, the Centerville Township Planning Commission shall determine and conduct shall not be authorized or approved that has or is likely to pollute, impair or destroy the air, water or other natural resources, or the public trust therein, if a feasible and prudent alternative(s) exist consistent with the reasonable requirements of the the public health, safety and welfare (MCL 324.1705(2)).

The Planning Commission found on 12/4/23 that this standard had not been met. (PC vote: 2 not met, 1 met).

17. Site plans shall conform to all applicable requirements of local, state and federal statutes and approval shall be conditioned on the applicant receiving necessary state and federal permits before final site plan approval or an occupancy permit is granted.

Finding: The Planning Commission found by consensus that this standard had been conditionally met.

Section 13.1.J. Performance Guarantee Required

In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety and welfare of the residents of Centerville Township and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Planning Commission may require the applicant to deposit a performance guarantee as set forth herein. The purpose of the performance guarantee is to insure completion of improvements connected with the proposed use as required by this Ordinance, including but not limited to, roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping, and widening strips.

Finding: The Planning Commission found that a performance guarantee was not required for the proposed project.

DECISION

Based on the review of additional information provided by the Applicant and agents for the Applicant on 11/27/23, 11/30/23, and 12/4/23 upon a motion, seconded and passed, the Planning Commission hereby found that the Applicant’s site plan was denied. (PC vote: 2 to deny, 1 to conditionally approve - 12/4/23).

DATE DECISION AND FINDINGS ADOPTED

December 4, 2023

Lindy Kellogg
Planning Commission, Acting Chair

Recording Secretary