

LELAND TOWNSHIP PLANNING COMMISSION PUBLIC HEARINGS AND MEETING
Wednesday, April 1, 2009
Leland Township Office
112 W. Philip St., Lake Leelanau, Michigan

MINUTES

PRESENT: Planning Commissioners Keith Ashley (chairperson), Gary Bardenhagen, Kim Brant, Jon Stimson, Skip Telgard; Planner Mary Campbell, Attorney Mardi Black, Zoning Administrator Tim Cypher

ABSENT: Planning Commissioners Glenn Gotshall and Jane Keen

GUESTS: 23

CALL TO ORDER: Mr. Ashley called the meeting to order at 7 p.m.

APPROVAL OF AGENDA: Mr. Bardenhagen moved to approve the agenda as presented; supported by Ms. Brant. Motion carried.

DECLARATION OF POTENTIAL CONFLICTS OF INTEREST: None.

APPROVAL OF MINUTES—March 16, 2009: Mr. Telgard moved to approve the minutes as presented; supported by Mr. Stimson. Motion carried.

PUBLIC COMMENT: None.

REPORT FROM TOWNSHIP BOARD REPRESENTATIVE: None.

REPORT FROM ZBA REPRESENTATIVE: None.

BUSINESS

PUBLIC HEARING: Fishtown Zoning Ordinance Amendment Request

Fishtown Preservation Society requests an amendment to Article 12 of the Leland Township Zoning Ordinance to create a new C-4 zoning district for the Leland Fishtown Historic District, property tax IDs 009-610-208-00, 009-610-209-00, and 009-610-210-00.

Public Comment

Steve Mikowski (Lake Leelanau) said while this application may have some unique aspects, favorable treatment could be viewed as “by-contract” zoning.

Jane Evans (Leland) said she was happier with Fishtown under the auspices of a group that is responsive to growth.

Mr. Ashley read an email message of support from Susann and Nicholas Lederle (Leland).

Hearing no further public comment, Mr. Ashley closed to the public hearing.

PUBLIC HEARING: Rivertown Leland SLU Application

Varley-Kelly Properties, LLC/Rivertown Leland requests a Special Land Use for a Planned Unit Development at the site of the former Leelanau County Government Center in Leland, property tax IDs 45-009-009-020-00, 45-009-009-016-00, 45-009-009-010-10, 45-009-009-010-00, 45-009-009-201-00, 45-009-009-109-00, 45-009-009-017-00, 45-009-009-018-00, and 45-009-009-022-00.

Public Comment

Tom Evans (Leland) recapped the activities of the 16-member Leland Options Committee, which was appointed in April 2006 by the Leland Township Board to study uses for the courthouse property. In October 2006, supported by substantial public input, the committee recommended that the county buildings be demolished except for the historic jail, that the riverfront property be retained as open space, and that the balance of the property be developed as reasonably priced housing. Mr. Evans expressed support for Varley-Kelly's efforts, saying it seems the plan under consideration comes as close to the committee's vision as possible.

Tom Bischoff (Leland), who lives adjacent to the property to be developed, questioned plans to divide 1-1/2 lots into two smaller lots.

Bob Biggs (Leland) reiterated Mr. Evans' comments, saying the community is fortunate to have local developers involved. He expressed hope that Leland Township will do everything possible to work with the developers, especially in this environment.

Hearing no further public comment, Mr. Ashley closed the public hearing.

Fishtown Rezoning Application Deliberations

As the findings of fact framework, Mr. Ashley read draft findings of fact based on Section 5.04D of the Zoning Ordinance (see attached). The consensus was that each response was accurate and adequate.

Mr. Ashley called for final public comment on the application; there was none.

Action: Ms. Brant moved recommend that the Leland Township Board adopt the Zoning Ordinance amendment as proposed after review by the Leelanau County Planning Commission; supported by Mr. Telgard. Motion carried.

Rivertown SLU Application Deliberations: Findings of Fact

Neighboring Property Owner's Comment: Members discussed public comment from Mr. Bischoff, who owns the property immediately east of the proposed development. The developers plan two small single-family homes, each on an 89-by-60-foot lot, as units 5 and 6. Mr. Telgard noted that Leland has many 50x100 lots, so the proposed lot size is not out of character. Discussion included whether the alley could be abandoned, if not abandoned already. Mr. Kelly said the developers envision a 26x30-foot house with a loft. He noted the Road Commission wanted the houses to front on Cedar, not Grand, so Mr. Bischoff would see the side of one house from his home. The consensus was to leave the

side setbacks between units 5 and 6 at five feet, as currently shown, and to specify 10-foot front and rear setbacks for units 5 and 6. Ms. Campbell will note in the findings of fact.

6.05E: Ms. Black suggested changing the condition to “Letter of ~~acceptance~~ review from Leland Township Fire Chief.” After Mr. Ashley read the March 9 letter from Chief Mike Fandel and after discussion, the members concurred with the change.

17.01E1a/E2b/E2c: Ms. Black suggested printing conditions for these sections on the site plan as well as in the master deed and bylaws for easy reference, consistent with Bay Hill.

Rivertown Next Steps: Make minor changes to the findings of fact and deliberate on master deed and bylaws. Concerning the open issue of the township riverfront parcel, Mr. Cypher said the developer will produce a legal description for township board action, presumably at the April 20 board meeting.

Commissioners will receive a hard copy of the draft master deed and bylaws with staff comments before the May 6 meeting.

April 14 Ridgeline Development Forum

Mr. Ashley announced that the Planning Commission will hold a public forum on ridgeline development Tuesday, April 14, at 7 p.m., at the Leland Township Office. The forum will be part of a special meeting to continue discussion on drafting a new zoning ordinance.

Rivertown Leland Request from Developer

Jim Varley of Varley-Kelly Developers asked the Planning Commission to extend preliminary support of Rivertown Leland because the Road Commission will not permit demolition of Cedar Street without assurance that the plan will be approved. Members informally agreed by consensus that based on public comment, pending conditions to be met and findings of fact as of April 1, 2009, the Planning Commission is in nonbinding support of the Rivertown Leland project, which is contingent on demolition of the road.

Zoning Ordinance Definitions

U-Pick: Substitute “horticultural or agricultural products” for “fruits or vegetables directly from the plant.”

Use: OK.

Variance: Add passage to qualify the ZBA’s responsibilities: “. . . which the Zoning Board of Appeals is permitted to grant upon making certain required findings, including but not limited to [those listed in Section 4.05.B.1 of the 1996 Leland Township Zoning Ordinance] when strict enforcement of said provision would cause practical difficulty or undue hardship owing to circumstances unique to the individual property on which the variance is sought.”

Vicious Animal: OK.

Waterfront Lots: Members discussed adding streams and creeks and decided instead to add a separate definition of “stream.”

Water's Edge: Staff will review and recommend a revised definition.

Wetlands: Definition will be added based on DEQ language, which the ZBA previously determined should be used; Ms. Black will provide draft.

Wind Turbine Generator, Noncommercial: Append final clause to: “. . . for use on, or in conjunction with, the property where located.”

Wind Turbine Generator Tower Height: To be modified based on vertical spire.

Wine-Related Definitions: Based on Bingham definitions. Consensus is that these definitions are needed.

Winery: Delete final sentence. Also delete “stored in bulk; packaged.”

Yard (a, b, c): Change “foundation” to “structure” in all sections.

Zoning Administrator: Change to, “The authorized individual appointed by the Township Board of Trustees and charged with the responsibility of administering this Ordinance.”

OTHER BUSINESS: None.

PLANNING COMMISSION COMMENT: None.

PUBLIC COMMENT: Mr. Mikowski requested and received a copy of the ridgeline and steep slope discussion materials.

ZONING ADMINISTRATOR COMMENT: Mr. Cypher asked to have his comments before Planning Commission comment on future agendas. He recapped his report for 2008-2009, which he gave at the Leland Township Annual Meeting (on file at the Leland Township Office).

ADJOURNMENT: Mr. Bardenhagen moved to adjourn the meeting; supported by Ms. Brant. Motion carried. The meeting was adjourned at 9:15 p.m.

NEXT MEETING: Ridgeline development public forum and special meeting, Tuesday, April 14, 7 p.m., Leland Township Office.

MAY MEETING: Wednesday, May 6, 7 p.m., at the Leland Township Office.

Respectfully Submitted,

Susan M. Buxton
Recording Secretary