

## **GLEN ARBOR TOWNSHIP**

Planning Commission  
Glen Arbor, Michigan 49636

February 4, 2021

**Due to the Coronavirus (Covid 19) pandemic and pursuant to the requirements of recent legislation and MDHHS orders which provide temporary authorization of remote participation in public meetings, only, by way of video through Zoom.com and by telephone conferencing. You may join this meeting in one of two ways:**

**Video participation  
Teleconference participation**

**In accordance with the Governors Executive Orders the meetings are available to the public via Zoom.**

### **CALL TO ORDER:**

Chairman Lance Roman called the meeting of the Planning Commission to order at 7:00P.M.

### **ROLL CALL:**

Lance Roman, Bill Thompson, John Peppler, Bob Ihme, Michael Plessner, Lance Roman and Bill Stege. Pam Lysaght was absent.

### **AGENDA:**

No changes or conflicts

### **MINUTES:**

**Peppler moved to accept the minutes of the November Public Hearing. The motion was supported by Thompson and passed unanimously.**

**Peppler moved to accept the minutes of the regular November Planning Commission meeting. The motion was supported by Ihme and passed unanimously.**

### **CORRESPONDENCE:**

By email: A power point presentation from Ken Johns

### **TOWNSHIP BOARD REPORT:**

Peppler reported that the Township Board is in the process of rewriting the by-laws of the Park Board as it has been changed from a voted Commission to an appointed Board.

The Township Board is also working with the Cemetery Committee and following the survey work for the trail extension and bypass connector to the Northeast side of the Homestead property.

### **ZONING ADMINISTRATORS REPORT:**

Cypher: Review of County Planning Commission regarding proposed re-zoning of Bramer property request:

Cypher received updated information from the County Planning that was not available at the time of the Zoning request in November. The information included a future land use map from 2002 to 2008 and also an existing zoning map that is not dated but is covering the same time period. "The review took about two months with a lot of help from our Clerk, Pam Laureto and our Supervisor, Tom Laureto, our Chairman and myself. A lot of different information was uncovered. The old Millside was caught up in the proposed 2007 series of amendments which were a total of 9. The Amendment was related to the rezoning of Recreational to R2 which essentially was set up to rezone Woodstone and Millside site condominiums. There was no specific file regarding the zoning request other than older on sight documents that were uncovered recently in achieved word processing files. There was no discussion in the minutes of the Township's Planning Commission meetings other than the Millside and Woodstone projects. In summary the history of the timeline of the Old Mill rezoning. In 1987 the Township Board approved the rezoning to Recreational to allow the controversial Homestead Golf Course. A file on that project was found with legal notices which was approved by a special election which was driven by a referendum. The rezoning passed almost two to one to support the Board's decision.

The year 2000 the Homestead owner requested a zoning amendment to add museums to the recreational zoning district. There was complete documentation that all the requirements were filed and it was approved by the Township Board. This has always been in place and was never modified or changed. In 2002 there was a proposed zoning amendment to rezone certain properties in the area of the old Mill from R3 to R1. The Homestead owner protested to preserve the zoning of certain properties. Our zoning even back in 2002 was called the tiered approach to allow uses within the

Recreational zoning to allow anything within R4 R3 R2 R1. The requirements were followed. The zoning map has been updated since 1987 and those are the maps that show the future land use map the Old Mill and the Bramer properties and the existing zoning map. The future land use map clearly shows that the Bramer property and the Old Mill was listed for Recreational. Existing zoning map the Bramer property was zoned separately from the Old Mill. The Old Mill at that time was recreational. 2006-2007 an effort to rezone and change up to 9 amendments for the zoning ordinance. That included taking single family dwellings in the zoning district. They were structured separately and the effort to rezone was described as Millstone and condo projects as R2 was put through the task and the rezoning process. The Millside condo plan clearly shows a boundary line that is described also and the Old Mill itself is not included in that boundary. In discussions with Trudy Galla, the Planning Chair, the owner of the Homestead, Bob Kuras, and others it was never intended to be in the rezoning of Woodstone and Millside. After reviewing all the data including all the information archived which was provided by Trudy Galla and also included the future

land use map and existing land use map. Mr. Kuras never received a notice. We found old word processing sheets and sample letters that were put together but no confirmation that they were ever sent out. It is determined that the rezoning amendment was not properly carried out and was never intended to include the Old Mill I have been unable to locate with the help of the Planning Chair, the Clerk and the Township Supervisor any of the documents which is a direct violation Michigan Zoning Enabling Act and Open Meetings Act for retention of documents that the State of Michigan has for Zoning and Planning purposes. There is no mention whatsoever of the Old Mill in any public meetings of the Glen Arbor Township Planning Commission, County Planning Commission or the Township Board. In 2013 when this matter was brought up again by the owner of the Homestead, Mr. Kuras and his Vice President Shirley Debelac, we looked at the information that was available. We looked at the rezoning of the museum. Mr. Kuras stated that he would have acted like he did in 2002 knowing that property was included in the zoning request.

2018 I also confirmed Recreational zoning for the Homestead owner and Turner Booth based on information available at the time. No official zoning map but a pretty picture that is on the wall of the Township meeting room.

In October of 2020, after working with Mr. Booth for over two years, the owner applies for site plan review for a museum at the Old Mill site and it was approved at the November Planning meeting after the Public Hearing and the Planning Commission also approved the rezoning of the adjoining Bramer property as Recreational. The Bramer property was never rezoned specifically to Recreational zoning. It shows up on future land use maps so that was the intention at the time but it was never rezoned. November 2020 Leelanau Planning Commission has a meeting to review zoning amendment of Bramer parcel. Confusion ensues due to the absence of certain records relating to Glen Arbor zoning classifications. Ultimately those were found by the Director of Planning when she went back to 2006 and 2007 and 2002 and found the information. There was no knowing intent by anybody at the County level to create the confusion. Since that time myself, the Clerk, Supervisor, and Planning Chair have searched for the documents and there is no sign of them anywhere in the Township Office other than the older word processing documents. Nothing was ever signed, sealed or confirmed as relating to the 300 feet letters. It was determined that the 2006-2007 Zoning Amendment included a scrivener's error and was not properly carried out."

#### **PLANNING COMMISSION COMMENTS:**

Ihme: "When updating Master Plan we had noticed a few differences in our zoning and the County site's zoning and we tried to prioritize it and correct it"

Cypher: "The Township Planning Commission should review the 2007 proposed amendment and make the appropriate changes as they see fit."

Roman: "Every time we have a rezoning to a different zoning district, we supply the County Planning Commission information and they give it to the proper people that change the maps. We have no confirmation that things have been updated. We need some methodology to confirm updates. I will notice after six months that the changes have not been made."

"The County does not have the resources to update something immediately when you give them changes. There is the catchall that the maps do not get updated. We should take it up as a project to make sure all our zoning maps are fresh."

Cypher: "I would like to work with the Assessor to update partial maps because there has been boundary line adjustments, land divisions, and things like that over the years that have not been reflected. Get that done first and then beyond that the existing land use map from 2006 and the one that is on the wall. Finalize with a signature that this is the official zoning map."

Roman: "We had a problem several years ago that we had a piece of property that was straddling two zoning districts. It took a couple of years to resolve the issue and that was the last time that I remember that we have gone through all the maps."

Cypher: "If a member of the planning commission would be a part of that and we would welcome any input as well. This is critically important. I have documents that will go to the Township Office if anyone wants to review by the first part of next week."

### **ZONING BOARD OF APPEALS REPORT:**

Cypher reporting for Lysaght in her absence: "The ZBA received an application for 35 foot reduction of a front yard setback to accommodate an addition on Lake Isle. An in person meeting cannot meet until Feb 21 but will send request to Chair to be on the agenda to zoom."

### **BUSINESS:**

#### **1. Zoning Administrator's research and recommendations regarding re-zoning of Bramer property and Old Grist Mill properties-Tim Cypher**

Cypher: "I have noted in the timeline report a couple recommendations: To request the Planning Commission, due to the 2006-2007 rezoning being null and void making the recreational zoning is still applicable for the Mill, to confirm acknowledging that and having the Township Board review the Bramer parcel which went through our process in November. Comments from County Planning Commission were received."

"Have the Zoning Administrator, Assessor, and Planning Commission go over the zoning map to make sure we don't have split zoning. We need to relook at the 2007 amendment and clean up any discrepancies."

"Over 36 years the Old Mill has been assessed as Commercial and Recreational Zoning and has been in place since 1985. Mr. Kuras has been paying taxes as Commercial property."

**I, Bill Stege, move to accept the zoning administrator's timeline and findings of fact for the dated 1/14/21 document and file #02022021 Old Mill property located at 5440 W. Harbor Hwy. Tax id 006-123-019-10 which states this property is zoned Recreational and to change the zoning map to reflect said change. Seconded by Thompson**

Roman: At one time there was discussion about changing to Woodstone properties to Residential but never any discussion about including changes to the Mill.

**Peppler yea, Plessner yea, Ihme yea, Roman yea Stege yea, Thompson yea. Motion carried.**

### **#2 Motion**

**I Mike Plessner move to send the rezoning request regarding the Bramer property located at 5454 W. Harbor Hwy Tax id#006-123-010-00 to the Township Board for their review and action. Seconded by Thompson. Peppler**

**abstain, Thompson yea, Ihme yea, Plessner yea, Stege yea, Roman yea. Motion carried.**

**2. Ordinance review sub-committee update (time allowing)**

Make ordinances easier to read with a better format. Over the years changes were made so ordinances were easier to read but did not make changes in ordinances. Cypher stated he would like Lysaght to be included in discussions on the topic. The subcommittee can meet by zoom in February.

**PUBLIC COMMENTS:**

Sylvia Heggan: Her father was original owner of property and she spoke with concerns over not enough community input. Ms. Hagan brought forth examples of the plans when property was to be used as a club house and parking for a future golf course and the community was asked for participation in the planning process. She would like to see a more consistent approach to the whole process.

Polly Jackson: "I appreciate due diligence. It is unfortunate that the map does not reflect accurate zoning." Ms. Jackson requested Commission members 'to comment on how people that are affected will feel.

Roman: "The Grist Mill was always zoned Recreational so there is no confusion there."

Plessner: "Change is tough no matter where it is. If someone purchased one of the 1950's cottages and then built a larger structure than you are accustomed to living next to even though it is zoned appropriately it is difficult. You cannot prevent change."

Peppler: Stated that he believes this plan will be beneficial by a commercial standpoint. "There are other properties that are not right in the downtown area such as Crystal Harbor, On the Narrows Marina and Glencraft Marina. Adding this Museum to Glen Arbor is a wonderful thing. It will not have the same kind of traffic as Arts or Andersons in the summer months. We should be grateful that Turner Booth is going through this process."

Polly Jackson: Feels that people will feel differently who have property that is affected. Stated that she is happy for this mediation so this does not happen again.

Paul Holtrop: Responding to Peppler's comments: "In February of 2019 the Planning Commission stated there should not be commercial enterprise in this part of Glen Arbor." Mr. Holtrop feels that not too many people are concerned about a Museum but the 46 Seat restaurant and 21 place parking lot and the Heritage Trails plan to pass through will cause additional traffic. He would like to incorporate all these things together.

Peppler: "The Trail and the Mill are different projects. The Museum has been in planning for a long time. The Heritage Trail is new and is designed to provide bicycles to ride safely through town."

Holtrop: "Planning should look at all projects together."

Roman: "There is no part of the Master plan to not allow the Gris Mill to commercialize."

Holtrop: "There was never a plan for commercial enterprises to be going east out of Glen Arbor."

Roman: "It was never an intention that the Gris Mill would not be anything more than be an historical asset."

Larry Mehren: Stated his interest in preserving the nature of Glen Arbor all for growth. "The people talking to you are interested in preserving Glen Arbor. The reason property values are as they are is because of the nature of what Glen Arbor is. I want the vision to be thoughtful and planned." "Turner Booth's vision is not the same as the community." "I want to hear from you what you want this town to look like because the things that I see like that cute little shop that has turned into a 20 something condo development is the kind of town that you and the Planning Commission are creating."

Cypher: "I understand the concerns of the individuals. Every zoning change has concerns. We cannot change or modify an ordinance just because. The condo project had a legal right to be able to do that. It is almost impossible for us to stop something like that. We do the best we can as a Commission. I would suggest to the people that are concerned to send me an email and I will make it part of the record. If you want tighter rules and regulations going forward we will be happy to consider that."

Mehren: "There is nothing on the books that you have to accept a zoning request."

Ken Jackson: "Turner Booth's plan is not just for a Museum, he plans to have a restaurant and host weddings and does not admit to how late his business will be open. So Turner Booth's vision is different from what the Planning Commission's is."

Cypher: "We have to enforce what we have on the books right now." "My job is to fair and balanced. I have to make sure all the information is out there so our Planning Commissioners can make an informed decision. Send me an email or call me tomorrow and I will be happy to send you these findings."

Heggan: "Can restrictions be put on property for lighting and hours of operation?"

Cypher: "There is a down lighting ordinance in place now."

Roman: "There might be a no music after 10 pm ordinance."

#### **COMMISSION MEMBER COMMENTS:**

#### **ADJOURN:**

The meeting of the Glen Arbor Planning Commission was adjourned by Chairman Lance Roman at 8:30PM

Respectfully Submitted  
Dotti Thompson  
Recording Secretary  
Planning Commission