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** Also admitted in Pennsylvania

July 12, 2021

Mr. Thomas Laureto, Supervisor
and Glen Arbor Township Board Members
6394 W. Western Ave.
PO Box 276
Glen Arbor, MI 49636

RE: Report Regarding Brammer Property Rezoning

Dear Mr. Laureto and Board Members,

At your request, we have reviewed the documents produced in response to certain FOIA requests dated February 10, 2021 and February 19, 2021 for the purpose of reviewing the actions involved in the rezoning of property tax parcel 006-123-010-00, referred to herein as the Brammer property, as it has been historically referred to. We have also reviewed all of the documents provided by the Township in responding to those FOIA requests, as well as various communications received by the Township from the parties who submitted those requests.

The rezoning of the Brammer property has been made the subject of a referendum in Glen Arbor Township that is on the August 3, 2021 ballot pursuant to the provisions of MCL 125.3402. Included in this report is a review of the historic zoning status of the adjacent Mill property (006-123-019-10) as the zoning status of that property has been questioned by those opposing the rezoning of the Brammer property.

Zoning Status of the Brammer property and the Mill Property

This matter involves two properties [shown on **Attachment 1**]:

1. The "Mill" property, 006-123-019-10. Contains the Grist Mill and a home; and
2. The "Brammer" property south of the Mill, 006-123-010-00. The rezoning of this property is the subject of the August 3 referendum proposal.

It appears that these properties were at one time under common ownership and contain related structures (The Mill is on the north parcel, while the south parcel contains an icehouse, etc.) At some point prior to 1987, both parcels were zoned residential despite their historic use. While the rezoning that is the subject of this opinion pertains to the Brammer property, the rezoning relies on the history of the adjacent Mill property which is relevant to an understanding of the current dispute. For that reason, we will review the zoning history of that property as well.

Pre-1987

The Mill and Brammer properties have a historical commercial use as indicated by the existing structures. An email from Glen Arbor Township Assessor Tim Cairns dated November 24, 2020 indicates that the Mill parcel

was zoned Residential II on the 1975 and 1985 Glen Arbor Township Zoning Maps. After talking to Mr. Cairns, it appears that his reading of the maps has evolved after he put them under greater scrutiny. The 1975 map did not have zoning classifications listed; while it did have certain colored areas, it was ultimately not possible to identify the zoning classification with any certainty. The 1985 map that Mr. Cairns referred to was likely created in 2007, after the rezoning described below.

Because Don Lewis is a former owner of the Mill property, I asked about his recollection of the historic zoning classification. Don Lewis let me know that he purchased the Mill property in October of 1970., which purchase was contingent on having it rezoned from Residential to Commercial. He then recalls that the rezoning to Commercial was completed in early 1971. Mr. Lewis co-owned the property for about one year before he sold his interest to Fred Ball. Mr. Ball sold the property to Bob Kuras when he was attempting to assemble property for a golf course.

Given the above, we don't have a reliable record of the zoning of these properties prior to the 1987 rezoning.

1987

Bob Kuras of The Homestead requests that a large section of land including the Mill property be rezoned to Recreational Open Space in order to accommodate a planned golf course. The rezoning is ultimately approved by the Township Board by a 4-3 vote. The rezoned land includes the Mill and continues south to the current Woodstone development. Among other comments, the Township Supervisor states that the rezoning will allow the Mill to be preserved and used commercially. The rezoning to Recreational was ultimately put to a referendum in 1987 in which the voters of Glen Arbor Township approved the rezoning. The records from this rezoning are well preserved and clearly indicate the parcels that were included in the rezoning.

2000

The Homestead and Bob Kuras continue to own the Mill parcel. The Homestead and Bob Kuras asks that Museums and Inns be added to the permitted uses in the Recreational Open Space District. This change is approved by the PC and the Township.

The Future Land Use Map prepared in 2002 shows both the Mill and Brammer properties to be in the Recreational Open Space District.

2003

The Township Zoning Maps from this time reflect that the Mill parcel is zoned Recreational Open Space, and the Brammer parcel is zoned Residential 2.

2006 – 2007

The Planning Commission considered rezoning the lots comprising the Woodstone development from Recreational Open Space to Residential in order to accommodate a housing development. A public hearing is published, noticed, and held. The hearing includes two relevant items which are both approved: 1) remove the Recreational Open Space zoning district from the ZO, and 2) convert the Woodstone development to Residential.

The Mill property is not discussed specifically during the hearing, and it *appears*, but is not certain, that notices were only mailed to owners near the Woodstone development. Given the circumstances and later affidavit by Tim Cypher relating to his conversation with Bob Kuras, it does not appear that notice was provided to The Homestead. [See **Attachment 2** – Statement by Tim Cypher].

The proposed changes are ultimately approved by the planning commission and the Township Board. A draft zoning ordinance amendment from 2006 [**Attachment 3**] was recently discovered on the Township computer system which includes a list of parcel IDs and addresses for the properties to be rezoned. The Mill is included on this list. No signed copy of the ordinance as finally adopted by the Township Board has been found. Available evidence seems to indicate that the draft ordinance was not utilized, as the publication of the actual zoning change took a different form. [See **Attachment 4**]

The final published zoning ordinance amendment [**Attachment 4**] did not include a list of parcel identification numbers. Discussion at the time of the rezoning centered around the Woodstone development and removal of the Recreational Open Space District. Further, the meeting minutes do not articulate which parcels were included in the rezoning. Those minutes do, however, reflect the intent to change the zoning for the Woodstone development from Recreational Open Space to Residential, and the Mill property has never been a part of the Woodstone development. See, for example, the text in the Notice of the Public Hearing held by the Planning Commission which states at item “g”: “Rezone Recreational/Woodstone to R2.” Likewise, the Notice of Adoption of the Ordinance Amendment states at item “6”: “Rezone Recreational/Woodstone to R2.” The clear intent was to only rezone those properties comprising the Woodstone development.

We are left with the conclusion that the Recreational Open Space District was removed from the Zoning Ordinance in 2007, but that not all properties zoned Recreational Open Use were rezoned at that time due to either: a) notice deficiencies; or b) failure to articulate which properties were included in the rezoning. Certain properties such as Woodstone and Millside were later developed as condominiums in conformity with the new R2 district designation; one may conclude that a valid rezoning took place as to these parcels, since developers and the Township acquiesced to the new zoning.

The continued zoning status of Recreational Open Space for the Mill property is further evidenced by the records of the Glen Arbor Township Assessor which continues to show that property as being zoned Recreational Open Space in 2009, after the 2007 rezoning. [See **Attachment 5**]

2012

Glen Arbor Township Zoning Administrator Tim Cypher confirms to Bob Kuras, using information in Township files available at the time, that the Mill property is zoned Recreational Open Space. This interpretation continues today due to the lack of clarity as to which parcels were included in the 2007 rezoning. Based on the information we have seen, it appears to us that the property is zoned Recreational Open Space, which is best described as a “grandfathered” zoning district as to this parcel.

2018-2021

Turner Booth acquires or plans to acquire the Mill and Brammer property in order to operate a business allowed under Recreational Open Space zoning (now grandfathered). To facilitate that goal, he seeks to rezone the property south of the Mill (006-123-010-00) (the Brammer property) from Residential 2 to Recreational.

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At its November 5, 2020 meeting, the Township Planning Commission, by a vote of 6 to 0, adopted a motion to “recommend approval of the proposed Mill Glen Arbor parcel rezoning from Residential 2 to Recreational pursuant to Section IV.>17 (sic) as completed in the Findings of Fact document.”¹

Leelanau County Planning Commission (LCPC) Review

By law, the County Planning Commission has the right and duty to comment on (but it cannot veto or change) a proposed zoning ordinance amendment. The LCPC considered the proposed rezoning of the Brammer property at its November 24, 2020 meeting. It is clear from the minutes of that meeting that there was some confusion, not about the rezoning of the Brammer property, but regarding the zoning status of the adjacent Mill property. In that regard, the following excerpts are from the minutes of that LCPC meeting:

Galla² said the township planning commission has done a thorough job of reviewing this request, the requirements of the zoning ordinance, and putting together the Findings of Fact before making a recommendation to the township board to approve rezoning of the subject parcel. The applicant has done a good job reaching out to all the different agencies and asking for their input. It is a unique parcel that is bound by M-22 and the Crystal River. (emphasis supplied.)

. . .

Miller questioned how to resolve the question regarding whether the rezoning took place back in 2000 on the parcel to the northeast. Galla stated it is up to the township to go back in their records and find that information. Miller said it seems odd to rezone something to match a parcel that we are not sure is rezoned.

. . .

This is a major proposal for Glen Arbor and reviewing the documents provided leads him to believe that some people are not well informed. Nixon continued, it seems those that took the time to respond in writing are confused with the process and feel that they were neither heard nor understood. He recommends that the township board review and clarify those opinions expressed.

. . .

Motion by McCulloch, seconded by Black, to forward staff report, minutes, and all comments to Glen Arbor Township Planning Commission. Motion carried 11-0.

Further Review of the Rezoning Request

¹ While the motion referred to the “Mill Glen Arbor parcel rezoning,” that was an obvious misstatement since the Brammer property was the only rezoning matter before the PC and that rezoning was referenced as a part of the “Grist Mill Project.” To whatever extent this is an issue, however, the PC’s action was clarified by its action on the proposed rezoning at its February 4, 2021 meeting.

² Trudy Galla, the Planning Director for Leelanau County

Based on the comments made by the LCPC, the Township PC revisited the Brammer property rezoning request at its February 4, 2021 meeting. At that meeting, Zoning Administrator Tim Cypher provided a lengthy report on his efforts to accurately determine the zoning status of the Mill property. That report (taken from the minutes of the February 4 PC meeting) was very thorough and explained how he came to his conclusions regarding the zoning status of the Mill property over a period of several years. Tim Cypher's report as given at that PC meeting is **Attachment 6**.

Later in that meeting, the PC by a 6 to 0 vote adopted a motion "to accept the zoning administrator's timeline and findings of fact for the dated 1/14/21 document and file #02022021 Old Mill property." The PC then adopted a motion to refer the proposed rezoning to the Township Board for "review and action." That motion passed 5 – 0 with one abstention (Peppler). See **Attachment 7**.

Preliminary Conclusion

It is our preliminary conclusion that all of the steps taken by Cypher, the PC and the Township Board in connection with the rezoning of the Brammer property (including the recognition of the Recreational zoning status of the Mill property) were taken with all due diligence and compliance with all legal requirements. Those steps and the determinations made by Cypher (which go back to 2007) are supported by sufficient facts and have never been the subject of a timely appeal to the Township Zoning Board of Appeals. It is our opinion that those determinations were legally and diligently made and are *a fait accompli*.

Questions from the Community

In view of the controversy over this rezoning spreading through the Glen Arbor community, we would like to address certain questions that have been posed in the community with respect to this rezoning.

Township FOIA Responses

Due to public scrutiny over this matter, Glen Arbor Township has received a number of requests for documents under the Michigan Freedom of Information Act (FOIA). While the Michigan FOIA mandates the release of public records upon request, it provides other rules to ensure that the burden placed on the public body is reasonable. For example, the FOIA allows a public body five business days to provide a response as to whether a FOIA request will be granted or denied. This time may be extended an additional ten business days where the request will take additional time to complete. Once having decided a document is a public record and disclosable under the FOIA, the public body has a reasonable time to actually provide copies of those documents.

Despite the vast number of documents that have been produced by the Township in this instance, the Township has not only responded within the statutory time frame but has also provided documents well within the initial five-day answer period. Further, while public bodies are entitled to charge a fee for their time responding to these requests, the Township has waived the majority of these fees under the reasoning that the release of documents provides a benefit to the public interest. It is our opinion that

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the Township has gone above and beyond what is required of it under the FOIA by providing complete and timely responses to all FOIA requests, with many fees being voluntarily waived. We believe any criticism of the Township's responses to any of the FOIA requests is wholly unwarranted.

Procedure and timetable for the rezoning of the Brammer property

We have been advised that there are concerns raised by some citizens which imply that the Brammer rezoning was expedited by the Township. The application for rezoning of the Brammer property was submitted in October of 2020. The application included both a site plan review of the Mill along with a rezoning of the Brammer property. Notice of a public hearing on this application was published for a hearing to be held on November 5, 2020 as required by MCL §125.3306. Detailed findings of fact were provided for the site plan review and also the rezoning request. The Glen Arbor Township Planning Commission approved the applications after the public hearing. The Approved rezoning was forwarded to the Leelanau County Planning Commission as required by MCL §125.3307, which is allowed 30 days to respond. The results of that LCPC review have been set forth above.

Based on our review of the steps taken in the rezoning process, it is our opinion that the manner in which the rezoning of the Brammer property took place was in compliance with all statutory requirements. While one may disagree with the decision that was made, that decision was properly and validly made as required by law by both the Township Planning Commission and the Township Board.

Particular conditions on use of the Mill property

We have also been advised of citizen concerns regarding the proposed hours of operation and other proposed particulars in connection with the proposed use of the Mill parcel. Such questions are appropriate during a site plan review process, when and if a site plan is submitted, but such questions have no relevance to the subject rezoning request.

Answering questions during public meetings

Participation in public meetings takes the form of public comment. As a matter of law, public comment does not require the public body to answer any question or to engage in a discussion of the item raised by public comment. The public comment portion of a public meeting merely provides the public with an opportunity to be heard so they can raise matters they hope the public body, such as the planning commission or the Township Board, will consider in making their decision. Such comment does not mandate that the public body comply with the request made by any speaker during the public comment portion of the meeting.

Nevertheless, depending on the nature of the question, public bodies will sometimes offer to answer a question presented to them during a public comment period. For example, if during public comment a member of the public asks a procedural question such as, "What is the next step if you take action on this matter today?" even though no answer is required under Michigan law, a public body would normally respond to such a question.

EGLE Permits for the Brammer and Mill Properties

We have been advised that concerns have been raised about the status of required EGLE permits and that the nature of the EGLE permit applications may have changed, and that the planning commission and the Township Board should have taken such events into account when making the rezoning decision. The question of such permits, however, is irrelevant to the decision to rezone or not rezone a particular property. The onus for compliance with EGLE requirements is on the property owner. Property owners dedicating resources to development projects always incur the risk that parts of the project may not meet EGLE permitting standards.

Rezoning decisions, on the other hand, are based on the propriety of uses for a parcel. It is not unheard of for a use which is permitted outright by the zoning ordinance not to ultimately be allowed because of the inability to secure the requisite EGLE permit. The property owner assumes the risk of complying with such legal requirements and a property owner exercising due diligence will try to determine early in the development process what such requirements may be and what can be done to meet those requirements. For that purpose, the property owner will frequently consult with a land use planner or during the planning stage of a project. In other words, EGLE is the proper enforcement body for EGLE permits, and concerns regarding whether a project may be able to obtain an EGLE permit is not a reason for the Township to deny an application for rezoning.

In addition, after the property is rezoned the property owner has to apply to the Township Zoning Administrator for a land use permit. At that time, the zoning ordinance provides for a site plan review by the planning commission. It is during that site plan review process that the property owner must show that he or she has the proper permits from EGLE, as well as from a list of other governmental agencies (such as the soil erosion office, and fire department, as examples)

The bottom line is that the status of such permits is irrelevant to the question of rezoning, and the property owner assumes the risk that his or her planned use for the property may not be able to be developed in the manner he or she hopes. If the planning commission and/or the Township Board were to take those issues into account in deciding the rezoning question, they could be charged with acting improperly, exposing the Township to potential liability. No one knowledgeable in zoning matters would suggest that such concerns are relevant to a rezoning decision.

Expansion of the Heritage Trail

The Sleeping Bear Heritage Trail between the Homestead and the commercial area of the Township ("downtown" Glen Arbor) does not cross either the Mill property or the Brammer property. The trail heads south from "downtown" Glen Arbor along Oak Street to State Street and then along Lake Street to Northwood Drive. The trail then follows Northwood Drive to Fisher Road. It then follows Fisher Road north to S. Dunns Farm Road and then north on S. Dunns Farm Road to Westman Road. From there the trail runs alongside Westman Road to M-22 across from the main entrance to the Homestead Resort – for a total distance of approximately 3-1/2 miles. See **Attachment 8**.

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Meanwhile, from Oak Street and M-22 to the main entrance of The Homestead along M-22, the distance is only approximately 1-1/2 miles (even less than a mile to the Overbrook Road entrance to The Homestead). As a result, experience has shown that most persons walking into town from The Homestead do not use the Sleeping Bear Trail, but instead they walk along the shoulder of M-22, a two-lane state highway which does not have a designated pedestrian or bicycle path. Concerns over public safety have led to the desire to add to the trail to create a safe passage along M-22 for those walking or cycling between "downtown" Glen Arbor and the Homestead. The desired route of that new trail is shown in orange on **Attachment 8**.

We have been advised that Mr. Booth is willing to allow the trail to be rerouted across his property. We presume this is to accommodate everyone's concerns for pedestrian and cycling safety. While we may not be aware of what Mr. Booth's reasoning is, we can't think of any reason why the Township would oppose this addition to the route of the Heritage Trail, since it would provide a safe route for walkers and cyclists between The Homestead and the commercial center of Glen Arbor. We are also unsure that the Township would be able to prevent this alteration even if they wanted to.

Other Questions Regarding the Board's Decision

Other questions have been raised by members of the public and the local media. We will try to address some of those questions here because we believe that there has been some misinformation disseminated.

Intimidation? No.

One question asked was why would any member of the Township Board want to deprive the public the right to file a petition for a referendum on the rezoning. We believe this question has arisen because of a letter from Mr. Cypher to those circulating the petition and whether the utilization of paid signature gatherers was a violation of Ordinance No. 1-2011 which prohibits certain types of vending on public property within the Township. We have reviewed Mr. Cypher's letter and have discussed it with him. We do not believe there was any attempt on Mr. Cypher's part to threaten or intimidate the petitioners. His letter simply called their attention to the ordinance to ensure they were aware of it and so they could ensure that their seeking signatures was not being done in any manner which would require the signatures obtained to be challenged.

While we do not find there was any attempt by Mr. Cypher to intimidate anyone, we would acknowledge that the cited ordinance does not apply to persons circulating petitions for a rezoning referendum whether such circulators were being paid or not.

Further, we have not seen or heard of any activity on the part of any Township official to try in any way to intimidate or even discourage any citizen from circulating such petitions. In fact, the record is very clear that the Township Clerk accepted the petitions and in a timely fashion determined that the number of valid signatures on the petitions were sufficient to place the question on the ballot for the August 3 election. The petitioners were immediately advised of that fact.

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Mr. Cypher's role.

Another question suggested that there is some impropriety in the way Mr. Cypher the zoning administrator interacted with Mr. Booth the property owner. We have seen no evidence whatsoever of any impropriety on Mr. Cypher's part. Such questions only show there is a misconception and lack of understanding as to the zoning administrator's role. It is customary (and desirable) for a property owner to consult with the zoning administrator in advance of seeking any land use permit. The property owner needs to understand the requirements of the zoning ordinance and what he or she can and cannot do. It is the zoning administrator's job to provide consultation to the property owner. We have seen nothing out of the ordinary in Mr. Cypher's activities regarding his interaction with the property owner in this matter, and any accusations of impropriety in his interactions with Mr. Booth are totally unwarranted.

Final Conclusion

It is our opinion that there was nothing improper or inappropriate in the actions of the planning commission, the Township Board, or the Township Zoning Administrator with regard to the rezoning of the Brammer property. In fact, we note that the majority of objections being made show a misunderstanding of the zoning process. Some of the noted objections, for example, relate to the specifics of the property owner's development plans – and not the propriety of the rezoning itself. If the rezoning is approved by township electors, the property owner will still have to acquire all necessary permits from other agencies and will have to submit a site plan which will be reviewed by the planning commission before a land use permit can be issued. In our experience we have seen many site plans get altered, and in some cases denied, during such a review process.

We trust this provides the information and determination you have requested, and we stand ready to provide any further guidance you may desire.

Sincerely,

FIGURA LAW OFFICE

Richard J. Figura
rfigura@figuralaw.com

RJF/jab
Enclosures



January 4, 2021

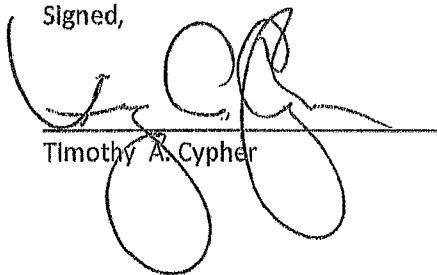
On or about, December 22nd, 2020, I spoke on the telephone with Mr. Robert Kuras regarding any knowledge he had regarding the Glen Arbor Township Planning Commission's 2007 zoning changes which proposed rezoning the Old Mill located at 5440 W. Harbor Highway, tax # 006-123-019-10 from Recreational to Residential 2.

Mr. Kuras stated "that he was not aware of any such rezoning proposal and was never notified of that proposed change". Further, he stated "that had he been notified, he would have strenuously objected, like he had in previous rezoning matters that the township's PC had proposed that were not favorable to his future plans."

Therefore, I submit the phone conversation as stated above as evidence that the required notification of adjoining property owners wasn't fulfilled as required by the Michigan Zoning Enabling Act.

I, Timothy A. Cypher, as Zoning Administrator for Glen Arbor Township, do solemnly swear that this information is true.

Signed,



Timothy A. Cypher

Date:

1/4/2021

ATTACHMENT 2



ITEM 7 - Proposed Zoning Ordinance Changes to Version 4.1 Rezone Recreational-WoodStone to R2

GLEN ARBOR TOWNSHIP
Ordinance Version 4.1
January 16, 2007

AN ORDINANCE TO AMEND THE GLEN ARBOR TOWNSHIP ZONING MAP REFERENCED IN SECTION III.2 OF THE GLEN ARBOR TOWNSHIP ZONING ORDINANCE TO REZONE VARIOUS LOTS ZONED RESIDENTIAL-III TO RESIDENTIAL-II;

GLEN ARBOR TOWNSHIP HEREBY ORDAINS:

Section 1. Amendment of Zoning Map.

The zoning map adopted pursuant to and referenced in Section III.2 of the Glen Arbor Township Zoning Ordinance is hereby amended as follows:

The following lots, identified by tax parcel number, located in what is presently designated Recreational including the WoodStone development are hereby rezoned from Recreational to residential-II.

Changes to Zoning Map.

The Supervisor shall, as of the effective date of this ordinance, cause the appropriate township official(s) to make said changes to the official township zoning map which is available for public inspection at all reasonable times at the office of the Township Clerk as provided for in Section III.2 of the Township Zoning Ordinance. See attached list.

Section 4. Effective Date.

This ordinance shall take effect upon the expiration of seven (7) days following its publication in accordance with law.

At a regular meeting of the Board of Trustees of Glen Arbor Township held on _____, 2007, adoption of the foregoing ordinance was moved by _____ and supported by _____.

Voting For:

Voting Against:

The Supervisor declared the ordinance adopted.

John Soderholm, Supervisor

CERTIFICATION

The foregoing is a true copy of Ordinance No. ____ which was enacted by the Glen Arbor Township Board of Trustees at a regular meeting held on _____.

Bonnie Quick
Township Clerk

The following properties are rezoned from Recreational to Residential II (All street addresses are Glen Arbor, MI 49630):

| | | | |
|----------------|-------------------|----------------|------------------------|
| 006-860-001-00 | 1 Pine Trace | 006-860-050-00 | 18 Deer Park |
| 006-860-002-00 | 2 Pine Trace | 006-860-051-00 | 33 Pine Trace |
| 006-860-003-00 | 3 Pine Trace | 006-860-052-00 | 17 Deer Park |
| 006-860-004-00 | 4 Pine Trace | 006-860-054-00 | 19 Deer Park |
| 006-860-005-00 | 5 Pine Trace | 006-860-055-00 | 22 Deer Park |
| 006-860-006-00 | 6 Pine Trace | 006-860-056-00 | 23 Deer Park |
| 006-860-007-00 | 7 Pine Trace | 006-860-057-00 | 24 Deer Park |
| 006-860-008-00 | 8 Pine Trace | 006-860-058-00 | 27 Deer Park |
| 006-860-009-00 | 9 Pine Trace | 006-860-059-00 | 28 Deer Park |
| 006-860-010-00 | 10 Pine Trace | 006-860-060-00 | 29 Deer Park |
| 006-860-011-00 | 11 Pine Trace | 006-860-061-00 | 34 Deer Park |
| 006-860-012-00 | 12 Pine Trace | 006-860-062-00 | 35 Deer Park |
| 006-860-013-00 | 13 Pine Trace | 006-860-063-00 | 36 Deer Park |
| 006-860-014-00 | 14 Pine Trace | 006-860-064-00 | 2 Twisted Oak |
| 006-860-015-00 | 15 Pine Trace | 006-860-065-00 | 5 Twisted Oak |
| 006-860-016-00 | 16 Pine Trace | 006-860-066-00 | 6 Twisted Oak |
| 006-860-017-00 | 17 Pine Trace | 006-860-067-00 | 8 Twisted Oak |
| 006-860-018-00 | 1 Deer Park | 006-860-068-00 | 10 Twisted Oak |
| 006-860-019-00 | 2 Deer Park | 006-860-069-00 | 9 Twisted Oak |
| 006-860-020-00 | 3 Deer Park | 006-860-071-00 | 1 Frog Pond |
| 006-860-021-00 | 4 Deer Park | 006-860-072-00 | 2 Frog Pond |
| 006-860-022-00 | 5 Deer Park | 006-860-073-00 | 3 Frog Pond |
| 006-860-023-00 | 6 Deer Park | 006-860-074-00 | 4 Frog Pond |
| 006-860-024-00 | 7 Deer Park | 006-860-075-00 | 5 Frog Pond |
| 006-860-025-00 | 8 Deer Park | 006-860-076-00 | 6 Frog Pond |
| 006-860-026-00 | 9 Deer Park | 006-860-077-00 | 7 Frog Pond |
| 006-860-027-00 | 10 Deer Park | 006-860-078-00 | 8 Frog Pond |
| 006-860-028-00 | 11 Deer Park | 006-860-079-00 | 9 Frog Pond |
| 006-860-029-00 | 12 Deer Park | 006-860-080-00 | 10 Frog Pond |
| 006-860-030-00 | 13 Deer Park | 006-860-081-00 | 11 Frog Pond |
| 006-860-031-00 | 14 Deer Park | 006-860-082-00 | 12 Frog Pond |
| 006-860-032-00 | 15 Deer Park | 006-860-083-00 | 13 Frog Pond |
| 006-860-033-00 | 38 Deer Park | 006-860-084-00 | 14 Frog Pond |
| 006-860-034-00 | 39 Deer Park | 006-860-085-00 | 15 Frog Pond |
| 006-860-035-00 | 40 Deer Park | 006-860-086-00 | 16 Frog Pond |
| 006-860-036-00 | 41 Deer Park | 006-860-087-00 | 17 Frog Pond |
| 006-860-037-00 | 42 Deer Park | 006-860-088-00 | 18 Frog Pond |
| 006-860-038-00 | 43 Deer Park | 006-860-089-00 | 1 Crystal Bend |
| 006-860-039-00 | 1 Twisted Oak | 006-860-090-00 | 2 Crystal Bend |
| 006-860-040-00 | 19 Pine Trace | 006-127-027-30 | 6401 W STATE ST |
| 006-860-041-00 | 21 Pine Trace | 006-126-016-00 | W NORTHWOOD DR |
| 006-860-042-00 | 18 Pine Trace | 006-126-017-20 | 5947 S GLEN WOODS LN |
| 006-860-043-00 | 23 Pine Trace | 006-126-017-50 | 5944 S GLEN WOODS DR |
| 006-860-044-00 | 24 Pine Trace | 006-126-017-30 | 5936 S GLEN WOODS DR |
| 006-860-045-00 | 28 Pine Trace | 006-126-017-40 | 5930 S GLEN WOODS DR |
| 006-860-046-00 | 27 Pine Trace | 006-122-017-35 | W CRYSTAL BEND DR |
| 006-860-047-00 | 26 Pine Trace | 006-122-017-45 | W CRYSTAL BEND DR |
| 006-860-048-00 | 30 Pine Trace | 006-122-017-20 | 6104 W CRYSTAL BEND DR |
| 006-860-049-00 | 29 Pine Trace | 006-733-001-00 | 1 MILLSIDE |
| 006-860-091-00 | 3 Crystal Bend | 006-733-002-00 | 2 MILLSIDE |
| 006-860-092-00 | 4 Crystal Bend | 006-733-003-00 | 3 MILLSIDE |
| 006-860-093-00 | 5 Crystal Bend | 006-733-004-00 | 4 MILLSIDE |
| 006-860-094-00 | 6 Crystal Bend | 006-733-005-00 | 5 MILLSIDE |
| 006-860-095-00 | 7 Crystal Bend | 006-733-006-00 | 6 MILLSIDE |
| 006-860-096-00 | 8 Crystal Bend | 006-733-007-00 | 7 MILLSIDE |
| 006-898-001-00 | 6401 State Street | 006-733-008-00 | 8 MILLSIDE |
| 006-898-002-00 | 6401 State Street | 006-123-019-10 | 5440 W HARBOR HWY |
| 006-898-003-00 | 5973 Lake Street | 006-123-020-20 | S FACULTY ROW |
| 006-860-053-00 | 18 Deer Park | | |

Attachment 4

Glen Arbor Township Public Hearing Notice Special Meeting Notice

The Glen Arbor Township Planning Commission will hold a public hearing followed by a special meeting at 7:00 p.m. on Tuesday, January 2, 2007.

in the Glen Arbor Township Hall at 6894 W. Western Avenue, Glen Arbor, Michigan 49836 to consider proposed amendments to the Glen Arbor Township zoning ordinance.

The purpose of the Special Meeting is to:

1. Hold a public hearing on proposed amendments to the zoning ordinance.

2. Elimination of Single Family in Business District.

3. Rename Commercial Resort District to Resort District.

4. Rename C-2D to Clustered Housing.

5. Define setback from Edge of Pavement.

6. Eliminate Regeneration, Open Space Section V.L.P.

7. Rezoning S. Durie Farm Road & W. Turnbull Road from R-1 to R-2.

8. Rezoning Recreation/Woodstone to R-2.

9. Rezoning Glen Craft Manor to Resort as per Master Land Use Plan.

10. Change all references to Commercial District to Business District.

11. Amend the text of the proposed zoning ordinance amendments.

12. Amend the text of the proposed zoning ordinance amendments.

13. Amend the text of the proposed zoning ordinance amendments.

14. Amend the text of the proposed zoning ordinance amendments.

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43. Amend the text of the proposed zoning ordinance amendments.

44. Amend the text of the proposed zoning ordinance amendments.

45. Amend the text of the proposed zoning ordinance amendments.

46. Amend the text of the proposed zoning ordinance amendments.

47. Amend the text of the proposed zoning ordinance amendments.

Affidavit of Publication

Glen Arbor Township

Alan C. Campbell being first duly sworn, says that he is the publisher of The Leelanau Enterprise-Tribune, a newspaper published in the English language for the dissemination of local or transmitted news and intelligence of a general character and legal news, which is a duly qualified newspaper, and that annexed hereto is a copy of a certain order taken from said newspaper, in which the order was published:

December 7 & 28, 2006

Signed: Alan Campbell

Subscribed and sworn to before me this 28th day of December, 2006.

Gwendolyn L. Velsnyder
Gwendolyn L. Velsnyder,
Notary Public, Leelanau County, Michigan
Acting in Leelanau County

My Commission Expires February 20, 2012

Approved

GLEN ARBOR TOWNSHIP
Planning Commission
Glen Arbor, Michigan 49636
January 2, 2007
Public Hearing

CALL TO ORDER: Chairman Lance Roman called the Public Hearing Meeting of the Glen Arbor Township Planning Commission to order at 7:00 PM.

ROLL CALL: Barbara Gordon, Lance Roman, Jim Seeburger, Jerry Giesler, Lois Saltsman, Frank Wilcox and Kent Kelly.

PURPOSE: To introduce nine zoning changes to be recommended to the Township Board for approval to comply with the Master Plan. This will change the Zoning Ordinance from 4.0 to 4.1. These proposals are listed on the Website and will remain there for public information.

1. **Elimination of Single Family in the Business District.** Jim Seeburger moved to accept Frank Wilcox supported. Motion carried unanimously.

PUBLIC COMMENT:

- Mike Sutherland has 13 commercial lots on Crystal River and on Oak Street SE of Old Kent Bank. Mike is concerned about developing the lots residentially. The County will allow residential and not commercial.
 - Commission recommended Sutherland consider Mixed Use. Mike questioned the possibility of setting up a separate zoning district for his properties as they are unique. Also recommended was the possibility of getting his Land Use Permits now which would Grandfather his project.
2. **Rename Commercial Resort District to Resort District.** Jim Seeburger moved to accept and Barbara Gordon supported. Motion carried unanimously.
 3. **Rename CZO to Clustered Housing.** Kent Kelly moved to accept and Jim Seeburger supported. Motion carried unanimously.
 4. **Define Setback From Edge of Pavement.** Jim Seeburger moved to accept and Frank Wilcox supported. Motion carried unanimously.
 5. **Eliminate Recreational Open Space Section VII.2** Jerry Giesler moved to accept and Barbara Gordon supported. Motion carried unanimously.

6. **Rezone S. Dunns Farm Road & W. Trumbull Road from R3 to R2.** Jim Seeburger moved to accept and Kent Kelly supported. Motion carried unanimously.

PUBLIC COMMENT:

Mr. Plowman was concerned regarding splitting his property under the new Zoning ordinance. The Commission assured him that his property was Grandfathered and he would be able to split if he chooses to do so. Mr. Plowman also questioned the Commission on the new Junk Ordinance. He was informed that the Planning Commission has no jurisdiction over the Junk Ordinance.

7. **Rezone Recreational-Woodstone to R2.** Jerry Gielser moved to accept and Barbara Gordon supported. Motion carried unanimously.7.2
8. **Rezone Glen Craft Marina to Resort as per Master Land Use Plan.** Barbara Gordon moved to accept and Jim Seeburger supported. Motion passed unanimously.

PUBLIC COMMENT:

Laura Aylsworth had concerns that there might be some change in the way they presently are doing business. The Commission assured her that there was no change in zoning to prevent them from doing business just as they are. She also expressed concern regarding a buildable lot on their property. There is no restriction against building on the lot as per Bob Hawley.

Tom Aylsworth commented that they acquired a parcel in the corner of their property #038-00 and it should be zoned as part of their new Zoning. Lance added that item to the new to-do list.

Tom also added that enforcement is necessary to prosecute enfracctions of the junk ordinance.

9. **Change all References of Commercial District to Business District.** Jim Seeburger moved to accept and Kent Kelly supported. Motion carried unanimously.

ADJOURNMENT:

The Public Hearing Meeting was adjourned at 8:00 PM by Commission Chairman Lance Roman

Respectfully Submitted,
Dotti Thompson
Recording Secretary
Glen Arbor Township Planning Commission

out of the area. Two volunteers have committed to Monday-Thursday until March 12. A more permanent solution is needed. The position was posted and 3 applicants are being reviewed.

- ❖ John Depuy is working a 40-hour week for Munson's EMT program and wants to stay on as Fire Chief in Glen Arbor.
- ❖ In regards to the recycling issue; legislation passed to put recycling on the ballot.
- ❖ A second boat ramp is being considered to reduce excessive traffic at a cost of approximately \$4,500 to \$5,000. The boat ramp made money this year. Bill Thompson is checking with the road commission for possible restrictions.
- ❖ Proposed increases to Township Board salaries were discussed. John Soderholm asked that an additional \$4,800 should be added to the Treasurers salary for the second tax collection. Total Treasurer salary including the 31% increase is \$24,000. The Trustees will realize a 27% increase to \$2400.00 each.

ZONING ADMINISTRATORS REPORT:

Bob Hawley, Zoning Administrator was not present.

ZONING BOARD OF APPEALS REPORT:

Barbara reported there has not been a meeting.

NEW BUSINESS:

Kent will report on the definition on the height of a building in the zoning ordinance by the next meeting. He stated it is possible to bring in dirt and raise the grade. Kent feels there should be a new way to define the height of a building.

OLD BUSINESS:

- ❑ Frank Wilcox reported on the trailways The Park was stopped from publicizing the trailway plan. A meeting will be scheduled soon to meet with Townships and Park service and better maps are being put together. The maple trees will need to be taken down toward Port Oneida. MDOT has a three-year plan to make sure there is a five foot path on shoulders of M22 and M109 where possible.
- ❑ Barbara brought in a revision of her report of properties at the Narrows. Properties are all R1 now. There is a discrepancy in maps between county and township. Barbara will find out which map is correct and confer with Bob Hawley.
- ❑ Jerry Geisler and Lois Saltsman recommended there was no sense to rezone. Frank Wilcox looked into the changes in Recreational going to R2 Some of the properties were too full of snow to get property numbers for ownership. From Agenda: numbers 2 – 10 are already decided. #7 cluster housing is aimed at the residential district.
- ❑ The Board members suggested that item numbers 2 through 10 should be put to bed for now.

PUBLIC COMMENTS:

Amy Peterson questioned as to whether there was a committee some time ago regarding public washrooms. Questioned whether it is \$2,000 now for several portable washrooms. Amy wondered if the Board should act in good faith and do

OLD BUSINESS:

Notices and letters have gone out regarding the rezoning of Woodstone, Glen Craft Marina and Trumbull Rd/Dunns Farm Rd properties. The Public Hearing and Special Meeting will occur immediately before the regular Planning Commission meeting on January 2 at 7PM.

PUBLIC COMMENTS

There were none.

COMMISSION MEMBER COMMENTS:

There was a short discussion on the topics for the coming year.

ADJOURNMENT:

Frank Wilcox moved the meeting be adjourned. Jerry seconded the motion and it passed unanimously

Respectfully submitted
Dotti Thompson
Recording Secretary
Glen Arbor Township
Planning Commission

Approved

GLEN ARBOR TOWNSHIP
Planning Commission
Glen Arbor, Michigan 49636
December 5, 2006

CALL TO ORDER: Lance Roman called the meeting of the Planning Commission to order at 7:30 PM.

ROLL CALL: Present were Jerry Giesler, Frank Wilcox, Kent Kelly, Barbara Gordon, Lois Saltzman, and Lance Roman. Jim Seeburger were absent.

AGENDA: Approved as written.

APPROVAL OF MINUTES: After the change in the spelling of Jerry Giesler's name, a motion was made by Kent Kelly to approve the minutes and supported by Frank Wilcox. The motion was passed unanimously.

CORRESPONDENCE:
There was an advertisement.

TOWNSHIP BOARD REPORT:
The minutes of the October and November regular board meetings and a special December meeting were reviewed and are contained attached to these minutes in the Planning Commission file.

ZONING ADMINISTRATORS REPORT:
Bob Hawley reported there were 6 permits awarded this past month.
Bob will inspect Gil Warnes' property for a possible infraction of the junk ordinance.

ZONING BOARD OF APPEALS REPORT:
Barbara Gordon reported that there has been no change since last month's meeting.
There is a December 13th hearing pending on the Rodman house.

PUBLIC COMMENTS:
There were no public comments.

NEW BUSINESS:
Topics to be worked on in the coming year:

- ❖ A definition of living space versus finished space and whether to put an ordinance in place.
- ❖ A Clear Cut Ordinance
- ❖ Putting a definition of Mixed Use as it pertains to the Business District in place. Barbara Gordon is heading up this topic.
- ❖ Revisit shoreline setbacks on Lake Michigan properties.
- ❖ Look into information on writing and enforcing ordinances.

NEW BUSINESS:

Jerry Giesler reported on traffic safety. Suggested reducing the speed limit and adding cross walks and double yellow lines through town. A four way stop at 109 and 22 would be safer. Jerry will present his suggestions to the Township board at the November meeting. He will try to get someone from MDOT to come out after he presents to the Township Board.

OLD BUSINESS:

1. Item #1 from the Agenda: We need a definition for mixed use. Barbara will work on this and will follow up later with a definition.
2. Item #'s 6,7, and 8: We need property numbers and street addresses for rezoning. Lance would like all lists by November 20th.

We will be ready to publish by November 27 and letters to go out December 4th January 2 will be scheduled for a public meeting. Lance will have preparations ready by the December 5 Planning Commission meeting.

PUBLIC COMMENTS:

There were no members of the public present.

COMMISSION MEMBER COMMENTS:

- Kent Kelly would like to revisit the setback issue.
- Barbara Gordon asked that the Commission discuss the New Designs for Growth guidebook principal at some point.
- Kent and Jerry attended a meeting, which discussed lighting and signs and received a reference book. Lighting and sign issues would need to be enforced by the zoning administrator.
- Attorney Figura was to have let us know what changes the Planning Commission needed to implement by the August meeting. Lance will check with him on this issue.
- Barbara was concerned about the appearance of the ramps stacked on the beach and it was determined that they cannot be moved due to difficulty and cost.
- Kent would like the Planning Commission to look into the clearing of trees from properties.
- Jim informed the Commission that the channel between Big Glen and Fisher Lakes is being dredged.

ADJOURNMENT:

Jim Seeburger moved to adjourn the meeting and Jerry Giesler supported the motion. The meeting was adjourned by Chairman Lance Roman at 9:45 P.M.

Respectfully submitted,
Dotti Thompson
Recording Secretary
Glen Arbor Township Planning Commission

Approved

GLEN ARBOR TOWNSHIP
Planning Commission
Glen Arbor, Michigan 49636
Regular Meeting
November 8, 2006

CALL TO ORDER: Chairman Lance Roman called the regular meeting of the Glen Arbor Township Planning Commission to order at 7:30PM

ROLL CALL: Present were Jerry Geisler, Kent Kelly Barbara Gordon. Jim Seeburger, and Lance Roman Lois Saltsman and Frank Wilcox were absent.

AGENDA: Jerry added information accrued on traffic signs in Glen Arbor

APPROVAL OF MINUTES: Kent Kelly moved to accept October minutes with corrections and Jim Seeburger supported.

CORRESPONDENCE: There was no correspondence.

TOWNSHIP BOARD REPORT:

None given as the board report minutes copy was supplied with incorrect information. Kent Kelly proposed giving copies of the Township board report to Commission members to review and minutes would include only that the board minutes were reviewed.

ZONING ADMINISTRATORS REPORT

Five permits were issued. Copy available in file.

Bob Hawley is suggesting raising the cost of permits as follows:

- \$20.00 - \$40.00 for an accessory building or addition.
- \$50.00 - \$250.00 for commercial permits
- \$250.00 for cell phone towers
- \$40.00 - \$90.00 for single family with an additional \$30.00 for attached garage.

Living space above garages should be looked at in the future.

Bob stated that we are lower than other communities.

ZONING BOARD OF APPEALS REPORT:

Barbara Gordon reported on the following:

The Ofenlachs on Dunns Farm Road asked for a variance to enlarge their garage at the back of their property. The variance was granted.

The Rodman property on S. Glen Lake Road regarding building a cottage on the lake side of the road. They will be back in December after conferring with their builder on setback.

COMMISSION MEMBER COMMENTS:

Jerry Geisler stated he feels it is important to keep the property to the East of Glen Craft Marina zoned residential.

ADJOURNMENT:

A motion to adjourn was made by Barbara Gordon and supported by Jerry Giesler. The meeting was adjourned by Co-Chairman Frank Wilcox at 8:30 PM

Respectfully submitted
Dotti Thompson
Recording Secretary
Planning and Zoning Commission

Proposed millage will raise \$705,638. The balance of \$34,457 to be taken from fund balance. Motion carried with Quick opposing. Motion to approve debt service budget was approved as well.

It was moved and approved to appoint Dodson as acting Chief for 60 - 90 days.

It was moved and approved to prorate acting Chief Dodson's salary at current Fire Chief's rate.

Soderholm recommended that the search committee should consist of representatives of the community, board and Department and a representative from North Flight. The Board will interview the top 2 candidates based on credentials. A board of four was recommended by Soderholm consisting of John Kenny from the Fire Department, Andy DuPont from the community, Soderholm from the Board and Batterson from ESAC.

ZONING ADMINISTRATORS REPORT:

Bob Hawley reported that six permits were issued in September.

ZONING BOARD OF APPEALS REPORT:

Barbara Gordon reported there would be a meeting in October of the Board of Appeals.

PUBLIC COMMENTS:

None

NEW BUSINESS:

Next months meeting will be held Wednesday, November 8 due to the election on 11/7.

OLD BUSINESS:

The term Mixed Use needs to be defined and it was decided that Lance should define and the Public Hearing should be scheduled at the November meeting.

- ❖ Lois Saltzman moved to rename Commercial Resort District to Resort District and Barbara Gordon supported.
- ❖ Kent Kelly moved to rename CZO to Clustered Housing and L. Saltzman supported.
- ❖ Frank moved and K.Kelly supported defining the setback 40 feet from the right away or 40 feet from the edge of the road where there is no right of way.
- ❖ B.Gordon moved to rezone S. Dunns Farm Road and W. Trumbull Road from R3 to R2 and Kent supported.
- ❖ B. Gordon moved to rezone recreational/Woodstone to R2. Jerry Giesler supported.
- ❖ Kelly and Gordon moved and supported to change all references from Commercial District to Business District.

PUBLIC COMMENTS

None

Approved

GLEN ARBOR TOWNSHIP
Planning and Zoning Commission
Glen Arbor, Michigan 49636
October 3, 2006

CALL TO ORDER: Co-Chairman Frank Wilcox called the meeting to order at 7:30PM

ROLL CALL: Present were Jerry Geisler, Frank Wilcox, Kent Kelly, Barbara Gordon, and Lois Saltzman. Lance Roman and Jim Seeburger were absent.

AGENDA: Approved as written

APPROVAL OF MINUTES

Kent Kelly moved the minutes be approved as corrected and Barbara Gordon supported the motion.

CORRESPONDENCE:

New Designs for Growth meeting notice. Barbara, Jerry and Kent will be attending.

TOWNSHIP BOARD REPORT:

Kent Kelly reported on the following meetings:

❖ September 6:

Two Emergency Services vehicles will be auctioned off on M72.

The DEQ grant requisition came back with a low score and the Board was advised not to pursue this grant. A new grant will be applied for on a 90/10 cost basis.

❖ September 19: Regular Board Meeting

The annual audit report was given and showed no significant auditing adjustments or difficulties.

Rob Karner recommended no paving be done on Brooks Road because it would increase runoff into the watershed and into Glen Lake.

John Depuy presented a draft for Marion Warnes commemoration.

John Depuy announced his retirement.

Frank Wilcox gave his Trailways report. Trailway is for non motorized vehicles. The timeline for Trailways is 4 - 5 years. John Soderholm requested usage counts be obtained to use for consideration of public restrooms in Glen Arbor.

Another meeting regarding moving the boat ramp is expected in November with Leelanau County Road Commission.

Verizon is being added to American Tower and will pay the Township \$7500/year.

ESAC will look for new Fire Chief. Timeline is 60 days for search. Kelly suggested part time Fire Chief should have EMT or Paramedic qualifications.

❖ September 27 Special Board Meeting:

The budget was accepted as presented.

Jerry Geisler reported on traffic control in Glen Arbor. A marked crosswalk would help the traffic situation. Jerry also contacted MDOT. Cars do not need to give the right away to people in cross walks. The Planning Commission endorses signage and marked cross walks. Jerry will draft a recommendation to the Township Board and email it to the commission members with the exception of Frank who will get a call. Chuck Stewart in Suttons Bay can be called upon for information on what they have done aside from MDOT's ordinances.

PUBLIC COMMENTS:

Amy Peterson commented that she was happy the verbiage *mixed usage* would be defined.

COMMISSION MEMBER COMMENTS:

Barbara will be attending the Redesign For Growth training session on 9/6/06. All those that attend will receive a free \$50.00 manual.

Lance announced that Trudy Galla will come to a future Planning and Zoning meeting and address the Commission with what is happening at the County level.

ADJOURNMENT:

A motion to adjourn the meeting was made by Jim Seeburger and seconded by Kent Kelly. Lance Roman, Chairman, adjourned the meeting at 9:00 PM

Respectfully submitted,
Dotti Thompson
Recording Secretary
Planning and Zoning Commission

proposal has been approved by the Board in concept and can be put into the budget.

- ❖ A vote was taken to approve the purchase of BS&A software at a cost of \$11,780.00.
- ❖ A new Park Commissioner was appointed to fill the term of Duane Petty. James H. Fowler was appointed.
- ❖ John Soderholm asked that Jerry Giesler take the issue of a lower speed limit to the Planning and Zoning Meeting and write a personal letter to MDOT.

ZONING ADMINISTRATORS REPORT

Bob Hawley, Zoning Administrator reported that he had issued 3 permits in August. Verizon is planning a new location on American Tower. 150 foot level. Land use permit. Small building to house equipment to take care of future technology that will come along. Zoning ordinance is not to question the esthetics of a building. Land use permit will not be issued until Township Board approves lease. Jim to approve site plan as presented. Jerry supported. Motion carried.

ZONING BOARD OF APPEALS REPORT:

Barbara reported that there has been no meeting

OLD BUSINESS:

Items for the Public Hearing were reviewed:

1. Eliminate Single Family Dwelling from Business District. The was called for in the Master Plan. The wording *mixed use* should be added to Ordinance and defined. Barbara will contact the Suttons Bay supervisor for information on how that community has handled the situation.
2. Approved the changing of Commercial Resort District to Resort District.
3. Approved the renaming of CZO to Clustered Housing.
4. Approved the definition for Set Back from edge of pavement as meaning the distance from a structure to the right-of-way of a highway, road or ingress/egress easement.
5. Approved the elimination of Recreational Open Space Section VII.2
6. Approved the rezoning of S. Dunns Farm Road and Trumbull Road from R3 to R2
7. Barbara could not get any further information on the layout of Woodstone. The Commission approved rezoning from Recreational to R2.
8. Jerry Giesler spoke with Kathy Aylsworth at Glen Craft Marina and she was in accordance with a change from Residential to Resort. Lance will put the verbiage in a format for publication.

Lance will go through the Ordinance and change all the words *Commercial* to *Business* as pertaining to the Business District.

NEW BUSINESS

A gentleman representing Verizon Wireless presented a Site Plan Review for the addition of an antenna to the existing tower and a building to house equipment. A Land Use Permit was approved by a motion from Jim Seeburger and supported by Jerry Giesler pending approval of the lease by the Township Board.

Approved

GLEN ARBOR TOWNSHIP
Planning and Zoning Commission
Glen Arbor, Michigan 49636
September 5, 2006

CALL TO ORDER: The regular meeting of the Glen Arbor Planning and Zoning Commission was called to order by Chairman Lance Roman at 7:30 PM.

ROLL CALL: Present were Jerry Geisler, Frank Wilcox, Kent Kelly, Barbara Gordon, Lois Saltzman, Jim Seeburger, and Lance Roman

AGENDA: Lance added the Verizon Site Plan review to New Business and the Glen Arbor Village Traffic Safety issue.

APPROVAL OF MINUTES:

Lois Saltzman moved the minutes of the August meeting be approved with revisions. Frank Wilcox supported the motion.

CORRESPONDENCE:

The site plan information from Verizon was the only correspondence.

TOWNSHIP BOARD REPORT:

Kent Kelly reported on the following from the August 15 regular meeting of the Glen Arbor Township Board

- ❖ All board members were present.
- ❖ The Brooks Road paving is on hold.
- ❖ Jerry Giesler requested the speed limit in Glen Arbor be lowered to 25 MPH and increased Caution signage be added to the downtown area.
- ❖ John Depuy, Fire Chief, reported 207 calls YTD. The #311 engine sold for \$10,000 and the mini-pumper sold on ebay for \$5,800. The tanker sale will be put in the newspaper with a minimum bid of \$500. The Argo will be auctioned on September 12 on 72. Radio North moved antenna to a new tower site on Benzonia Trail. Some loss of communication on M-109 between Glen Arbor and Glen Haven was reported. This is being investigated.
- ❖ The preliminary review of the DNR Recreation Grant was received. The traffic on the trailway might be significant in the need for public washroom facilities. John Soderholm is requesting a letter from the DNR to direct itself to the issue of increased traffic due to the Trailway.
- ❖ Terry Gretezmá presented a draft of a letter sent to Leelanau County Road Commission regarding moving the ramp to Glen Haven.
- ❖ John Soderholm reported that there have been two public hearings regarding staffing of the Emergency Services. Recommended are two 24/7 employees which could be 8 part time employees at an increase of \$3,560.00 per year. The

1. The wording in the Single Family Dwelling/Business District was not clear to the members of the Commission and they asked that more work be done on the verbiage.
2. The proposal for change to renaming the Commercial Resort District to Resort District was discussed and no decision was made at this meeting.

A motion to adopt the following changes was made by Lois Saltzman and supported by Barbara Gordon.

1. Section XIII.3 Development & Density Requirements for CZO Housing to Clustered Housing
2. The addition of the word Highway to the Set Back from Edge of Pavement Ordinance.
3. Section VII.2 - to remove the entire Section.
4. The rezoning of Dunns Farm Road and W. Trumbull Road from R3 to R2.

Barbara Gordon will get a map of the Woodstone Development to check into the lot sizes, as they are irregular shapes.

Jerry Giesler will work on getting information regarding rezoning the Glen Craft Marina

OLD BUSINESS:

No old business was discussed

PUBLIC COMMENTS:

There were no members of the public present.

COMMISSION MEMBER COMMENTS:

Frank Wilcox reported that the Trailways Committee will present a report to the Township Board in September.

There will be a training session on New Designs for Regional Development on Wednesday, September 6 at the Horticultural Research Station. The session will meet in Benzie County on September 22. Those wishing to attend must register by calling 231.995.7101. The training session participants will get a free book.

ADJOURNMENT:

A motion to adjourn the meeting was made by Kent Kelly and seconded by Jerry Giesler. The meeting was adjourned by Vice Chairman Frank Wilcox at 8:50PM

Dotti Thompson
Recording Secretary
Planning and Zoning Commission

Mr. Kevin Rousche presented a site plan for a multi family condo unit on Lake Street next to Doc Houghton's office. The condos would be two bedroom units approximately 1500 sq. feet.

Bob Hawley reported that Mr. Rousche's site plan is in compliance. Lance noted that we can ask for a detailed site plan review.

There was a motion by Jim Seeburger and supported by Frank Wilcox that the concept be approved to be followed up by a detailed site plan, which includes landscaping, and with the approval of the zoning administrator. Mr. Rousch will try to have the required items together by the July Planning and Zoning meeting.

The regular meeting of the Planning and Zoning Commission would fall on July 4th. It was decided to change the meeting to Monday, July 10. The appropriate notices of meeting change will be put in the Enterprise and posted at the Townhall and Post Office.

OLD BUSINESS:

1. Agenda items a., b., c., and d. are complete
2. Frank Wilcox was assigned to item e which referred to changes in the Recreation District. Frank suggested changing Recreational to R2 and the Woodstone community as Recreational or R3. A Public Hearing will be held to make these intentions known.
3. Jerry Geisler volunteered to work on the changing of the Marinas from R2 to Resort.
4. Lance will work on the Don Lewis property with the intent of limiting single family dwellings in the Commercial District.
5. Glen Arbor Township Zoning includes both a Business District and a Commercial District and they are the same. The Commission's feeling is it would be better to go with a Commercial District. Lance will call Mark Wycoff for help with this issue.

PUBLIC COMMENTS:

There were no public comments.

COMMISSION MEMBER COMMENTS:

There were no further Commission member comments at this time.

ADJOURNMENT:

Jim Seeburger moved the meeting be adjourned and Frank Wilcox seconded the motion. Chairman Lance Roman adjourned the meeting at 9:30pm.

Respectfully submitted,
Dotti Thompson
Recording Secretary
Glen Arbor Township
Planning and Zoning Commission

Approved

GLEN ARBOR TOWNSHIP
Planning and Zoning Commission
Glen Arbor, Michigan 49636

May 3, 2006

CALL TO ORDER: Commission Vice Chairman Frank Wilcox called the meeting to order at 7:30 PM

ROLL CALL: The following members were present: Kent Kelly, Frank Wilcox, Barbara Gordon, Jerry Geisler, Lois Saltaman and Jim Seeburger. Lance Roman was absent.

AGENDA: approved as written.

APPROVAL OF MINUTES: April minutes were not approved in that a copy was not available at the meeting.

CORRESPONDENCE: No correspondence

TOWNSHIP BOARD REPORT: Kent Kelly reported on the April board meeting (Kent has his notes) Kent said that The June 6 th. meeting will be a joint meeting with the Township Board.

ZONING ADMINISTRATORS REPORT: No report as Bob Hawley was absent.

ZONING BOARD OF APPEALS REPORT: Barbara Gordon reported that there were no meetings in April.

NEW BUSINESS: Kent Kelly attended the April 19 th. meeting regarding the NEW STATE LAW regarding zoning.

OLD BUSINESS: A review of the number 1 assigned tasks from the Master Plan punch list has A through D as complete. Item E changes will be presented at the June Meeting by Frank Wilcox.

A review of item 2 was moved to the July meeting.

PUBLIC COMMENTS: None present.

COMMISSION MEMBER COMENTS: none.

Adjourned.

ZONING ADMINISTRATORS REPORT:

Bob Hawley, Zoning Administrator, reported on the following permits:

1. Matt Wiesen - 6066 W. River Rd. - cosmetic alterations to commercial building
2. Ann Salisbury - 5738 Manitou Trail - Single Family Residence

ZONING BOARD OF APPEALS REPORT:

There was no report given.

NEW BUSINESS:

Kent is concerned about our zoning ordinance 40-foot big foot definition. He feels you can manipulate the final grade. Kent thinks we need a new way to define the grade. Kent will try to bring some new information to the Board after doing some research.

Frank Wilcox would like to revisit the proposed 100-foot setback ordinance from lakeshore. Frank felt that just because one person objected it should not have caused the Commission to rescind the ordinance. Lance responded that there were other objections to this proposed ordinance earlier.

Kent feels we need to limit the audience to a certain amount of time for comments.

OLD BUSINESS:

- ❖ Barbara does not want to change any zoning at the Narrows. She informed Lance by email. That topic will be revisited when Barbara is at the next meeting.
- ❖ Jerry Geisler and Lois Saltsman preferred to leave R4 rather than changing to R6.
- ❖ Frank has not done any work on his project which is Recreational going to R2
- ❖ Lance is going to meet with Don Lewis regarding rezoning the proposed single residence in commercial district ordinance.
- ❖ Kent Kelly questioned whether conservation zoning options should be renamed and be part of a residential district.
- ❖ Lance asked Jerry and Lois to take care of the Glen Craft Marina area rezoning issue. It should be zoned. Marinas are not a permitted use in the resort district.
- ❖ Jerry Geisler volunteered to call the County regarding Brooks Roads status as a private road or county road.
- ❖ Lance will check on the status of addition of site plan review boilerplate to zoning ordinance with Mark Wycoff.

PUBLIC COMMENTS:

No public present.

COMMISSION MEMBER COMMENTS:

No comments pertinent to this meeting.

ADJOURNMENT:

The meeting was adjourned at 8:40PM by Chairman Lance Roman.

Respectfully Submitted,
Dotti Thompson
Recording Secretary
Planning and Zoning Commission

what was voted to do and sell the property. Amy asked taxes would go up if a public restroom were built.

Jerry Geisler wondered if the park would sometime build their own restroom.

COMMISSION MEMBER COMMENTS:

There were no further comments.

ADJOURNMENT:

Kent moved the meeting be adjourned Lois seconded. The meeting was adjourned by Vice Chairman Frank Wilcox at 9:10 PM

Dotti Thompson
Recording Secretary
Planning and Zoning Commission

Approved

GLEN ARBOR TOWNSHIP
Planning and Zoning Commission
Glen Arbor, Michigan 49636

January 3, 2006

CALL TO ORDER: Chairman Lance Roman called the meeting to order at 9:00 PM

ROLL CALL: Present were Jerry Geisler, Barbara Gordon, Frank Wilcox, Kent Kelly, Lance Roman Lois Saltsman, and Jim Seeburger.

AGENDA: There were no changes to the agenda.

APPROVAL OF MINUTES: Jim Seeburger moved the minutes be approved as corrected and Frank Wilcox supported. The motion passed.

CORRESPONDENCE: There was no correspondence

TOWNSHIP BOARD REPORT: Kent Kelly gave the following report from the December 20, 2005 Township Board Meeting:

- ☐ Stan Brubaker has been replaced by Bill Batterson as the Chairman of the Emergency Services Advisory Commission
- ☐ There was a discussion regarding the time lapse between the time a 911 call comes in and when our Department is notified.
- ☐ The Emergency Services Department received a grant of \$37,000 from FEMA. The money will be used for equipment.
- ☐ John Depuy will be teaching an EMT course for Munson 5 hours a day, Monday through Friday until May 2006. This will save the Township money from the North Flight Contract.
- ☐ The Social Security Privacy Policy was approved for use.
- ☐ The Keyholing Ordinance was re-adopted. The Ordinance had not been published on time after the last meeting so had to be re-adopted.
- ☐ Mike Sutherland submitted a request for permission to relign orientation of his lots on the Crystal River. The request was approved.
- ☐ Bill Freeman was appointed to the Salary and Wage Committee.
- ☐ Copies of the Masterplan were approved and will be ordered by Lance Roman
- ☐ BATA Bus intends to put a stop in Glen Arbor and a location at the Townhall is being considered.

ZONING ADMINISTRATORS REPORT: Bob Hawley was not present. The Zoning report was given by Lance Roman.

1. John & Diane Coghlin-7457 W. Day Forest Rd-Single Family Residence
2. Bill & Annette Cole-6155 S. Lake Street-Single Family Residence
3. The Homestead-Storage Building
4. Lynn & David Bohmer-6839 Glen Lake View Drive-Single Family Residence
5. David Bearstad-3177 Cheney Road-Residential Addition

Agenda
Glen Arbor Township Zoning & Planning Commission
January 3, 2006

7:30 Roll Call for regular monthly meeting of Z & P

Approve Agenda

Approve minutes of previous meeting

Correspondence

Township Board Report

Zoning Administrator's report and site plan reviews

Zoning Board of Appeals report

Public Comments

New Business:

New law regarding street addresses on parcels being rezoned.

Old Business:

The following are abbreviated descriptions from the Master Plan punch list, pages 8-7 and 8-8. The descriptions may not properly convey the intent and are only to be used to tract the items for subject discussion. (disclaimer)

1. Review of assign tasks:

- a. Barbara Gordon -- Review and suggest changes in Resort and R1 by the Narrows. Parcel numbers to be provided.
- b. Jim Seeburger - Review and suggest changes for R3 going to R2 in Brooks Lake/Trumbull Road area. Parcel numbers to be provided.
- c. Kent Kelly - Review and suggest changes for R3 going to R2/R1 in area behind Yacht Club. Recommendation of no change at December 2005 meeting
- d. Jerry Geisler and Lois Saltsman -- R4 going to R6 in entire township. Parcel numbers to be provided.
- e. Frank Wilcox - Review and suggest changes for Recreational going to R2 and also consider what areas are now park.

2. Consolidation of residential districts.

3. Rezoning of waterfront resort use to resort.

4. Rezoning narrows resort residential use to residential.

5. Marinas as permitted use in resort district.

6. Rezone Woodstone Development into appropriate district.

7. Allow cluster in residential.

8. Amend legends on map to match district names

9. Amend map to properly show NPS

10. Status of addition of site plan review boiler plate to zoning ordinance

Public Comments

Commission Member Comments

Adjourn

Approved

GLEN ARBOR TOWNSHIP
Planning and Zoning Commission
Glen Arbor, Michigan 49636

February 7, 2006

CALL TO ORDER: Chairman Lance Roman called the meeting of the Planning and Zoning Commission to order at 7:45PM

ROLL CALL: Present were Jerry Geisler, Barbara Gordon, Frank Wilcox, Lance Roman and Lois Saltsman. Jim Seeburger was absent.

AGENDA: Barbara Gordon corrected the spelling of Trac under the heading of Old Business and the correct spelling was changed to "track".

APPROVAL OF MINUTES: Kent Kelly moved that the minutes of the January 3 regular meeting be approved as corrected. Lois Saltsman supported the motion and it passed unopposed. Barbara Gordon will submit corrections to the January 3 Public Meeting to be approved at the March Planning and Zoning Commission meeting.

CORRESPONDENCE:

1. A letter from the National Park informing the public they are having their first meeting next week. .
2. An Email regarding the dredging update.

TOWNSHIP BOARD REPORT:

Kent Kelly reported on three Township Board Meetings:

January 17 Township Board:

- Stan Brubaker distributed a report of the Emergency Services Advisory Commission on its accomplishments of the last two years.
- Committee member Chuck Ofenloch read recommendations from the Glen Arbor Salary and Wage Advisory Committee. Resolutions will be in by February for the Annual Meeting in March.
- Bill Batterson reported for the Emergency Services Advisory Committee. The response time with the 911 dispatch center will continue to be worked on to meet the response time goal and the NPS grant money has been used to purchase wild fire equipment.
- Chief John Depuy reported that there were 310 ambulance calls and 155 fire calls last year. John Kenny, John Depuy, John Dodson and Davis will be going to Appleton, Wisconsin on 2/2/06 to review the drawings on the Quint and the engine.
- A report on the Public Restroom Facility was given from GRT. The location of a septic field ideally would be the township park on State Street. Research was done on volume used by the public washroom at the dune climb. They

ZONING BOARD OF APPEALS REPORT:

Barbara Gordon has not attended a meeting.

NEW BUSINESS:

- ❖ There is a new law regarding street addresses on parcels being rezoned.
- ❖ Election of new officers:
Jim Seeburger moved the officers remain in the same positions for the coming year and Kent Kelly supported the motion. The motion passed unanimously. The officers remain as:
Chairman: Lance Roman
Vice Chairman: Frank Wilcox
Secretary: Jim Seeburger
- ❖ The Township Board has asked the Planning and Zoning Commission to assemble a list of roads in the Township that need repaving. Jim will bring in the already formulated list from a prior survey next month.

OLD BUSINESS:

Commission members provided maps and parcel numbers for consideration in rezoning changes. More discussion at February Commission meeting

PUBLIC COMMENTS:

Don Lewis provided insight into the rezoning issues.

COMMISSION MEMBER COMMENTS:

No further comments

ADJOURNMENT:

Jim Seeburger with Frank Wilcox supporting moved to adjourn the meeting.
Lance adjourned at 9:50 PM

Respectfully Submitted

Dotti Thompson
Recording Secretary
Planning and Zoning Commission

came up with a flow rate of 2000 to 3200 gallons per day. Bonnie Quick asked if the pavilion that the Park District is contemplating could go over the drain field at the park. The rep from GRT said it would not be advisable but the pavilion could be constructed over the reserve field. The drain field is 100x100. An advanced treatment would cost \$60,000 to \$70,000. A grant to cover part of the public washroom will be explored. The County Health Department has not yet approved a smaller drain field. The Park District is currently working on a grant for their pavilion at either a 50% or 25% match.

- John Soderholm reported there is work being done on the old tower in preparation of it being taken down.
- Trudy Galla of the Leelanau County Planning Department gave a report on the recycling programs funding. This could be placed before the County voters in August.
- BATA has implemented a fixed bus route and the stop place is in front of the Townhall. A shelter will be constructed in the spring.
- Four banking facilities have been asked for bids for financing for the Fire Truck. Responses were due by 1/20/06.
- John Soderholm gave a report on the new budget. Special Board Meeting workshops were scheduled for 1/20/06 and 2/7/06.

January 30 Special Meeting:

- The auditors that responded to the RFP were discussed. Plante and Moran decided not to submit a proposal. Rehmann-Robson submitted a proposal for \$10,000 fee for the first year plus a \$700 for completion of the form F-65.
- The proposal from Traverse State Bank was accepted for the RFP for the fire truck.
- John Soderholm discussed the Fire Chief and the manpower study of the Emergency Services Advisory Commission.

February 7 Special Meeting:

- The increases approved by the Board and pending the vote at the Annual Meeting in March were: from \$15,768 to \$19,200 for the Treasurer, from \$25,326 to \$27,120 for the Clerk, from \$12,825 to \$15,000 for the Supervisor and from \$1,890 to \$2,000 for the Trustees.

ZONING ADMINISTRATORS REPORT:

Bob Hawley, Zoning Administrator reported the following two permits were issued:

1. Ed and Ann Sarkasian-#18 Loggers Run-Single Family Residence

2. Bert Rubinowitz-#91 Crystal Bend, Woodstone-Single Family Residence

NEW BUSINESS:

- Jim Seeburger put together recommendation for roadwork and Kent made a motion the following work be forwarded to the Township Board in the order listed. The motion was supported by Frank Wilcox and passed unanimously.
 1. Fisher Rd -- Rebuild and Repave
 2. Day Forest-Repave
 3. Brooks-Pave
 4. Sunset-Improved Shoulders
 5. Cheney-Pave
 6. West Glen Eden-TBD
- Amy Peterson cited West Glen Eden needs work and it was added to the recommendation list
- There is a new ordinance regarding putting street addresses on all parcels being rezoned
- 5 parcels were left off the last change in zoning list as reported by the County. Lance feels the County is wrong. Three of the properties have half their property zoned commercial. Lance felt neither the County nor Glen Arbor had a correct zoning map. A letter will be written asking two of the properties to sign off. Lance will have this taken care of by the March meeting. One of the properties belongs to James Hinz on Manitou Blvd.
- Frank Wilcox attended several meetings of Trailways at Carmichael House. He reported that the Park is creating their Trailway. It will be blacktopped or diamond dust and five feet wide and will run from south of Empire to Port Oneida. MDOT will not permit a Trailway on their road. They may widen M22 but will not permit it to be call a Trailway.
A map will be forthcoming next week

OLD BUSINESS

Barbara Gordon reported that she has been working with a recycling group in the county. A location in Glen Arbor at Leelanau School is open to having it there again. Leelanau School is zoned recreational or resort. They will need three containers rather than two as before and now will take clear glass.

Barbara submitted list of properties at the Narrows with parcel numbers, owners and property sizes to be rezoned from Resort to R1. Barbara will double check the lot sizes she listed. Barbara recommended that all be changed to R1. The Marina and Schmid properties be kept as Resort rental. The Commission will possibly recommend keeping rental places zoned as resort.

Kent Kelly provided maps and information regarding lots in the area behind the Yacht Club. Kent recommends not increasing density. These lots are currently zoned R3. Kent reported that to check zoning restrictions on these properties you have to go to the County and go through them one by one.

Jerry Geisler provided parcel numbers, owners and sizes of lots zoned R4 in the entire township. It is proposed these lots get rezoned to R6. Rezoning to R6 would keep several properties from splitting.

The Planning and Zoning Commission decided to leave the rezoning of R4 parcels zoned as R4 and make no change in their zoning.

Jerry reported that the owner of the Foothills Restaurant and Motel cannot get a Homestead exemption on a commercially used piece of property. The owner questioned whether he should rezone all 7 acres as Resort. Lance advised that the Planning and Zoning Commission cannot give recommendations.

PUBLIC COMMENTS:

Amy Peterson would like a paper copy of zoning ordinance for people who do not have access to computer. Lance recommended that you can print on demand from the website. Amy asked who controls the accuracy of the maps. Lance responded that the County controls the zoning maps.

Ms. Peterson also asked who is responsible for getting the change of ordinance published. Lance does it at the present time and there is no formal procedure for doing this. The new version of ordinances is dated and the new number is recorded. There is also a paper trail.

Amy wondered if there was any hope for the Maple trees MDOT is planning to take down from along side M22. Lance said MDOT governs the fate of the trees.

COMMISSION MEMBER COMMENTS:

Frank Wilcox asked Lance to clarify the reason for the zoning going from 3.8 to 4.0 rather than 3.9. Lance explained that when major changes in zoning are made you skip to the next round number.

ADJOURNMENT:

A motion to adjourn was made by Frank Wilcox and seconded by Lois Saltsman. The meeting was adjourned by Chairman Lance Roman at 9:50 PM.

Respectfully Submitted
Dotti Thompson
Recording Secretary
Planning and Zoning Commission

Information herein deemed reliable but not guaranteed

ZONING ADMINISTRATORS REPORT: (Attachment 6)

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 out of the commercial 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.”

BUSINESS:

Attachment 7

1. Zoning Administrator's research and recommendations regarding re-zoning of Brammer 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.

SLEEPING BEAR HERITAGE TRAIL

SLEEPING BEAR DUNES NATIONAL LAKESHORE

