

GLEN ARBOR TOWNSHIP
Planning Commission Minutes
Glen Arbor, MI 49636

January 6, 2022

CALL TO ORDER:

Vice Chairman Bob Ihme called the meeting of the Planning Commission to order at 7:30 P.M. The meeting was held in the Township Hall.

ROLL CALL:

Bob Ihme, Bill Thompson, John Peppler, Andy Dotterweich and Jeff Gietzen were present. Mike Plessner and Lance Roman were absent. Zoning Administrator T. Cypher and five members of the public were also present.

The Pledge of Allegiance was recited.

AGENDA:

The agenda was presented. **Motion B. Thompson, support J. Peppler, to approve the agenda as presented. Motion unanimously carried.**

CONFLICTS OF INTEREST:

Three commission members stated a possible conflict of interest regarding the Single-Family Dwellings in Business District agenda item.

Jeff Gietzen reiterated his statement from the December 2021 PC meeting stating that he is a business owner in the Glen Arbor business district. He does not believe he has a conflict of interest. **Ihme asked the Commission if anyone felt that Gietzen had a conflict. All members stated no conflict.**

Bob Ihme stated that he falls in the same category as Gietzen. **Ihme asked the Commission if anyone felt that he had a conflict. All members stated no conflict.**

Bill Thompson indicated that he lives in the business district. **Ihme asked the Commission if anyone felt that Thompson had a conflict. All members stated no conflict.**

MINUTES:

Minutes of the 12/2/2021 Planning Commission meeting were presented and amended. **Motion J. Peppler, support A. Dotterweich, to approve the minutes of the 12/2/2021 Planning Commission meeting as amended. Motion unanimously carried.**

CORRESPONDENCE:

T. Cypher received two emails which he read. One from Sherri Schoenemann which was copied to PC and Township Board members asking for all meetings to include a zoom link. J. Peppler asked Clerk Laureto to state the OMA rules. Laureto stated that ZOOM was allowed by the

State Legislature early in the Pandemic but is no longer allowed. Any time that ZOOM was in use we were required to guarantee that all Board Members and members of the public could hear and participate. So, besides the fact that the OMA does not allow Board Member participation via ZOOM, the townships lack of IT personnel prohibits us from allowing this option for public. The second email was from Patricia Widmayer on behalf of the Glen Lake Chamber of Commerce expressing the Chambers opposition to the blanket permission for Single-Family homes by right in the Glen Arbor Business District.

TOWNSHIP BOARD REPORT:

Peppler reported that the Township Board accepted two resignations and appointed or reappointed several people to committee positions.

ZONING ADMINISTRATORS REPORT:

Glen Arbor Township Zoning Administrator (ZA), Tim Cypher reported that his monthly report will be emailed next week. He introduced Debra Graetz stating they she had applied for a Conditional Rezoning last February. The request was in abeyance waiting action from the Township. Graetz has decided to pull the request out of abeyance and is present to present her request. Cypher read MCL 125.3405-Use and Development of Land as a Condition to Rezoning before Ms. Graetz spoke.

CONDITIONAL REZONING REQUEST PRESENTED BY DEBRA GRAETZ:

Ms. Graetz stated that they would like to build on a piece of property they own that is just beyond the Pine Street pavement to the left and next to the M-DOT pump station. On the other side of the property there is a swale of water. The lot is 66' wide and 100'+ long. The lot was zoned commercial and then the State came in with a criterion which states that commercial subsurface sewage disposal cannot be close to a swale of water. Ms. Graetz pointed out that a single-family residential unit can be close to the swale. She indicated that there is already a septic field on the property, that it's been approved by the Health Department but only for a single-family residential unit. The State regulation came in after it was zoned commercial. She is requesting a conditional rezoning for this property to residential with residential setbacks.

Board members asked Ms. Graetz several questions regarding the septic, well, and specifics of the property which were answered. Dotterweich said that he does not see a problem with rezoning to residential if the setbacks are those of residential. He pointed out that any change in residential setbacks could be handled by the Zoning Board of Appeals (ZBA). Peppler said that he views the lot in question as having a "practical difficulty" which is a situation brought on by government action or with oddities of terrain and water courses. Peppler also said that the Township has several properties that have "practical difficulty". Cypher reminded everyone that the applicant brings the conditions of the rezoning and agreed with Dotterweich that the ZBA is where changes in use are dealt with. Ihme asked for an explanation of how conditional rezoning differs from rezoning. Cypher gave a detailed explanation. Commission members discussed the process that needs to take place for conditional rezoning including a review of the section of our ordinance which allows for conditional rezoning.

PUBLIC COMMENT:

Ken Johns said there are many single-family dwellings within the business district and that families and people currently live within the business district. In support of Ms. Graetz, he asked "what would it hurt to have a single-family residence" on that property. Mr. Johns spoke of the possibility of going vertical on his property and said that his neighbors would not like that.

Debra Graetz thanked Mr. Johns for his support.

Motion A. Dotterweich, support J. Gietzen, to call a public hearing on the Graetz conditional rezoning request from Commercial to Residential 1 with residential setbacks for February 3, 2022, at 7:00 p.m. Planning Commission discussion ensued with Thompson in support. J. Pepler said that he sees this as an opportunity to look at a bigger picture. He feels that it's better to deal with all the 50' lots. Ihme said that issue could be dealt with later in the agenda. Dotterweich reiterated that people from the Chamber don't want to see businesses converted into residential lots. He would like to find an in-between that would satisfy all. Ihme called the vote. **Motion unanimously carried.** ZA Cypher will place a notice in the Enterprise and send the 300-foot letters.

ZONING BOARD OF APPEALS REPORT:

Andy Dotterweich as the PC representative to the Zoning Board of Appeals reported that there has not been a meeting for several months and that there is nothing pending.

BUSINESS:

- 1) Election of new officers
Thompson suggested that the Commission keep the slate of officers that is currently in place. **Motion J. Pepler, support B. Thompson, that the slate of officers be Lance Roman for Chairman, Bob Ihme for Vice-Chairman, and Andy Dotterweich for Secretary. Motion unanimously carried.**
- 2) Approval of 2022 meeting schedule
The commission discussed cancelling the March meeting. A poll was taken of who would be present in March. Several members indicated they would be out of town indicating a quorum would be unlikely. Gietzen shared that a couple of residents had requested of him that the PC hold a meeting in either July or August when more of the seasonal people are present. Ihme said that they do accommodate applicants by holding special meetings during those months. It was shared that due to all the summer activities the PC has had difficulties getting a quorum in July and August which is why the PC has chosen not to hold meetings during those months. **Motion J. Pepler, support A. Dotterweich, to hold PC meetings on the 1st Thursday of the month at 7:30 pm for the months of January, February, April, May, June, September, October, November, and December. Motion unanimously carried.**
- 3) Review Township Board comments for Single-Family Dwellings in Business
Ihme stated that the Township Board wanted the PC to complete the Bylaws which has been done, deal with the Conflicts of Interest issues which has also been done, and to basically start over with the discussion of single-family in the business district. The Board also asked for a findings-of-fact to be done and that if the PC wants to move this forward that another public hearing be held. ZA Cypher stated that the memo he put together with the comparison

of the Master Plan and his conclusions on the issue could be the basis for the findings. He also said that whatever the PC decides that supporting documentation justifying the change needs to be provided.

Ihme started the discussion by stating why he supported the change to allow single-family in the business district. He had 4 issues; 1) under the current ordinance a business could be built but the health department will not allow a septic, 2) if the lot did not perk the health department will not allow a business to use a holding tank which is an option for a residence, 3) small lots have difficulties with health department, road commission, parking, and other requirements that residences don't have, and 4) non-conforming use. He stated that there are 19 residential homes on commercial properties today. He questions whether those homes, which are non-conforming use, could have their footprints modified. Mr. Cypher said there is some flexibility in our ordinance if you can comply with the setback requirements.

Dotterweich stated that his issue is putting single-family residences in with 80% lot coverage. He is concerned about the setback issue. He asked if there can be two single-family residences on a single lot. Cypher said the rule is one per parcel regardless of the zoning.

Ihme asked if mixed-use property was the structure or the land. ZA Cypher explained that mixed-use in our ordinance is duplexes and multi-family dwellings which can be stand alone or be part of a commercial building. To be mixed-use a residence must be attached to a commercial building.

ZA Cypher stated that if the Planning Commission is going to work on single-family in the business district the Master Plan component of that should be worked on first. It could be done concurrently but checking with legal counsel he was advised that the PC should at least begin working on the Master Plan component and then wait a month or two before working on the text amendment.

Possibilities of how the Master Plan and Zoning Ordinance might be amended were discussed. One option was to allow single-family but with specific conditions. The comments from the Chamber of Commerce and business owners were discussed. It was pointed out that M-22 and Lake St. seems to be the primary business areas, but the Township's Zoning Map shows that business zoning goes very deep off the main drag. The original goal was to promote growth in the "village" but because there are platted lots with small sizes and the health department is unable to bend on septic requirements it makes commercial use very difficult for small lots.

The Planning Commission discussed the Zoning Administrator's review of the Master Plan and his comments on single-family dwellings in business. J. Gietzen said that the review would be useful for the public as it would help them understand the difficulties. The review will become part of the public record of the meeting and attached to the minutes.

Ihme proposed a second option of having two classifications for commercial: Business 1 and Business 2. Peppler suggested that the M-22 corridor could be Business 1 with no changes

and Business 2 could have residential opportunities in addition to Business stating that this would protect the main drag.

It was also suggested that large commercial lots could allow mixed-use that includes a single-family residence with conditions on setbacks.

Gietzen summarized the discussions regarding uniquely challenged lots stating that one scenario could be conditional rezoning, a second scenario could be rezoning a lot that is adjacent to a residential lot to R1, and a third scenario could be to create two Business categories. Peppler suggested that the two Business categories would provide a lot of flexibility.

Gietzen suggested that, either before or at the February Public Hearing, the Commission help the community to understand that Conditional Rezoning is not an all or nothing type of change and that what the Commission is trying to do is deal with lots that have issues in a way that helps the owner but that doesn't create a situation where everybody who has commercial property could sell at a higher value for residential. He would like to see the Commission deal with the lots that have challenges without making a blanket change that could affect all Commercial properties.

Peppler stated that he agrees but that he doesn't believe that all the special situations should have to jump through separate hoops to get their job done. Gietzen responded that it would be good to make a path that is efficient and effective for most of the difficult properties and then the few properties that don't fit the path could pursue conditional rezoning. He felt that this would help people understand that it's not just a carte blanche solution the Commission is looking for but rather an efficient and effective solution to solve the problems of certain properties. Ihme stated that there are real issues, and it shouldn't have to take someone one or two years and lots of money to have their issues resolved.

ZA Cypher recommended that Commission members get the minutes of the meeting, review the discussion, and come to the next meeting prepared to tighten up what today's discussion was about, and set a direction to move forward.

- 4) Review of ordinance update proposals held for future agenda.
- 5) Ordinance review sub-committee update held for future agenda.

PUBLIC COMMENTS:

Tom Ingold spoke about this desire to place a single-family residence behind his business on M-109. He asked what he needs to do to move ahead with his plans.

Ken Johns stated that if you have a lot that you can't possibly build a business on then put it to use as a residential lot. He also stated that if everyone had to go the Conditional Rezoning route then that would bring a lot of extra work and time to the Commission. Mr. Johns asked the Commission to consider his request next month and set a public hearing for March.

Debra Graetz suggested that commercial setbacks could be useful for residences that might want to go commercial in the proposed B2 district.

COMMISSION MEMBER COMMENTS:

J. Gietzen stated that as a new member he found today's discussions very helpful.

ADJOURN:

The meeting of the Glen Arbor Planning Commission was adjourned at 9:40 by Vice Chairman Bob Ihme.

Respectfully Submitted,

Pam Laureto
Interim Recording Secretary
Glen Arbor Planning Commission

APPROVED

Chapter 2 – People and Economy, excerpt page 2-5/6

Planning Implications and Issues

The preceding data and analysis can be summarized in the following conclusions that affect the long-term future of Glen Arbor Township:

- Glen Arbor Township can expect its population to remain relatively stable over the life of the Plan, although it may slow somewhat as the few remaining vacant properties in the Township are developed. The previous Master Plan analyzed this issue with a build-out analysis that looked at how much developable land remained in the Township. This was conducted in order to determine if the Township had a sufficient amount of undeveloped land available to accommodate enough future residents to support a wider range of year-round businesses to serve the local (i.e., non-seasonal) population. The analysis concluded that many year-round businesses were probably not feasible unless supplemented by a more balanced tourist season, or unless many more of the Township's seasonal homes are converted to permanent dwellings to accommodate more permanent residents.

Simply stated, unless residential development density increases significantly, it is unlikely that many businesses intended to serve local residents will be able to locate in Glen Arbor Township. Furthermore, if increased density were desired by the Township, it is likely that public sewer (and perhaps water) would be needed.

- Glen Arbor Township's year-round population is primarily composed of residents that are near or past retirement age. This results in a community that generally consists of smaller households, fewer children, and thus less demand for full-time employment opportunities. Many of Glen Arbor Township's permanent residents do not depend on the local economy to make a living.

It is likely that the number of seniors in Glen Arbor Township will continue to increase as the baby-boomer generation reaches retirement age, which may lead to some demand for local businesses or recreation facilities intended to serve an older population. With an aging population, new development and redevelopment should be carefully reviewed to ensure that buildings and properties are easily accessible by seniors, users of assistance devices, and disabled persons.

- With approximately 95% of the Township's tax base coming from residential uses, the Township is heavily dependent on residential development, particularly on seasonal homes and the tourism industry. Because of the limited amount of land available, new residential developments will be minimal. This leaves the Township susceptible to economic forces that may affect property values and the tourism industry. In cooperation with similar communities in the region, the Township should encourage and support broad, four-season marketing and promotional efforts to attract low-impact, non-residential development to help diversify its population and tax base and to attract tourists during non-summer months.
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Chapter 3 – The Natural and Built Environment – excerpts page 3-18/21

Glen Arbor Village

The Village is the business and governmental center of the Township and includes two churches and numerous small businesses.

There is variety in the type and visual character of the buildings in the Village. There are residences, businesses, and a few governmental facilities. The Township Hall, post office, and fire and rescue department are also located in the Village, as are several historic buildings. Architectural styles in the Village include many older, rustic buildings as well as newer buildings having more traditional American designs. Previous planning efforts have indicated that the public prefers new buildings to have a “northwoods” or traditional American character. Although it is the center of activity in the Township, the Village remains heavily wooded, and the preservation of this characteristic is important to *maintaining the charm and northern Michigan character of the community.*

Glen Arbor Township’s large seasonal population has a significant effect on the Village. In the summer months, the Village is often congested as the population increases significantly. In the spring and fall, there is less activity, but tourism during these shoulder seasons is becoming increasingly stabilized. Winter tourism is also increasing, especially during the holidays and long holiday weekends.

Planning Implications and Issues

There are several planning issues pertaining to the natural environment and development that will affect the long-term future of Glen Arbor Township:

- Glen Arbor Township is unique in that most of the land in the Township is unbuildable and therefore remains in a natural state. The Sleeping Bear Dunes National Lakeshore and Glen Lake occupy the vast majority of land in the Township and, given the Township’s hilly terrain, form some of the most breathtaking views in the region. Care must be taken to carefully govern what development does occur in the Township. Planning and zoning policies should encourage, in a reasonable manner, maintenance of the wooded areas, the ground water, water quality in lakes and rivers, the wetlands, and the dune areas, both as ecosystems and as important scenery.
- Like most water features, Glen Lake and Lake Michigan have attracted development over the years, and Glen Lake is mostly surrounded by residential development...
- Most commercial development in the Township is in the Village of Glen Arbor, and past studies and plans have revealed that many residents prefer the rustic charm and small-town character of the Village area. As with other development in the Township, it is important that great care be taken in preserving the atmosphere of the Village to ensure it remains a popular destination for both residents and visitors.
- Seasonal parking is a concern in the business district of Glen Arbor Township during the peak tourist season. While it may be appropriate for the Township to construct additional parking lots, it should not be at the expense of quality development. It is possible that small expansions or reconfiguration of off-street parking lots can add additional spaces, and there may be additional parking available on local streets. These are options that should be explored before acquiring new properties for parking. With so little land available for new commercial or residential development, utilizing high quality real estate near

downtown Glen Arbor is not an efficient or economically responsible use of land and should be considered only once all other options have been exhausted.

Chapter 4 – Public Places and Services – excerpt from page 4-10

Planning Implications and Issues

- Water and sewer utilities are not present within the Township, and it is unlikely that such utilities will become available in the short term. This has the effect of limiting the intensity of development that can be located in the Township. Onsite parking requirements in the business district further limit options of business owners. Additional parking areas could be pursued using road right of ways throughout the Village.

Chapter 5 – Future Land Use Plan – excerpt from pages 5-10/13

Village of Glen Arbor

The unincorporated Village of Glen Arbor is not a separate political entity, but it is an integral part of the Township. The Village has no formal boundaries, yet the residential portion is significantly larger than when the 1984 Plan was prepared. It is the area with the densest population and the bulk of the commercial and institutional uses in the Township. Lot sizes vary widely from very small in the oldest platted parts of the Village to large along Lake Michigan and between Lake Street and M-22 south of State Street. Commercial businesses are a mix of tourist and those serving the year-round population, with most providing some services or products to visitors. Businesses include everything from retail clothing to toys and restaurants. During the summer, the Village is very busy and parking is limited. However, part of the Village's charm is the high level of activity associated with busy shops and crowded streets. There are measures the Township can take to increase parking in the Village as the need and opportunity present themselves.

This concentration of retail and services within the Village is very important to the Village's long-term viability as it promotes efficient shopping and less vehicle use by keeping businesses within walking distance of convenient parking. It also enhances sales by giving shoppers more opportunities, which promotes the economic wellbeing of the businesses and, in turn, the commercial part of the Village itself. The policies of this Plan, the Future Land Use Map, and the Zoning Map are all designed to strengthen the function of Glen Arbor as a retail center for tourists and residents. As noted in the 1984 Plan, and reinforced again in this Plan:

Preventing scattered business locations in other parts of the Township helps preserve the natural features in these areas. It is the intent of this Plan that scattered business uses will not be encouraged. Examples of areas which will be subject to increased pressure for business use are on M-22 south of the village and east along the Crystal River. The trend is already in evidence. Expansion in both areas may begin to dissipate the village area's strength.

This Plan anticipates that new commercial expansion will likely occur along the M-22 corridor.

There is a mix of homes and businesses in the central part of the Village, with a slow conversion of most homes to businesses. This is in part a response to market demand, and in part because the Township Zoning Ordinance has most of the property in the Village core in a business classification. In order to preserve adequate land that is well suited for business use, it is important that the Township keep the existing lands zoned business, whether they are presently used that way or not. The Zoning Ordinance permits dwelling units in the Business District only as part of a multifamily dwelling or on the second or third floors above businesses. This has the benefit of providing more housing opportunities for both year-round and seasonal residents. A key dimension of maintaining the Village's character is to encourage that as new buildings are constructed, they have certain common elements as illustrated in Figure 5-1 (drawing, unable to copy).

Natural Carrying Capacity

Public sewers are likely an unfeasible option in Glen Arbor Township without private landowners incurring a very high cost with little benefit. This is largely because existing septic systems are working fine except in some parts of the Village. There are also serious issues associated with where waste treatment facilities could be constructed and where treated waste could be disposed of because of the limited amount of private land and the pristine water quality of the Glen Lakes, Lake Michigan, and the Crystal River. With the limited amount of undeveloped, privately owned land, and the absence of public sewers, it is unlikely that development much more intensive than that which already exists in the Township will be proposed. This situation makes it both easier and more certain to make future decisions that will retain the existing character of the Township that is so cherished by residents and visitors alike.

To a very great degree, the boundaries of the Township, the lands owned by the National Park Service, the natural limitations of soils for septic wastes, and the high water quality of the lakes and river create a natural carrying capacity for development in the Township. That capacity is nearly reached and is likely to be achieved within the next 20 years. The existing land use pattern has been set, and most of the opportunities for development are infill or replacement of existing structures. This means that future land use decisions must largely focus on ensuring conformance with local setback and design considerations, which will ensure retention of existing character and protection of the natural environment.

Any proposed change to this land use pattern, or to the density or intensity of development beyond that which is presently planned and zoned, should be closely scrutinized and will likely be met with little public support, unless a very strong set of public benefits were to be achieved. If the proposed change were inconsistent with this Plan, then this Plan would need to be amended, along with the Zoning Ordinance, before such a change were approved and implemented.

Chapter 5, excerpt page 5-15

Future Land Use Map

The Future Land Use Map, composed of Maps 5-1 and 5-2, sets forth the proposed general arrangement of future land use for Glen Arbor Township...

Map 5-1 depicts the whole Township, while Map 5-2 shows just the Village of Glen Arbor and surrounding area. There is very little proposed change to land use on the Future Land Use Map

compared to the present. That is because there is little privately owned land, and the Township will likely reach build out within the next 20 years. As a result, the land use pattern is well established, and once filled out as planned and zoned, will adequately serve the needs of both year-round residents and visitors...

Chapter 5, excerpt pages 5-22/23

Village Business Characteristics

The Village business area is, of course, characterized by the present businesses. Most of the original platted part of the Village is presently zoned Business, and those parts of the original Village south of Western Avenue not yet used for business use are planned for future business use.

Objectives

It is the intent of this Plan to concentrate retail stores and services in the Village business area in order to strengthen it as a commercial center and not to allow it to expand outside the edge of existing business use as presently zoned in the Village, except for a few peripheral lots on M-109 at the west edge of the Village and a few lots used for residential and commercial uses on the west side of M-22, north of State Street.

Uses Intended

The Village business area is typified by a broad variety of uses that serve the retail needs of the summer and winter visitor and of the year-around resident.

Examples of uses include:

- Grocery, pharmacy, post office, hardware, clothing, gifts, novelties, and other retail sales;
- Financial, real estate, and other service establishments;
- Motels and Bed & Breakfasts;
- Restaurants and taverns;
- Medical, dental, optical, and related health and fitness services;
- Electrical, plumbing, and building trades; and
- Office buildings.

Multiple-family dwellings are also permitted in the Village business area, either as freestanding apartment buildings, townhouses, apartments over businesses, or other forms of shared-wall dwellings...

Chapter 6 – Zoning Plan – excerpt pages 6-3/5

Residential Districts

The following zoning districts are considered “residential districts”... The principal purpose of these districts is to provide for a range of residential dwelling types at various densities within individual zones tailored for specific uses...

While the district scheme has generally served the Township well and fairly closely matches the size of existing lots, the differences between several of these districts is very small and serious study should be initiated to determine if the six districts can be successfully collapsed into not more than four districts. This is especially pertinent because there are three more districts allowing significant residential use—the Recreational Open Space, Resort, and Agricultural Districts. All waterfront land not in the Resort or Business classification would be zoned R-II, while all Village residential lots would be R-I, and all remaining land that is not zoned agricultural or resort would be R-III.

Multiple-family uses are currently allowed in the Business District and would continue to be allowed. This should be structured to allow lots smaller than 15,000 sq. ft. in return for more common open space. There are large parcels on the east side of the Village (north and east of Egeler Road) that are well suited for multiple-family uses. Incentives (such as a small density bonus) should be offered to cluster multiple-family uses and preserve an open space buffer from single-family residential uses.

These related issues should be carefully examined together prior to consolidating districts or rezoning. In the end, all this land should retain a residential classification, but it may be pertinent to change some of those classifications to better match lot sizes in the area and to provide a wider range of housing options in the Township. It may be that six districts cannot be collapsed into three, but a strong effort should be made to try, as a simpler system will be easier for all to remember and properly apply. Multi-family uses should continue to be permitted in the Business District.

Resort and Business Districts

The following zoning districts are considered “commercial districts”:

Resort District

Business District

...

Similarly, a number of other properties used as resorts are not zoned that way and consideration should be given to rezoning them. For example:

- The R-V area that is part of The Homestead could be rezoned into Resort or Business and included under the same PUD for all of The Homestead.
- The marina on Fisher Road and Dunns Farm Road could be rezoned from Business to Resort.
- Existing resorts along the eastern shore of Big Glen Lake (by Brooks Lake) and the motel/restaurant nearby on the east side of Dunns Farm Road could be rezoned out of Residential District and into the Resort or Business Districts.
- The existing marina, boat sales, condos, and cabins at the south end of Lake Street are currently zoned R-II residential and would be more appropriately zoned into the Resort or Business Districts.
- Consideration could also be given to rezoning the LeBear Development at the north end of Lake Street out of Business and into Resort.

These changes will better reflect existing use, prevent nonconforming use problems when owners wish to upgrade the property, and prevent too wide a range of uses from being established that could occur if these properties were zoned Business. These changes would also serve to better notify anyone looking

at the Zoning Map about the actual use in these areas. The properties above that are presently zoned Residential would not be rezoned, if the long term desired use were for single-family dwellings on individual lots at the size and density currently allowed under the Zoning Ordinance. It is not the intent of these changes to provide a basis for examining the amount of land presently used for these commercial uses, nor are they intended to be used as the basis for rezoning other lands nearby into a Business or Resort classification.

The basic purpose of the Business District is to provide opportunities for regulated businesses and commercial activities serving both local and tourist markets. Minimum lot sizes range from one-quarter acre to one acre in size. Most of the land currently zoned for business is centered within the Village. The other existing sites are marinas. These sites outside the Village should be rezoned into a Resort classification, as too great a range of uses is possible in the Business District. Some properties in the Village that are zoned for business are being used for residential purposes and as the business district grows, apartments and multiple-family residences could be located on second or third floors. Multi-family uses should continue to be allowed in the Business District.

Chapter 6, excerpt page 6-6

Proposed Changes to the Zoning Ordinance

Because this Plan incorporates new policies, land uses, public improvements, and other measures related to further improving the quality of life in the Township, there are changes to the Zoning Ordinance that should be made to make it fully consistent with this Future Land Use Plan. These changes should be pursued as the need or opportunity presents itself, but before the Township initiates action to implement one of the recommendations or new policies in this Plan. That means the Planning Commission should identify the major policies it first wishes to implement and begin work on the corresponding zoning changes at the same time. If a proposed development comes along that presents an opportunity to address another change in this list, it should be seized and changed at that time. In some cases, public discussion of proposed zoning amendments on any of the elements will result in the need to refine some of the language in this Plan. When that occurs, this Plan should be amended before the zoning amendments are adopted—although both actions could be taken at the same meeting.

Chapter 7 – Objectives and Implementation Strategies – excerpt page 7-2

Objective 2

Downtown Glen Arbor should be a safe and vibrant community, consisting of businesses that meet the needs of local residents year-round, while also providing necessary goods and services to seasonal residents and tourists.

Implementation Strategies

1. Attract viable small businesses, including retail establishments and personal and professional services, to downtown Glen Arbor.
2. Maintain collaborations with the Chamber of Commerce.

3. Review and revise the Zoning Ordinance, as appropriate, to ensure land-use controls, setbacks, and similar standards are encouraging appropriate development to downtown Glen Arbor.

- In my professional opinion, the Master Plan doesn't support adding Single Family Dwellings (SFD) back as a "use by right" in the Business Zoning District. In the preceding review of the Master Plan, I have highlighted areas in green which potentially support doing so. However, I have also highlighted in red where the Master Plan specifically does not support adding SFDs.
- Presently, there are two parcels and owners of those parcels in the entire Business District which are actively supporting the SFD zoning amendment. Interesting though is that one has already applied for a Conditional Rezoning request until the PC decided to purpose the SFD zoning amendment. The owners quickly requested their application to be placed in abeyance until the SFD amendment ran its course. The application has been held in abeyance for over six months. The second party has recently hired an attorney to potentially contest a determination of a proposed use as a Single Family Dwelling. This matter just stated last week and I will keep you posted on any updates I may have. Additionally, both of these parcel owners knowingly and willingly purchased their property with the existing limitations in place. Both owners had "heard" that there may be changes coming forth..... Very interesting.....
- In summary, there already is an administrative cure for the two property owners who have already purchased existing small parcels. That is the Conditional Rezoning process. Instead of doing a wholesale of SFD as a use by right in the Business District, the PC should IMHO allow the available process to work and vet each Conditional Rezoning request on a case by case basis.
- Finally, consideration of the very limited setbacks for Commercial use (10' Front yard & 5' on the side and rear yards, also with a 0' setback on sides & rear, if a proper fire wall is installed) vs. Residential use (40' Front, 10' sides and 15' rear). Meaning, if this amendment is adopted as proposed, SFD could be right next to the property line. See ZO Section below..... Again in my professional opinion, a SFD structure should not benefit from the Commercial setbacks if the proposed amendment is successful.

SECTION VIII.5 SIDE YARD REQUIREMENTS

No building or structure shall be built closer to the side property lines than five (5) feet unless the wall of said building or structure is of such construction as to qualify as a four-hour rated fire wall as defined by the Underwriter's Laboratory, Inc., same to have a four-hour fire rated parapet at least three (3) feet above the roof level to provide fire protection for adjoining property. Adherence to these fire restrictions will allow building to the property line. In the case of a corner lot, the lot is defined as having two front lot lines and two side lot lines.