

**Minutes**  
**Special Board Meeting**  
5/31/2022

The meeting was called to order by Supervisor Laureto at 2:00 PM in the Glen Arbor Township meeting room. Roll Call – B. Hawley, D. Lewis, P. Laureto, and T. Laureto present. J. Peppler absent. Four members of the public were present as was Andy Dotterweich, Secretary of the GA Planning Commission, who agreed to answer Board Member questions and report back to the PC in Peppler's absence.

The Pledge of Allegiance was recited.

**Motion B. Hawley, support D. Lewis, to approve the agenda as presented.**

All Board members indicated no conflict of interest with any agenda item. D. Lewis stated he owns property in the business district.

Public Comment: One member of the public commented that she doesn't think changing the zoning to allow some in the business district to build single-family dwellings, and not others, is a good idea. She pointed to the master plan and also said while it may be legal, she felt there were ethical issues and is opposed to the change.

Another member of the public said he owns property in Glen Arbor and he is in favor of the zoning change. He did not feel the proposed zoning change would change the nature of the Business District and liked the idea that more people could live in the Business District.

Dotterweich said he was originally against the zoning change but is now in favor of it as the businesses along M-22 will not change but the small lots and those with septic issues would be allowed to use their property. He stated that all PC members are in favor of the change.

Supervisor Laureto stated that the purpose of the meeting is to discuss the Leelanau County Planning Commission's recommendations regarding the proposed text amendment to allow single-family housing in a portion of the business district.

Clerk Laureto reviewed the history and time-line of the single-family in the business district issue. (see attached)

The Master Plan was the first issue discussed by the Board. Supervisor Laureto stated that the Master Plan is a guiding document and not a legal document. Lewis stated that he believes proper protocol is to amend the Master Plan prior to making a text amendment but that both could be done simultaneously. P. Laureto said that is stated in the Glen Arbor Master Plan. Lewis said the Master Plan is a philosophical and conceptual document that came about after zoning started in the 1960s. He pointed out that the Plan does not have authority over the zoning process.

The Master Plan is updated every five years and so that work should begin in 2023. Supervisor Laureto asked the GAPC rep for information on the PCs review of the Master Plan. Dotterweich responded that a reason that the PC proposed the text amendment in the way it did was to be in keeping with the current Master Plan.

The Supervisor introduced the Leelanau County Planning Commission's recommendation for having separate districts. He stated that they felt 2 separate districts were needed so that there could be definition allowing for the zoning of each parcel to be easily identified. Laureto stated that from the PC minutes of January it looked like what was developing were 2 separate business districts. He believes a B1 and B2 district is needed.

Lewis stated that adding a new district should require another public hearing. We want to do this right. We would like to proceed as quickly as possible but not at the expense of doing it right. Adding a new district has not been done in the Township before so this will take some time.

Hawley stated that he doesn't think the R1 requirement should be in the amendment. That when the new district is developed it should have the lot coverage and setbacks defined for that district.

T. Laureto asked if the PC or the Township Board would work on developing the new district. Members of the board responded that the PC should be asked to work on B1 and B2 districts.

P. Laureto stated that she would like to see lot coverage and setback restrictions appropriate to residences in a business district.

Lewis said he did not like the R1 requirement in the proposed text amendment. He also would like to see "except single-family dwellings" completely removed from the zoning ordinance.

Dotterweich stated that the problem comes about because the Zoning Board of Appeals can not grant a use variance. He suggested keeping the current zoning language and giving the ability to address use issues on specific properties to the PC and ZBA.

Hawley suggested that a process that no one can argue with should be created.

Hawley suggested that the issues of the limited number of parcels which need this rezoning should drive the language of the new B2 district. He also pointed out that this would create a greater tax base for the community.

Supervisor Laureto said that the Board needs to determine how it wishes to proceed with the Text Amendment given to us. Discussion ended. **Motion P. Laureto, second, D. Lewis, to state that the Township Board is not in favor of the Text Amendment as forwarded to us but we would like the Planning Commission to work on the issue and pursue B1/B2 zoning in the Business District, supporting it with a findings-of-fact, text for the new district, and supporting it with a map. Further the Board acknowledges that the Master Plan needs amending as the process proceeds. Additionally, the Board would like the Planning Commission to create an avenue to allow the ZBA, PC, or both to look at special situations and make exceptions as needed. Roll call vote. Voting aye: B. Hawley, D. Lewis, P. Laureto, T. Laureto. Voting Ney: none.**

Public Comment: With regard to the timeline read by the Clerk it was noted that six (6) people spoke in favor of the text amendment at the April 7<sup>th</sup> Public Hearing.

Meeting adjourned at 3:30 PM.

Respectfully submitted,

Pam Laureto  
Township Clerk

## History and Time-line of Single-family in the Business District

- 2006
  - Zoning Ordinance changed to “disallow” single-family residences in the business district
- May 6, 2021
  - PC Motion to remove “except single-family dwellings from Zoning Ordinance sect. VIII.1A. Motion carried 4:3
  - Scheduled a public hearing on the proposed change
- June 3, 2022
  - Public Hearing held
  - Motion to allow single-family dwellings as a use by right in the Business District and forward proposed amendment to Leelanau County PC. Motion carried 5:0
  - Several people spoke against the Zoning Ordinance change
  - 5 negative letters; 1 positive
- June 14, 2021
  - Negative letter received
- June 18, 2021
  - Letter received by 3 of 5 Board Members stating Conflicts of Interest and Malfeasance of part of PC and TB members
- June 20, 2021
  - Negative letter received
- June 21, 2021
  - Lee. Co. PC receives negative letter with copy of June 18 letter attached
- June 22, 2021
  - Lee. Co. PC meeting
  - They state that Master Plan should be amended first.
  - Have legal counsel evaluate legality of the amendment
- July 16, 2021
  - Attorney Figura responds to letter with allegations and recommends:
    - 1) Updating the PC Bylaws to comply with MPEA with regards to conflict of interest
    - 2) Address Findings of Fact of proposed amendment
    - 3) The Township Board send the proposed Zoning Ordinance amendment back to the GAPC to be supported by a findings of fact
- July 20, 2021
  - Twp. Board sends Zoning Ordinance amendment back to GAPC to address Conflicts of Interest issue and do a “Findings of Fact” on the issue
- August 17, 2021
  - Twp. Board reviews an Updated Conflicts-of-Interest policy, Draft PC Ordinance to Confirm the Establishment of the GAPC with zoning authority, and Draft GAPC Updated Bylaws
- Sept 21, 2021
  - Twp. Board adopts Township Ordinance 5-2021 To Confirm the Establishment of the GAPC with Zoning Authority
- October 26, 2021
  - Letter received with some concerns but mostly in favor of the Zoning Ordinance amendment
- November 4, 2021
  - PC adopts new bylaws with Conflicts of Interest policy and requirement for findings of fact for all text amendments

- November 26, 2021 - ZA sends out Master Plan Review on single-family residential in business district
- December 2, 2021 - PC did not address single-family  
- some public comments on single-family noted in minutes
- January 6, 2022 - PC sets February 3<sup>rd</sup> for public hearing for Graetz Conditional Rezoning request  
- Minutes state that Bylaws and Conflict of Interest issues are completed and Findings of Fact of Single-family need to be done.  
- Another public hearing on single-family will need to be scheduled  
- ZA stated that the Master Plan should be worked on before a text amendment on single-family  
- PC discussed having 2 classifications for business, B1 & B2. Pepler suggested M-22 corridor as B1 with no changes and B2 could have residential options  
- PC discusses Zoning Administrator's review of the Master Plan
- Feb 3, 2022 - PC held public hearing on Graetz conditional Rezoning and tabled the issue  
February 3, 2022 - PC meeting discussed rezoning single-family  
- motion to add item J. to article VIII.1 use regulations stating "single family dwelling residential structures are allowed if the parcel of land does not abut M-22 North of State Street and R-1 requirements are applied  
- set public hearing for April 7<sup>th</sup>
- April 7, 2022 - PC held public hearing  
- 1 letter in opposition  
- no recorded public comment in minutes  
- reaffirmed Feb 3 motion  
- agreed to send the text amendment to County with highlights from the Master Plan Review
- April 26, 2022 - Leelanau County PC reviewed the single-family text amendment and recommended:  
\* Establishing 2 districts; there was concern about placing different regulations on properties because they are located in a certain area but still within the same Business District. They cited MZEA ..."the regulations shall be uniform for each class of land or buildings, dwellings, and structures within a district". PC minutes state "If parcels warrant a different treatment than others within the same district, it is better to put them in a different district."  
\* Cleaning up the language because "single family dwelling residential structure" is not defined in the ordinance  
\* Staff review stated that the township should refer to its legal counsel to make sure this proposed zoning language is defensible, if challenged.  
\* Staff review said that "except single-family dwellings" should be removed from Zoning Ordinance article VIII.1A so that the ordinance does not contradict itself.

May 5, 2022

- PC reviewed county's report and felt county had no issues with the text amendment as written.

APPROVED