

DATE POSTED: NOVEMBER 18, 2016

AGENDA
LONG LAKE TOWNSHIP PLANNING COMMISSION
LONG LAKE TOWNSHIP HALL
8870 NORTH LONG LAKE ROAD
TRAVERSE CITY, MI 49685

TUESDAY, NOVEMBER 22, 2016

1. CALL TO ORDER – 6:00 P.M.
2. ROLL CALL
3. APPROVAL OF AGENDA
4. CONFLICT OF INTEREST STATEMENT (Declare and cite agenda item.)
5. APPROVAL OF MINUTES: October 25, 2016 (regular meeting)
6. BRIEF PUBLIC COMMENT (Any person may speak for up to 3 minutes.)
7. NEW BUSINESS:
 - A. DISCUSSION OF ZONING ORDINANCE TEXT AMENDMENTS
8. PUBLIC HEARINGS: NONE
9. OLD BUSINESS: NONE
10. PUBLIC COMMENT (Any person may speak for up to 3 minutes)
11. CORRESPONDENCE
12. REPORTS
 - A. PLANNER
 - B. ZONING ADMINISTRATOR
 - C. TOWNSHIP BOARD REPRESENTATIVE
 - D. ZONING BOARD OF APPEALS REPRESENTATIVE
13. COMMISSIONERS COMMENTS
14. ADJOURNMENT

IF YOU ARE PLANNING TO ATTEND THE PUBLIC MEETING AND REQUIRE REASONABLE SPECIAL ASSISTANCE, PLEASE CONTACT CAROL HOFFMAN, TOWNSHIP CLERK AT (231)946-2249, (T.D.D. 800-649-3777) AT LEAST TWO DAYS PRIOR TO THE SCHEDULED MEETING DATE.

PUBLIC COMMENT/INPUT POLICY

Any person shall be permitted to address a meeting of the Long Lake Township Planning Commission which is required to be open to the public under the provisions of the Michigan Open Meetings Act, as amended. (MCLA 15.261, et. seq.) Public comment shall be carried out in accordance with the following Commission Rules & Procedures:

- 1. Any person may speak for up to 3 minutes during the public comment portion of the meeting. Groups of +10 have the option of selecting a spokesperson, who may speak for up to 15 minutes.**
- 2. Any person may make a video or audio recording of the meeting. Standing equipment, cords, or portable microphones must be located to the right side of the meeting room for safety and so as not to block audience view.**

MINUTES
LONG LAKE TOWNSHIP PLANNING COMMISSION
LONG LAKE TOWNSHIP HALL
8870 NORTH LONG LAKE ROAD
TRAVERSE CITY, MI 49685

TUESDAY, October 25, 2016

1. CALL TO ORDER: By Chair Cuthbert at 6:00 pm.
2. ROLL CALL: Board members present were Mehney, Marsh, Verschaeve, Castile, Cuthbert and Tobin. Witkop was absent and excused. Also present were Leslie Sickterman, Township Planner, Kim Smith, Township Zoning Administrator and Ronda Robinson, Recording Secretary.
3. PLEDGE OF ALLEGIANCE: Was recited.
4. APPROVAL OF AGENDA: Motion by Mehney and support by Verschaeve to approve the agenda, as written. Carried.
5. CONFLICT OF INTEREST STATEMENT: None.
6. APPROVAL OF MINUTES: Motion by Mehney and support by Castile to approve the minutes of the meeting held on September 27, 2016, as written. Carried.
7. BRIEF PUBLIC COMMENT:

Ron Lemcool, 1270 West Long Lake Road, introduced himself and stated he is running for Long Lake Trustee.

Jennifer Clolek, 5272 Goodrick Road, spoke in regards to the letter she sent to the Board. She is asking the Board to consider allowing dog kennels, with restrictions, in the LDR districts. She mentioned that the dog kennel business is quite different than it was when the Ordinance was written.
8. NEW BUSINESS: None.
9. PUBLIC HEARINGS:
 - A. CLU 10-16-02 & SPR 10-16-10-REQUEST BY OWNER WENDY GOODCHILD TO ESTABLISH A GROUP DAY CARE HOME CARING FOR UP TO 12 MINOR CHILDREN AT 3621 EAST LONG LAKE ROAD PARCEL NUMBER 28-08-014-004-00.
 1. COMMENTS BY APPLICANT: Wendy Goodchild explained that she would like to upgrade her family day care to a group day care. She said there is a need for good quality day care in this area.
 2. REVIEW AND RECOMMENDATION BY PLANNER: Sickterman reminded the Board that a day care is a residential use of property not a commercial use of property. A family day care allows for up to 6 children

and a group day care allows for up to 12 children. The Board does get an opportunity to review a group day care and hold a Public Hearing but if all the standards allowed under the law are met, the Board is required to approve it. Sickterman said the property is 1.4 acres with a pre-existing home. The family day care has been opened for about a year. Sickterman wanted to bring a few things to the Board's attention. First, there are some issues with potential violations of the nuisance ordinance such as unlicensed vehicles and other materials on the property. Another issue is the lack of a turn-around for the parking area but there is a gravel area that could be used. Sickterman reviewed the conditions on page 4 of her Memorandum dated 10-18-16.

3. QUESTION/DISCUSSION BY COMMISSIONERS:

Cuthbert asked if the Ordinance allows vehicles to sit in yards. Sickterman said you are allowed 2 unlicensed vehicles and that the Board is allowed to add reasonable conditions.

Castile questioned the proximity of the unlicensed cars to the play area.

Mehney didn't think it was an issue because the play area is in the back yard.

Cuthbert asked Sickterman what she meant by privacy fencing. Sickterman was hoping for a 6-foot-high wood fence.

4. OPEN PUBLIC HEARING TO PUBLIC COMMENT: By Cuthbert at 6:20 pm.

Kate Bolton, 3603 East Long Lake Road, asked what the difference is between a potential fence and a required fence. She said the Goodchilds have been cleaning up their property and she has been talking with them about fencing and they have agreed on a split rail fence on her side of the property.

5. CLOSE PUBLIC HEARING TO PUBLIC COMMENT: By Cuthbert at 6:23 pm.

6. DELIBERATION BY COMMISSIONERS:

Marsh would like to see the privacy fence installed within 6 months.

7. DISPOSITION BY THE COMMISSIONERS:

Mehney made a motion to approve CLU 10-16-02 & SPR 10-16-10 with the recommended conditions with an amendment of 6 months for the installation of the privacy fence. Support by Castile. Carried.

10. OLD BUSINESS: None.

11. PUBLIC COMMENT: Goodchild asked for clarification on the placement of the privacy fence. The fence will be placed at the open section on the north side of the property.

12. CORRESPONDENCE:

Letter from James and Jacqueline Kloska dated October 21, 2016, in regards to shed placement on a corner lot.

Letter from Jennifer Cloker dated October 16, 2016, in regards to dog kennels.

Both of these issues will be added to the Planning Commission's next agenda for discussion.

13. REPORTS:

A. PLANNER: If there is going to be a quorum the December 27th meeting will be held as scheduled. It was discussed and decided that the applicants purchasing the old Long Lake School should bring the site plan to the Board for a preliminary review because it is a big project, with a lot going on, and would profit from having many eyes look it over.

B. ZONING ADMINISTRATOR: Smith has had some issues because of the lack of definitions in the Ordinance for porches, eaves, etc. Also, Smith would like guidance from the Planning Commission in regards to expansion in condo conversions and use variances. All three of these issues will be looked at by the Board in the future.

C. TOWNSHIP BOARD REPRESENTATIVE: Mehney said the Clerk's office has had more request for Absentee Ballots than ever before. The Fire Department roster is up to 18. Jim Johnson was at the Township Board Meeting and provided some information about the Road Commission mileage renewal on the November ballot.

D. ZONING BOARD OF APPEALS REPRESENTATIVE: Marsh reported that at the ZBA meeting the Board over ruled a staff decision made on a non-conforming use. The applicants will be back next month to apply for a variance. There is a second applicant next month also.

14. COMMISSIONERS COMMENTS: Cuthbert said she will be stepping down from the Planning Commission as of November 1st after 10.5 years on the Board. She said she has enjoyed very much working with everyone and it has not been an easy decision for her but there is another chapter in her life waiting.

15. ADJOURNMENT: Cuthbert adjourned the meeting at 6:55 pm.

JOY TOBIN, SECRETARY
LONG LAKE PLANNING COMMISSION

RONDA ROBINSON, RECORDING SECRETARY
LONG LAKE PLANNING COMMISSION

NOTE: THESE MINUTES ARE SUBJECT TO AMENDMENT AND/OR CORRECTION PRIOR TO THEIR ADOPTION.

PORCHES AND ARCHITECTURAL FEATURES

Currently, covered porches are subject to the setback requirements of any primary building but architectural features may extend up to 5 feet into a required setback. Sometimes an overhang could be argued to be an architectural feature or a covered porch and our ordinance provides no guidance. Below are amendments intended to address this issue.

Note that all highlighted text is proposed new text.

SECTION 4.5 SPATIAL REGULATIONS (excerpt)

2. **Setback Encroachments.** The following encroachments on required setback areas shall be permitted.
 - a. **Architectural Features.** Cornices, bay windows, eaves, gutters, chimneys, pilasters, outside stairways, fire escapes and similar features may encroach upon a required setback no more than 5 feet **but in no case shall any architectural feature be closer than 5 feet to any property line.** Cantilevered floor space is not included in the exemption and will be included in determining setbacks. **Architectural features include overhangs as defined in this ordinance.**
 - b. Sidewalks no greater than 5 feet in width.
 - c. On a lot abutting a road right-of-way, paved, concrete, or otherwise improved driveways.
 - d. **Waterside Setbacks.** Certain encroachments are permitted within a water side setback area; see Section 12.3.7 and Section 9.5.2.
 - e. **Decks, Porches, and Patios.** Some limited encroachments are permitted for such structures, these are regulated under Section 4.16.

SECTION 4.16 DECKS, PORCHES AND PATIOS [This Section has been amended by Ordinance #135, adopted February 11, 2014, effective February 25, 2014]

1. Setbacks. Non-waterside decks, porches, **lean-tos**, and patios, whether attached or detached, including any attached steps, **but not including wheelchair ramps**, shall meet the setbacks applicable to primary buildings in the zoning district.
2. Gazebos, pergolas, and similar structures are subject to the regulations of Section 4.6, Accessory Buildings and Uses

3. Unenclosed and unroofed porches, decks, and patios may be permitted to encroach upon another required setback a distance no more than 10 feet, with the following exceptions:
 - a. In the Moderate Density Residential and High Density Residential zoning districts, no such setback encroachments will be permitted
 - b. Waterside decks are permitted to encroach only as detailed under Section 12.3.7.
4. Water side decks are regulated under *Section 12.3*

SECTION 3.17 DEFINITIONS – P

Porch: For purposes of this ordinance, a porch is a roofed entrance to a building or structure where such roof is supported by columns. A porch projects out from the main wall of said building or structure and may have a separate roof or an integral roof with the principal building or structure to which it is attached. For purposes of this ordinance, a porch may extend over the ground, or may extend over a patio, decking, or a stoop. A porch may also extend along a building beyond the entranceway.

An unenclosed porch is open except for columns supporting the porch roof. An enclosed porch is partially or fully enclosed by walls, windows, or screen.

SECTION 3.16 DEFINITIONS – O

Overhang: For purposes of this Ordinance, an overhang is an architectural feature that is a rigid protuberance, molding, roof, or awning attached to an exterior building wall offering weather protection over an exterior door, window, or an overhead garage door. An overhang is not supported by columns, but may be otherwise supported by braces or by similar means.

KENNELS

Currently, kennels are broadly defined to include both breeding kennels and doggie daycare facilities. Kennels are permitted only in the General Business and Agricultural districts. At least two individuals have searched for locations to establish doggie daycare facilities and have been unable to find suitable property that is properly zoned. Below is a proposed addition of a new use to the Ordinance, Dog Day Care Facility, and proposed related regulations and standards.

Note that proposed new text is highlighted.

SECTION 3.12 DEFINITIONS – K

Kennel: An establishment wherein or whereon four (4) or more dogs, cats or other domestic animals are confined and kept, either for sale, boarding, breeding or training purposes for remuneration. For purposes of this ordinance, a kennel does not include a Dog Daycare.

SECTION 3.5 DEFINITIONS – D

Dog Daycare: A land use that is distinct from a kennel wherein dogs are cared for for remuneration with no overnight boarding.

Add Dog Daycare as a conditional use in the Agricultural, Conservation Recreation, and Low Density Residential zoning districts. Add conditional use standards for Dog Daycare:

SECTION 19.15 DOG DAY CARE FACILITIES

1. The minimum lot area shall be two (2) acres for the first five (5) animals, and an additional five thousand (5,000) square feet for each animal in addition to the first five (5).
2. The applicant shall declare as a part of the Conditional Land Use application the maximum number of animals intended to be housed at the facility. The Planning Commission shall establish the maximum number of animals to be housed.
3. Buildings where animals are kept, dog runs, and exercise areas shall not be located nearer than one hundred (100) feet from any property line.
4. Dog runs and exercise areas shall not be located in any front yard.

5. All dog daycare activities, other than outdoor dog runs or exercise areas, shall be conducted within a totally enclosed building that is soundproofed.
6. All required state and local licenses and permits shall be maintained in good standing at all times.
7. The hours of operation shall be limited daily from 6 a.m. to 9 p.m. or other hours approved by the Planning Commission in consideration of surrounding uses.
8. The dogs may be groomed, trained, exercised and socialized, but not kept or boarded overnight, bred, or sold.
9. Off-street parking and loading areas shall be provided in conformance with standards for day care centers in Article 25.
10. All outdoor exercise areas shall be fenced; such fencing shall be 6 feet in height and shall be privacy fencing if located within 150 feet from any property lien. The fence shall provide full containment for the dogs.
11. The applicant shall provide a manure management plan for review by the Planning Commission.

ALTERATIONS TO CONDOMINIUM CONVERSIONS AND SIMILAR USES

There are several uses and ownership situations that are not clearly addressed in the zoning ordinance, but questions regarding these uses arise periodically. This is particularly true in the case of condominium conversions. Until recently, anyone owning a unit in a condominium conversion was barred by the Township from altering in any way such buildings because they were deemed part of a nonconforming use. This was done on a long-standing policy basis, not per specific direction in the zoning ordinance or in the law.

The Zoning Board of Appeals recently officially interpreted the zoning ordinance such that the buildings in a converted condominium are no longer considered part of a nonconforming use and therefore can potentially be expanded. The details regarding how to regulate the setbacks, etc. for such buildings are still unclear. The proposed new Section 4.19 below is an early outline of staff's recommendation to address condominium conversions and similar uses which the current regulations do not clearly address.

SECTION 4.19 EXPANSIONS OF SPECIFIED USES AND BUILDINGS

Intent: It is the intention of the Township to allow for the reasonable expansion of certain legally existing uses and buildings that are not otherwise clearly addressed in this Ordinance. The following regulations are intended to be compliant with pertinent regulations including the Condominium Act and the Michigan Zoning Enabling Act and in keeping with the spirit of the zoning ordinance and with customary practice in the region.

1. Condominium Conversions – where more than one existing dwelling unit on a single parcel of land came into existence prior to zoning and have subsequently been converted to a condominium project under the Condominium Act, the following shall apply:
 - a. Structures in a condominium conversion shall be permitted to be replaced, expanded, or maintained in conformance with this Section and Section 5.5; however, no new additional buildings of any kind shall be erected within a condominium project.
 - b. Each dwelling in a condominium conversion shall be considered a primary dwelling unit and setbacks shall apply as provided for in the underlying zoning district.
 - c. Setbacks shall be measured from the condominium boundary lines.
 - d. Minimum separation distances of 10 feet between buildings shall apply.
 - e. Any existing accessory buildings shall be designated for zoning purposes to be associated to a corresponding primary dwelling unit and all provisions of Section 4.6 shall apply accordingly to each accessory building.
 - f. Unit owners shall be permitted to seek dimensional variances in conformance with this Section.
2. Pre-Existing Guest House – where one or more guest houses exists in conjunction with a primary dwelling, where the guest house is shown to legally exist as it was established before zoning, and was not an existing structure converted to a guest house after the adoption of zoning in the Township, and where the guest house is clearly secondary and subordinate to the primary dwelling, the following shall apply:
 - a. Such guest house may be expanded, or repaired provided that such expansion meets the standards for accessory buildings found in Section 4.6.
 - b. Such guest house may be replaced under the provisions of Section 5.5 of this ordinance.
 - c. There shall be no restrictions on the expansion, replacement or repair of the primary dwelling provided that all ordinance standards are met.
 - d. If the guest house use is abandoned in accordance with Section 5.4, subsection 2, it shall not be reestablished as a guest house but may continue as an accessory structure and as such may be replaced or expanded in accordance with Section 4.6.
 - e. Any other accessory structures associated with the primary dwelling shall be regulated under Section 4.6, and the provisions of Section 4.6.1.c shall apply.
3. Tourist Cottages – Where a more than one cottage on a single property are actively rented on a short-term basis, and where such operation legally exists because it was established prior to zoning, the following standards shall apply:
 - a. The tourist cottage rental operation may continue to operate on a year-round or seasonal basis provided that the use has not been abandoned as described under Section 5.4, subsection 2.
 - b. If there is single dwelling to which all tourist cottages are clearly subordinate, such primary dwelling may be expanded, repaired or replaced in conformance with the underlying zoning district.
 - c. Any accessory buildings exclusively associated with a primary dwelling as described in 3.b above, may be repaired, replaced, or expanded in conformance with Section 4.6.
 - d. Any cottage associated with an active tourist cottage operation may not be expanded, but may be maintained or replaced in accordance with Section 5.5.

- e. If the buildings and property in a tourist cottage operation are converted to a condominium, all provision of subsection 1 of this Section shall thereafter apply.
- f. If the tourist cottage rental operation is permanently abandoned but the property is not converted to a condominium, all cottages shall be treated as excess accessory structures and regulations of Section 4.6, specifically 4.6.1.c shall apply.
- g. If the tourist cottage rental operation is permanently abandoned as addressed above, the cottages may be used as guest houses provided that if the use as a dwelling for any or all of the cottages has been demonstrably abandoned as described in Section 5.5.2, such use shall not be reestablished.

PLANNERS REPORT

TO: Long Lake Township Board
FROM: **Leslie Sickterman**
DATE: November 10, 2016
RE: October 2016 Monthly Report

Planning Commission Activities

The Planning Commission is taking up several text amendments including some changes to the definition of porches and to the nonconforming use section of the zoning ordinance.

Additional Projects

Staff continues follow up and compliance with the outstanding DNR grants and other recreation projects.

Staff has been working with several applicants for site plan reviews prior to appearing before the Planning Commission and following up on site plans pending final administrative approval including Grand Traverse Masonry. The first phase of private roads in Hills of Huellmantel are nearing conclusion and final close out is pending.

Now that the busiest part of the building season is winding down, staff has been working to update the database so that all TOT septic inspection reports are inputted and the reorganization of the permit filing system is continuing after being put on hold for the summer.

Enforcement under the new Nuisance ordinance is progressing on several properties. Other enforcement efforts and court actions have been resolving as well.

Permit List

11/01/2016

Permit	Address	Issued	Status	Category	Permit Fees
P07968	4866 ARBOR LATCH	10/05/2016	ISSUED	Accessory Building - Detached	\$50.00
P07969	4896 KODIAK DR	10/05/2016	FINALED	Single Family Dwelling	\$50.00
P07970	4892 KODIAK DR	10/05/2016	FINALED	Single Family Dwelling	\$50.00
P07971	3252 HUELLMANTEL D	10/05/2016	FINALED	Single Family Dwelling	\$50.00
P07972	3803 BRAYTON LN	10/06/2016	ISSUED	Single Family Dwelling	\$50.00
P07973	9748 SUGAR BUSH RUN	10/06/2016	ISSUED	Single Family Dwelling	\$50.00
P07974	10324 FENCEPOST LN	10/13/2016	ISSUED	Single Family Dwelling	\$50.00
P07975	11566 CEDAR RUN RD	10/13/2016	ISSUED	Residential (SFD) Addition	\$50.00
P07976	10495 FENCEPOST LN	10/14/2016	ISSUED	Accessory Building - Detached	\$50.00
P07977	1099 BASS LAKE RD	10/18/2016	FINALED	Deck	\$30.00
P07978	1099 BASS LAKE RD	10/18/2016	FINALED	Accessory Building - Detached	\$50.00
P07979	2765 WEST WOODLAND	10/19/2016	ISSUED	Accessory Building - Detached	\$50.00
P07980	6803 KARYMAY DR	10/19/2016	ISSUED	Accessory Building - Detached	\$50.00
P07981	3165 LAKE MEADOWS C	10/19/2016	ISSUED	Accessory Building - Detached	\$50.00
P07982	5199 NE LI WA LN	10/19/2016	ISSUED	Single Family Dwelling	\$50.00
P07983	54 S SOUTH LONG LAK	10/20/2016	ISSUED	Change of Use	\$20.00
P07984	6056 SERENITY LN	10/25/2016	FINALED	Accessory Building - Detached	\$50.00
P07985	6446 EAST TRAVERSE H	10/26/2016	ISSUED	Com, Alteration	\$100.00
P07986	8866 MANHATTAN NOR	10/26/2016	ISSUED	Fence	\$20.00
P07987	4763 FAIRWAY DR	10/27/2016	ISSUED	Accessory Building - Detached	\$50.00

Total Permits: 20

Total Fees: \$970.00

ZONING DEPARTMENT
Kim Smith, Zoning Administrator

Long Lake Township Monthly Land Use Permits Issued - Year to Date 2015		Commercial/Industrial, Agricultural	Home Occupation	Single Family Dwelling	Multiple-Attached "SFD" (# represents units)	Dwelling Addition	Garage/Det Acces Bldg or Addition to same	Mobile Home	Deck/Porch/Demolition	Miscellaneous	Total Permits		
Date	Permit #											Fee	Fee Cumul. Total
January	7580 - 7584	0	0	3	0	0	0	0	0	2	5	\$200	\$200.00
February	7585 - 7592	0	0	3	0	1	1	0	0	3	8	\$320	\$520.00
March	7593 - 7600	3	0	1	0	1	0	0	0	3	8	\$470	\$990.00
April	7601 - 7619	0	0	7	0	1	4	0	2	3	17	\$710	\$1,700.00
May	7620 - 7640	0	0	5	0	2	6	0	4	3	20	\$840	\$2,540.00
June	7641 - 7671	0	0	13	0	1	7	0	7	2	30	\$1,290	\$3,830.00
July	7672 - 7694 +7633	1	0	3	0	2	4	0	2	12	24	\$877.95	\$4,707.95
August	7695 - 7710	0	1	2	0	3	6	0	1	3	16	\$610	\$5,317.95
September	7711 - 7728	0	0	9	0	1	4	0	2	2	18	\$830	\$6,147.95
October	7729 - 7752	0	0	1	2	1	4	0	7	9	24	\$1,290	\$7,437.95
November													
December													
TOTALS		4	1	47	2	13	36	0	25	42	170		\$3,237.95

ZONING DEPARTMENT

Long Lake Township Monthly Land Use Permits Issued - Year to Date 2014		Commercial/Industrial, Agricultural	Home Occupation	Single Family Dwelling	Multiple-Attached "SFD" (# represents units)	Dwelling Addition	Garage/Det Acces Bldg or Addition to same	Mobile Home	Deck/Porch/Demolition	Miscellaneous	Total Permits		
Date	Permit #											Fee	Fee Cumul. Total
January	7407 - 7408	1	0	0	0	0	0	0	0	1	2	\$70	\$70.00
February	7409 - 7419	0	0	10	0	0	0	0	1	0	11	\$500	\$570.00
March	7420 - 7429	0	0	9	0	0	0	0	0	1	10	\$470	\$1,040.00
April	7431 - 7453	0	1	9	0	1	5	0	0	5	21	\$830	\$1,870.00
May	7446 - 7468	0	0	4	0	1	6	0	2	1	14	\$580	\$2,450.00
June	7469 - 7484	1	1	2	4	0	2	0	6	0	16	\$530	\$2,980.00
July	7485 -7504	1	0	2	0	1	5	0	6	5	20	\$600	\$3,580.00
August	7505 - 7520	0	0	6	0	1	6	0	1	1	15	\$650	\$4,230.00
September	7521 - 7542	1	0	4	0	1	7	0	6	2	21	\$813.95	\$5,043.95
October	7543 - 7569	0	0	5	10	1	3	0	3	5	27	\$1,140.00	\$6,183.95
November													
December													
TOTALS		4	2	51	14	6	34	0	25	21	157		\$6,593.95