

Vote NO on the Ordinance on November 8

Why The New Zoning Ordinance Should Not Be Approved

Details About

THE REFERENDUM OF LEELANAU TOWNSHIP ORDINANCE 01 OF 2022
AN ORDINANCE TO AMEND THE TOWNSHIP ZONING ORDINANCE

BACKGROUND

In 2020 Timber Shores RV Resort and Campground applied for a permit to re-establish the old Timber Shores Campground on M-22, between Camp Haven Road and Cove Trail.

John Sanders, the former township supervisor, lives on Indian Camp Road across from the proposed RV Resort and Campground. The former Township Supervisor and his neighbors do not want “Those people” near their residential neighborhood. While Sanders was Township Supervisor the township placed a moratorium on RV Resorts and Campgrounds and told the Planning Commission to “study” the Commercial Resort (CR) Zoning District to ensure that the “community” was protected from the hazards of an RV Campground.

This resulted in Township Ordinance 01 of 2022. In their effort to do the former Supervisor’s bidding the Planning Commission focused on extensive restrictions designed to prohibit Timber Shores from developing nearly 300 acres of land. However the Planning Commission’s extensive restrictions also impact: SHADY TRAILS CAMP; EAST BAYPOINT CONDOS; KAL HARBOR; NORTHPORT BAY RETREAT; AND INDIVIDUAL PROPERTY OWNERS STEVEN EISENHARD AND DAVID ZIEGELER. ALL OF THESE PROPERTY OWNERS HAVE SOME TYPE OF DEVELOPMENT IN THE “CR” ZONING DISTRICT.

EFFECT OF ORDINANCE 01 OF 2022 ON EXISTING CAMPS, RETREATS AND RESIDENTIAL DWELLINGS

The Planning Commission, for no documented reason, changed the set back from the Lake Michigan Waterfront Datum from 40’ to 125’. Structures on the South Lot Line of SHADY TRAILS CAMP, NORTHPORT BAY RETREAT structures and Mr. STEVEN EISENHARD’S house are now Nonconforming because they are too close to the Waterfront Datum. They can not expand or renovate those structures.

The Planning Commission, for no documented reason, changed the side yard setback for Campgrounds from 10’ to 100’. Structures on the South Lot Line and along the NW Lot Line and along M-22 of SHADY TRAILS CAMP are now Nonconforming because they are too close to the Lot Lines and the M-22 Right Of Way. They can not expand or renovate those structures.

DISREGARD FOR STATE LAW AND EGLE (Formerly DEQ) REGULATIONS

There is no doubt that many of the Property owners located in the CR Zoning Districts have wetland “pockets” on their land. The Planning Commission, for no documented reason and in violation of State Court Rulings and EGLE regulations, established Township restrictions requiring setbacks from wetlands. EGLE has determined that there is no need for setbacks from Wetlands. EGLE has provided regulations for Townships that desire to impose their own regulations. The Leelanau Township Planning Commission willfully disregarded those State regulations and imposed their restrictive regulations that require any Property Owner who operates a Camp, Campground, Marina or Retreat within the CR Zoning District to ensure that any structure is 25’ from a wetland or that a roadway is 10’ from a wetland. The EGLE regulations require a Township to map out wetlands prior to creating their own local rules. The Planning Commission did not comply with that regulation.

RESTRICTING ACCESS TO CAMPGROUND AMENITIES

NO TOWNSHIP RESIDENTS ALLOWED

The former Township Supervisor and his neighbors do not want “Those People” near their homes. “Those People”, in addition to people who use RVs, include Township residents who don’t live on the shoreline of the Bay. This ordinance authorizes only “activities for registered guests” at Campgrounds, Camps, Marinas or Retreats in the CR Zoning District. Township residents who are not registered guests must drive to Suttons Bay or Traverse City to participate in those kinds of recreational activities.

Locals can’t use the off-season storage area

If you’re a local but you didn’t camp at Timber Shores then you can’t use the seasonal storage area. So if you have an RV that you would rather not store in your back yard – well, that’s your problem. The storage area isn’t visible from surrounding roads, including M-22. The proposal plans a secure area that is also green-screened by evergreens. Ironically, one of the main objectors to Timber Shores had a fifth wheel RV parked in their driveway at one point.

The park model mess

The DNR reports that more than 295,000 people visited Leelanau State Park in 2018, the latest data available. Where do they stay? To provide more lodging for these tourists the developer proposed using park model cabins. The new ordinance says for every park model, the developer has to remove 1.75 spaces for RVs. So for the 50 park models in the original plan they lose 88 RV campsites. All those thousands of people who might want to stay but don’t have an RV and could have stayed in a park model cabin – guess what? – they’re headed back to Traverse City to spend their money in hotels, restaurants and shops there. That’s money that could have been spent here at businesses in the Northport and Omena area.

Stacked planning commission

The former township supervisor, even though he had a conflict of interest, appointed planning commissioners who are against the Timber Shores proposal. They may tell you they're not opposed but their actions speak the truth, and their actions are all about more restrictions that make it more difficult to recreate Timber Shores.

Undue influence

The planning commission has allowed various people and organizations to shape the new zoning ordinance. In at least one instance a person who owns seasonal property several miles from the site, and whose permanent mailing address is in Florida, has made pages of recommendations and the planning commission adopted some of them. The Watershed Center has sent many letters and talked extensively during public comment periods and is regarded as an expert by some planning commissioners. In reality their experience is not even close to the actual expert, recognized by national organizations, who is the Timber Shores environmental consultant.

The chilling effect

The new ordinance is an unconscionable interference with the Timber Shores plan to develop the property for its intended and lawful use. It also casts a chilling effect that discourages any development in the township as potential investors recognize that the risks are too high to even think about trying to do business here due to the unpredictability of dealing with a mostly inexperienced township board that acted suddenly and without careful consideration.