EMMET COUNTY PLANNING
COMMISSION REGULAR MEETING
THURSDAY NOVEMBER 1, 2018
7:30 PM
EMMET COUNTY BUILDING
COMMISSIONER’S
BOARDROOM
200 DIVISION ST
PETOSKEY, MI
49770

AGENDA

I Call to Order and Attendance

II Appearance – Chief Welsheimer, Resort/Bear Creek Township Fire Chief

III Minutes of October 4, 2018

IV Cases

CASES FROM PREVIOUS MEETINGS

1. PPUD18-003 Friendship Township, PUD-2 Amendment-Use clarification, Corner of S State Rd and W Stutsmanville Rd, Sections 14 & 23, Friendship Township

2. PSPR18-010 Grady Graham for Graham Construction Corp, for Jim Fabiano II, 5G Properties LLC for Site Plan Review – Amendment, 5692 US 131 Hwy, Bear Creek Township

NEW CASES

3. PPUDF18-02 Crooked Lake Yacht Club, Planned Unit Development Amendment, 3704 Oden Rd, Section 18, Littlefield Township

4. PSPR18-011 Jeff Laughery/Morton Buildings for Cedar Valley LLC-Drost Landscape, SITE PLAN REVIEW-Amendment-Addition to office, 2010 Cedar Valley Rd, Section 16, Bear Creek Township

5. PSPR18-012 Craig Rose-Hearthside Grove for FOMCO LLC, SITE PLAN REVIEW-17-unit site condo, Section 25, Bear Creek Township

PROPOSED TEXT AMENDMENTS

6. PPTEXT18-01 Emmet County Planning Commission, Text Amendment, Accessory Uses to a Farm Operation

V Public Comments

VI Other Business
1. Proposed Text Amendment – L’Arbre Croche
2. Enforcement Report
3. Wineries
4. LIAA – Workshop – November 2, 2018, Little Traverse Township Hall
5. Master Plan – consider draft timeline for Master Plan update/review

VII Adjournment
EMMET COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY OCTOBER 4, 2018, 7:30 P.M.
EMMET COUNTY BUILDING
200 DIVISION ST
PETOSKEY, MI 49770

MEMBERS PRESENT: Kelly Alexander, John Eby, Toni Drier, Jonathan Scheel, Tom Urman, Steve Neal, James Scott, Charles MacInnis

MEMBERS ABSENT: David Laughbaum

STAFF: Monica Linehan, Nancy Salar

I Call to Order and Attendance
Chairman Eby called the meeting to order at 7:30 p.m. All members were present except Laughbaum.

II Minutes of September 6, 2018
Alexander made a motion, seconded by Urman, to approve the amended minutes of the September 6, 2018 meeting as presented. The motion passed unanimously by voice vote of the members present.

III Cases
1. Case PSPR18-009 Northern Excavating & Topsoil Inc, SITE PLAN REVIEW-Amendment, 4150 Wressel Rd, Section 23, Friendship Township

Legal Notice: A request by Northern Excavating & Topsoil for Site Plan Review - amendment at 4150 Wressel Road, Section 23, Friendship Township. The property is zoned FF-2 Farm and Forest and includes tax parcels 24-06-12-23-400-022 & 023. The request is to allow expansion of the shop at a Contractor’s Use per Article 8 and Section 26.32. The review includes an addition of 720 sq. ft. to an existing contractor’s use building.

Packet Items: Fire Department recommendation, 9/18/185 Zoning Evaluation Form, 9/13/18 site plan, Friendship Township recommendation

Salar presented an overview of this case including the location and aerial maps. The applicant proposes an addition on the north end of the existing building. The site plan was shown as well as photos of the site. She noted that the parcel is well screened from the road. There have been complaints about and the aerial photos support, an expansion of the business activity which has not been approved.

The applicant was not present.

Cynthia Donahey, Friendship Township, noted that the site plan has been revised since the last meeting and that the new proposed site plan is not on the PowerPoint presentation. Eby noted that all members had a copy of that revised plan in their packets.

MacInnis stated that the limitations seem to be exceeded on the new site plan. Urman noted that the township has made a recommendation to deny. Drier asked why it was pointed out that the land use to the east is resource extraction. Linehan explained that we typically list the surrounding uses when looking at a request.

Donahey explained that they felt that the new site plan expands the area of the business that was approved and includes sheds and other buildings that have been placed on the property without
approval. The Township is not interested in them expanding the use and the applicant seems to be under the impression that the entire parcel is approved for the excavation business use, not just the portion that was actually approved for it. They stated that they felt that the sheds and other buildings placed without permits are temporary and didn’t need approval or permits. Donahey explained that the township felt that if the revised site plan was approved, they would be approving the expansion, the larger building, and the sheds on the site plan.

Scheel asked Donahey if the applicant was in attendance at their meeting. Yes. He asked how we can accept an application for something that isn’t allowed. It is a bigger size than allowed for a contractors use.

Maclnnis stated that his inclination is to take the township’s recommendation and deny.

Scheel asked what the contractor’s use is as he feels that it hasn’t been explained very well. Donahey stated that it is an excavating business. It was approved originally as a staging area and storage of rock, rubble, and other materials. When they originally looked at it, they thought given it was located next to an approved mining operation it didn’t seem that far-fetched. They then got complaints about machinery running all of the time not just during the hours of operation. They are moving dirt around and maybe digging, trees have been removed. The application is for the addition to the building. She stated that the applicant thought that when he received permission for a contractors use, that means the entire piece of property. He had no understanding at the Township meeting that the site plan reflects what was approved for the parcel.

There was no public comment on this case.

Scott made a motion to deny Case # PSPR18-009, Northern Excavating for Steve Aquila for Site Plan Review – amendment for an addition, on property located at 415 Wessel Road, Section 23, Friendship Township, tax parcel 24-06-12-23-400-022, as shown on the site plan dated Received Sep 13, 2018, for the following reasons: the proposal exceeds the standards of the Zoning Ordinance based on the size of the property and the proposed size of the buildings, the character of the proposed addition is industrial and not in keeping with the Farm and Forest intent and because the Friendship Township Planning Commission recommended denial. The motion was supported by Neal and passed on the following roll-call vote: Yes: Eby, Neal, Drier, Scott, Scheel, Urman, Maclnnis, Alexander. No: None. Absent: Laughbaum.

2. Case PPUO18-003  Friendship Township, PUD-2 Amendment-Use Clarification, Corner of S State Rd and W Stutsmanville Rd, Section 14 & 23, Friendship Township

Legal Notice: A request by Friendship Township to amend the Planned Unit Development-2 (PUD) to clarify the uses permitted within the mixed-use PUD located at the corner of S State Road and W Stutsmanville Road in Friendship Township. The PUD amendment includes only those portions of tax parcels 06-12-14-300-016, 300-018, 300-019, 300-020, 300-049, 300-050, 400-006, 400-007, 400-008 and 06-12-23-100-017 zoned PUD-2. A complete list of uses includes specific accommodation and food services, agriculture and forestry, arts, entertainment and recreation, commercial, communications, construction/contractors, educational services & religious institutions, human care and social assistance, resource extraction, public facilities, residential uses, transportation/warehousing/wholesale/storage/shipping, and utilities/energy. A detailed list accompanied the application and is available upon request. The request includes a specific definition for mini-storage within this PUD only.

This case has been postponed and will be heard at the November 1, 2018 Planning Commission meeting.
3. Case PSPR18-010 Grady Graham for Graham Construction Corp. for Jim Fabiano II, SG Properties LLC, SITE PLAN REVIEW-AMENDMENT, 5692 US 131 Hwy, Section 32, Bear Creek Township

Legal Notice: A request by Grady Graham of Graham Construction Corp. for Jim Fabiano II of SG Properties LLC for Site Plan Review – Amendment at 5692 US 131 Hwy of Bear Creek Township. The property is tax parcel 24-01-19-32-300-005 and is zoned I-1 Light Industrial. The proposal is to construct a commercial storage building per Articles 14 and 22 of the Emmet County Zoning Ordinance.

Packet Items: Request & location, aerial, application, impact statement, site plan review checklist, 9/17/18 Zoning Evaluation Form, 9/10/18 site plan packet, BCPC minutes, Email correspondence and volume calculations, HD site evaluation

Salar showed the location of this parcel located south of Petoskey. This is the old Parker Motor Freight site. It is zoned I-1, Light Industrial. The surrounding parcels are zoned FF. The topographical map and existing buildings were shown. The proposed site plan includes an 80x200' storage building. The elevations and photos of the site were shown. The parcel is 13.06 acres and the proposed usage of the building is for commercial storage. Three buildings exist on the property; this would be the fourth building proposed. The height would be 22' at the eaves which meets the height requirements and also meets all setback requirements. The township has recommended postponement until next month for a more detailed site plan. The Health Department evaluation has been supplied. Storm water calculations were submitted. The original were not sufficient and new ones were submitted but there is no new drainage plan to support them. The parking meets the ordinance standards. The Fire Department has approved with conditions. MDOT has not provided feedback but they are using an existing commercial access. If new lighting is proposed, it would need to go to the Sign & Lighting Committee. There is some discrepancy as the sign and lighting plans indicate no lighting but then discuss relocated parking lot lights. The existing sign would be used. Snow storage is not addressed on the site plan. There is a dumpster location designated which appears to meet standards.

Jim Nichols, representative for the applicant, stated that they presented a plan at the Township meeting. The postponement was primarily because the drainage plans were just received. Urman stated that the plans had been revised as well. Nichols stated that they meet all zoning ordinance requirements. Additional landscaping was discussed and agreed to at the township meeting. There were some questions brought up regarding the road berm on the property. From his understanding, it was created by the soil that was pushed back from the original building but was never a requirement to have this in place. There is 1-2' coming off of the berm where the new driveway is proposed and they have offered to plant additional trees along that driveway to provide a better entryway along US 131. Nichols stated that he would like to see this board make a conditional approval so that they are able to get the contractors lined up and moving on the project.

Scheel asked if the main issues are that there is missing snow storage and the drainage plan doesn't match up with the new calculations? Salar stated that no revised plans have been submitted to the County offices. Nichols explained that as far as lighting, it will be submitted separately along with the landscaping addition. He pointed out an area on the site plan that can be used for snow storage.

Urman stated that part of the reason for the township requesting postponement is that they received an incomplete site plan and received it at the last minute. They felt that since we've talked about not reviewing information submitted at the last minute, the applicant could take the next 30 days to get a corrected site plan to us in time to make a judgement on it. There were concerns brought up at the township level and although they think it will be done correctly they wanted to be sure a correct site plan is in place to review. They were concerned about the berm and how it was originally approved and built. They also discussed parking and driveways, drainage easements, retaining wall heights, and
truck well radiuses. Urman noted that the use fits into the I-1 zoning district but wanted to see a complete site plan.

Drier asked if the space that Nichols pointed out is the same area on the plan that Bear Creek Township has for drainage. Nicholas pointed out the two different locations. He also pointed out the location in which they verbally said that they would increase landscaping at the township meeting to minimize the impact of the building. Urman added that they were also concerned with the view from Walloon Lake and they would like extra screening on that side as well.

Eby opened the floor to public comment.

Cynthia Donahey noted that the last minute site plans have been an issue in their township as well. It is very hard to review if it is turned in last minute and if you don't have an approved plan in the file you have nothing. She stated that she would not vote to approve something because of a verbal agreement only.

MacInnis stated that Nichols commented on getting construction started prior to winter; he presumes that these details are not something that staff can approve administratively? Urman stated that they discussed this at the township and felt that it goes back to having appropriate time to review the plans.

Scheel stated that there were comments/concerns about tree sizes. If this board or the township are concerned about this type of thing, it's not appropriate to let the applicant guess on what we might approve. Most of the concerns he's heard could be done conditionally and could have started the conversation with the type and sizes of trees and the size of berms. He agrees wholeheartedly that we are getting things at the last minute but we shouldn't necessarily punish applicants because of this. There is a well thought out list from the township and it was discussed there. He stated that we have some culpability as well because we don't have a plan that was available a week ago but perhaps that is because Doernenburg is on vacation. Urman stated that it is not their intention to delay but didn't feel that all of these items should be put on staff either. Neal stated that procedurally we are supposed to have the site plan in hand two weeks prior to the meeting and this is our practice. He asked if the applicant feels that they have directives for the revised site plan. Nichols stated that they will meet the requirements. The tree sizes are on the landscape plan. They are not planning to start construction in 30 days but do need to have the building ordered which is why they were hoping for conditional approval. Nothing can be done until the County signs off on the approval anyway. There are critical timing issues.

Scott asked about the building use; it's described as a warehouse. Will there be distribution out of it as well? Nichols stated that it will operate the same way as Bayside Beverage did, storage of the product and taking them out on semis to distribute.

Urman made a motion to postpone Case # PSPR 18-010, Grady Graham of Graham Construction for Jim Fabiano II of 5G Properties, Site Plan Review amendment for a commercial storage at 5692 US131 Hwy., located in Section 32 of Bear Creek Township, tax parcel 24-01-19-32-300-005 to allow the applicant time to prepare a sealed drainage plan and a complete revised site plan as required by the Zoning Ordinance and as requested by the Township Planning Commission and Board. The motion was supported by Scott and passed on the following roll-call vote: Yes: Neal, Drier, Scott, Urman, MacInnis, Alexander. No: Eby, Scheel. Absent: Laughbaum.
4. Case PPTEXT 18-001  Emmet County Planning Commission, Text Amendment-Accessory Uses to a Farm Operation

Packet Items: Email from Bill Sutton-Readmond Twp PC, McKinley Twp recommendation

This is the second public hearing on this proposed text amendment.

David Coveyou stated that he is glad to see a document that encompasses all of the township reviews and he hopes that this will be brought to the Board of Commissioners. This can be used to help farms stay active, alive, and grow. He thanked the Planning Commission for their work on this amendment.

Duane Schuil stated that he and his wife Kristi’s biggest breaking point is the restriction on these activities to FF-1 and FF-2 zoning districts. They feel that if an applicant meets all of the other requirements, it should be encompassed into all zones. The criteria are nicely outlined in the proposed text.

Wendy Wieland thanked the Planning Commission for working diligently on this and added that she was preparing a presentation yesterday and the statistics reiterated to her the importance of these activities and the support of these activities. A farm in the area made well over $400,000.00 with these extra activities. They are doing amazing things.

Rosalie Wiegand, Readmond Township Planning Commission, stated that their Planning Commission discussed the text amendment and also thought that anyone that could meet the requirements should be able to do these things no matter which zoning district they are in.

Urman asked Mark Drier who was in the audience, which text amendment McKinley Township opposed as per the documentation that we received from the clerk. Drier stated that they oppose both text amendment requests and feel that the ordinance should be left as it is.

Alexander made a motion to recommend approval of Case PPTEXT18-01, Emmet County Planning Commission, Text Amendment, Accessory Uses to Farm Operations Draft #6 as proposed. The motion was supported by Neal but failed based on the following roll-call vote: Yes: Neal, Maclnnis, Alexander. No: Eby, Drier, Scott, Scheel, Urman. Absent: Laughbaum.

Scheel stated that he still believes that because we allow farming in all zoning districts and we put a long time into the discussion to determine criteria to protect the neighbors, that districts don’t matter. It seems that we are restricting what we set out to do based on letters and numbers and not based on any sort of criteria.

Maclnnis stated that Scheel has some valid points regarding the restriction.

Neal stated that if this doesn’t work, we could change the Ordinance again.

Eby stated that Maclnnis stated that he didn’t want a PUD for these activities but he believes that a targeted PUD, which would allow other uses rather than a specific use would still provide direction as to how and why.

Scheel stated that it would be helpful if the no votes gave their reasons why.

Scott stated that he doesn’t think there is any reason why it has to be FF zoned properties only and he also doesn’t see why it should be directed only at existing farms.

Drier stated that she agrees with Scott and added that she has been so disappointed that we have been so far one way and so far the opposite way during the discussion. She is not positive what we
are trying to pass on to the Commissioners.

Urman stated that he has similar feelings. He doesn't like the hours of operation in this draft because it is hard to enforce. We have swung back and forth on discussion. Early on we discussed reviewing on a case by case basis. There are certain things that may fit and the dynamics are different in different parts of the County.

MacInnis asked Eby what he was referring to earlier. Was it not wanting to review on a case by case basis? The issue he has with making rules one case at a time is that people like to have some certainty. Maybe this is an issue that has to be like that but it puts a lot of pressure on the Planning Commission and creates precedence.

Neal stated that part of the objective is that we want farms to succeed and we want to give guidance. If there are basic guardrails that an applicant can't fit into then they need to find something else. There will still be special uses or exceptions but we should have a 'stake in the ground' that they can work from. Personally, if you can't see, smell, or hear it, he thinks you should be able to do it. He thinks that these criteria are in place and voted yes to pass it along. It seems like the right thing to do. We have been all over the map in regards to the discussion. Case by case may seem right to us but sends an inconsistent message or no message to applicants. This may not be perfect but it is not a bad 'stake in the ground'.

Eby stated that this case will be heard again at the next meeting. Scheel asked that the members please read what we have again. It seems to focus and get pretty close. Spend time looking at it and understanding it. We may not all agree about all of the line items but they are protections for the community. He doesn't want to start over. Even in a PUD criteria has to be there for a legal basis.

Cynthia Donahey suggested reaching out to neighboring communities to see how they are handling this. Eby stated that this has been done.

5. Case PPTEXT 18-03 Emmet County Planning Commission, Text Amendment-Accessory Building Exceptions

Legal notice: A request by Emmet County Planning Commission to add to Section 22.01 a new paragraph: "Section 22.01.4 EXCEPTIONS Where it can be demonstrated to the Planning Commission by the applicant that no good purpose would be served by strict compliance with the provisions of this Section 22.01, the Planning Commission may waive or modify said standards subject to a Public Hearing and approval of the Site Plan by the Planning Commission and notifications to adjoining property owners as required for a Special Land Use."

This is the second public hearing on this proposed text amendment.

David Coveyou stated that he feels that it is a good step but lacks some of the guardrails previously discussed. Who determines 'no good purpose'? It seems that more should be added to it to capture what we see and hear. He feels that there can be height issues in residential areas.

Cynthia Donahey stated that she agrees.

Neal asked that the text be changed to read affected property instead of adjoining. Linehan explained that that is just explaining that a case under these guidelines would have to be publically notified in the same manner as a special use permit and that is notified to adjoining parcels within 300' of the subject parcel. This cannot be changed as it's part of the Zoning Enabling Act.

Alexander stated that he thought we had guidelines and guardrails in place and the issue is that the ZBA has no way to approve them using their criteria. Linehan pointed out that the text to be added is
just to the exception section of Section 22.01.4; the standards looked at during a review are in Section 22.01. Salar read the standards from that section.

Coveyou stated that there are issues with height and screening and this should be made clearer.

Scott stated that when the Planning Commission reviewed these cases in the past there were often times when they were denied because they couldn't properly screen the building. Eby added that often people would work within these guidelines to make their proposal acceptable.

Scott made a motion to recommend approval of PPTEXT18-03, Emmet County Planning Commission, to a sentence to Section 22.01.5, Accessory Building Exceptions, as proposed based on the facts presented in this case and the facts presented during the Planning Commission meetings of July 5, 2018, August 2, 2018, and September 6, 2018, the text is supported by the Emmet County Master Plan and will allow the necessary flexibility desired when reviewing residential accessory buildings. The motion was supported by Alexander and passed on the following roll-call vote: Yes: Eby, Drier, Scott, Urman, Maclnnis, Alexander. No: Neal, Scheel. Absent: Laughbaum.

IV Public Comments: None.

V Other Business:

1. Enforcement Report- Distributed with discussion on a few cases.
2. Wineries: No new information
3. LIAA Workshop, November 2, 2018 Little Traverse Township Hall

VI Adjournment

There being no other business Eby called the meeting adjourned at 9:05 p.m.

James Scott, Secretary

Date
REQUEST

PPUD18-003

A request by Friendship Township to amend the Planned Unit Development-2 (PUD) to clarify the uses permitted within the mixed-use PUD located at the corner of S State Road and W Stutsmanville Road in Friendship Township. The PUD amendment includes only those portions of tax parcels 06-12-14-300-016, 300-018, 300-019, 300-020, 300-049, 300-050, 400-006, 400-007, 400-008 and 06-12-23-100-017 zoned PUD-2. A complete list of uses includes specific accommodation and food services, agriculture and forestry, arts, entertainment and recreation, commercial, communications, construction/contractors, educational services & religious institutions, human care and social assistance, resource extraction, public facilities, residential uses, transportation/warehousing/wholesale/storage/shipping, and utilities/energy. A detailed list accompanied the application and is available upon request. The request includes a specific definition for mini-storage within this PUD only.

LOCATION
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<thead>
<tr>
<th>Preferred Planned Unit Development Uses – PPUD18-003</th>
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<td>Bakeries (goods produced &amp; sold on site)</td>
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<td>Bed &amp; Breakfasts</td>
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<td>Cabin Courts</td>
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<td>Caterers/Food Service Contractors</td>
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<td>Coffee Shops</td>
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<td>Drinking Establishments (Bar)</td>
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<td>Microbreweries, Wineries, Distilleries</td>
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<td>Restaurants</td>
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<td>Restaurants with Outdoor Dining</td>
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<td>Tourist Homes</td>
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<td>Farms, domestic</td>
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<td>Art Studios and/or Handcrafted Products when</td>
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<td>operated in the character of a home occupation</td>
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<td>Bowling Centers/Billard Parlors</td>
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<td>Fitness &amp; Recreational Sports Centers (ex:</td>
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<td>sparr, health clubs, racquetball)</td>
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<td>Museums &amp; Galleries</td>
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<td>Public Parks, Playgrounds, Recreation Areas</td>
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<td>including accessory shelters and appurtenances,</td>
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<td>Theaters/Performing Arts Facilities</td>
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<td>Clothing &amp; Clothing Accessories Stores</td>
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<td>Electronics &amp; Appliance Stores</td>
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<td>Florists</td>
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<td>Food &amp; Beverage Stores</td>
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<td>Furniture &amp; Home Furnishings Stores, Antique</td>
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<td>General Merchandise Stores</td>
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<td>Hardware Stores</td>
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<td>Health &amp; Personal Care Stores</td>
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<td>Interior Designers/Showrooms</td>
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<td>Medical Laboratories</td>
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<td>Movie Rental Stores</td>
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<td>Office Supply Stores</td>
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<td>Outdoor Vendors</td>
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<td>Pawn Shops/Resale Shops</td>
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<td>Personal Services (barber-beauty shops, tailoring,</td>
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<td>massage)</td>
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<td>Pharmacies/Medical &amp; Optical Supplies</td>
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<td>Professional Offices</td>
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<td>Real Estate Sales Office</td>
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<td>Small-Scale Craft Making</td>
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<td>Sporting Goods, Hobby, Book &amp; Music Stores</td>
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<td>Studios for dance, physical exercise and music</td>
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<td>Wireless Telecommunications Towers &amp; Facilities</td>
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<td>&amp; Alternative Tower Structures (See Section 26.01)</td>
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<td>Special trade contractors (ex: electrical,</td>
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<td>plumbing, heating, building) Office Showrooms</td>
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<td>Higher Specialized Learning (public and private)</td>
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<td>Public or private schools</td>
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<td>Religious Institutions</td>
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<td>Trade Schools</td>
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<td>Child Care Services (see following)</td>
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<td>Family Child Care Home (8 or less)</td>
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<td>Group Child Care Home (7-12)</td>
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<td>Child Care Center or Day Care Center/Nursery</td>
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<td>School</td>
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Plan prepared by Emmet County Planning and Zoning
231-348-1735
Date: 8/13
1 in = 400 feet
Friendship Township Planning Commission
9/24/18, 7:05 p.m. Friendship Twp Hall

Call to order
Present: Cullip, Donahey, Kurburski, MacGregor
Absent: none

Public present: Steve Aquila, Don Olson, Sandy Olson, Jim Morris

Approve minutes of 8/27/18 meeting, stand as written

New business

Case # PZBA18-017. A request by Jim Morris for a front yard setback variance of 33 feet to apply to an existing single family dwelling at 76 S. Lamkin Rd. Motion by Kurburski to approve based on the fact the proposal meets the dimensional variants’ standards. MacGregor 2nd, All in favor.

Old Business

Discussion regarding Stutsmanville PUD. MacGregor made a motion to recommend to township board the PUD involves a simple list of preferred uses. Kurburski 2nd, the motion carried unanimously.

Case # PSPR 18-009 a request by Northern Excavating to build an addition to an existing building. A motion to deny made by MacGregor as the addition would exceed the 2400 sqft allowed for buildings under Contractors Use. Current buildings (office and barn) are Approx. 2320sqft which was approved on the original site plan in 2013. Cullip 2nd, Donahey agreed. Kurburski recused himself. Motion passed.

Report from Trustee (MacGregor): None

Public comment: Concern was brought forth regarding constant noise levels on Wressel rd with respect to Excavating operations. (Northern Excavating and KRG Excavating). Possible “mining” on property not zoned for such activity.

Adjourn at 8:26 p.m.

Next scheduled meeting October 22, 2018, 7:00 p.m.

Submitted by Mike Cullip, Secretary
DATE: 10/18/2018 (REVISED)       CASE #: PPUD18-003

APPLICANT: TOWNSHIP OF FRIENDSHIP

PROPERTY: 2988 S STATE RD +

TOWNSHIP: FRIENDSHIP

REQUEST: Planned Unit Development – Amend to clarify permitted commercial uses

FACTS:
- The properties are located at the corners of Stutsmanville Road and S State Road.
- The properties were rezoned to PUD-2 Planned Unit Development in 2002.
- The PUD includes 10 parcels (some partial) totaling approximately 20 acres.
- Original PUD was created for the purpose of creating a “rural village center”.
- A memo created in 2002 to explain the rezoning plan was previously provided.
- A history of zoning events on properties in the vicinity was previously provided.
- The meeting minutes from 2002 were previously provided.
- The original approval simply allowed all existing uses and commercial uses. The proposal lists those uses desired by Friendship Township as “Preferred Planned Unit Development Uses – PPUD18-003”).
- No changes to the existing land uses or approved site plans would be made as a result of this proposal.
- This is an amendment to the Preliminary PUD – identifying the land uses. Township recommended approval of the simplified list as provided in the packet. Final approval is by the Emmet County Board of Commissioners.
- Single page proposal dated July 1, 2018 submitted by the township was previously provided and updated by the Friendship Township Planning Commission meeting minutes dated 9/24/2018.
- The Emmet County Master Plan Future Land Use Map shows the area as “mixed use”.
- No specific land uses changes are proposed at this time.

ZONING ORDINANCE STANDARDS:

SEE PUD STANDARDS OF THE ZONING ORDINANCE.

Draft Motions:
To recommend approval of PPUD18-003, Friendship Township for an amendment to the Planned Unit Development on properties currently zoned PUD-2 located in the northwest, northeast, and southwest corners of Stutsmanville Road and S State Road, Sections 14 & 23, Friendship Township, tax parcels 24-06-12-14-300-016, 018, 019, 020, 049, 050, 400-006, 007, 008 & 06-12-23-100-017, as listed in the Preferred Planned Unit Development Uses – PPUD18-
003 document provided by Friendship Township and including the definition of “mini-storage” as provided with the application for this PUD only because the uses are consistent with the goals and objectives of the Master Plan, the proposal is consistent with the Future Land Use Map of the Emmet County Master Plan and the rural village center desired by Friendship Township and Friendship Township recommended approval and no property owners have objected (other reasons may be inserted here).

To recommend denial of PPUD18-003, Friendship Township for an amendment to the Planned Unit Development on properties currently zoned PUD-2 located in the northwest, northeast, and southwest corners of Stutsmanville Road and S State Road, Sections 14 & 23, Friendship Township, tax parcels 24-06-12-14-300-016, 018, 019, 020, 049, 050, 400-006, 007, 008 & 06-12-23-100-017, as listed in the Use List provided by Friendship Township and including the definition of “mini-storage” for this PUD only because (reasons should be added here).

To postpone PPUD18-003, Friendship Township for an amendment to the Planned Unit Development on properties currently zoned PUD-2 located in the northwest, northeast, and southwest corners of Stutsmanville Road and S State Road, Sections 14 & 23, Friendship Township, tax parcels 24-06-12-14-300-016, 018, 019, 020, 049, 050, 400-006, 007, 008 & 06-12-23-100-017, as listed in the Use List provided by Friendship Township and including the definition of “mini-storage” for this PUD only to allow additional time for rezoning review (additional reasons may be added here).
REQUEST

PSPR18-010

A request by Grady Graham of Graham Construction Corp. for Jim Fabiano II of 5G Properties LLC for Site Plan Review – Amendment at 5692 US 131 Hwy of Bear Creek Township. The property is tax parcel 24-01-19-32-300-005 and is zoned I-1 Light Industrial. The proposal is to construct a commercial storage building per Articles 14 and 22 of the Emmet County Zoning Ordinance.

LOCATION
### Pond Volumes & Elevations

#### Larger Pond

<table>
<thead>
<tr>
<th>Elevation</th>
<th>Area (sft)</th>
<th>Average (sft)</th>
<th>Volume (cft)</th>
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</thead>
<tbody>
<tr>
<td>798.00</td>
<td>10884.89</td>
<td>11610.29</td>
<td>0.00</td>
</tr>
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<tr>
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<td>24701.19</td>
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<tr>
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<td>15016.59</td>
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<td>31195.30</td>
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</tbody>
</table>

#### Smaller Pond

<table>
<thead>
<tr>
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<th>Area (sft)</th>
<th>Average (sft)</th>
<th>Volume (cft)</th>
</tr>
</thead>
<tbody>
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<tr>
<td>804.00</td>
<td>3387.87</td>
<td></td>
<td>5107.03</td>
</tr>
</tbody>
</table>

Total Detention Pond Vol. = 36302 cft

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**RECEIVED**

OCT 18 2018

EMMET COUNTY PLANNING & ZONING
Stormwater Analysis for Existing Site

- Existing Developed Area = 23,862.17 sq ft

- Detention Required w/ Sandy Sites
  23,862.17 sq ft * (1.5 inches * \(\frac{1 ft}{12 \text{ inches}}\) )
  = 29,828.4 sq ft

- Proposed Developed Area (Includes Existing Area)
  312,993.61 sq ft - Total Developed Area
  - 19,584.56 sq ft
  - 5,248.58 sq ft
  - 3,746.64 sq ft
  - 295.73 sq ft
  289,118.10 sq ft

- Detention Required w/ Sandy Sites
  289,118.10 sq ft * (1.5 inches * \(\frac{1 ft}{12 \text{ inches}}\) )
  = 36,139.8 cf

- Estimated Pond (Existing) Volumes
  - From Attached Calculation = 23,318 cf

- Additional Detention Pond Volume Required = 12,822 cf
DATE: 10/19/2018

APPLICANT: Grady Graham of Graham Construction for Jim Fabiano II of 5G Properties LLC

PROPERTY: 5692 US 131 HWY

TOWNSHIP: BEAR CREEK

REQUEST: SITE PLAN REVIEW – Amendment – commercial storage

FACTS:
- The property is zoned I-1, Light Industrial. A portion of property to the north is also zoned I-1.
- All other properties surrounding it are zoned FF-1, Farm Forest.
- The property is 13.06 acres.
- The proposed use is commercial storage.
- Currently 3 buildings on site.
- Proposal is to add 80’ x 200’ 16,000 sq. ft. building.
- The height of the building 22’ to the eave.
- Stormwater drainage calculations meet ordinance standards.
- Estimated cost of stormwater drainage not provided.
- 10 parking spaces required. 10 parking spaces provided and designated on site plan.
- Fire Dept. approved with conditions.
- Health Dept. approval received.
- MDOT has not yet provided feedback, however, no new access onto US 131 Hwy.
- Separate lighting review required. Plans indicate no parking lights – however, plans show parking lot lighting to be relocated.
- Proposing to use existing sign
- Snow storage/management not shown on plan.
- Dumpster located on site plan – screening complies with zoning standards.

ZONING ORDINANCE STANDARDS

Section 20.05 Site Plan Review Standards

The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards and considerations listed below unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance.
A. Compliance with District Requirements
The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in the Zoning Ordinance, unless otherwise provided.
This standard appears to be met. Setbacks and height.

B. Vehicular and Pedestrian Circulation
Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. A pedestrian circulation system shall be provided and shall be as insulated as completely as reasonably possible from the vehicular circulation system. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves the project area shall be capable of safely and effectively accommodating the traffic volume and pattern proposed by the project. Where possible, shared commercial access drives shall be encouraged.

1. Walkways from parking areas to building entrances
   a. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from internal parking areas. The walkways shall be located within the parking areas and shall be designed to provide access from these areas to the entrances of the building(s).
   b. The walkways shall be designed to separate people from moving vehicles.
   c. These walkways shall have a minimum width of five (5) feet with no car overhang or other obstruction.
   d. The walkways must be designed in accordance with the Michigan Barrier Free Design Standards.
   e. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation or scored concrete. Other materials may be used if they are appropriate to the overall design of the site and building and acceptable to the review authority.

Walkway from parking provided.

C. Emergency Vehicle Access
All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides. Site plan reviewed by Fire Chief.

D. Loading and Storage
All loading and unloading areas and outside storage areas which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials of sufficient height to obscure the direct view
from adjacent first floor elevations. The site plan shall provide for adequate storage space for the use therein. *Trees proposed to be planted to provide screening. Loading on side of building.*

E. Snow Storage
Proper snow storage areas shall be provided so to not adversely affect neighboring properties, vehicular and pedestrian clear vision, and parking area capacity. *Not shown, but adequate area for snow storage.*

F. Buffers
To provide reasonable visual and sound privacy, buffer techniques, screening, fences, walls, greenbelts, and landscaping may be required by the Planning Commission in pursuance of the objectives of this Section and/or as a condition of the establishment of the proposed use. *Buffers provided with increased setback. Some landscaping provided. Proposing to replace existing evergreen trees along north west property line with deciduous trees. No screening proposed to replace removal of berm on north end of parcel or on north east corner of parcel. Screening from adjacent residential use seems inadequate. Suggest Landscape Plan in compliance with Section 22.04.*

G. Drainage
Storm water drainage plans shall address flows onto the site from adjacent sites and roads, storm water impact on the site (soils, impervious surfaces, potential impervious surface, retention ponds, detention ponds, and related management facilities as appropriate), and the storm water outfall, or flow control into adjacent drainage courses, ditches and the like.

The drainage plan shall indicate the manner in which surface drainage is to be disposed of. This may require making use of the existing ditches, natural watercourses, or constructing tributaries, but shall not result in storm water that exits the detention pond and/or property site at an erosive velocity. Additional hard surfaces proposed for a site must provide for detention and/or retention. The minimum requirements for retention and detention facilities are as follows: For sandy sites the volume of retention and/or detention shall be equal to the volume of 1 and 1/4" of water depth multiplied by the area of additional hard surface. For all sites other than sand, the volume of the retention and/or detention shall be equal to the volume generated from 2" of water depth multiplied by the area of additional hard surface. Both detention and retention facilities must be designed to assure that water is released within 72 hours. Detention facilities are to have a pipe no larger than 4" exiting the ponds at a grade no greater than 1%.

All storm water drainage plans shall be sealed by a Michigan Registered Professional Civil Engineer. The Planning Commission may waive the requirement, defer the requirement, or determine that a fully engineered storm drainage plan is not necessary, or can be deferred to a future date. Improvement guarantees shall be required, unless waived by the Planning Commission, for all storm water drainage plans in the form and amount acceptable by the Planning Commission to guarantee completion of the project in accordance with the conditions of the zoning permit. The performance guarantee will be released upon final inspection and approval by the Zoning Administrator, and receipt of sealed as built plans for storm water drainage.
Storm water retention basins designed to keep a fixed pool of water shall include one or more of the following safety features: 1) safety ledge(s) at least (10) feet wide at the basin perimeter, 2) vegetation surrounding the basin to discourage wading, or 3) fencing to prevent unauthorized access to basin.

Sandy, for the purpose of this Section, shall be defined as soils that meet a percolation rate consistent with the Emmet County Sanitary Code of 0 to 15 minutes.

Drainage calculations provided. Cost of installation of stormwater drainage system required.

H. Spaces, Rights-Of-Way, Easements

Spaces, rights-of-way, easements, and related site plan elements needed to serve the proposed use or development for such services as fire protection, sanitary sewers, water supplies, solid waste, storm drainage systems, and related.

I. Waste Receptacles

Waste receptacle and enclosure requirements

1. Receptacles, including waste receptacles, waste compactors, and recycling bins shall be designed, constructed, and maintained according to the requirements of this Section.

2. Waste receptacles, including dumpsters or compactors, shall be required for all nonresidential uses unless interior facilities are provided. The requirement to provide a waste receptacle may be waived by the planning commission if the applicant provides documentation that the development will not necessitate a waste receptacle.

3. All outdoor waste receptacles shall be enclosed on three (3) sides and screened. The enclosure shall be constructed of brick or decorative concrete material, consistent with the building materials of the principal building.

4. The enclosure shall also include a gate, made of wood or other high quality material, as determined by the planning commission, on the fourth side. If the waste receptacle is a dumpster it must have an enclosing lid or cover.

5. The enclosure shall have a minimum height of six (6) feet or one (1) foot above the height of the waste receptacle, whichever is greater, but may not be less than four (4) feet in height.

6. Waste receptacles and enclosures shall be located in the rear yard, not closer than three (3) feet from the rear lot line, or non-required side yard, unless otherwise approved by the planning commission and shall be as far as practical, but in no case be less than twenty (20) feet, from any residential district. If practical, the back side of the waste receptacle enclosure should be placed against the building. In this circumstance the wall may act as one (1) side of the enclosure.

7. Waste receptacles shall be easily accessed by refuse vehicles without potential to damage automobiles parked in designated parking spaces or interfering with the normal movement of vehicles on or off the site.

Proposed dumpster location and screening provided and meets Ordinance standards.
J. Mechanical or Electrical Equipment
Mechanical or electrical equipment requirements.

1. Ground mounted mechanical or electrical equipment, such as blowers, ventilating fans, and air conditioning units are permitted only in side yards or in the rear yard.

2. Mechanical or electrical equipment shall be placed no closer than three (3) feet to any lot line.

3. Any ground, building, or roof mounted mechanical or electrical equipment or utilities, including water and gas meters, propane tanks, utility boxes, transformers, elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment (HVAC), and other similar equipment, shall comply with the following standards:
   
   a. All such equipment shall be screened by a solid wall, fence, landscaping, and/or architectural features that are compatible in appearance with the principal building.

   b. Roof mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface. All roof mounted mechanical units must be screened so they are not visible from ground level, even if not specifically addressed as part of site plan review.

Draft Motions:

Motion to approve Case # PSPR 18-010, Grady Graham of Graham Construction for Jim Fabiano II of 5G Properties, Site Plan Review amendment for a commercial storage at 5692 US 131 Hwy., located in Section 32 of Bear Creek Township, tax parcel 24-01-19-32-300-005 as shown on the site plan dated Received October 18, 2018 based on the facts presented in this case: the use is a permitted use in the I-1 zoning district, the site plan meets the standards of the Zoning Ordinance. Approval is on the following conditions: 1) no outdoor display is permitted, 2) outdoor lighting details shall be provided to the Zoning Administrator and all outdoor lighting shall be full cut-off and compliant with Section 22.06, 3) any new signs shall comply with Section 22.07, 4) that a performance guarantee in the amount of $xx be provided as required to meet drainage standards Section 20.05 G. 5) Landscaping to comply with Section 22.04 (additional reasons or conditions may be added).

Motion to deny Case # PSPR 18-010, Grady Graham of Graham Construction for Jim Fabiano II of 5G Properties, Site Plan Review amendment for a commercial storage at 5692 US 131 Hwy., located in Section 32 of Bear Creek Township, tax parcel 24-01-19-32-300-005 for the following reasons: (reasons must be added)
REQUEST

PPUDF18-0002

A request by Crooked Lake Yacht Club for an Amendment to a Final Planned Unit Development and Site Plan Review for a proposed parking lot and boat slips at 3704 Oden Road in Section 18 of Littlefield Township. The property is zoned R-2 General Residential with a Planned Unit Development-1 Overlay (PUD-1) which is part of the Windjammer PUD and is tax parcel 24-07-17-18-451-018. The request is to allow a parking lot for additional boat slips and the review is per Article 17 of the Zoning Ordinance.
The CLYC was formed in 1948 to encourage sailing and other water activities on Crooked Lake. The CLYC has a diverse membership with modest dues. Presently over 40% of all members—and well over 50% of active members—are full time residents of Emmet County.

The separate Crooked Lake Sailors was formed in 2010 as a 501(c)(3) tax exempt sailing school. Its classes for adults and kids are open to everyone in the area. During the summer season over 80% of the Club’s facilities and time is devoted to the Sailing School. The Sailing School requires significant subsidies to keep tuitions low (about half the tuition at Little Traverse Sailing School in Harbor Springs).

The Crooked Lake Yacht Club purchased the Lagoon Parcel from Boathouse Village LLC (documents and easements recorded in June, 2018) to accommodate the expected expanded sailing school activities.

This request to Amend the PUD involves replacing the 6 need-not-be-built/over-the-water condominiums, each with 2 garage parking spaces and 2 boat slips, with 23 parking spaces. The 12 boat slips would remain.

The owner, CLYC, will be responsible for constructing the improvements and managing their property. The other owners in the PUD will remain responsible for improving and managing their parcels. Every effort will be made to coordinate our improvements with the adjacent parcels.

A Community Systems Agreement is in place to manage the water, sewer, bubbling, dredging escrow and other facilities and operations common to the overall project.

Recorded Easements allow Boathouse Village LLC to use the existing east curb cut on to US 31 and the CLYC to use the existing west curb cut on to US 31.
APPLICATION FOR ZONING ACTION  
EMMET COUNTY OFFICE OF PLANNING, ZONING,  
AND CONSTRUCTION RESOURCES 
3434 HARBOR-FETOSKEY RD, SUITE E, HARBOR SPRINGS, MI 49740  
PHONE: (231) 348-1735 FAX: (231) 439-8933 EMAIL: pzer@emmetcount.org

DATE RECEIVED: $  
APPLICATION #: 
FEE:  
DATE PAID:  
PLEASE MAKE CHECKS PAYABLE TO: EMMET COUNTY

Applicant's Name: Crooked Lake Yacht Club  Phone: 231-836-3417  
Applicant's Address: 3708 US 31 North  Patrice Carlson  
Applicant's Email Address: patrice@dusblders.com  
Owner's Name: Crooked Lake Yacht Club  Phone: 231-836-3417  
Owner's Address: PO Box 195 Oden, MI 49764  
Owner's Email Address: @

JOB SITE LOCATION:  
Township: Littlefield  Tax Parcel #: 24-07-17-451-018  
Address: 3704 Oden Rd Alanson, MI 49706

ZONING REQUEST:  
Planning Commission:  
Special Use Permit  
Site Plan Review  
Planned Unit Development  
Zoning Map Change  
Zoning Text Change

REQUIRED USE INFORMATION:  
Ground floor area main building: 8,000 Sq Ft.  
Floor Area accessory building: 8,000 Sq Ft.  
Lot/Parcel Size: 16.21 Acres  
Site/Plot Plan required*  
2 full sized & 14 reduced sized (max 11"x17")  
site plans required for Planning Commission cases.  

Elevation Drawing:  
Engineered Drainage Plan:  
Soil Erosion Permit:  
Health Dept. Approval:  
Sewer Taps:  

Date Submitted  
Site Inventory  
Fire Dept. Approval  
Wetlands Permit  
Road Commission  
MDOT Approval  

Other:  
As owner and/or applicant representing the owner, I do ☑ do not ☐ authorize Emmet County (staff, appointed board, and/or commissioners, or committee members) to enter upon the subject property for purposes of making inspections related to the project or request identified in this application. If authorized, such inspections or site walks shall be conducted at reasonable hours and times.

Identify that all the above information is accurate to my fullest knowledge:  
Patrice Carlson  

Signature of Applicant  
Name of Applicant  
Date  

*Required Signature of Property Owner:  
Patrice Carlson  

Commodore  
Printed Name of Property Owner  
Date  

*Please attach a site/plot plan to show:  
- property dimensions, front, rear, and side yard setbacks, streets, roads, and all buildings on the lot  
- Review Section 2401 of the Zoning Ordinance for Site Plan requirements.
Plan prepared by
Emmet County Planning and Zoning
231-348-1735

1 in = 110 feet
Date: 10/19/2018
DRAFT OWNERSHIP AND MAINTENANCE AGREEMENT SUBMITTED BY RICHARD GILGRIST, OWNER OF UNIT 2 IN WINDJAMMER COVE CONDO
AGREEMENT REGARDING THE WINDJAMMER COMMUNITY SYSTEM AND EASEMENT AGREEMENT (WINDJAMMER COVE COMMUNITY)

NOTE: THIS AGREEMENT SHALL BECOME AN ATTACHMENT TO ANY REVISED PLANNED UNIT DEVELOPMENT AGREEMENT AFFECTING THE WINDJAMMER COVE COMMUNITY

Notice of Well Isolation Area, recorded and dated April 28, 2005 a by the Emmet County Recorder of Deeds, L: 1064, P 742

Salient Document: On June 6, 2011, a Community System and Easement Agreement created the Windjammer Cove Community Systems Board to operate and maintain various utility and other systems that are used by the Windjammer Cove Condominiums, K&P Services, and the undeveloped parcel, now owned by Boathouse Village, LLC, in order to provide for an equitable allocation of the costs to operate and maintain these systems. This document has been recorded and sealed by the Emmet County Register of Deeds and identified as DOC # 5088055, L: 1135 P: 479

On April 18, 2018, Crooked Lake Yacht Club purchased, land which can be described as a New Lagoon Parcel, Tax Parcel number 07-17-18-451-018, which is part of the Windjammer Marina Planned Unit Development and described in the Master Deed, Windjammer Cove Condominium, dated July 7, 2003 (former units 19-24).

Since, over time, there has been a parcel split and several changes in ownership, the County and Township have requested a clarification of the ownership, operation, control, and management (including future construction) of the parcels within the 2002/2003 Windjammer Marina Planned Unit Development.

1. Ownership

- Windjammer Cove Condominium Association, Inc., (WCCA), a Michigan non-profit corporation, consists of the 6 built residential units (former units #1-6) and associated common areas included in Tax Parcel number 07-17-18-455-002. The WCCA is managed by the WCCA Board of Directors. Business Address: 3602 Cincinnati Ave, Alanson, MI 49706

- The Marina parcels (former units 25 A & B) include Tax Parcel numbers 07-17-18-451-014 & 451-016 are owned and managed by K&P Services, Inc. (K&P) Business Address: 7806 M-68, Alanson, MI 49706
• A new Lagoon Parcel (former units #19-24) with Tax Parcel number 07-17-18-451-018 is owned by the Crooked Lake Yacht Club, Inc., a Michigan non-profit corporation (CLYC) and is managed by the CLYC Board of Directors. Business Address: P.O. Box 195, Oden, MI 49764

• The remaining undeveloped parcel (former units #7-18) Tax Parcel number 07-17-18-451-017 is owned by Boathouse Village LLC. (BHV), a Michigan Corporation, Business Address: 203 Bridge St, Charlevoix, MI 49720

2. Operation, Management & Maintenance of Certain Infrastructure Systems

The Windjammer Cove Community Systems Board (WCCSB), also known as “the Authority”), a Michigan non-profit corporation, operates and maintains various utility and other systems, which constitute the “community systems” that presently do serve or may in the future serve the 4 parcels, and provide for an equitable allocation of the costs to operate and maintain these systems. Presently, three members, who represent K&P, BHV, and WCCA, administer this Board. Address: 3602 Cincinnati Ave, Alanson, MI 49706

3. Operation, Control & Management (including future construction, if any)

• The Windjammer Cove Condominiums are operated, controlled and managed by the Windjammer Cove Condominium Association, Inc.

• The other parcels are operated, controlled and managed by their respective owners, i.e.:

  o The Marina Parcels by K&P Services Inc.

  o The Lagoon Parcel by the Crooked Lake Yacht Club, Inc.

  o And the Remaining Undeveloped Parcel by Boathouse Village LLC.

4. Community Systems: Community systems are located throughout the Windjammer Community and include the Highway Lighting System, the Lake De-icing System, the Lawn Irrigation System, the Parking Light System, the Sanitary Sewer System, the Storm Water System, the Water System and the natural gas Heating System for the well house/pump house.

Although the periodic need for dredging riparian waters associated with the community is not a system per se, the signers hereby assign to the WCCSB control over all aspects of such periodic dredging, including decision making over scheduling, depths, and collection of assessments to the parcel owners to cover dredging costs and the payment of costs to the dredging service. The Marina business parcel owner shall determine when dredging is needed, as well as the depth and location(s) where dredging is needed.

Dredging costs to each parcel owner shall be made based upon on the proportionate basis of lineal feet of the sea wall associated with the owner's parcel, as delineated in the Master Deed.

The Department of Environmental Quality requires that the Storm Water System be tested annual under the Storm Water Pollution Prevention Program (SWPP). The Marina Parcel Owner and its successors shall be responsible and be certified to conduct the sample collection and submission of
water samples required under this program. Costs associated with compliance under this program shall be borne by the WCCSB.

5. **Capital Improvements:** Any capital improvement to any parcel within the community shall be conducted only with the advice and consent of the WCCSB and with the approval of the Littlefield Township and Emmet County entities, who have jurisdiction over such activities. The cost of any capital improvement to or extension of an existing community system that is intended to benefit all of the members of the Community shall be considered a Community System expense. The cost of any capital improvement to or extension of an existing Community System, which benefits only one of the members of the Community, shall be the sole responsibility of that member. Any damage done to a component of a Community System shall be immediately repaired at the expense of the member.

6. **Rights and Responsibilities of owners:**

   a. Each owner shall designate a single representative:
      who shall become a voting member of WCCSB,
      who shall be an elected member of the owner’s board,
      who shall have the authority to vote and act on behalf of the owner’s board and shall attend all annual and other meetings called by the WCCSB.

   b. Each member of the WCCSB shall have one vote. In case of tie votes, status quo shall prevail.

   c. Should disagreements arise among the board members, the language and provisions of the reference document shall prevail, unless and until the board amends the reference document and it is recorded by the Emmet County Register of Deeds.

   d. The owners/signers of this agreement agree that unless the marina building parcel (Retail Parcel) is individually sold, the Reference Document may be amended by a 75% majority vote. If the Marina building parcel is individually sold to any party who does not own the Marine Business Parcel, the marina building owner would have one vote and an 80% majority would be needed to amend.

   e. Each owner shall be responsible for the prompt payment of quarterly dues/assessments and any special assessments levied by the WCCSB in accordance with the reference document.

   f. Each owner shall ensure that all community systems shall be maintained as installed by the original developer, unless change(s) are approved by a majority vote of the WCCSB, and in accordance with approvals, permits and regulations of Littlefield Township, Emmet County and the State of Michigan authorities, who have jurisdiction over the changes.
g. Each owner agrees to comply with the Notice of Well Isolation Area and any more current similar notices or regulations regarding well water protection by the Michigan Department of Environmental Quality or other controlling authority.

h. Boathouse Village, LLC agrees to continue to pursue the building of residential units on the land associated with former units 7 through 18, as designated on the Master Deed and to upgrade the appearance of the existing garage structures, unless the garages are replaced by residential structures, within 1 year of the signing of this agreement. Complete drawings and plans for the capital improvements, including boat docks, landscaping, paving and parking, shall be submitted to the WCCSB, as well as the Littlefield Township, Emmet County and the State of Michigan authorities who exercise control over any capital improvements planned.

Further, Boathouse Village agrees that residential units erected as capital improvements to their parcel may only be used as single family dwellings and no unit owner may lease his or her unit, except in conjunction with an approved rental management agent with a 7-day minimum rental from November 1 through April 30 and a 30 day minimum rental from May 1 through October 31, as stated in the Disclosure Statement for Windjammer Cove Condominium.

i. Crooked Lake Yacht Club agrees to upgrade their purchased parcel with the advice and consent of the WCCSB and in accordance with approvals, permits and regulations of Littlefield Township, Emmet County and the State of Michigan authorities within 12 months of the signing of this agreement. Complete drawings and plans for the capital improvements, including boat docks, landscaping, paving and parking, shall be submitted to the WCCSB, as well as the Littlefield Township, Emmet County and the State of Michigan authorities who exercise control over any capital improvements planned.

j. K&P Services, Inc., and its successors, if any, agrees to maintain a viable marina business, including former Units 25A and 25B within the Planned Unit Development, as designated in the Master Deed, Windjammer Cove Condominium, dated July 7, 2003. K&P Services, Inc., and its successors, if any, further agree that any changes to current rental dock configuration(s) be first approved by the Michigan Department of Natural Resources, Littlefield Township, Emmet County and the State of Michigan authorities, who have jurisdiction over the changes. If changes are made to dockage plans, complete drawings and plans for boat docks, landscaping, paving and parking, shall be submitted to the WCCSB, as well as the Littlefield Township, Emmet County and the State of Michigan authorities who exercise control over such plans.

k. The Windjammer Cove Condominium Association, Inc. and its successors, if any, agree to continue to maintain its general and limited common elements at all times in a manner consistent with the highest standard of a beautiful, serene, private, recreational marina community and as a good example to the Crooked Lake community. It shall continue to
operate as a recognized non-profit corporation under its own bylaws and rules, as well as the State of Michigan.

This Agreement is signed by the authorized representative of each the owner corporations.

Windjammer Cove Condominium Association, Inc. by

_________________________________________ Date: _________

Title: ______________________________________

K&P Services, Inc. by:

_________________________________________ Date: _________

Title: ______________________________________

Boathouse Village LLC by:

_________________________________________ Date: _________

Title: ______________________________________

Crooked Lake Yacht Club by:

_________________________________________ Date: _________

Title: ______________________________________
COMMUNITY SYSTEM and EASEMENT AGREEMENT
(WINDJAMMER COVE COMMUNITY)

This Agreement is made and executed this 6th day of June, 2011, by Windjammer Cove &
Marina Development Company, L.L.C. (the "Developer"), a Michigan limited liability company, whose
address is P.O. Box 357, Oden, Michigan, 49764, Crooked Lake Properties, L.L.C. ("CLP"), a
Michigan limited liability company, whose address is P.O. Box 357, Oden, Michigan, 49764, and
Windjammer Cove Condominium Owner's Association, Inc. (the "Association"), a Michigan non-profit
corporation, whose address is P.O. Box 357, Oden, Michigan, 49764.

Whereas the CLP first established the Windjammer Cove Condominium, located in Littlefield
Township, Emmet County, Michigan, by the recording of the Master Deed thereof on July 15, 2003,
at Liber 987, Page 725, Emmet County Records;

Whereas the Windjammer Cove Condominium was initially intended to be a single project
consisting of 24 residential units and one commercial marina unit and was to be served by various
community services, including a water and well system, a storm water system, a sanitary sewer
system, a sprinkler system, a sea wall and dredging system, a bubbler system, and community
electrical and lighting systems, that would have been operated and maintained by the Association;

Whereas the CLP transferred its remaining residential Units and all of its developer rights in
the Windjammer Cove Condominium to the Developer on February 29, 2009;

Whereas the development of the project did not proceed to completion as planned or as
scheduled, and the Developer is in the process of contracting the Windjammer Cove Condominium
and reconfiguring it into a smaller condominium consisting of the six completed residential units, a
commercial marina parcel and the remaining undeveloped parcel (each of which is described in full in
Paragraph 3 below);

Whereas CLP owns a commercial retail building on a parcel of land adjacent to the
commercial marina parcel that is connected to and currently uses some of the same community
services;

Whereas CLP also owns an additional parcel of land adjacent to the Windjammer Cove
Condominium which may later connect to and use the same community services;

Whereas it will be necessary to operate and maintain the various community services which
will continue to serve the resulting parcels; and

Whereas the best way to operate and maintain the various community services, to allow input
and involvement by each of the parcels that will use the services and to provide for an equitable
procedure for the allocation and payment of the costs of operating and maintaining the systems is the creation of an authority made up of each of the parcels using the services that has control over the operation and maintenance of the systems.

Therefore, in consideration of the mutual benefits flowing to all parties, it is hereby agreed as follows:

1. Creation and Purpose of Authority. The parties shall cause the creation of the Windjammer Cove Community System Board (the "Authority") as a Michigan non-profit corporation, for the purpose of operating and maintaining the various community systems which serve the parcels of land within the Windjammer Cove Community, including the water and waste system, the storm water system, the sanitary sewer system, the sprinkler system, the sea wall and dredging system, the bubbling system, and the various community electrical and lighting systems, as further defined herein. The Authority shall operate and shall govern itself according to its Bylaws, a copy of which is attached hereto, as the same may be amended from time to time as provided therein.

The Authority is not a utility provider and does not generate or transmit regulated public utilities. The Authority does not guarantee an uninterrupted supply of water or any other service. The Authority is intended to provide a system of organization and control for the various owners of lands within the Community to control, operate and repair the facilities and systems which serve the entire Community and to promote uniformity, consistency and cost effectiveness in operations and maintenance and fair contribution of responsibility for related expenses.

2. Members of the Authority. Each party that administers a condominium project or other form of development project and/or owns a separate parcel of land that has access to the Community Systems referred to in Section 1 above and defined in Section 4 below shall be a Member of the Authority (except as specifically set forth herein). The initial members of the Authority shall be the Developer (which owns the remaining undeveloped land), CLP (which owns the commercial marina parcel) and the Association (which administers the Windjammer Cove Condominium).

3. Descriptions of Included Parcels. The parcels of land which make up the Windjammer Cove Community and which are subject to the terms and provisions of this Agreement are hereinafter referred to as "Included Parcels" and are described as follows:

The "Windjammer Cove Condominium," which is administered by the Association, consisting of six completed residential dwellings described as Units 1 through 6 inclusive, according to the Master Deed thereof recorded on July 15, 2002, at Liber 937, Page 725, Emmet County Records; and known as Emmet County Condominium Subdivision Plan No. 280, located on land described as follows:

PART OF LOTS 20 THROUGH 23 INCLUSIVE, ODEN DEVELOPMENT COMPANY'S ADDITION TO THE VILLAGE OF ODEN, RECORDED IN LIBER 4 OF PLATS ON PAGE 23, EMMET COUNTY RECORDS, SECTION 18, T36N, R4W, LITTLEFIELD TOWNSHIP, EMMET COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE EAST 1/4 CORNER OF SECTION 18, T36N, R4W, EMMET COUNTY, MICHIGAN; THENCE ALONG THE EAST LINE OF SAID SECTION 18, S 01°01'15"E 1642.59 FEET TO THE SOUTH RIGHT OF WAY LINE OF HIGHWAY US-31; THENCE ALONG SAID SOUTH RIGHT OF WAY N 84°46'34"W 2088.86 FEET TO A CONCRETE MONUMENT; THENCE ALONG THE SOUTHERLY RIGHT OF WAY LINE OF CINCINNATI AVENUE 395.42 FEET
ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT, RADIUS 420.17 FEET, DELTA 53°55′17″, CHORD S 68°28′32″W, 380.99 FEET TO THE PLACE OF BEGINNING; THENCE N 86°47′24″E 35.25 FEET; THENCE S 40°09′21″E 20.83 FEET; THENCE N 49°50′38″E 57.65 FEET; THENCE S 40°09′21″E 68.69 FEET; THENCE ALONG THE SHORE OF CROOKED LAKE AS LOCATED IN MAY 2001 IN THE FOLLOWING 5 COURSES: S 51°32′02″W, 59.27 FEET, S 26°58′59″W, 44.48 FEET, N 88°18′10″W, 7.36 FEET AND S 25°13′9″W 24.47 FEET; THENCE ALONG THE SOUTHERLY LINE OF LOT 23 OF THE PLAT OF ODEN DEVELOPMENT COMPANY'S ADDITION TO THE VILLAGE OF ODEN AND ITS EASTERNLY EXTENSION, RECORDED IN LIBER 4 OF PLATS ON PAGE 23, EMMET COUNTY RECORDS, SECTION 18, T35N, R4W, LITTLEFIELD TOWNSHIP, EMMET COUNTY, MICHIGAN. DESCRIBED AS:

Parcel A: PART OF LOTS 17 THROUGH 21 INCLUSIVE, ODEN DEVELOPMENT COMPANY'S ADDITION TO THE VILLAGE OF ODEN, RECORDED IN LIBER 4 OF PLATS ON PAGE 23, EMMET COUNTY RECORDS, SECTION 18, T35N, R4W, LITTLEFIELD TOWNSHIP, EMMET COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE EAST 1/4 CORNER OF SECTION 18, T35N, R4W, EMMET COUNTY, MICHIGAN, THENCE ALONG THE EAST LINE OF SAID SECTION 18, S 01°01′15″E, 1852.39 FEET TO THE SOUTH RIGHT OF WAY LINE OF HIGHWAY US-31; THENCE ALONG SAID SOUTH RIGHT OF WAY N 84°46′34″W, 2068.86 FEET TO A CONCRETE MONUMENT; THENCE ALONG THE SOUTHERLY RIGHT OF WAY LINE OF CINCINNATI AVENUE 57.77 FEET ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT, RADIUS 420.17 FEET, DELTA 7°52′39″, CHORD S 88°30′09″W, 57.22 FEET TO THE PLACE OF BEGINNING; THENCE S 4°07′35″W, 28.11 FEET; THENCE N 78°20′49″W, 16.30 FEET; THENCE S 4°07′35″W, 5.73 FEET; THENCE N 85°00′21″W, 16.78 FEET; THENCE S 4°50′39″W, 38.04 FEET; THENCE S 30°10′06″E, 58.47 FEET; THENCE ALONG AN INTERMEDIATE TRAVERSE LINE OF THE SHORE OF CROOKED LAKE IN THE FOLLOWING 7 COURSES: N 84°36′40″W, 24.44 FEET, S 7°24′09″W, 36.88 FEET, S 86°07′03″W, 11.15 FEET, N 40°09′21″W, 44.64 FEET, S 52°18′54″W, 25.34 FEET, S 40°09′21″E, 6.35 FEET, AND S 50°22′15″W, 70.75 FEET; THENCE N 40°09′21″W, 59.66 FEET; THENCE S 48°50′39″W, 57.56 FEET; THENCE N 40°09′21″W, 20.83 FEET; THENCE S 86°47′24″W, 35.25 FEET; THENCE ALONG THE SOUTHERLY RIGHT OF WAY OF CINCINNATI AVENUE 337.66 FEET ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT, RADIUS 420.17 FEET, DELTA 46°02′40″ CHORD N 64°32′13″E, 328.65 FEET TO THE PLACE OF BEGINNING, INCLUDING THE AREA BETWEEN THE INTERMEDIATE TRAVERSE LINE AND THE SOUTHEASTERLY BOUNDARY OF SAID PLAT OF ODEN DEVELOPMENT COMPANY'S ADDITION TO THE VILLAGE OF ODEN BEING THE WATERS EDGE IN 1919, SUBJECT TO THE RIGHTS OF THE PUBLIC OVER THE SURFACE WATER OF CROOKED LAKE, ALSO INCLUDING...
THE LAND BETWEEN THE INTERMEDIATE TRAVERSE LINE AND THE CURRENT WATERS EDGE OF CROOKED LAKE; and

Parcel B: PART OF LOTS 8 AND 9, ODEN DEVELOPMENT COMPANY'S ADDITION TO THE VILLAGE OF ODEN, RECORDED IN LIBER 4 OF PLATS ON PAGE 23, EMMET COUNTY RECORDS, SECTION 18, T35N, R4W, LITTLEFIELD TOWNSHIP, EMMET COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE EAST 1/4 CORNER OF SECTION 18, T35N, R4W, EMMET COUNTY, MICHIGAN; THENCE ALONG THE EAST LINE OF SAID SECTION 18, S 01°01'15"E 1862.39 FEET TO THE SOUTH RIGHT OF WAY LINE OF HIGHWAY US-31; THENCE ALONG SAID SOUTH RIGHT OF WAY N 84°46'34"W 1563.78 FEET; THENCE S 5°11'43"W 76.04 FEET TO THE PLACE OF BEGINNING; THENCE ALONG AN INTERMEDIATE TRAVERSE LINE OF THE SHORE OF CROOKED LAKE IN THE FOLLOWING 4 COURSES: N 85°12'42"W 100.71 FEET, N 3°57'36"E 15.40 FEET, S 85°24'03"E 13.19 FEET, AND N 4°36'46"E 48.02 FEET; THENCE S 85°09'24"E 59.24 FEET TO THE PLACE OF BEGINNING INCLUDING THE LAND BETWEEN THE INTERMEDIATE TRAVERSE LINE AND THE CURRENT WATERS EDGE OF CROOKED LAKE.

The remaining undeveloped parcel (formerly Units 7 through 24 of the Windjammer Cove Condominium) owned by the Developer is hereinafter referred to as the "Undeveloped Portion" and is described as follows:

PART OF LOTS 8 THROUGH 17 INCLUSIVE, ODEN DEVELOPMENT COMPANY'S ADDITION TO THE VILLAGE OF ODEN, RECORDED IN LIBER 4 OF PLATS ON PAGE 23, EMMET COUNTY RECORDS, SECTION 18, T35N, R4W, LITTLEFIELD TOWNSHIP, EMMET COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE EAST 1/4 CORNER OF SECTION 18, T35N, R4W, EMMET COUNTY, MICHIGAN; THENCE ALONG THE EAST LINE OF SAID SECTION 18, S 01°01'15"E 1862.39 FEET TO THE SOUTH RIGHT OF WAY LINE OF HIGHWAY US-31; THENCE ALONG SAID SOUTH RIGHT OF WAY N 84°46'34"W 1563.78 FEET; THENCE S 5°11'43"W 76.04 FEET TO THE PLACE OF BEGINNING; THENCE ALONG AN INTERMEDIATE TRAVERSE LINE OF THE SHORE OF CROOKED LAKE IN THE FOLLOWING 12 COURSES: N 4°36'46"E 15.06 FEET, N 85°29'28"W 51.56 FEET, S 5°36'28"W 6.12 FEET, N 84°37'59"W 43.30 FEET, N 3°10'56"E 5.67 FEET, N 85°12'01"W 82.23 FEET, S 4°30'12"W 62.61 FEET, S 85°17'34"E 20.84 FEET, S 3°05'55"W 15.74 FEET, N 85°12'32"W 34.78 FEET, N 4°46'21"E 30.82 FEET, N 85°59'17"W 314.41 FEET AND S 4°28'45"W 5.74 FEET; THENCE N 30°10'06"W 58.47 FEET; THENCE N 4°50'39"E 38.04 FEET; THENCE S 85°09'21"E 15.78 FEET; THENCE N 4°07'35"E 5.73 FEET; THENCE S 78°20'39"E 16.30 FEET; THENCE N 1°07'25"E 29.11 FEET; THENCE ALONG THE SOUTH LINE OF CINCINNATI AVENUE 57.77 FEET ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT, RADIUS 420.17, DELTA 7°52'39", CHORD S 88°30'09"E 57.72 FEET; THENCE ALONG THE SOUTH LINE OF US 31 HIGHWAY S 84°46'45"E 505.68 FEET TO THE PLACE OF BEGINNING INCLUDING THE AREA BETWEEN THE INTERMEDIATE TRAVERSE LINE AND THE SOUTHERLY BOUNDARY OF SAID PLAT OF ODEN DEVELOPMENT COMPANY'S ADDITION.
TO THE VILLAGE OF ODEN BEING THE WATER'S EDGE IN 1919, ALSO
INCLUDING THE LAND BETWEEN THE INTERMEDIATE TRAVERSE LINE AND
THE CURRENT WATER'S EDGE OF CROOKED LAKE SUBJECT TO THE
RIGHTS OF THE PUBLIC IF ANY OVER THE SURFACE WATER OF CROOKED
LAKE.

The commercial retail building owned by CLP shall not be considered an included Parcel and
shall not be entitled to membership in the Authority, but this parcel will have a relationship with the
rest of the Community with respect to use of the Water System; the Sanitary Sewer System and the
Lawn Irrigation System as provided for in this Agreement. This commercial retail building is
hereinafter referred to as the "Retail Parcel" and is described as follows:

PART OF LOTS 31 THROUGH 36 INCLUSIVE, ODEN DEVELOPMENT
COMPANY'S ADDITION TO THE VILLAGE OF ODEN, RECORDED IN LIBER 4 OF
PLATS ON PAGE 23, EMMET COUNTY RECORDS, & part of road right-of-ways,
SECTION 18, T35N, R4W, LITTLEFIELD TOWNSHIP, EMMET COUNTY,
MICHIGAN, DESCRIBED AS:

COMMENCING AT THE EAST 1/4 CORNER OF SECTION 18, T35N, R4W,
EMMET COUNTY, MICHIGAN; THENCE ALONG THE EAST LINE OF SAID
SECTION 18, S 01°01'15"E 1862.39 FEET TO THE SOUTH RIGHT OF WAY LINE
OF HIGHWAY US-31; THENCE ALONG SAID SOUTH RIGHT OF WAY N
84°47'34"W 1563.78 FT; thence N84°48'49"W 675.79 FT TO POB; thence
SS-442'E 9.3 FT TO N LN OF CINCINNATI AV thence 172.83 FT ALC CURVE L
RAD 445.17 FT, ANGLE 22°15'26", CHD S81°45'9"W 171.84 FT; thence
N84°48'49"W 265.75 FT TO N-S 1/4 LN thence N 0°24'32"W 103.63 FT TO S LN OF
HWY; thence S84°48'49"E 417.87 FT TO POB; 0.8 acres more or less; Tax Parcel
No. 24-07-17-18-451-012.

All of the parcels of land described above shall be collectively referred to herein as the
Windjammer Cove Community.

The additional parcel of land adjacent to the Windjammer Cove Condominium that CLP owns
and which may later connect to and use the Community Systems and, thereby, become a Member of
the Authority and a part of the Windjammer Cove Community, is hereinafter referred to as the
"Nichols Parcel" and is described as follows:

PART OF LOTS 24, 25 & 26, ODEN DEVELOPMENT COMPANY'S ADDITION TO
THE VILLAGE OF ODEN, RECORDED IN LIBER 4 OF PLATS ON PAGE 23,
EMMET COUNTY RECORDS, SECTION 18, T35N, R4W, LITTLEFIELD
TOWNSHIP, EMMET COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING 515.56 FT S OF INT OF N-S 1/4 LN & S LN OF HWY 31; thence S-
72-34-15-E 150.84 FT TO POB; thence S-5-42-47-W 104.19 FT; thence S-49-26-55-
E 158 FT TO SHOE OF CROOKED LK; thence NLY ALC SHORE TO PT S-72-34-
15-E OF POB; TH N-72-34-15-W 154 FT M/L TO POB; Tax Parcel No. 24-07-17-18-
451-010.
4. Definitions. When used in this Agreement, or in any other agreement or document relating to the various community systems, the following terms shall carry the definitions which follow them unless the context clearly indicates the contrary.

Bylaws: The separate Bylaws adopted by the Authority which set forth the rules and procedures by which the Authority acts and governs.

Community System Expense: All of the costs and expenses incurred by the Authority performing its role of operating and maintaining the Community Systems (including dredging).

Community Systems: The various services which are located throughout, and which serve, the Windjammer Cove Community, including the Highway Lighting System, the Lake De-icing System, the Lawn Irrigation System, the Parking Lights, the Sanitary Sewer System, the Storm Water System and the Water System.

East Ramp Meter: The electrical meter located near the East boat ramp.

Highway Lighting System: The two light poles located along Highway US 31, including the bases, light poles, luminaires, conduits, transformers, control boxes and any related fixtures and facilities.

Included Parcels: The Windjammer Cove Condominium, the Marina Parcel and the Undeveloped Portion as described in Section 3 above. If an Included Parcel is further divided, the resulting parcels shall be considered Included Parcels (subject to the limitation on the number of total voting Members in the Authority).

Lake De-icing System: The system installed to prevent ice build up in the lake for the protection of the break wall and other dock facilities, including control boxes, pumps, compressors, distribution lines, diffuser lines, submersible agitators and any related fixtures and facilities; also may be referred to as the “bubbler” system.

Lawn Irrigation System: The system installed to distribute water for the irrigation of lawn and landscaping throughout the Community, including sprinkler heads, distribution lines, pumps, control boxes and any related fixtures and facilities.

Member: Each party that administers a condominium project or other form of development project located on an Included Parcel and/or owns an Included Parcel.

Parking Lights (West End): The parking lights which serve the Windjammer Cove Condominium and Parcel A of the Marina Parcel.

Pump House Meter: The electrical meter located inside of the Pump House.

Residential Equivalency Unit (or “REU”): A factor assigned by a sewer authority or a local governmental agency to a type of land use for the purpose of allocating cost based on relative use. The factor assumes that a typical single-family residential unit is one REU. At the time of Commencement of this Agreement Littlefield Township has assigned six REUs to the Windjammer Cove Condominium, three to the Marina Parcel and one to the Retail Parcel. The assignment of REUs by Littlefield Township shall be deemed conclusive of the REUs being used within the Windjammer Cove Community.
Sanitary Sewer System: The system designed to collect and deliver sewage to the Harbor Springs Sewer Authority’s pump station located at the Eastern edge of the Community, including all sewer mains, lift stations, grinders and any related fixtures and facilities.

Storm Water System: The collection, retention and distribution system designed to regulate and control storm water flow across the Community, including catch basins, main lines and the retention ponds, pump and water level equalization system located within the Windjammer Cove Condominium.

Water System: The drinking water supply and distribution system, including the wells, pumps, holding and pressure tanks, well house, all related fixtures and facilities and all distribution lines up to and including the curb stop installed prior to entry into a Member’s building.

Windjammer Cove Community (also “the Community”): All of the lands and improvements contained within the Included Parcels.

5. Assignment of Control, Grant of Easement. The Members, for themselves and for all of their successors and assigns that own land within the Community, hereby assign to the Authority control over the operation and maintenance of the Community Systems. It is understood that the portions of the Community Systems that are located within the boundaries of an Included Parcel are owned by the owner of that Included Parcel and may be a general common element of a condominium, but it is agreed that the Members will benefit from centralized control and maintenance, resulting in uniformity of operations and maintenance, cost savings and fair contribution of responsibility for related expenses.

in order to provide to the Authority the ability to exercise the control granted above, the Members, for themselves and for all of their successors and assigns that own land within the Community, hereby grant to the Authority a perpetual, non-exclusive easement to go upon the Included Parcels to perform whatever acts are necessary to operate and maintain the Community Systems.

The easement granted above is non-exclusive in the sense that each Member shall have the right to tap into and use each of the Community Systems for the purpose for which it was intended. Any alteration of a part of a Community System by a Member must be approved in advance by the Authority. If the Authority fails to maintain a portion of a Community System located upon a Member’s Included Parcel, that Member may perform the necessary maintenance on its own as provided for below; a member that performs maintenance on a Community System that was the responsibility of the Authority, the Member will have a claim and/or set-off against the Authority in the amount of the cost of the maintenance.

6. Dredging. The dredging of Crooked Lake in and around the vicinity of Windjammer Cove is necessary to maintain a water depth necessary for the passage and docking of boats. The Members hereby assign to the Authority control over all aspects of such periodic dredging, including decision making over scheduling, depths, the collection of contributions from the Members and the payment of dredging costs. The Authority hereby assigns to the owner of the Marina Parcel control over the dredging process itself, including, but not limited to, decision making over scheduling and the location and depth of dredging. The Authority will retain responsibility for the collection of contributions from the Members to pay the dredging costs. If the use of the Marina Parcel as a commercial marina is discontinued, or if the Marina Parcel fails to perform the necessary dredging,
the Authority may rescind the assignment of control over dredging to the Marina Parcel in order that the Authority might carry out the necessary dredging itself.

The costs resulting from dredging shall be considered a Community System Expense.

7. Assessment of Community System Expenses. All of the costs incurred by the Authority to perform its role in the operation and maintenance of the Community Systems shall be assessed to the Members in the manner provided for in this Section and by the Authority Bylaws.

In addition to the operating costs and expenses, the Authority shall also maintain a reserve for future repairs and replacement costs. The amount of the reserve shall be up to the discretion of the Board of Trustees of the Authority, but in no event shall less than an amount equal to 10% of the estimate of annual Authority costs be placed into reserve each year.

The costs assigned to each of the separate Community Systems shall be assessed as follows:

a. Highway Lighting System (including 16% of the electricity on the East Ramp Meter): 25% to the Marina Parcel and 75% to the Undeveloped Portion.

b. Lake De-Icing System (including 22% of the electricity on the East Ramp Meter and 10% of the electricity on the Pump House Meter): 34.75% to the Marina Parcel, 16.31% to the Windjammer Cove Condominium and 48.94% to the Undeveloped Portion.

c. Lawn Irrigation System (including 18.2% of the electricity on the East Ramp Meter and 12% of the electricity on the Pump House Meter): 16.66% to the Windjammer Cove Condominium, 16.66% to the Marina Parcel, 50% to the Undeveloped Portion and 16.66% to the Retail Parcel.

d. Parking Lights (West End) (including 7% of the electricity on Pump House Meter): 50% to the Windjammer Cove Condominium and 50% to the Marina Parcel (based on 4 lights each).

e. Sanitary Sewer System (including 22% of the electricity on the Pump House Meter): to each Member in the proportion that the number of REU’s assigned by Littlefield Township to that Member’s Included Parcel bears to the total number issued in the Community.

f. Storm Water System (including 10% of the electricity on the Pump House Meter): 20% to the Windjammer Cove Condominium, 20% to the Marina Unit and 60% to the Undeveloped Portion.

g. Water System (including testing & licensing expenses and 5% of the electricity on the Pump House Meter): to each Member (and the Retail Parcel) in the proportion that the number of REU’s assigned by Littlefield Township to that Member’s Included Parcel bears to the total number issued in the Community.

h. Dredging: 34.75% to the Marina Parcel, 16.31% to the Windjammer Cove Condominium and 48.94% to the Undeveloped Parcel.

In addition to the above, the following additional costs shall be assessed:

a. 45.8% of the electricity on the East Ramp Meter shall be assessed to the Marina Unit for dock spot light, boat washdown, power for boat docks and security camera.

b. 20% of the electricity on the Pump House Meter shall be assessed to the Marina Parcel for gas dock and showers & heat.

c. The well house electricity (consisting of 4% of the electricity on the Pump House Meter) shall be assessed 50% to the Marina Parcel, 10% to the Windjammer Cove Condominium and 40% to the Undeveloped Portion.
d. The electricity for what is commonly referred to as Ray's Office (consisting of 10% of the electricity on the Pump House Meter) shall be assessed 100% to the Undeveloped Portion.

As Included Parcels are further divided, the allocations set forth above for the Included Parcel that has been divided will be allocated between the resulting parcels based on the same system (usually relative land mass and relative degree of use or REUs). If the Nicholls Parcel should be developed and tap into any of the Community Services (most likely the Water System, the Sanitary Sewer System, the Lake De-Icing System and Dredging), it shall be included in the above assessments based on the same system and the above percentages shall be revised accordingly.

The Nicholls Parcel, although not yet developed, is currently connected to the Lake De-Icing System. As long as this situation continues, the Nicholls Parcel shall be responsible for contributing toward the costs associated with the Lake De-Icing System as if it was a single residential dwelling.

The cost of any capital improvement to or extension of an existing Community System that is intended to benefit all of the Members using the Community System shall be considered a Community System Expense. The cost of any capital improvement or extension of a Community System which benefits only one of the Members shall be the responsibility of that Member only. Any damage done to a component of a Community System by a Member or any other party extending or tapping into a Community System shall be immediately repaired at the expense of the Member or other party. The initial construction of improvements on the Nicholls Parcel that will become part of a Community System shall be the responsibility of the owner of the Nicholls Parcel.

Although no tap-in fees will be charged by the Authority, the cost of any extensions, curb stops or other lines or fixtures resulting from a Member tapping into the System or constructing dwellings or other new users into a Community System shall be the responsibility of that Member. No water service or other Community System benefit shall be provided to any Member or any dwelling or other user on the Member’s parcel until such time as such tap-in costs have been paid to the Authority.

It is not intended that the Authority be responsible for any personal property tax on any of the components of the Community Systems, as it has no ownership interest in the same. Each Member shall maintain liability and casualty insurance coverage on their Included Parcels and the improvements located thereon (including any components of the Community Systems) and shall have the Authority named as an additional insured on said policies of insurance. In case of any casualty resulting in damage to a component of a Community System, the proceeds of the Member’s insurance shall be used to repair or replace the component of the Community System. The Authority, acting through its Board of Trustees, may also maintain any liability and/or casualty insurance coverage on the components of the Community Systems which the Board of Trustees determines is necessary.

Although the Retail Parcel is connected to the Sanitary Sewer System, the Retail Parcel will not be required to contribute to the costs of operation and repair of the same; instead, the Retail Parcel shall pay all of the costs of operating and repairing the lift station and any grinder pump located within the boundary of the Retail Parcel and any distribution lines that connect the Retail Parcel to the rest of the Sanitary Sewer System.

The Authority shall also have the ability to issue a special assessment to pay for shortfalls in operating expenses and for unexpected repair and replacement costs. A shortfall or an unexpected
cost relating to a particular Community System will be assessed among the Members based on the same allocation set forth above for the payment of operating expenses.

8. Remedies on Default. If a Member should default in the payment of any moneys assessed to it by the Authority or in any non-monetary obligation of this Agreement, the Authority shall have the following remedies:

a. Legal Action. Failure to comply with any of the terms or provisions of this Agreement shall be grounds for relief, which may include, without intending to limit the same, an action to recover sums due for damages and/or injunctive relief, and such relief may be sought by the Authority or any aggrieved Member.

b. Discontinuance of Service. The Authority may discontinue the furnishing of any service provided for under the terms and provisions of this Agreement if a Member fails to pay any amounts due hereunder to the Authority. Before discontinuing service, the Authority shall give the Member written notice of the default and at least 30 days to cure the default before the commencement of discontinuance of service.

c. Foreclosure of Lien. Each Member hereby grants to the Authority a consensual lien on that Member’s Parcel to secure the payment of any monetary amount required to be paid to the Authority hereunder. In addition to any other remedies available to the Authority, the Authority may enforce collection of an amount due by foreclosure of this consensual lien according to the procedure set forth below and by the laws of the State of Michigan. In the event of default by a Member in the payment of any amount due, the Authority shall have the right to declare all obligations of that Member for the current fiscal year immediately due and payable.

Each Member shall be deemed to have granted to the Authority the unqualified right to elect to foreclose the lien securing payment of any amount due to the Authority either by judicial action or by advertisement. The provisions of Michigan law pertaining to foreclosure of mortgages by judicial action and by advertisement, as the same may be amended from time to time, are incorporated herein by reference for the purposes of establishing the alternative procedures to be followed in lien foreclosure actions and the rights and obligations of parties to such actions. Further, each Member shall be deemed to have authorized and empowered the Authority to sell or to cause to be sold the Member’s Parcel and to receive, hold and distribute the proceeds of such sale in accordance with the priorities established by applicable law. Each Member acknowledges that at the time of acquiring title to their Parcel, they were notified of the provisions of this subparagraph and that they voluntarily, intelligently and knowingly waived notice of any proceedings brought by the Authority to foreclose by advertisement the lien for nonpayment of any amount due hereunder to the Authority and a hearing on the same prior to the sale of the subject Parcel.

Notwithstanding the foregoing, a judicial foreclosure action shall not be commenced, nor shall any notice of foreclosure by advertisement be published, until the expiration of 30 days after mailing, by first class mail, postage prepaid, addressed to the delinquent Member at their last known address, a written notice that the Member is in default on the payment of amounts due to the Authority and relating to their Parcel and that the Authority may foreclose its lien if the default is not cured within 30 days after the date of mailing. Such written notice shall be accompanied by a written affidavit of an authorized representative of the Authority that sets forth (i) the affiant’s capacity to make the affidavit, (ii) the authority for the lien, (iii) the amount outstanding (exclusive of interest, costs, attorney’s fees and future assessments), and (iv) the name(s) of the Member of
d. **Recovery of Costs.** In any proceeding arising because of an alleged default by a Member, the Authority, if successful, shall be entitled to recover the costs of the proceeding and such reasonable attorney's fees (not limited to statutory fees) as may be determined by the court, but in no event shall any Member be entitled to recover attorney's fees.

e. **Removal and Abatement.** The violation of any of the provisions of this Agreement shall also give the Authority the right, in addition to the rights set forth above, to enter upon the Included Parcel where reasonably necessary, and summarily remove and abate, at the expense of the Member in violation, any structure, thing or condition existing or maintained contrary to the provisions of this Agreement. The Authority shall have no liability to any Member arising out of the exercise of its removal and abatement power authorized herein.

f. **Assessment of Costs.** The Authority may assess the defaulting Member for the amount of any cost or expense resulting from the member's default.

g. **Non-waiver of Right.** The failure of the Authority or of any other member to enforce any right, provision, covenant or condition which may be granted by this Agreement shall not constitute a waiver of the right of the Authority or of any such other member to enforce such right, provision, covenant or condition in the future.

h. **Cumulative Rights, Remedies and Privileges.** All rights, remedies and privileges granted to the Authority pursuant to any term or provision of this Agreement shall be deemed to be cumulative, and the exercise of any one or more shall not be deemed to constitute an election of remedies, nor shall it preclude the Authority from exercising such other and additional rights, remedies or privileges as may be available at law or in equity.

9. **Amendment.** This Agreement may be amended in whole or in part by the vote or consent of not less than 80% of the Trustees on the Board of Trustees of the Authority in the same manner as provided for in Article 10 of the Community System Authority Bylaws for the amendment of the Bylaws.

10. **Effect.** This Agreement shall run with the land and shall be binding on the heirs, successors and assigns of the parties. This Agreement may not be modified except in writing.

Dated: June 6, 2011.

Windjammer Cove & Marina Development Company, L.L.C., a Michigan limited liability company

By: **HAROLD WOODRUFF**, its Member
The foregoing Consolidating Master Deed was acknowledged before me this 6th day of June, 2011, by HAROLD WOODRUFF, MEMBER of Windjammer Cove & Marina Development Company, L.L.C., a Michigan limited liability company.

Neil Marzella, Notary Public
Emmet County, Michigan
My Commission Expires: 8/3/2011
Acting in Emmet County

CROOKED LAKE PROPERTIES, L.L.C.,
A Michigan limited liability company

By: HAROLD WOODRUFF
ITS: MANAGING MEMBER

The foregoing Agreement was acknowledged before me this 6th day of June, 2011, by Harold Woodruff, the Member of Crooked Lake Properties, L.L.C., a Michigan limited liability company, on its behalf.

Neil Marzella, Notary Public
Emmet County, Michigan
My Commission Expires: 8/3/2011
Acting in Emmet County

Windjammer Cove Condominium Owner's Association, Inc., a Michigan non-profit corporation,

By: HAROLD WOODRUFF, its President
PLANNED UNIT DEVELOPMENT AGREEMENT

I. PARTIES OF INTEREST

This Planned Unit Development (PUD) Agreement is a three (3) party agreement between and among the following parties of interest, relative to a proposed project identified by Emmet County Zoning Case #83-00 affecting Tax Parcel numbers 24-07-18-451-004 & 451-005, which for this agreement is one Zoning Lot.

Party No. 1 The Owner
Crooked Lake Properties LLC
P.O. Box 367
Oden, MI 49764

Party No. 2 The County
The County of Emmet
County Building
200 Division Street
Petoskey, MI 49770

Party No. 3 The Township
Littlefield Township
7631 Burr Avenue
Alanson, MI 49706

II. NAME OF THE PROJECT

This project shall be known by the identifying name Windjammer Marina.

III. PURPOSE

The purpose of this PUD Agreement is to obtain good faith performance and ensure that the subject project, as approved pursuant to the PUD Planned Unit Development Master Plan (Preliminary and Final), and subsequent Site Plan, is constructed and maintained in accordance with the approval motions and stipulations of the Emmet County Planning Commission, and/or the County Board of Commissioners.

It is understood that the owner may assign any and all rights or interests to a party or parties other than the applicant or owner, but such assignments shall carry the terms of this PUD Agreement (or supplements which may be made to this agreement) as binding and running with the land.

IV. CONDITIONS

The following conditions and requirements shall run with the land, and as such are obligations upon the current owner(s) or such other persons and/or entities who remain or who subsequently become owners of any part or all of the subject land encompassed in the PUD Master Plan Project:
1. The project site plan dated as Received October 3, 2002 PZ and approved per Section 2405 of the County Zoning Ordinance is incorporated herein, with all notations and graphic illustrations, including plans for driveway approach details, utility plans, grading plans, soil erosion control plans, storm water runoff, snow storage plans, and landscape plans.

2. The setbacks have been modified as illustrated on the Final PUD Master Plan for the perimeter PUD setback, the waterfront setback and spacing between detached residential buildings.

3. The use of the commercial building(s) will dictate the parking requirements and the uses shall be commensurate with the parking requirements.

4. All outdoor lighting and signing fixtures, and standards, shall be constructed as approved by the Sign and Lighting Committee of the County Planning Commission. No free standing lighting poles shall exceed a height of twenty (20) feet, light fixtures shall be the cut-off style, with flush or recessed lenses parallel to the ground.

5. All necessary environmental permits shall be obtained prior to development (altering shorelines, building projections over water, use of bottomlands, etc.).

6. All Highway and Road agency permits shall be obtained prior to development.

7. The Ordinance standards for the density of housing, resulting in 24-condominium units, is satisfied with the designation of "public areas", including walkways, court yards, plazas and the like, and that these public areas are illustrated on the Site Plan and that the public access permission shall be included in the Condominium Master Deed documents.

8. That the boat ramp at the east end of the project be gated and designed for safe pedestrian crossing to the designated public areas within the project.

9. That permission is granted to construct footings for the marina/commercial building as illustrated on the site plan, provided that the existing marina service/sales building is removed, if the total project fails to materialize as planned. The Site Plan illustrates the existing building as removed.

10. The number of boat slips is limited to 32 slips that can be put in until a determination from staff or the ZBA can be provided and proper approval of off-site facilities reviewed. Off-site parking shall be identified with the plan, in order to increase the number of slips over 32. The revised plan must show how many spaces, where they are to be located and whether it's legal where it is proposed.

11. Littlefield Township recommended approval with conditions which, by reference, are included in this agreement: a) the east end parking lot boat ramp is to be equipped with a locking gate, and b) the balcony projections over Crooked Lake be permitted, provided the interior living space is not enlarged over the submitted plans. The issue of parking space width was resolved.
12. Any site plan details or property construction features not encompassed separately in the PUD Agreement or on any site plan for this project shall be subject to the terms and condition of the Emmet County Zoning Ordinance, as applicable, and as such are incorporated herein by general reference.

V. EFFECTIVE UPON EXECUTION

The Final PUD Site Plan, as approved, shall take immediate effect upon the execution of this PUD Agreement, to assure that all approval stipulations are, in fact, implemented and that any required performance sureties are posted to ensure the community of impact, be it State, County, Township, or other municipality, is protected from incurring development costs or expenses to which it has not agreed to assume.

VII. CERTIFICATIONS

For the Owner:

Harold Woodruff, Owner  
Witness  
Date  

For the Owner:

Paul Woodruff, Owner  
Witness  
Date  

For the County of Emmet:

James Tamlyn, Chairman  
Witness  
Date  

For the County of Emmet:

Emmet County Board of Commissioners  

For the Township of Littlefield:

Damien Henning, Supervisor  
Witness  
Date  

Littlefield Township
DATE: 10/18/2018  CASE #: PPUDF18-02
APPLICANT: CROOKED LAKE YACHT CLUB
PROPERTY: 3704 ODEN RD
TOWNSHIP: LITTLEFIELD
REQUEST: PUD Amendment & Site Plan Review

FACTS:
- The property is zoned R-2 General Residential with a Planned Unit Development-1 (PUD-1) overlay.
- The entire PUD is approximately 6.3 acres; the portion of the property subject to review is 0.37 acres.
- The area of proposed change was originally approved for 6 multiple family units including garages and pedestrian open space/public areas. The residential units included boat houses with access for 2 boats for each unit.
- The proposal is to: remove the residential units, remove existing boardwalk, and create a 30 space parking lot to use for 12 boat slips.
- Proposal uses existing accesses previously approved by MDOT.
- “Bridge & Walkway” to connect public area from one side of the lagoon to the other have been eliminated from proposed plan.
- “Public walkway” proposed to be moved to be located along the lake with safety fencing along the 5’ wide public walkway.
- Parking lot surface proposed to be gravel, green space proposed to be added between parking and road which would create defined entrances.
- Original approval required 16 parking spaces for 32 boat slips (currently used by 451-016). See PUD Agreement.
- The PUD’s ownership, management, and construction have been provided (17.01.6.4). This document has not been signed by any of the parties of the PUD. An alternate management plan has been submitted by an existing property (residential unit owner) for consideration by the parties involved.
- The proposed open space area is identified.
- The proposal includes removal of the boardwalk (which is in disrepair). A 3’ boardwalk along the docks is proposed outside of the public walkway area.
- The Master Deed for the properties has been provided. This document relates to Section 17.01.6.7. (Any existing or proposed deed restrictions, easements, or covenants pertinent to the project property shall be presented at this time. Actual filing of the documents need not occur until after site plan review, but before a zoning permit is issued.)
ZONING ORDINANCE STANDARDS:

17.01.6 Final Development Plan Review

A. No PUD plan can be approved until a Final Development Plan has been reviewed and given approval by the Planning Commission.

B. The Final Development Plan shall be in basic accord with the approved Preliminary Development Plan and shall be detailed with respect to the following:

1. A definitive Use Plan for the entire land area intended to be approved for PUD project or for the known uses in the project area.

2. Use plans must show the general building configurations and locations, but need not show the exact dimension or shape of buildings, unless their detail for certain specific buildings is critical to the approval of the Final PUD Plan. Land allocations for each use area shall be defined.

3. All arrangements for design, construction, maintenance and operation of utility systems shall have been finalized, although working drawings need not be completed for this element.

4. The PUD's ownership, management, and construction have been determined and documented, and where to be phased, a plan to demonstrate development continuity shall be presented.

5. All common open space areas, greenbelts, transition areas, and setback areas shall be documented on the plan, and no use of these areas other than those identified on the plan shall be permitted without a formal revision of the plan.

6. On-site circulation routes for vehicles, pedestrians, parking lots, bicycles, and the like shall be included as specific elements of the plan as well as the ingress and egress points from bordering public/private roads.

7. Any existing or proposed deed restrictions, easements, or covenants pertinent to the project property shall be presented at this time. Actual filing of the documents need not occur until after site plan review, but before a zoning permit is issued.

Section 20.05 Site Plan Review Standards

The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards and considerations listed below unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed
development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance.

A. COMPLIANCE WITH DISTRICT REQUIREMENTS: The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in the Zoning Ordinance, unless otherwise provided.

Parking spaces are at a 50-degree angle, therefore, the length and width of the parking spaces and the width of the maneuvering lane meet Zoning Ordinance standards.

B. VEHICULAR AND PEDESTRIAN CIRCULATION: Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. A pedestrian circulation system shall be provided and shall be as insulated as completely as reasonably possible from the vehicular circulation system. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves the project area shall be capable of safely and effectively accommodating the traffic volume and pattern proposed by the project. Where possible, shared commercial access drives shall be encouraged.

A safety feature is proposed along the proposed 5’ wide pedestrian easement. The existing boardwalk will be removed and a new boardwalk is proposed along the water. The surface of the 6’ wide pedestrian easement is “turf”. Bumpers have been proposed in the parking areas for protection of pedestrians and designation of parking areas.

1. Walkways from parking areas to building entrances

   a. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from internal parking areas. The walkways shall be located within the parking areas and shall be designed to provide access from these areas to the entrances of the building(s).

      N/A.

   b. The walkways shall be designed to separate people from moving vehicles. 

      \textit{This appears to be accomplished.}

   c. These walkways shall have a minimum width of five (5) feet with no car overhang or other obstruction.

      \textit{This appears to be accomplished.}

   d. The walkways must be designed in accordance with the Michigan Barrier Free Design Standards.

      \textit{No information provided regarding this requirement. This would not appear to be met with “turf” surface.}
e. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation or scored concrete. Other materials may be used if they are appropriate to the overall design of the site and building and acceptable to the review authority.

This appears to be accomplished.

C. EMERGENCY VEHICLE ACCESS: All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.

This appears to be met. Fire Department review needed.

D. LOADING AND STORAGE: All loading and unloading areas and outside storage areas which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials of sufficient height to obscure the direct view from adjacent first floor elevations. The site plan shall provide for adequate storage space for the use therein.

N/A.

E. SNOW STORAGE: Proper snow storage areas shall be provided so to not adversely affect neighboring properties, vehicular and pedestrian clear vision, and parking area capacity.

Not to be maintained in the winter.

F. BUFFERS: To provide reasonable visual and sound privacy, buffer techniques, screening, fences, walls, greenbelts, and landscaping may be required by the Planning Commission in pursuance of the objectives of this Section and/or as a condition of the establishment of the proposed use.

Parking area should be screened from adjacent residential uses.

G. DRAINAGE: Storm water drainage plans shall address flows onto the site from adjacent sites and roads, storm water impact on the site (soils, impervious surfaces, potential impervious surface, retention ponds, detention ponds, and related management facilities as appropriate), and the storm water outfall, or flow control into adjacent drainage courses, ditches and the like.

The drainage plan shall indicate the manner in which surface drainage is to be disposed of. This may require making use of the existing ditches, natural watercourses, or constructing tributaries, but shall not result in storm water that exits the detention pond and/or property site at an erosive velocity. Additional hard surfaces proposed for a site must provide for detention and/or retention. The minimum requirements for retention and detention facilities are as follows: For sandy sites the volume of retention and/or detention shall be equal to the volume of 1 and ½" of water depth multiplied by the area of additional hard surface. For all sites other than sand, the volume of the retention and/or detention shall be equal to the volume generated from 2" of water depth multiplied by the area of additional hard surface. Both detention and retention facilities must be designed to assure that water
is released within 72 hours. Detention facilities are to have a pipe no larger than 4" exiting the ponds at a grade no greater than 1%.

All storm water drainage plans shall be sealed by a Michigan Registered Professional Civil Engineer. The Planning Commission may waive the requirement, defer the requirement, or determine that a fully engineered storm drainage plan is not necessary, or can be deferred to a future date. Improvement guarantees shall be required, unless waived by the Planning Commission, for all storm water drainage plans in the form and amount acceptable by the Planning Commission to guarantee completion of the project in accordance with the conditions of the zoning permit. The performance guarantee will be released upon final inspection and approval by the Zoning Administrator, and receipt of sealed as built plans for storm water drainage.

Storm water retention basins designed to keep a fixed pool of water shall include one or more of the following safety features: 1) safety ledge(s) at least (10) feet wide at the basin perimeter, 2) vegetation surrounding the basin to discourage wading, or 3) fencing to prevent unauthorized access to basin.

Sandy, for the purpose of this Section, shall be defined as soils that meet a percolation rate consistent with the Emmet County Sanitary Code of 0 to 15 minutes.

Drainage plan previously approved when the development was established proposed to be completed.

H. SPACES, RIGHTS-OF-WAY, EASEMENTS: Spaces, rights-of-way, easements, and related site plan elements needed to serve the proposed use or development for such services as fire protection, sanitary sewers, water supplies, solid waste, storm drainage systems, and related.

Appears to be partially shown and addressed as needed by the applicant. The notation on the site plan indicates no grading in the road right-of-way. Drainage ditch proposed between road right-of-way and parking area. Should distinguish access points.

I. WASTE RECEPTACLES: Waste receptacle and enclosure requirements

1. Receptacles, including waste receptacles, waste compactors, and recycling bins shall be designed, constructed, and maintained according to the requirements of this Section.

2. Waste receptacles, including dumpsters or compactors, shall be required for all nonresidential uses unless interior facilities are provided. The requirement to provide a waste receptacle may be waived by the planning commission if the applicant provides documentation that the development will not necessitate a waste receptacle.

3. All outdoor waste receptacles shall be enclosed on three (3) sides and screened. The enclosure shall be constructed of brick or decorative concrete material, consistent with the building materials of the principal building.
4. The enclosure shall also include a gate, made of wood or other high quality material, as determined by the planning commission, on the fourth side. If the waste receptacle is a dumpster it must have an enclosing lid or cover.

5. The enclosure shall have a minimum height of six (6) feet or one (1) foot above the height of the waste receptacle, whichever is greater, but may not be less than four (4) feet in height.

6. Waste receptacles and enclosures shall be located in the rear yard, not closer than three (3) feet from the rear lot line, or non-required side yard, unless otherwise approved by the planning commission and shall be as far as practical, but in no case be less than twenty (20) feet, from any residential district. If practical, the back side of the waste receptacle enclosure should be placed against the building. In this circumstance the wall may act as one (1) side of the enclosure.

7. Waste receptacles shall be easily accessed by refuse vehicles without potential to damage automobiles parked in designated parking spaces or interfering with the normal movement of vehicles on or off the site.

N/A.

J. MECHANICAL OR ELECTRICAL EQUIPMENT: Mechanical or electrical equipment requirements.

1. Ground mounted mechanical or electrical equipment, such as blowers, ventilating fans, and air conditioning units are permitted only in side yards or in the rear yard.

2. Mechanical or electrical equipment shall be placed no closer than three (3) feet to any lot line.

3. Any ground, building, or roof mounted mechanical or electrical equipment or utilities, including water and gas meters, propane tanks, utility boxes, transformers, elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment (HVAC), and other similar equipment, shall comply with the following standards:

   a. All such equipment shall be screened by a solid wall, fence, landscaping, and/or architectural features that are compatible in appearance with the principal building.

   b. Roof mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface. All roof mounted mechanical units must be screened so they are not visible from ground level, even if not specifically addressed as part of site plan review.

N/A
COMMENTS:
This property is the location of the former Windjammer Marina which included a boat storage building built over the water and was a non-conforming structure/use. In 2000 redevelopment of property began with a Planned Unit Development overlay for the property (which includes are larger area as shown on the enclosed zoning map), rezoned the property to accomplish the necessary density to realize the proposal, and received Final PUD and Site Plan approval for the entire PUD. The existing approved site plan and PUD agreement are included. There have been legal challenges, some which have been resolved, between property owners. The subject parcel has been in violation of the approved site plan for several years, as parking has been the primary use on the property. This proposal has been submitted in an effort to gain approval so that the parking use will be compliant with the approved plan. The parties who own property within the PUD have not signed-off on the maintenance/management document provided by the applicant. An alternate management plan has been submitted by a residential property owner within the PUD. No formal management plan, agreed upon by all parties, has been submitted.

Draft Motions:

To approve PPUDF16-015, Crooked Lake Yacht Club, for a Planned Unit Development Amendment and Site Plan Review, at 3704 Oden Rd, Section 18, Littlefield Township, for only tax parcel 24-07-17-18-451-018, as shown on the site plan and application packet dated Received Oct 8 2018 because the standards of Zoning Ordinance 15-1 have been met including: (reasons, conditions, or statement of facts may be inserted here).

To deny PPUDF16-015, Crooked Lake Yacht Club, for a Planned Unit Development Amendment and Site Plan Review, at 3704 Oden Rd, Section 18, Littlefield Township, for only tax parcel 24-07-17-18-451-018, as shown on the site plan and application packet dated Received Oct 8 2018 for the following reasons: (reasons must be added here).

To postpone until the next regular Planning Commission meeting PPUDF16-015, Crooked Lake Yacht Club, for a Planned Unit Development Amendment and Site Plan Review, at 3704 Oden Rd, Section 18, Littlefield Township, for only tax parcel 24-07-17-18-451-018, as shown on the site plan and application packet dated Received Oct 8 2018, for the following reasons: to allow the applicant time to provide additional information.
REQUEST

PSPR18-011

A request by Drost Landscaping for Site Plan Review - amendment at 2010 Cedar Valley Road, Section 16, Bear Creek Township. The property is zoned FF-1 Farm and Forest and is tax parcel 24-01-19-16-200-004. The request is to allow expansion of offices and meeting spaces at a Contractor’s Use per Article 8 and Section 26.32. The review includes an addition of 450 sq. ft. to an existing contractor’s use building.

LOCATION
Applicant's Name: JEFF LAUGHERY
Phone: 231-313-3342
Address: 2402 CARY RD., TRAVERSE CITY, MI. 49685
Email Address: jeff.laughey@mortonbuildings.com

Owner's Name: CEDAR VALLEY LLC.
Phone: 231-348-2624
Address: 2010 CEDAR VALLEY RD., PETOSKEY, MI. 49770
Email Address: ddrier@drostlandscape.com

Job Site Location:
Township: BEER CREEK
Address: 2010 CEDAR VALLEY RD., PETOSKEY, MI. 49770

Zoning Request:
Planning Commission:
Special Use Permit □
Site Plan Review X
Planned Unit Development □
Zoning Map Change □
Zoning Text Change □

Required Use Information
Ground floor area main building: 2160 Sq. Ft.
Floor Area accessory building: 450 Sq. Ft.
Lot/Parcel Size: 31.67 Acres 39.67 A.

Site/Plot Plan required:
2 full sized & 14 reduced sized site plans required for Planning Commission cases.

Elevation Drawing
Engineered Drainage Plan
Soil Erosion Permit
Health Dept. Approval/
Sewer Taps

 Describe Request:
450 sq. ft. Addition onto Existing Office

Date Submitted
Site Inventory
Fire Dept Approval
Wetlands Permit
Road Commission
MDOT Approval

Request of Property Owner
Applicant
Printed Name of Applicant
Date
Printed Name of Property Owner
Date

I certify that all the above information is accurate to my fullest knowledge:

Signature of Applicant
Printed Name of Applicant
Date

Signature of Property Owner
Printed Name of Property Owner
Date

*Required Signature of Property Owner

Date submitted and received: OCT 4, 2018

Other:
As owner/applicant or applicant representing the owner, I do X authorize Emmet County (staff, appointed board, and/or commissioners, or committee members) to enter upon the subject property for purposes of making inspections related to the project or request identified in this application. If authorized, such inspections or site walks shall be conducted at reasonable hours and times.

*Please attach a site/plot plan to show:
property dimensions; front, rear, and side yard setbacks; streets, roads, and all buildings on the lot.
Review Section 2405 of the Zoning Ordinance for Site Plan requirements.
# SITE PLAN REVIEW CHECKLIST

**Subject Property Address:** 2010 Cedar Valley Rd, Petoskey, Mi 49770  
**Subdivision and Lot Number (If Applicable):**  
**Tax Parcel Number:** 24- 01 - 19 -16200 - 004  
**Township:** Bear Creek  
**Proposed Use of Property:** Office Addition  
**Proposed Number of Employees:** New

### CHECKLIST

<table>
<thead>
<tr>
<th>Basic Map Information</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Proposed site location map (indicate sufficient area reference to locate site) May use plat map, Google map or other map to identify parcel.</td>
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<td>2. Appropriate scale</td>
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<td>3. Date, North Arrow, Street Names (existing and proposed right-of-ways).</td>
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<td>4. Name, Address and Phone Number of person preparing plan</td>
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<td>5. Property line dimensions</td>
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### Basic Zoning Information

<table>
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<tr>
<th>Zoning setback lines -Building (including the eave) Setbacks:</th>
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<tr>
<td>Front____ Side____ Side____ Rear/Water____</td>
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| Distance between buildings (nearest point to nearest point)                                  |     |    |     |          |
| Location of new buildings and general floor plan Dimensions of bldg(s) = ____x____ Total sq. ft. = __________ |

| Proposed building elevations (to scale) Max. Height = ________                               |     |    |     |          |
| All existing structures (labeled) within 100 feet of perimeter property lines                |     |    |     |          |
| Multiple housing units -Number of units = ________, composition (efficiency, one bedroom, two, three) |     |    |     | N/A      |

<p>| Surrounding zoning (properties immediate to subject site)                                    |     |    |     | N/A      |
| Lot coverage of proposed buildings = ________                                                 |     |    |     |          |</p>
<table>
<thead>
<tr>
<th>Natural Features</th>
<th>yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>14 Boundaries of existing natural features (trees, lakes, ponds, streams, rock</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>out-croppings, severe topography, wetlands, woodlands, etc.)</td>
<td></td>
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</tr>
<tr>
<td>15 Has a wetland permit been applied for?</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>16 Existing topography</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>17 Soil analysis Is it in a Critical Dune Area?</td>
<td></td>
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<tr>
<td>18 Site Inventory provided?</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>19 Are there scenic view considerations?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Drainage / Parking/ Roads</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20 Access drives, internal roads (note public or private) service roads. Width</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>of Right-of-Way =_____</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21 Loading/unloading, service areas</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22 Sidewalks, paths, and trails (internal and public within road right-of-ways)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23 Acceleration/deceleration lanes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24 Road agency approval?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25 Parking areas (dimensioned typical parking space, maneuvering lanes)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26 Parking spaces required____, parking spaces actual_____ Handicap parking</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>location and number____</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>27 Required landscaping in parking areas</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>28 Snow storage/snow management plan</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>29 Dumpster location, screening indication</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>30 Existing easements (utility, access) within site limits</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>31 Location of Water/well, Sewer/septic, and stormwater</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>32 Site grading and drainage plan (on-site elevations for pavements, drives,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>roads, parking lots, curbs, sidewalks and finished grades at building facades)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attach a sealed Engineered Drainage Plan.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>33 Proposed retention/detention sedimentation ponds</td>
<td></td>
<td></td>
<td></td>
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</table>
### Other Site Requirements

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>34 Proposed landscaping (required greenbelts, plant materials/size type, fences, retaining walls, earthberms, etc.)</td>
<td>✔️</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>35 Location of outdoor lights, pole heights, bollards, building attached, luminary shielding techniques*</td>
<td>✔️</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>36 Location of sign(s)*</td>
<td>✔️</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>37 Site amenities (play area, pools, beaches, tennis courts, etc.)</td>
<td>✔️</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>38 Impact Statement attached?</td>
<td>✔️</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>39 Fire Department approval?</td>
<td>✔️</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>40 Fire hydrants and fire vehicle access.</td>
<td>✔️</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>41 Road Agency approval?</td>
<td>✔️</td>
<td></td>
<td></td>
<td></td>
</tr>
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<td>42 Health agency approval?</td>
<td>✔️</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>43 Army Corps of Engineers approval?</td>
<td>✔️</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>44 Michigan Department of Environmental Quality approval?</td>
<td>✔️</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Signs and lights will need to be approved by the Emmet County Sign and Lighting Committee.

**ADDITIONAL COMMENTS:**

---

**Applicants Signature**

10/03/2018

**Date**
IMPACT STATEMENT
FOR SITE PLAN REVIEW

APPLICANT
NAME: JEFF LAUGHTERY

CASE#

Morton Buildings Inc.

PHONE
NUMBER: 231-319-3342

DATE: 10-03-2018

PROJECT TITLE
Cedar Valley LLC / Drost Landscape

PROPERTY TAX ID
#24-01-19-16-260-004
TOWNSHIP: Bear Creek

DIRECTIONS TO APPLICANT

BELOW ARE THE REQUIREMENTS TO CONFORM TO SECTION 20.04, IMPACT STATEMENT, OF THE EMMET COUNTY ZONING ORDINANCE #15.1. THESE ITEMS MUST BE ADDRESSED AND SUBMITTED WITH THE SITE PLAN AT LEAST 24 DAYS PRIOR TO THE PLANNING COMMISSION MEETING IN ORDER TO BE PLACED ON THE FOLLOWING MONTH’S AGENDA. (REGULAR MEETING DATE IS THE FIRST THURSDAY OF THE MONTH.) ITEMS LISTED ARE MINIMUM REQUIREMENTS, AND ADDITIONAL INFORMATION MAY BE SUBMITTED TO DESCRIBE THE PROJECT IMPACT.

1. PROJECT DESCRIPTION

Give a description of the proposed development including: Site area, number of proposed lots and/or units, population density, other pertinent population data, vehicle traffic, and related.

Only: Adding on 42'x 10' Addition onto existing Office Area. For new entry to Reception Area and new Conference Room.
2. EXPECTED DEMANDS ON COMMUNITY SERVICES
Explain what the impact will be on the following community services and describe how services will be provided (if applicable):

a. Sanitary Services
   
   **No Change**

b. Domestic Water
   
   **No Change**

c. Traffic Volumes
   
   **No Change**

d. Schools
   
   **Same**

e. Fire Protection
   
   **Same**

3. ENVIRONMENTAL IMPACTS
Include statements relative to the impact of the proposed development on (if applicable):

a. Soil Erosion
   
   **Only 150 ft 58 ft Disturbance**

b. Storm Drainage
   
   **On Site/No Change**

c. Shoreline Protection
   
   **N/A**

d. Wildlife
   
   **N/A**

e. Air Pollution
   
   **N/A**

f. Water Pollution
   
   **N/A**

g. Noise
   
   **No Change**
PROPOSED 42'x9'x10' MORTON BUILDING

EXISTING 42'x12'x36' MORTON BUILDING

PROPOSED 42'x9'x10' MORTON BUILDING

EXISTING 24'x7'x60' MORTON BUILDING

MAIN ENTRANCE

NATURAL VEGETATION

GRAVEL

BULK MATERIAL

RECEIVED

OCT 4, 2018

EMMET COUNTY PLANNING & ZONING

BUILDING LOCATION PLAN

SCALE: 10' 40'

CEDAR VALLEY ROAD
DATE: 10/16/2018          CASE #: PSPR18-011

APPLICANT: Drost Landscaping

PROPERTY: 2010 CEDAR VALLEY RD

TOWNSHIP: BEAR CREEK

REQUEST: Site Plan Review - expansion of offices and meeting space

FACTS:

- The property is zoned FF-1 Farm Forest
- Surrounding properties are zoned FF-1
- The request on the application is for 450 sq. ft. addition to allow for expansion of offices and meeting space.
- Site plan shows proposed addition is 42'x10' (420 sq. ft).
- The property is 36.97 acres in area.
- Tree Farm use (Site Plan Review) was approved by Emmet County Planning Commission 3/7/96.
- Amendment to the site plan was approved by Bear Creek Township during their interim Zoning Administration 8/30/00 for a 40' x 60' accessory building.
- Expansion of accessory building approved 12/30/03
- A second amendment to the site plan was approved by Emmet County Planning Commission 11/1/07 for an addition to the existing storage/office building.
- A third amendment to the site plan was approved by Emmet County Planning Commission 5/7/09 for an addition to existing storage building.
- Contractor's Use approved by Emmet County Planning Commission 12/3/09
- The proposed building meets the setback standards of the Zoning District.
- No outdoor lighting identified on the site plan. Sign and Lighting Committee review needed for outdoor lighting.

ZONING ORDINANCE STANDARDS:

Section 20.05 Site Plan Review Standards

The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards and considerations listed below unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance.

A. COMPLIANCE WITH DISTRICT REQUIREMENTS: The site plan shall comply with the district requirements for minimum floor space, height of building, lot size,
yard space, density and all other requirements as set forth in the Zoning Ordinance, unless otherwise provided.

Setback standards are met.

B. VEHICULAR AND PEDESTRIAN CIRCULATION: Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. A pedestrian circulation system shall be provided and shall be as insulated as completely as reasonably possible from the vehicular circulation system. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves the project area shall be capable of safely and effectively accommodating the traffic volume and pattern proposed by the project. Where possible, shared commercial access drives shall be encouraged.

1. Walkways from parking areas to building entrances

a. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from internal parking areas. The walkways shall be located within the parking areas and shall be designed to provide access from these areas to the entrances of the building(s).

b. The walkways shall be designed to separate people from moving vehicles.

c. These walkways shall have a minimum width of five (5) feet with no car overhang or other obstruction.

d. The walkways must be designed in accordance with the Michigan Barrier Free Design Standards.

e. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation or scored concrete. Other materials may be used if they are appropriate to the overall design of the site and building and acceptable to the review authority.

Using existing walkway

C. EMERGENCY VEHICLE ACCESS: All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.

D. LOADING AND STORAGE: All loading and unloading areas and outside storage areas which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials of sufficient height to obscure the direct view from adjacent first floor elevations. The site plan shall provide for adequate storage space for the use therein.
E. SNOW STORAGE: Proper snow storage areas shall be provided so to not adversely affect neighboring properties, vehicular and pedestrian clear vision, and parking area capacity.

Not shown on plan.

F. BUFFERS: To provide reasonable visual and sound privacy, buffer techniques, screening, fences, walls, greenbelts, and landscaping may be required by the Planning Commission in pursuance of the objectives of this Section and/or as a condition of the establishment of the proposed use.

North end of parcel not well screened.

G. DRAINAGE: Storm water drainage plans shall address flows onto the site from adjacent sites and roads, storm water impact on the site (soils, impervious surfaces, potential impervious surface, retention ponds, detention ponds, and related management facilities as appropriate), and the storm water outfall, or flow control into adjacent drainage courses, ditches and the like.

Stormwater not addressed on current plan.

H. SPACES, RIGHTS-OF-WAY, EASEMENTS: Spaces, rights-of-way, easements, and related site plan elements needed to serve the proposed use or development for such services as fire protection, sanitary sewers, water supplies, solid waste, storm drainage systems, and related.

I. WASTE RECEPTACLES: Waste receptacle and enclosure requirements

None shown.

J. MECHANICAL OR ELECTRICAL EQUIPMENT: Mechanical or electrical equipment requirements.

None shown.

Draft Motions:

To approve Case #PSPR18-11, Drost Landscaping – amendment for an expansion of offices and meeting space, on property located at 2010 Cedar Valley Road, Section 16, Bear Creek Township, tax parcel 24-01-19-16-200-0004, as shown on the site plan dated Received Oct 4, 2018 because the standards of Article 8, 20 and Section 26.32 have been met, and on condition that any exterior lighting be reviewed by the Sign and Lighting Committee and (other conditions or statement of facts may be inserted here).

To deny Case # PSPR18-11, Drost Landscaping – amendment for an expansion of offices and meeting space, on property located at 2010 Cedar Valley Road, Section 16, Bear Creek Township, tax parcel 24-01-19-16-200-0004, as shown on the site plan dated Received Oct 4, 2018 for the following reasons: (list reasons).
A request by Kirk Rose for Hearthside East for a Special Use Permit for Land Development of property located on the west side of Bellmer Road in Section 25 of Bear Creek Township. The property is zoned FF-1 Farm and Forest and is tax parcel 24-01-16-25-300-031. The request is to create 17 site units on the property per Article 21 and Section 26.13 of the Zoning Ordinance.
APPLICATION FOR ZONING ACTION
EMMET COUNTY OFFICE OF PLANNING, ZONING, AND CONSTRUCTION RESOURCES
3434 HARBOR-PETOSKEY RD, SUITE E, HARBOR SPRINGS, MI 49740
PHONE: (231) 348-1735 FAX: (231) 439-8933 EMAIL: pzer@emmetcountymi.org

OCT 04 2019

DATE RECEIVED
$ 150.00

DATE PAID

APPLICATION # 03818-012

PLEASE MAKE CHECKS PAYABLE TO: EMMET COUNTY

Applicant's Name: Hearthsong
Applicant's Address: 2400 US-31 NORTH
Applicant's Email Address: hsg@me.com
Owner's Name: Kirk Rose
Owner's Address: Same
Owner's Email Address: Same

JOB SITE LOCATION:
Township: Bear Creek
Tax Parcel #: 24-01-16-253.00-031
Address: Northerly 30 Acres of SW 1/4 of SW 1/4, Sec 25 T 35 N R 25 W

ZONING REQUEST:
Planning Commission:
Special Use Permit
Site Plan Review
X Planned Unit Development
Zoning Map Change
Zoning Text Change

REQUIRED USE INFORMATION
Ground floor area main building: ___________ Sq. Ft.
Floor Area accessory building: ___________ Sq. Ft.
Lot/Parcel Size: ___________ Acres ___________ Sq. Ft.
Site/Plot Plan required*: MEN
2 full sized & 14 reduced sized (max 11"x17") site plans required for Planning Commission cases.

Elevation Drawing
Engineered Drainage Plan
Soil Erosion Permit
Health Dept. Approval/
Sewer Taps

Date Submitted
X

Date Submitted

Site Inventory
Fire Dept Approval
Wetlands Permit
Road Commission
MDOT Approval

Date Submitted

X

IN PROCESS

IN PROCESS

IN PROCESS

IN PROCESS

Other:
As owner/and or applicant representing the owner, I do X do not ___ authorize Emmet County (staff, appointed board, and/or commissioners, or committee members) to enter upon the subject property for purposes of making inspections related to the project or request identified in this application. If authorized, such inspections or site-walks shall be conducted at reasonable hours and times.

I certify that all the above information is accurate to my fullest knowledge:

Signature of Applicant

Date

Signature of Property Owner

Date

Printed Name of Applicant

Date

Printed Name of Property Owner

Date

*Required
<table>
<thead>
<tr>
<th><strong>Entity type:</strong></th>
<th>DOMESTIC LIMITED LIABILITY COMPANY</th>
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<tbody>
<tr>
<td><strong>Identification Number:</strong></td>
<td>801151058 Old ID Number: B75879</td>
</tr>
<tr>
<td><strong>Date of Organization in Michigan:</strong></td>
<td>08/10/2000</td>
</tr>
<tr>
<td><strong>Purpose:</strong></td>
<td>All Purpose Clause</td>
</tr>
<tr>
<td><strong>Term:</strong></td>
<td>Perpetual</td>
</tr>
<tr>
<td><strong>The name and address of the Resident Agent:</strong></td>
<td>CRAIG A ROSE</td>
</tr>
<tr>
<td>Street Address:</td>
<td>2400 HWY US 31 N</td>
</tr>
<tr>
<td><strong>City:</strong></td>
<td>PETOSKEY</td>
</tr>
<tr>
<td><strong>State:</strong></td>
<td>MI</td>
</tr>
<tr>
<td><strong>Zip Code:</strong></td>
<td>49770</td>
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<tr>
<td><strong>Registered Office Mailing address:</strong></td>
<td></td>
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<tr>
<td>P.O. Box or Street Address:</td>
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</tr>
<tr>
<td><strong>Apt/Suite/Other:</strong></td>
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<td><strong>State:</strong></td>
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<td><strong>Zip Code:</strong></td>
<td></td>
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<td><strong>Act Formed Under:</strong></td>
<td>023-1993 Michigan Limited Liability Company Act</td>
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<tr>
<td><strong>Managed By:</strong></td>
<td>Managers</td>
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</table>

View filings for this business entity:
- All Filings
- Annual Report/Annual Statements
- Certificate of Correction
- Certificate of Change of Registered Office and/or Resident Agent
- Resignation of Resident Agent
- Certificate of Assumed Name

Comments or notes associated with this business entity:
**SITE PLAN REVIEW CHECKLIST**

**Case #** 

**Date Received** 

<table>
<thead>
<tr>
<th>Subject Property Address</th>
<th>Near 2400 11-31 North</th>
</tr>
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<tbody>
<tr>
<td>Subdivision and Lot Number (If Applicable)</td>
<td>17 Proposed</td>
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<tr>
<td>Tax Parcel Number</td>
<td>24-01-16-25-300-03</td>
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<td>Township</td>
<td>Bear Creek</td>
</tr>
<tr>
<td>Proposed Use of Property</td>
<td>Residential</td>
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<tr>
<td>Proposed Number of Employees</td>
<td>NA</td>
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</table>

### CHECKLIST

<table>
<thead>
<tr>
<th>Basic Map Information</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Proposed site location map (indicate sufficient area reference to locate site) May use plat map, Google map or other map to identify parcel.</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Appropriate scale</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Date, North Arrow, Street Names (existing and proposed right-of-ways).</td>
<td>✓</td>
<td></td>
<td></td>
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<tr>
<td>4 Name, Address and Phone Number of person preparing plan</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 Property line dimensions</td>
<td>✓</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

### Basic Zoning Information

<table>
<thead>
<tr>
<th>Zoning setback lines -Building (including the eave) Setbacks: Front __, Side __, Side __, Rear/Water __</th>
<th>✓</th>
<th></th>
<th></th>
<th>within city envelope</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 Distance between buildings (nearest point to nearest point)</td>
<td>✓</td>
<td></td>
<td></td>
<td>more than 720 sq. ft.</td>
</tr>
<tr>
<td>8 Location of new buildings and general floor plan Dimensions of bldg(s) = __ x __, Total sq.ft. = __</td>
<td>✓</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>9 Proposed building elevations (to scale) Max. Height = 30'</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>10 All existing structures (labeled) within 100 feet of perimeter property lines</td>
<td>✓</td>
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<td>11 Multiple housing units -Number of units = 17, composition (efficiency, one bedroom, two, three) to be determined</td>
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<tr>
<td>Natural Features</td>
<td>yes</td>
<td>No</td>
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<td>Comments</td>
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<tr>
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<tr>
<td>19 Are there scenic view considerations?</td>
<td>✓</td>
<td></td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Drainage / Parking/ Roads</th>
<th></th>
<th></th>
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<th></th>
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<tbody>
<tr>
<td>20 Access drives, internal roads (note public or private) service</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>roads. Width of Right-of-Way = <em>50</em></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>21 Loading/unloading, service areas</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22 Sidewalks, paths, and trails (internal and public within road right-</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>of-ways).</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>23 Acceleration/deceleration lanes</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24 Road agency approval?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25 Parking areas (dimensioned typical parking space, maneuvering</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>lanes)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26 Parking spaces required____, parking spaces</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>actual____ Handicap parking location and number____</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>27 Required landscaping in parking areas</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>28 Snow storage/snow management plan</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>29 Dumpster location, screening indication</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>30 Existing easements (utility, access) within site limits</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>31 Location of Water/well, Sewer/septic, and stormwater</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>32 Site grading and drainage plan (on-site elevations for pavements, drives,</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>roads, parking lots, curbs, sidewalks and finished grades at building</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>facades) Attach a sealed Engineered Drainage Plan.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>33 Proposed retention/detention sedimentation ponds</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Site Requirements</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
<td>Comments</td>
</tr>
<tr>
<td>-------------------------</td>
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</tr>
<tr>
<td>Proposed landscaping (required greenbelts, plant materials/size and type, fences, retaining walls, earthberms, etc.)</td>
<td>✔️</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location of outdoor lights, pole heights, bollards, building attached, luminary shielding techniques*</td>
<td>✔️</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location of sign(s)*</td>
<td>✔️</td>
<td></td>
<td></td>
<td>STOP SIGNS</td>
</tr>
<tr>
<td>Site amenities (play area, pools, beaches, tennis courts, etc.)</td>
<td>✔️</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impact Statement attached?</td>
<td>✔️</td>
<td></td>
<td></td>
<td>need to determine</td>
</tr>
<tr>
<td>Fire Department approval?</td>
<td>✔️</td>
<td></td>
<td></td>
<td>In process</td>
</tr>
<tr>
<td>Fire hydrants and fire vehicle access.</td>
<td>✔️</td>
<td></td>
<td></td>
<td>need to determine</td>
</tr>
<tr>
<td>Road Agency approval?</td>
<td>✔️</td>
<td></td>
<td></td>
<td>In process</td>
</tr>
<tr>
<td>Health agency approval?</td>
<td>✔️</td>
<td></td>
<td></td>
<td>In process</td>
</tr>
<tr>
<td>Army Corps of Engineers approval?</td>
<td>✔️</td>
<td></td>
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<tr>
<td>Michigan Department of Environmental Quality approval?</td>
<td>✔️</td>
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</tr>
</tbody>
</table>

*Signs and lights will need to be approved by the Emmet County Sign and Lighting Committee.

**ADDITIONAL COMMENTS:**

Applicants Signature: [Signature]

Date: 10-4-2018
IMPACT STATEMENT
FOR SITE PLAN REVIEW

APPLICANT'S NAME  Kirk Rose  CASE#

PHONE NUMBER  231-347-0905  DATE 10/4/18

PROJECT TITLE

PROPERTY TAX ID
#01-16-25-200-031  TOWNSHIP Bear Creek

DIRECTIONS TO APPLICANT
BELOW ARE THE REQUIREMENTS TO CONFORM TO SECTION 20.04, IMPACT STATEMENT, OF THE EMMET COUNTY ZONING ORDINANCE #15.1. THESE ITEMS MUST BE ADDRESSED AND SUBMITTED WITH THE SITE PLAN AT LEAST 24 DAYS PRIOR TO THE PLANNING COMMISSION MEETING IN ORDER TO BE PLACED ON THE FOLLOWING MONTH'S AGENDA. (REGULAR MEETING DATE IS THE FIRST THURSDAY OF THE MONTH.) ITEMS LISTED ARE MINIMUM REQUIREMENTS, AND ADDITIONAL INFORMATION MAY BE SUBMITTED TO DESCRIBE THE PROJECT IMPACT.

1. PROJECT DESCRIPTION
Give a description of the proposed development including: Site area, number of proposed lots and/or units, population density, other pertinent population data, vehicle traffic, and related.

Project includes 17 living units on lots that are a minimum of 1 acre.

This will be a gated community that will not add significant traffic volumes to Bellmer Road.
2. EXPECTED DEMANDS ON COMMUNITY SERVICES
Explain what the impact will be on the following community services and describe how services will be provided (if applicable):

a. Sanitary Services - on site

b. Domestic Water - on site well

c. Traffic Volumes - little traffic volumes generated

d. Schools - minimal affect

e. Fire Protection - in process of approval

3. ENVIRONMENTAL IMPACTS
Include statements relative to the impact of the proposed development on (if applicable):

a. Soil Erosion - large lots have much land to absorb storm water generated by hard surfaces. Care will be taken to slow storm flows to non-erosive velocity

b. Storm Drainage - storm plan has been provided

c. Shoreline Protection - NA

d. Wildlife - large lots will allow for much to be left green on site

e. Air Pollution - minimal due to nature of residential development

f. Water Pollution - minimal due to nature of residential development

g. Noise - minimal due to nature of residential development
To: Bear Creek Planning Commission

From: Chief Al Welsheimer

Subject: Hearthside Grove Case# PSPR18-012

Date: October 11, 2018


1. Access road supporting fire apparatus weighing at least 75000lbs

2. Access Drive 20' wide

3. Access Drive hammerhead 28' R, 20' deep 120' wide

4. Access Drive off from Hearthside Drive East 28'R

5. Knox box key retention box per unit building

This review is based upon and limited to the information presented on the drawings and/or materials submitted. Matters not presented within the construction documents submitted, nor items not requested for review, which are required for the granting of permits, are assumed to be reviewed and inspected by others and not to be considered as part of this review unless herein specifically requested. The review does not release the contractor from compliance with the applicable codes.

Alfred L. Welsheimer
Fire Chief
ZONING EVALUATION FORM
Office of Planning and Zoning
Emmet County, MI

DATE: 10/17/2018 CASE #: PSPR18-012

APPLICANT: Kirk Rose for Hearthside East

PROPERTY: off west side of Bellmer Rd.

TOWNSHIP: BEAR CREEK

REQUEST: Special Use Permit for Land Development

FACTS:
- The property is zoned FF-1 Farm Forest
- The property is 27.95 acres in area.
- Properties to the north, south and east are zoned FF-1 with Vis A Vis residential development to the south and residential home properties to the north and east. The property to the west is the Hearthside Grove Association and is zoned I-1 Light Industrial.
- Proposal is to develop a 17 unit site condominium.
- Proposed building envelopes meet the zoning setback standards.
- Individual well and septic proposed for each site.
- Health Department review pending.
- Dumpster located on site plan with screening provided.
- Stormwater drainage meets ordinance standards, however west stormwater retention area is located on parts of lots 8 & 9 and should be protected with an easement.
- No outdoor lighting proposed. Sign and Lighting Committee review needed for outdoor lighting.
- Road Commission review pending.
- Fire Department approved.
- Snow storage/management not addressed.
- Maintenance plan for private road not provided.
- No sign proposed.

ZONING ORDINANCE STANDARDS:

Section 26.13 Land Development Standards

Land development projects may be permitted upon review and approval by the Emmet County Planning Commission in all zoning districts. Applications for projects under this Section are also eligible for simultaneous review as Subdivision and Site Unit Condominium Open Space Plans under Article 17. The following standards for Land Developments shall apply:
26.13.1 Uses Subject to Review

A. All proposed land development projects that involve condominiums and non-platted land division which will result in five (5) or more site units or zoning lots within a ten (10) year period of time are subject to review. Any parcels that are created for common areas for roads, pathways, or open spaces, and/or results in development parcels larger than fifteen (15) acres and wider than 330 ft., need not be included in the count of the five (5) parcel division standard. However, such parcels shall be subject to Zoning Administrator approval.

B. Minor or limited re-arranging of lot lines within an approved land development project may be approved by the Zoning Administrator, if the number of building sites, lots or site unit condominiums are not increased and that driveways, sanitary sewage disposal facilities, stormwater management and emergency access is not diminished thereby.

26.13.2 Unit Configuration and Design Standards

A. Condominium units and their adjoining common element yards (not roads) and other non-platted land divisions as described above shall conform to the parcel dimensional, area, height, bulk and setback provisions as regulated in this Ordinance. The parcels may be required to be staked in the field for use in identification. 

This standard is met.

B. Parcels or condominium site units abutting a public or private road may be required to be designed with reverse lot frontage, have a side-lot orientation to roads, and/or be accessed from a service road(s).

C. All proposed projects shall conform to the standards of Article 20 Site Plan Review, and shall include an inventory of on-site natural features. The plan shall illustrate how the arrangement of proposed parcels relate to the natural features defined Article 20.

26.13.3 Access Road Design Standards

The following standards shall apply to all land development projects as described above.

A. Unless the proposed access roads conform to Emmet County Road Commission Standards, all vehicle accessways shall provide sufficient side and overhead clearance to accommodate fire-fighting equipment, other emergency vehicles, snow plows, school buses, sanitation vehicles and similar service units, in accord with the following schedule:

Fire Department reviewed and approved.

B. Road Sub Base

Gravel shoulders are not required, but the pavement shall be flush with the shoulder elevation. Shoulder grading shall not exceed a slope of one half inch per foot. The road shall have a minimum of two-tenths of an inch per foot crown from centerline to the edge of the road. The road base shall consist of at least six (6) inches gravel base (MDOT 22A) with a twelve (12) inch sand sub-base (MDOT Class 2). The road surface shall widen at any dead-end or cul-de-sac as required in the preceding table. The road surface does not need to cover the entire radius of the turn-around providing that the road surface is at least the minimum required width of 22 feet throughout the turn-around, with the outer edge of the road surface being at or beyond the 120’
diameter of the turn-around. The top elevation of the roadway shall be a minimum of three (3) feet above the seasonal high water table. A new private road or extension of an existing private road that provides or is intended to provide access to five (5) or more lots shall meet the requirements of this paragraph and shall also be paved with a minimum of two (2) inches of asphalt or equivalent dustless surface.

Roads surfaces shall meet the zoning setback standards of the District in which located (measured from the property line to the edge of the road surface) in order to provide snow storage from plowing and minimum storm runoff dissipation space. Roads intended to serve adjacent parcels, by mutual agreement of the property owners involved, are exempted from this setback requirement.

This standard is met.

C. Utility Provisions
To the extent applicable, provisions shall be made to accommodate utility services that are to be installed, such as telecommunications, electric power, gas lines, water mains, sanitary sewage collection, storm water run-off, snow storage, and the like.

_Easement shown on site plan to provide for utilities._

D. Intersections
Street intersections shall be laid out so as to be at or as near to a ninety (90) degree angle as possible. Where a private road intersects or connects with a public road, the private road shall meet all requirements from the road agency having jurisdiction.

_Road Commission review pending._

E. Road Names
Roads shall be named according to the current Emmet County Street and Road Numbering Ordinance.

26.13.4 Engineering Requirements

A. Storm water drainage plans shall address flows onto the site from adjacent sites and roads, storm water impact on the site (soils, impervious surfaces, potential impervious surface, retention ponds, detention ponds, and related management facilities as appropriate), and the storm water outfall, or flow control into adjacent drainage courses, ditches and the like.

B. The drainage plan shall indicate the manner in which surface drainage is to be disposed of. This may require making use of the existing ditches, natural watercourses, or constructing tributaries, but shall not result in storm water that exits the detention pond and/or property site at an erosive velocity. Additional hard surfaces proposed for a site must provide for detention and/or retention. The minimum requirements for retention and detention facilities are as follows: For sandy sites the volume of detention and/or detention shall be equal to the volume of 1 and \(\frac{1}{2}\)" of water depth multiplied by the area of additional hard surface. For all sites other than sand, the volume of the retention and/or detention shall be equal to the volume generated from 2" of water depth multiplied by the area of additional hard surface. Both detention and retention facilities must be designed to assure that water is released within 72 hours. Detention facilities are to have a pipe no larger than 4" exiting the ponds at a grade no greater than 1%. For the purpose of this Section 26.13.4, sandy
shall be defined as soils that meet a percolation rate consistent with the Emmet County Sanitary Code of 0 to 15 minutes.

*Stormwater retention meets the standards of the ordinance.*

C. All storm water drainage plans shall be sealed by a Michigan Registered Professional Civil Engineer. The Planning Commission may waive the requirement, defer the requirement, or determine that a fully engineered storm drainage plan is not necessary, or can be deferred to a future date. Improvement guarantees shall be required, unless waived by the Planning Commission, for all storm water drainage plans in the form and amount acceptable by the Planning Commission to guarantee completion of the project in accordance with the conditions of the zoning permit. The performance guarantee will be released upon final inspection and approval by the Zoning Administrator, and receipt of sealed as built plans for storm water drainage.

*Site plan is sealed.*

D. Storm water retention basins designed to keep a fixed pool of water shall include one or more of the following safety features: 1) safety ledge(s) at least (10) feet wide at the basin perimeter, 2) vegetation surrounding the basin to discourage wading, or 3) fencing to prevent unauthorized access to basin.

**26.13.5 Maintenance agreement**

A road maintenance agreement, access easement agreement, and deed restrictions shall be provided which shall provide for the perpetual private (non-public) maintenance of such roads and/or easements to a necessary and reasonable standard to serve the parties having an interest in the private road. At a minimum, these documents shall contain the following provisions:

A. The method of initiating and financing such road and/or easements in order to keep the road in a reasonably good and usable condition.

B. A workable method of apportioning the costs of maintenance, improvements, and extensions of the private road. For new private road applications and for applications for extensions of existing private roads, the recorded road maintenance and improvement agreement shall provide that any future improvements required or desired shall be completed over the entire length of the private road and any extensions thereto.

**26.13.6 Maintenance Standards**

Improvements to and maintenance of private roads shall be accomplished so as to provide for a consistent surface maintained to meet the requirements of this Ordinance throughout the entire length of the private road.

Draft Motions:

To **approve** Case #PSPR18-012, Kirk Rose for Hearthside East for a Special Use Permit for Land Development for 17 site units, on property located off Bellmer Road, Section 16, Bear Creek Township, tax parcel 24-01-16-25-300-031, as shown on the site plan dated Received October 5, 2018 because the standards of Article 8 and 21 and Section 26.13 have been met, and on condition that any exterior lighting be reviewed by the Sign and Lighting Committee.
and a performance guarantee in the amount of $XX be submitted prior to issuance of a zoning permit, and (other conditions or statement of facts may be inserted here).

To deny Case # PSPR18-012, Kirk Rose for Hearthside East for a Special Use Permit for Land Development for 17 site units, on property located off Bellmer Road, Section 16, Bear Creek Township, tax parcel 24-01-16-25-300-031, as shown on the site plan dated Received October 5, 2018 for the following reasons: (list reasons).
MEMO

To: Emmet County Planning Commission
From: Tammy Doernenburg, Director, Emmet County Planning and Zoning
Date: 10/19/2018
Re: PROPOSED Zoning Ordinance Text Amendment – Commercial Accessory Uses

CASE PPTEXT18-01

Attached please find Three Drafts (#6, 7 & 8) - Options for Proposed Zoning Ordinance Text Amendment for Accessory Uses on Commercial Farms. A couple of possible changes have been proposed based on the October 4, 2018 Emmet County Planning Commission meeting minutes. The possible changes are marked-up so that you can easily see those changes. Option A is the same draft which was presented previously and voted-on during the October 4, 2018 Planning Commission meeting. Option B has been modified to include residential zoning districts, and reduces the hours of operation for all days to end by 10 PM. Option C has been modified in response to the suggestion to create an overlay zone. Looking at the Zoning Map, the FF-1 Zoning District would reduce the impact on the outer-lying townships (in some cases eliminating the possible use). It could be used as a starting point and re-evaluated in the next year or two. Staff recommendation is to consider Option A or C.

OPTION A: (DRAFT #6) – Same text as presented previously.

Motion to recommend approval to the Emmet County Board of Commissioners of Zoning Ordinance Text to authorize Accessory Uses on Commercial Farms as provided in the attached Draft #6, Case PPTEXT18-01. The amendment would add a Section 26.50 to the Supplemental Regulations of the Emmet County Zoning Ordinance. Approval is based on the reviews by the Planning Commission since June 2, 2016, documents provided to the Planning Commission during that timeframe, recommendations from townships within Emmet County, public comments, and six Public Hearings held regarding the text amendment since June 7, 2018. The text allows accessory commercial uses in the FF-1 & 2 Zoning Districts as described in the draft dated August 24, 2018.
OPTION B: (DRAFT #7) – Changes to allow in Residential zoning districts as well as FF-1 and FF-2.

Draft motion for consideration:

Motion to recommend approval to the Emmet County Board of Commissioners of Zoning Ordinance Text to authorize Accessory Uses on Commercial Farms as provided in the attached Draft #7, Case PPTEXT18-01. The amendment would add a Section 26.50 to the Supplemental Regulations of the Emmet County Zoning Ordinance. Approval is based on the reviews by the Planning Commission since June 2, 2016, documents provided to the Planning Commission during that timeframe, recommendations from townships within Emmet County, public comments, and six Public Hearings held regarding the text amendment since June 7, 2018. The text allows accessory commercial uses in the R-1, R-2, RR, SR, FF-1 and FF-2 Zoning Districts as described in the draft dated October 11, 2018.

OPTION C: (DRAFT #8) – Changes to allow in FF-1 Farm and Forest ONLY.

Draft motion for consideration:

Motion to recommend approval to the Emmet County Board of Commissioners of Zoning Ordinance Text to authorize Accessory Uses on Commercial Farms as provided in the attached Draft #8, Case PPTEXT18-01. The amendment would add a Section 26.50 to the Supplemental Regulations of the Emmet County Zoning Ordinance. Approval is based on the reviews by the Planning Commission since June 2, 2016, documents provided to the Planning Commission during that timeframe, recommendations from townships within Emmet County, public comments, and six Public Hearings held regarding the text amendment since June 7, 2018. The text allows accessory commercial uses in the FF-1 Zoning District as described in the draft dated October 19, 2018.

OPTION D:

Draft motion to deny:

Motion to deny Case PPTEXT18-01, Text Amendment to authorize Accessory Uses on Commercial Farms.


Section 26.50  Commercial Accessory Uses in FF-1 or FF-2

26.50.1 FF-1 or FF-2 District

Intent
It is the intent of these zoning provisions to:
- promote and maintain local farming,
- preserve open space and farmland,
- maintain the cultural heritage and a rural character,
- maintain and promote tourism,
- protect residential uses from negative impacts of commercial uses.

Specified commercial accessory uses may be permitted subject to the following standards including Planning Commission review:

A. Permitted Accessory Uses
The uses permitted pursuant to this Section may include one or more of the following: Social events which may include weddings, receptions, and similar social activities operated or intended to be operated as a commercial operation.

Uses permitted within this section must be clearly incidental to a “Farm Operation” as defined by the Michigan Right to Farm Act (1981 PA 93, as amended).

B. Outside Activities
All primary activities which involve sound systems or amplification systems shall be within a completely enclosed structure or sound systems or amplification systems may be located outside, but shall be setback a minimum of 1,000 feet from off-premises permanent dwellings.

The applicant may request a reduced setback if they can provide documentation showing they could meet the following standards: all primary activities which involve sound systems or sound amplification systems shall maintain a decibel level not to exceed 75 dB(A) at any property line between the hours of 10AM through 10 PM Sunday through Thursday and 10AM through 11 PM Friday and Saturday. All other hours, decibel levels may not exceed ambient sound levels.

C. Owner Occupancy
Buildings and uses permitted shall only be approved on properties or contiguous properties occupied by the owner/operator.

D. Site Size and Setback
The minimum property size shall be twenty (20) acres or larger by description, having at least 600 ft. of lot width. The accessory use shall be setback a minimum of 150 ft. from the side and rear property lines and meet the front yard setback standard of the Zoning Ordinance. Setback standards shall apply to the accessory use and structures associated with the accessory use.

E. Hours of Operation
The Accessory Use shall be limited to the hours of 8AM to 11PM. The number of events per month shall be provided by the applicant to the Planning Commission and may be limited based on specific site conditions and the characteristics of the neighborhood.

F. Building Limitations
The ground floor area of proposed buildings associated with the uses permitted shall not exceed an area of 2,400 sq. ft. Larger buildings may be considered by the Planning Commission based on specific site conditions and
characteristics of the neighborhood.

G. Parking
Parking spaces shall be provided in accordance with the standards of Section 22.02 of this Ordinance except that parking areas shall be setback a minimum of 100 feet from the side and rear property lines and 40 feet from the road right-of-way. Parking shall be adequate to accommodate all users and uses on-site. Parking shall be kept in a natural vegetated condition to the greatest extent possible.

H. Screening
The accessory use shall be effectively screened from adjacent properties in accordance with the standards of Section 22.04.2.

I. Lighting
Lighting shall meet the Standards of Section 22.06 of this Ordinance.

J. Signs
Accessory signs shall follow the Standards of Section 22.07 of this Ordinance.

Uses listed above are subject to review on a case-by-case basis and may be approved by the Planning Commission, if the intent of Article 8 FF-1 and FF-2 Farm and Forest and this Section 26.32 are kept and the surrounding properties are protected from nuisances. These standards shall not apply to private (non-commercial) similar uses on properties used for residential purposes and which occur on an occasional basis (four times per year or less).
Section 26.50—Commercial Accessory Uses in R-1 or FF-2

Section 26.50 Accessory Uses on Commercial Farms

26.50.1 R-1, R-2, RR, SR, FF-1 or FF-2 District

Intent
It is the intent of these zoning provisions to:

- promote and maintain local farming,
- preserve open space and farmland,
- maintain the cultural heritage and a rural character,
- maintain and promote tourism,
- protect residential uses from negative impacts of commercial uses.

Specified commercial accessory uses may be permitted subject to the following standards including Planning Commission review:

A. Permitted Accessory Uses
The uses permitted pursuant to this Section may include one or more of the following: Social events which may include weddings, receptions, and similar social activities operated or intended to be operated as a commercial operation.

Uses permitted within this section must be clearly incidental to a “Farm Operation” as defined by the Michigan Right to Farm Act (1981 PA 93, as amended).

B. Outside Activities
All primary activities which involve sound systems or amplification systems shall be within a completely enclosed structure or sound systems or amplification systems may be located outside, but shall be setback a minimum of 1,000 feet from off-premises permanent dwellings.

The applicant may request a reduced setback if they can provide documentation showing they could meet the following standards: all primary activities which involve sound systems or sound amplification systems shall maintain a decibel level not to exceed 75 dB(A) at any property line between the hours of 10 AM through 10 PM, Sunday through Thursday and 10 AM through 11 PM Friday and Saturday. All other hours, decibel levels may not exceed ambient sound levels.

C. Owner Occupancy
Buildings and uses permitted shall only be approved on properties or contiguous properties occupied by the owner/operator.

D. Site Size and Setback
The minimum property size shall be twenty (20) acres or larger by description, having at least 600 ft. of lot width. The accessory use shall be setback a minimum of 150 ft. from the side and rear property lines and meet the front yard setback standard of the Zoning Ordinance. Setback standards shall apply to the accessory use and structures associated with the accessory use.

E. Hours of Operation
The Accessory Use shall be limited to the hours of 8 AM to 11 PM. The number of events per month shall be provided by the applicant to the Planning Commission and may be limited based on specific site conditions and the characteristics of the neighborhood.

F. Building Limitations
The ground floor area of proposed buildings associated with the uses permitted shall not exceed an area of 2,400 sq. ft. Larger buildings may be considered by the Planning Commission based on specific site conditions and characteristics of the neighborhood.

G. Parking
Parking spaces shall be provided in accordance with the standards of Section 22.02 of this Ordinance except that parking areas shall be setback a minimum of 100 feet from the side and rear property lines and 40 feet from the road right-of-way. Parking shall be adequate to accommodate all users and uses on-site. Parking shall be kept in a natural vegetated condition to the greatest extent possible.

H. Screening
The accessory use shall be effectively screened from adjacent properties in accordance with the standards of Section 22.04.2.

I. Lighting
Lighting shall meet the Standards of Section 22.06 of this Ordinance.

J. Signs
Accessory signs shall follow the Standards of Section 22.07 of this Ordinance.

Uses listed above are subject to review on a case-by-case basis and may be approved by the Planning Commission, if the intent of Article 8 FT-1 and FT-2 Farm and Forest the Zoning Ordinance and this Section 26.32 are kept and the surrounding properties are protected from nuisances. These standards shall not apply to private (non-commercial) similar uses on properties used for residential purposes and which occur on an occasional basis (four times per year or less).
Section 26.50 Commercial Accessory Uses in FF-1 or FF-2

26.50.1 FF-1 or FF-2 District

Intent
It is the intent of these zoning provisions to:
- promote and maintain local farming,
- preserve open space and farmland,
- maintain the cultural heritage and a rural character,
- maintain and promote tourism,
- protect residential uses from negative impacts of commercial uses.

Specified commercial accessory uses may be permitted subject to the following standards including Planning Commission review:

A. Permitted Accessory Uses
The uses permitted pursuant to this Section may include one or more of the following: Social events which may include weddings, receptions, and similar social activities operated or intended to be operated as a commercial operation.

Uses permitted within this section must be clearly incidental to a “Farm Operation” as defined by the Michigan Right to Farm Act (1981 PA 93, as amended).

B. Outside Activities
All primary activities which involve sound systems or amplification systems shall be within a completely enclosed structure or sound systems or amplification systems may be located outside, but shall be setback a minimum of 1,000 feet from off-premises permanent dwellings.

The applicant may request a reduced setback if they can provide documentation showing they could meet the following standards: all primary activities which involve sound systems or sound amplification systems shall maintain a decibel level not to exceed 75 dB(A) at any property line between the hours of 10AM through 10 PM Sunday through Thursday and 10AM through 11 PM Friday and Saturday. All other hours, decibel levels may not exceed ambient sound levels.

C. Owner Occupancy
Buildings and uses permitted shall only be approved on properties or contiguous properties occupied by the owner/operator.

D. Site Size and Setback
The minimum property size shall be twenty (20) acres or larger by description, having at least 600 ft. of lot width. The accessory use shall be setback a minimum of 150 ft. from the side and rear property lines and meet the front yard setback standard of the Zoning Ordinance. Setback standards shall apply to the accessory use and structures associated with the accessory use.

E. Hours of Operation
The Accessory Use shall be limited to the hours of 8AM to 11PM. The number of events per month shall be provided by the applicant to the Planning Commission and may be limited based on specific site conditions and the characteristics of the neighborhood.

F. Building Limitations
The ground floor area of proposed buildings associated with the uses permitted shall not exceed an area of 2,400 sq. ft. Larger buildings may be considered by the Planning Commission based on specific site conditions and
characteristics of the neighborhood.

G. Parking
Parking spaces shall be provided in accordance with the standards of Section 22.02 of this Ordinance except that parking areas shall be setback a minimum of 100 feet from the side and rear property lines and 40 feet from the road right-of-way. Parking shall be adequate to accommodate all users and uses on-site. Parking shall be kept in a natural vegetated condition to the greatest extent possible.

H. Screening
The accessory use shall be effectively screened from adjacent properties in accordance with the standards of Section 22.04.2.

I. Lighting
Lighting shall meet the Standards of Section 22.06 of this Ordinance.

J. Signs
Accessory signs shall follow the Standards of Section 22.07 of this Ordinance.

Uses listed above are subject to review on a case-by-case basis and may be approved by the Planning Commission, if the intent of Article 8 FF-1 and FF-2 Farm and Forest and this Section 26.32 are kept and the surrounding properties are protected from nuisances. These standards shall not apply to private (non-commercial) similar uses on properties used for residential purposes and which occur on an occasional basis (four times per year or less).
Emmet County
Office of Planning, Zoning & Construction Resources
3434 Harbor Petoskey Road, Suite E
Harbor Springs, MI 49740
231-348-1735 (phone) 231-439-8933 (fax)
www.emmetcounty.org
pzcr@emmetcounty.org

MEMO

To: Emmet County Planning Commission
From: Tammy Doemenburg, Director, Emmet County Planning and Zoning
Date: 10/19/2018
Re: PROPOSED Zoning Ordinance Text Amendment – Front Yard Setback

Over the past four years, the Office of Planning and Zoning has been working with the L’Arbre Croche community regarding setback matters in their residential development. The Zoning Board of Appeals recommended the Club seek alternatives to variance requests for dwellings within the development. Several options were considered. The attached draft text amendment proposal is a result of the discussions which have occurred with the L’Arbre Croche Club. The 15 ft. setback distance has been chosen based on existing site conditions within the development and to be consistent with the existing standards of the Emmet County Schedule of Regulations note g.
MEMO

To: Tom Petzold
From: Tammy Doemenburg, Director, Emmet County Planning and Zoning
Date: 9/20/2018
Re: DRAFT text for setback reduction

Proposed to be a footnote to the Schedule of Regulations to apply to the RR Recreational Residential Zoning District of the Emmet County Zoning Ordinance.

Option A:
On platted lots fronting a private road having a width of 66 feet or greater with a posted speed limit of 25 MPH or less, the minimum front yard setback standard shall be fifteen (15) feet.

Option B:
On a platted lot fronting a private road having a width of 66 feet or greater with a posted speed limit of 25 MPH or less, the minimum front yard setback standard shall be fifteen (15) feet. The rear yard setback of said lot may be reduced to 15 feet if the platted lot abuts property within the same plat.
<table>
<thead>
<tr>
<th>Date</th>
<th>Action to be completed</th>
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</thead>
<tbody>
<tr>
<td>November 1, 2018</td>
<td>Decision made by Planning Commission to prepare a new master plan.</td>
</tr>
<tr>
<td>November 5, 2018</td>
<td>Notice of Intent (NOI) mailed.</td>
</tr>
<tr>
<td>November 5, 2018</td>
<td>Working on draft begins</td>
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<tr>
<td>December 2018 – March 2019</td>
<td>Citizens attitude survey conducted</td>
</tr>
<tr>
<td>January – June 2019</td>
<td>Conduct &amp; compile updated land use and natural resource data information.</td>
</tr>
<tr>
<td>January – June 2019</td>
<td>Planning staff conduct public input sessions.</td>
</tr>
<tr>
<td>June – September 2019</td>
<td>Draft master plan completed.</td>
</tr>
<tr>
<td>September 5, 2019</td>
<td>Planning Commission recommends approval of the proposed plan to the Board of Commissioners for review and comment and request the Board approve distribution of the proposed plan.</td>
</tr>
<tr>
<td>September 19, 2019</td>
<td>The Board of Commissioners act on the proposed plan approving distribution of the proposed master plan.</td>
</tr>
<tr>
<td>September 20, 2019</td>
<td>Copy of draft master plan sent out for review and comment to same groups/individuals who received NOI.</td>
</tr>
<tr>
<td>September 20, 2019 – December 5, 2019</td>
<td>63 day period of comment per Michigan Planning &amp; Enabling Act</td>
</tr>
<tr>
<td>December 5, 2019</td>
<td>County Planning Commission holds public hearing</td>
</tr>
<tr>
<td>December 5, 2019</td>
<td>County Planning Commission, by resolution votes to adopt the plan and recommend approval to the Board of Commissioners.</td>
</tr>
<tr>
<td>December 19, 2019</td>
<td>County Board of Commissioners hold a public hearing</td>
</tr>
<tr>
<td>December 19, 2019</td>
<td>County Board of Commissioners, by resolution votes to adopt the plan.</td>
</tr>
<tr>
<td>December 20, 2019</td>
<td>Upon final adoption of the plan by the County Board of Commissioners, copies of the plan shall be submitted to the same groups/individuals who received NOI.</td>
</tr>
</tbody>
</table>
Littlefield – 5/26/2017 – 3656 Oden Rd. Reports of property being used in violation of PUD. 6/14/2017 – after confirmation and photos received, sent letter to owner and adjacent owners. 6/19/2017 received call from one adjacent owner. 7/7/2017-7/8/2017 received photos from adjacent owner. Follow-up letter needs to be sent. Discussed with Civil Counsel 7/24/2017. Follow-up letter sent 8/22/2017. Received call from owner’s legal counsel on Aug 30, 2017. Owner was to contact office to discuss options for “putting property into productive use.” No additional contact to date. 9/21/2017 – emailed legal counsel for property owner. Meeting scheduled for 10/17/2017. Owner looking at options for submission to ZBA (Temp Use) or Planning Commission. 12/13/2017 – sent letter to owner requesting application for compliance by mid-January 2018. Received two calls from parties interested in resolution. Received FOIA request on 12/29/2017 for entire file. Continued conversations with adjacent land owners. Will continue to follow-up as necessary. 5/21/2018 – sent letter requesting compliance. Same day received photos showing violation of parking. 7/9/2018 – issued NOV for continued violation of site plan. 7/11/2018 – became aware of sale of property. Dismissed NOV. 7/12/2018 – met with new property owner. Advised of options for compliance. 7/18/2018 – received request by new owner for an interpretation of the PUD. 7/20/18 received ZBA application for a Temporary Use Permit. 7/30/2018 Property owners have met – township board member working toward PUD amendment and resolution by owners. 8/2/2018 Applicant requested postponement of ZBA case after meeting with township Planning Committee. Possible PUD amendment to be pursued. New owners have been in contact regarding their intentions. Existing owner of docks have been submitting photos of parking in violation of the PUD. Components of a PUD amendment application received. No complete application received to date, but one is expected. PPUD18-02 on November PC agenda.

2. Littlefield – 8746 Littlefield Ln - 8/7/2017 (prior violation) – application received for addition. Site inspection conducted and proposed addition found to be in setback. No permits issued. 8/17/2017 – inspection conducted – no construction had begun. 8/29/2017 – report of work without a permit. 8/30/2017 – site inspection done. 8/30/2017 letter sent – stop work. 9/1/2017 – follow-up inspection conducted. Found corner markers – addition in violation of front setback. 9/11/2017 – met with owner in office and on site. ZBA variance requested 9/11/2017. Posted Stop Work Order on 9/14/2017 as construction appeared to have continued without permits. 10/17/2017 ZBA denied request. 10/19/2017 staff met with property owner to discuss options. Indicated that he would need to address the issue and keep lines of communication open and make progress toward compliance. Owner contacted office to indicate he’s trying to contact a surveyor to survey his property. Time allotted for compliance. 12/13/2017 Received call from owner indicating they are not going to seek compliance. 1/8/2018 - Consulted with Civil Counsel on next steps. 1/17/2018 – sent final notice to owners requesting compliance. Issued “Notice of Violation” 1/29/2018. Owner responded to Civil Counsel requesting formal hearing. “Notice to Appear” for formal hearing issued 2/12/2018. Formal Hearing rescheduled for 4/4/2018 at 11AM. Court hearing moved to 4/11/2018 – adjourned to allow property owner to consider options. Rescheduled for 5/16/2018. Goal has been in contact with surveyor regarding the site. Survey expected by end of April. 5/9/2018 – no survey received – phoned surveyor who indicated issue was worse than originally thought. Contacted property owner to ascertain status of case. Planning for court on 5/16/2018. Owner has hired legal counsel and requested adjournment until 6/20/2018. 6/19/2018 received draft document of easement amendment. Court hearing adjourned until July 18, 2018 – requested survey and finalized documents recorded with Register of Deeds. 7/18/2018 – Stipulation and Order prepared allowing until August 15, 2018 for owner to gain compliance. 8/15/2018 – owner appeared in District Court and dismissed his legal counsel. Court adjourned until Sept 12, 2018. 8/28/2018 – met with owner. Explained options. Suggested recording easement agreement modifying road width and a survey. 8/29/2018 – spoke with surveyor, suggested a survey of just the front portion of the property. Sept 12, 2018 court date adjourned until November 14 due to a death in the family of the defendant.

3. Maple River – 9/11/2017 – Sent letter to 2526 Gregory Rd – accessory building without a main use – no SUP. House was to be started within 2 years, no house. Accessory building is not completed. 11/28/2017 sent letter requesting compliance. 12/20/2017 No response to date. 1/12/2018 – site not accessible. 5/9/2018 sent letter to owner. 5/24/2018 SUP applied for –
will be on the August 2018 PC agenda. SUP denied at 8/2/2018 PC meeting. Letter sent to owner requesting removal of structure. Follow-up needed.

4. Littlefield - 5407 Petoskey St — ZBA case discovery made that accessory building was built, had been required to be attached due to number of accessory buildings on residential parcel. 8/17/2017 — sent letter to owner advising of violation. Follow-up conducted 1/9/2018 – letter sent to owner. 1/18/2018 – owner contacted staff – will plan to comply in 2018. 7/13/2018 – contacted contractor to inquire as to status of project. No response to date. 8/8/2018 – zoning permit issued for connector. Building Permit issued 8/9/2018. 10/18/2018 – no construction has begun.

5. Littlefield - 4700 Oden Rd — 4/17/2018 – during ZBA case review of neighboring property, discovered encroachment from this subject property. Staff to investigate further. 5/21/2018 – letter sent to owner. Received call 5/24/2018 from owner who is meeting with association Memorial Day weekend. Will explore options. 6/6/2018 received call from property owner within association. Still exploring options with neighboring property owner and road vacating. 6/26/2018 – received call from property owner – meeting with township regarding vacating platted roads. 8/9/2018 – owners met with township Board to discuss options regarding platted roads. MDOT consulted regarding claim of state right-of-way for one platted road – determination made MDOT does not claim rights to either platted road 8/20/2018. Owners seem to be working toward compliance.

6. Springvale - Channel Rd — 5/14/2018 – received email complaint of building too close to property line (survey recently completed). Investigation showed no building on the site in 2008 aerials, but present in 2012 aerials. Visited site, found building appears to violate setback. Sent letter to owner on 5/21/2018. Met with owner on 5/23/2018 – provided application for variance and zoning permit for conversion of accessory building to dwelling. 5/30/2018 application received for variance. 7/17/2018 – ZBA denied variance request. Additional violations discovered on property. Will pursue for compliance. 8/8/2018 – zoning permits issued to resolve both zoning violations. Notice provided to building department for changes of use. Owner has been in contact with Building Official and is working toward compliance.

7. Bear Creek – 3529 Howard Rd — Complaint regarding site plan violation. Investigated site 5/4/2018. Found site to be in violation of approved site plan and screening has died. Sent enforcement letter 5/18/2018. 6/21/2018 – no response to date. 7/18/2018 – visited site. Trees have been planted, but site not in compliance with approved site plan. Piles of debris (trees) and parking in areas not identified for such uses on site plan. 8/20/2018 – sent follow-up letter regarding site violations. 9/19/2018 – business staff have been communicating with office staff. They plan to apply for an amendment to their site plan.

8. Bear Creek – 1700 Anderson Rd — 6/27/2018 - complaint of outdoor storage/sales in unauthorized area. 6/29/2018 – contacted Fire Chief regarding display/storage in fire lane. He indicated he’d contact the store and asked that address storage in back of store. 7/16/2018 – Sent letter. Received call from manager indicating store is now in compliance. Requested a site visit. Site visit conducted 8/16/2018 – called manager, not in. Follow-up needed.


10. Carp Lake – 8772 Paradise Tr — 6/25/2018 – received phone call of too tall sign. Investigated and found new sign – no permits. Sent letter same day. 7/10/2018 – received phone call from owner. Sign was installed, is too tall, is in road right-of-way and is too large in area. Gave options to owner and asked for compliance. 7/20/2018 – owner applied for ZBA review. 8/6/2018 ECRC denied road commission permit application for sign located in road right-of-way. 8/6/2018 – owner withdrew ZBA request. 8/20/2018 – sign still at same location. Sent follow-up letter to owner requesting removal of sign. 9/10/2018 – sign has been moved, but is still visible from the road. Follow-up needed.

11. Carp Lake – 6420 Paradise Tr — 9/20/2018 – received complaint of property being used in conjunction with motel across Paradise Trail. Investigated (end of season – lack of activity). 7/3/2018 – sent letter regarding violation – using residential lot in conjunction with motel. 7/10/2018 – received call from recipient of letter indicating he no longer owned the property. Letter had also been sent to motel owner at 6449 Paradise Tr. No response to date.

12. Bear Creek – 5296 Evergreen Tr — 8/13/2018 – complaint of RV being used in front yard as a dwelling. No building permits for the property.
