EMMET COUNTY PLANNING COMMISSION REGULAR MEETING
THURSDAY FEBRUARY 7, 2019
7:30 PM
EMMET COUNTY BUILDING
COMMISSIONER'S ROOM
200 DIVISION ST
PETOSKEY, MI 49770

AGENDA

I Call to Order and Attendance

II Minutes of January 10, 2019

III Cases

CASES FROM PREVIOUS MEETINGS

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

NEW CASES

2. PSUP 18-013 William Murphy, SPECIAL USE PERMIT, Accessory Building Exception, 2091 Hency Rd, Section 30, Springvale Township

IV Public Comments

V Other Business
1. Enforcement Report
2. Wineries – draft text amendment proposal
3. Emmet County Resilient Master Plan 2020 – Vision Statement from current Recreation Plan and Master Plan enclosed; Draft Chapter 1 to be distributed at meeting
4. By-Laws – review
5. Planning Review Process – see comments from survey and BOC meeting minutes
6. City of Petoskey – Notice of Intent to Plan

VI Adjournment
EMMET COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY JANUARY 10, 2019, 7:30 P.M.
EMMET COUNTY BUILDING
200 DIVISION ST
PETOSKEY, MI 49770

MEMBERS PRESENT: Kelly Alexander, John Eby, Toni Drier, Tom Urman, James Scott, Charles Maclnnis, David Laughbaum, James Kargol (one vacant seat)

MEMBERS ABSENT: None

STAFF: Tammy Doernenburg, 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. There is one open seat.

II Election of officers: The current slate of officers includes Chair: Eby, Vice-Chair: Urman, Secretary: Scott. Maclnnis made a motion to nominate Eby as Chairman, Urman as Vice-Chairman, and Scott as Secretary. The motion was supported by Alexander and passed unanimously by voice vote of the members.

III Minutes of December 6, 2018
Alexander made a motion, seconded by Maclnnis, to approve the minutes of the December 6, 2018 meeting as presented. The motion passed unanimously by voice vote of the members.

Doernenburg welcomed the newest member Jim Kargol who fills the vacant Board of Commissioner seat vacated by Scheel. There remains one vacancy to fill which was Neal's seat. This seat, according to the Planning Enabling Act should be a member of the school board or administrative employee of a school district within the County. A press release will be worked on to send out to the school districts.

IV Cases

1. Case PPUD18-02 Crooked Lake Yacht Club, Planned Unit Development-Amendment, 3704 Oden Rd, Section 18, Littlefield Township

Legal Notice: 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.

Packet Items: No new information

Applicant requested postponement. Eby stated that the case would normally be sunsetted at this point but in this case, all involved parties seem to be aware of the postponement request. Doernenburg stated that they are working on an agreement between the PUD owners. This case is planned to be heard at the next Planning Commission meeting. There was no one was present for this case and there was no public comment or discussion.
2. PREZN 18-01  John Plichta, Planned Unit Development Rezone, 8450 Channel Rd,
PREZN 18-01A  Section 21, Springvale Township

Legal Notice: A request by John R Plichta for a Planned Unit Development (PUD) to add a winery use to the property at 8450 Channel Rd, Section 21, Springvale Township. The property is zoned SR Scenic Resource and FF-2 Farm and Forest and is tax parcel 24-14-17-21-400-006. The request is to rezone the FF-2 portion of the property to PUD to add winery to the list of uses permitted in the FF-2 Zoning District. The review is per Article 17 of the Zoning Ordinance.

Packet Items: Request & location map, aerial, application, zoning evaluation, HD email, Springvale Twp PC recommendation, Email-Audrey McMullen, Maureen Kerbon, Letters-Bob Hoff, Renee Allen, Anette Cyr.

Salar presented this case. The property is located on the end of Channel Road. The aerial of the property was shown as well as the zoning map. The parcel is over 51 acres and is zoned both SR and FF-2. The rezone request is for the FF-2 section of the parcel. The current plot plan was shown. The current request is for a winery and tasting room. This is preliminary review only and would go to the Emmet County Board of Commissioners next for their review. The surrounding area is mainly residential. There have been calls and letters of concern and opposition from the neighbors regarding the tasting room. The Master Plan and Future Land Use Map shows this area as low-density residential. Springvale Township's original review did not include the tasting room. They recommended approval. Their second review was after the tasting room was added to the request and they recommended approval of that request on the conditions that the tasting room only be open July through October with limited hours on Saturday. A summary of all of the neighbors' comments was shown and these have been distributed. Salar explained that if this is approved here and at the Board of Commissioner's level a more detailed review of the plans would be required at the Planning Commission level in the future. Photos of the site were shown.

John Plichta, applicant, stated that he attended both meetings at the township level. There were many neighbors at both meetings which was great because it allowed him to develop the PUD and get input and concerns of the community. Their primary concerns were the increase in traffic and alcohol use. From a business standpoint, Plichta stated, you want to be open as much as possible. Most tasting rooms are open at least 36 hours/week and make up 98% of the business. He is only proposing 4 hours/week; 2-6pm on Saturdays between June and October. As for the alcohol, they would be giving out four one-ounce tastes for a total of four ounces. A glass of wine is six ounces. He stated that they won't be serving any more than this as they want to sell it. The boat launch average usage is 5-20 cars per day. For the tasting room, Plichta stated he expects seven cars per Saturday to buy wine. That would be no increase whatsoever between a low or busy weekend. There is already the ability for people to come off of the lake with alcohol and they will have had more than 10 ounces. He stated that he is not adding to this situation. His use will blend in. Plichta noted that with the parcel size, he does have the option to build 4-40 houses but he doesn't want to do this. He'd like to be able to retire and enjoy the area. They propose three events per year plus a picking event. All would be by invitation only and would be from 6-9pm in the summer. All hours of operation would be in broad daylight. Plichta stated that they are growing organic and are being certified as such. There is no one else up here doing organic wines. It is 3-4 times more labor intensive than growing grapes. He wants to be able to sell the wine to cover some of the costs and make a little money off of his hobby. He wants to be able to create a business model for smaller farming. Plichta stated that 2 acres of intense farming is a lot of work. He's trying to add value to the farming. The grapes he grows allow him to just break even or sometimes have a small deficit. The winery would allow him to add value to the farming. Small scale farming operations have the opportunity to be viable.

Jim Kargol stated that he would like to recuse himself from this case based on conflict of interest. Eby allowed and Kargol left the room.
Alexander asked how many homes are on the road. Doernenburg stated that one of the letters mentioned 80.

Eby opened the floor to public comment.

Jeff Upton stated that he has lived on Channel Road for 41 years. He commends Plichta on what he is doing but has a problem believing that he is going through all of this process and trouble for the limited use time frame. He thinks it will be more intensive in the future. He wants to know his plan 10 years down the road.

Cathy Brey stated that she has lived on Channel Road for two years. When they bought their home they checked into the area and knew there was a boat launch. This is a residential neighborhood and she never thought there would be a business down there. She is concerned about safety regarding the alcohol. Many people walk, jog, ride bikes, etc. on Channel Road. A business in a residential area will bring more traffic. If houses were built there at least it would be residential. She meets many people when walking and it is a safe neighborhood.

Pat Keubler stated that their longevity on Channel road is over 58 years. It is a wonderful neighborhood with wonderful neighbors. She is concerned about safety and that the PUD will be changed in the future which would change the neighborhood. She also mentioned that many of the neighbors are not here this time of year and thinks the request should be postponed until the spring.

Ray McMullen stated that he is concerned with the PUD. Under regular zoning regulations, there would be rules and parameters. Under the PUD there would be few rules. If Plichta sells, we don't know what the next person would do. The neighborhood does not want a Pond Hill Farm situation. McMullen stated that he has looked through the Planning Commission minutes and is concerned about how many PUDs are amended. There was almost one per month in the past year and none were denied. What parameters are there to stop a request for approval or alteration? What keeps a person or group with a lot of money from taking the County to court over a denial?

Plichta stated that he is thinking of retiring in a couple of years and this would augment his income. It is a hobby that he enjoys. The PUD would include not building anymore buildings and would only have the three events. He was ok with the PUD route as it helped limit the activity and address the needs of the neighborhood. He doesn't have big plans. He just wants to retire and have his hobby pay for itself. He stated that we all bought knowing that the boat launch existed and the hours during the boat launch is in operation. If you know that on July 4th people are coming off of the lake for fireworks just before dark and may have had alcohol, you choose not to take a walk then. If it is a concern for the four hours on a Saturday that he'd be in operation as well, so be it. The property was a farm and a business. The Laughbaum family hayed and had tractors and horses; it was already a business. The County is currently working on verbiage and ordinances for wineries. If it gets in as proposed, whether it's us or someone else, a winery could be opened and nothing could be done. Plichta stated that he doesn't want to wait until spring or for two years until the ordinance is amended. He is not ambitiously trying to create a winery that is going on the map. It is very, very hard to grow grapes organically and they can only grow so many of them. He will already be limited by the PUD. Yes, the PUD can be modified but so can the Zoning Ordinance. We can't tell people not to sell their houses in order to protect neighborhood views. We can only look so far into the future and this is the most viable way to approach this.
Jim Scott stated that the request was heard at two of Springvale township Planning Committee meetings. They heard the concerns of the residents of Channel Road. At the first meeting there was no tasting room requested and there was little opposition. Adding the tasting room has increased the concern. Scott stated that it will increase traffic but there is no way to know by how many cars. If we could control the number of cars it would be great but he stated that he doesn’t know a way to do so. One of the Township Board members lives right across the road from this parcel and he voted for it. Scott stated that what Plichta is proposing is a strong effort to do this project in a neighborly fashion. It is hard to sit here and say he shouldn’t be able to use his land and get a meager profit out of it.

Alexander stated that he asked before whether they were only going to use the grapes that they grow. Most wineries bring in grapes from the outside. Plichta stated that there are only two sources of organic grape juice; Spain and Italy. Even California doesn’t have wholesale grapes or juice to ship. He stated that a 5-gallon bucket of juice is $250. He is not trying to go up against the big wineries. He is trying to fit into the organic niche. This is targeted toward a specific group of people. Alexander stated that he doesn’t doubt that he will do what he says he is going to do but someone else could come in later and say it is not economically viable for them to be open one day/week for four hours. He is not trying to step on his hobby but there are 80 residences on a one-way road. It is not a fair statement to say that there are already drunk boaters or that he can put in multiple houses. Scott stated that this is not a one-way road but is a dead-end road. Alexander stated that he had misspoke.

Drier stated that there were stipulations in the review from the Health Department. Would we need to add these stipulations? Doernenburg explained that they would be asked for a thorough review at the next step if approved. They would need to evaluate and make a recommendation. This would be required for the final PUD submittal.

Urman stated that he is thinking about the 80 residences. Bear Creek Township is working on their Master Plan and we are dealing with wineries and such. There was a lady at the last meeting from Leelanau County that stated that roads, safely, and noise have all been concerns and issues for them. He stated that he knows that Plichta runs a top-notch operation but it is a dead-end road and is still a big concern. He read through the PUD standards that this board needs to review. He asked Scott how many people were at their township meetings. Scott stated probably 15-20 people at both meetings. He added that everything that we’ve discussed during the ordinance review so far is that FF districts are where wineries belong. Are we just kicking this down the road? If we don’t approve and then come up with regulations to the ordinance, it won’t be as constrained as this PUD would be. We won’t be in the same bargaining position as we may have with a PUD. We may be creating a monster rather than containing one.

Drier stated that many people have left for the season. She asked if Scott felt that there would have been more at the meeting had it been earlier. Scott stated that they don’t get a lot of public at the township meetings. Whenever there is a neighborhood issue people show up. There would likely have been some more present but he is not sure how many more.

MacInnis stated that he is usually persuaded by the township. He is trying to sort through the desire of the property owner to bring in revenue which is laudable but this is something new and the neighbors all have a desire to bring in revenue in some way and he doesn’t find this particularly persuasive. He stated that he is not sure how this meshes with the process of what we’ve looked at for the past two years. Doernenburg stated that when we started looking at the “party barns” it included wineries in the text amendment. Because we had an immediate request to deal with, we took wineries out and are reviewing them separately. Doernenburg stated that currently in this zoning district the PUD is the only mechanism that would allow for a winery. MacInnis stated that this would make a change that helps one person with revenue and increases neighborhood traffic. He has an issue with this.
Alexander stated that maybe we are kicking the can but maybe this opens Pandora’s box for the future. Scott stated that as PUDs go, this is likely the most limited we’ve ever seen. Alexander stated that he doesn’t think it will end here.

Laughbaum stated that he doesn’t think that there will be any more traffic to a winery than if he grew U-Pick strawberries. This is a low-key operation. Doernenburg stated that if that was the case it would fall under right-to-farm and he could do so without any involvement by us. There would be no further zoning regulations except for setbacks.

Urman read the standards of review for a rezoning from the Zoning Ordinance, Section 27.11.1 Rezoning Standards.

Scott made a motion to approve PREZN18-01, John R Plichta for a Preliminary Planned Unit Development Rezoning on property located at 8450 Channel Road, Section 21, Springvale Township, tax parcels 24-14-17-21-400-006 as shown on the Proposed PUD – Preliminary Development Plans dated Received Oct 29, 2018 because the standards for the PUD and a Rezoning have been met. Winery and tasting room will be the only additional use, tasting room is limited to Saturdays in July, August, September, and October from 2-6pm, there will be no more than four events per year with a maximum of 25 attendees, invitation only, and there will be no additional buildings, and because the township recommended approval. The motion was supported by Laughbaum. The motion failed on the following roll-call vote: Yes: Eby, Scott, Laughbaum. No: Drier, Urman, Alexander, Maclnnis. Abstain: Kargol (one open seat).

Alexander made a motion to deny PREZN18-01, John R Plichta for a Preliminary Planned Unit Development Rezoning on property located at 8450 Channel Road, Section 21, Springvale Township, tax parcels 24-14-17-21-400-006 as shown on the Proposed PUD – Preliminary Development Plans dated Received Oct 29, 2018 because the standards for the PUD and a Rezoning uses are not consistent with the Emmet County Master Plan, proposed uses are not compatible with current surrounding uses. This motion was supported by Maclnnis and passed on the following roll-call vote: Yes: Drier, Urman, Alexander, Maclnnis. No: Eby, Scott, Laughbaum. Abstain: Kargol (one open seat).

Doernenburg explained that this recommendation will still go to the Board of Commissioners for their review.

Kargol returned to the meeting.

3. PSPR18-014  Mike Pattullo of Shoreline Architecture for 4 Leavys LLC, Site Plan Review Amendment, Retail and Parking, 1922 Harbor-Petoskey Rd, Section 27, Bear Creek Township

Legal Notice: A request by Mike Pattullo of Shoreline Architecture for 4 Leavys LLC for a site plan review amendment at 1922 Harbor-Petoskey Rd, Section 27, Bear Creek Township. The property is zoned B-2 General Business and is tax parcel 24-01-16-27-042. The proposal is to review for multi-tenant retail use within the existing building and to expand the parking lot. The review is per Articles 11 and 19, 20, and 22 of the Zoning Ordinance.

Packet Items: revised zoning evaluation, 12-21-18 revised site plan, landscape plan, BCPC minutes

Doernenburg explained that this case was heard last month. The request is for the building that currently houses B May Bags on the northeasterly corner of M-119 (Harbor-Petoskey Road) and Hiawatha Trail. The parcel is zoned B-2. The proposal is to remodel the side of this building to create eight additional retail spaces and also a parking area on the northeast corner of the property. The current site plan was shown as was the originally proposed site plan. Following last month’s township
and Planning Commission meetings, the site plan was amended to incorporate the requested changes. One of the accesses onto M-119 has been eliminated, there is only one access onto Hiawatha Trail, the parking has been amended and reduced to meet ordinance standards, outdoor display areas are marked and potted plants have been added to separate the pedestrian areas from the vehicle space, screening from the new parking lot is shown on the new landscape plan. All changes are consistent with what was requested. The site plan, floor plan, and elevations were shown. Retail is an allowed use in this zoning district. The adjacent uses are both residential and commercial. Screening has been added between the commercial use and the residential use. Photos of the site were shown. There was some discussion of where deliveries would be made and they will be delivered to the back of the building or in some cases right to the retail space. The applicant has changed everything that was requested and the township has recommended approval.

Mike Pattullo, applicant, stated that they went through the township and Planning Commission requests and tried to address them all on the revised plans. He stated that the intent of the parking area is strictly for spaces that the owners already lease to a local dealership and to a line crew. This area allows them to retain these spaces but also separate them from the retail parking areas.

Laughbaum asked if there would be lighting in the parking lots. Pattullo stated that they are removing the existing dealership lighting and will be installing proper lights. This will be a separate application to Sign & Lighting.

Maclnnis made a motion to approve Case #PSPR18-014, Mike Pattullo of Shoreline Architecture for 4 Leavys LLC for Site Plan Review – amendment for multi-tenant retail use, on property located at 1922 Harbor Petoskey Road, Section 16, Bear Creek Township, tax parcel 24-01-16-27-400-042, as shown on the site plan dated Received Dec 21, 2018 because the standards of Articles 11,19,20 and 22 have been met and the township has recommended approval and on condition that any exterior lighting be reviewed by the Sign and Lighting Committee and a performance guarantee in the amount of $2500 be submitted prior to issuance of a zoning permit. The motion was supported by Urman and passed on the following roll-call vote: Yes: Eby, Drier, Scott, Laughbaum, Urman, Kargol, Alexander, Maclnnis. No: None. (one vacant seat)

4. PSPR18-015 Walt & Tracy Scheimann for Prime Diesel, SITE PLAN REVIEW-AMENDMENT, 2472 N US 31 Hwy, Section 25, Bear Creek Township

Legal Notice: A request by Walt & Tracy Scheimann for Prime Diesel for a Site Plan Review amendment at 2472 N US 31 Hwy, Section 25, Bear Creek Township. The property is zoned I-1 Light Industrial and is tax parcel 24-01-16-25-101-008. The proposal is to move an existing building and construct a new 64’x100’ building for vehicle service. The review is per Articles 14, 20, and 22 of the Zoning Ordinance.

Packet Items: Request & location map, application, impact statement, site plan review checklist, site plan approved 4/5/18, zoning eval, floor plan, 12/6/18 site plan

This parcel is located north of Fochtman Industrial Drive on US-31. It is zoned I-1 and the surrounding zoning is FF, B-1, B-2, and I-1. The site plan was revised in April 2018 when they were approved to expand their vehicle service business and add onto the back of the existing business. When they went to construct, their contractor suggested eliminating the addition and build a separate building due to grade differences on the property. Photos and the approved site plan were shown. There was an existing storage building which was originally planned to be demolished, but it has been moved to a location previously approved for storage containers. This change was approved administratively with the caveat that if the site plan changed again review by the Planning Commission would be required. The current request is to construct a new 64’x100’ building for vehicle service behind the existing office building. The use, setbacks, and parking, which will be beside and behind the existing building, all meet ordinance standards. A fence will be installed to screen vehicles from public view and for
The applicants were present for questions. There was no public comment on this case.

Drier stated that she went to the site and it seemed that there were a lot of trees on one side but sparse on the other side. Does the neighboring business desire to have more trees? Doernenburg stated that the ordinance does not require screening between business uses. Urman stated that the applicants agreed to plant trees on the front side by the fence. There was a discussion at the township about keeping the trees to the greatest extent possible at the fence and the highway.

Walt Schiemann stated that the tree line to the north is an easement for Hoffman's.

Doernenburg noted that the lighting is not currently in compliance but will need to be corrected.

Urman made a motion to approve Case # PSPR 18-015, Walt & Tracy Schiemann for Prime Diesel, Site Plan Review amendment for vehicle services at 2472 N US 31 Hwy., located in Section 25 of Bear Creek Township, tax parcel 24-01-16-25-101-008 as shown on the site plan dated Received Dec 6 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, outdoor storage will all be screened, and no outdoor lighting or signs are permitted unless reviewed as required by the Zoning Ordinance, wall mounted lighting must all be full cut-off, and down directed; and because Bear Creek Planning Commission and Board recommended approval. The motion was supported by Scott and passed on the following roll-call vote: Yes: Eby, Drier, Scott, Laughbaum, Urman, Kargol, Alexander, MacInnis. No: None. (one vacant seat)

V Public Comments:

Dennis Hoshield. Littlefield Township, stated that he had intended to apply to this board. He stated that there is a big issue in the County with a lack of affordable housing. Sarah Lucas from Networks Northwest made a presentation to the City at the Council meeting on March 17th and it hit all of the issues that he has seen. He asked if this presentation or similar has been made to the County or to this board. Doernenburg stated that there hasn’t been a local presentation but a number of Commissioners attended the housing summit in Traverse City which has been held for the last three years. There is a regional housing partnership which has hired Sarah Lucas as a supervisor and a local housing partnership working on the issue. Hoshield stated that this is a multi-faceted issue and he would like to try to work with in the current zoning and building codes to work towards being able to do more affordable housing. He is attempting to re-light a fire under the issue.

Drier stated that something that she was looking into in regards to budgets was the Sign & Lighting Committee. She asked the board if the caseload that they have is something that we could take back as a board so that it is one less expense off of the P&Z budget. Eby asked if the savings would cover an expert for advice if needed. Doernenburg stated that possibly one of the current members could assist with reviewing plans as an expert or the Planning Commission could review. This would be one less meeting to pay for and preparing for. She stated that she understands and can review full cutoff lighting and foot-candles, but if she had questions or was unsure, she could have plans reviewed by an expert or the Planning Commission. There is some money in the budget for professional/contractual expenses. Eby stated that if we have the expert resource he wouldn’t have an issue. Laughbaum stated that we don’t plan buildings; why wouldn’t the applicant prepare a plan and submit it. Doernenburg explained that they do, it goes to the Sign & Lighting Committee now. If this change is made, Doernenburg explained that the ordinance will need to be changed to allow for administrative review of lit signs and exterior lighting. If fixtures are full cutoff and meet lighting levels, they likely could be approved administratively with any questions going to the Planning Commission.
Scott asked if there is a reason that it shouldn't be part of a site plan review. Doernenburg stated that this is a good question for an applicant; they may not have this level of detail when the site plan is submitted. Mike Pattullo from Shoreline Architecture stated that he would think that an applicant may not want to go too far down a path for something that is still changing. It is more efficient to do the lighting once.

The board felt that ordinance changes to allow for signs and lighting to be reviewed administratively was proper. This will be worked on for a future meeting.

VI  Other Business:

1. Enforcement Report- Distributed with some discussion.

VI  Adjournment

There being no other business Eby called the meeting adjourned at 8:58 p.m.

James Scott, Secretary

Date
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 24-07-18-18-451-018. The request is to allow a parking lot for additional boat slips and the review is per Article 17 of the Zoning Ordinance.

LOCATION
Plan prepared by
Emmet County Planning and Zoning
231-348-1735

1 in = 110 feet
Date: 10/19/2018
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@emmetcounty.org

DATE RECEIVED: 10/18/18

APPLICATION # 10/18/18

PLEASE MAKE CHECKS PAYABLE TO: EMMET COUNTY

Applicant's Name: CROOKED LAKE YACHT CLUB
Phone: 231-382-3417
Applicant's Address: PO BOX 195, ODEN, MI 49764
Applicant's Email Address: PATRICE @ dwlsbuilders.com

Owner's Name: CROOKED LAKE YACHT CLUB
Phone: 231-382-3417
Owner's Address: PO BOX 195, ODEN, MI 49764
Owner's Email Address: PATRICE @ dwlsbuilders.com

JOB SITE LOCATION:
Township: HUTCHFIELD
Tax Parcel #: 2407-1-7-18-451-018
Address: 3104 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: ________ Sq. Ft.
Floor Area accessory building: ________ Sq. Ft.
Lot/Parcel Size: ________ Acres ________ Sq. Ft.
Site/Plot Plan required* □
2 full sized & 14 reduced sized (max 11"x17")
site plans required for Planning Commission cases.

Requirements for Special Use Permits (Sec 2109 & 2407), PUDs (Sec. 1802 & 1805), & Site Plans (Sec. 2405)
Date Submitted Date Submitted
Elevation Drawing □ ________ Site Inventory □ ________
Engineered Drainage Plan □ ________ Fire Dept Approval □ ________
Soil Erosion Permit □ ________ Wetlands Permit □ ________
Health Dept. Approval/ □ ________ Road Commission/ □ ________
Sewer Taps □ ________ 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.

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

PATRICE CAULSON

Signature of Applicant

Printed Name of Applicant

Date

*Required Signature of Property Owner

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 2405 of the Zoning
Ordinance for Site Plan requirements.
January 23, 2019

CLYC Application to Amend the Windjammer PUD
Additional Information

The Littlefield Township Meeting Minutes dated 11/6/2018 state that “the Township approved this case with conditions.” All of those conditions can be relatively easily satisfied except for the first: “all four parties need to sign the Owner/Developer PUD Agreement before this case can move forward.” An Owner/Developer PUD Agreement is not required but is often prepared by the County zoning staff to summarize the discussion at the Planning Commission meeting that approved the PUD, including any conditions.

This Township condition – more clearly stated in their April 5, 2016 Meeting Minutes that “all parties” must “agree and understand all changes to [the] PUD” --is that all owners within a PUD must approve any change to that PUD, or conversely, any owner in a PUD can object to any change in a PUD for any reason. Simply put, there is no such requirement in the Zoning Ordinance – and it is impractical and unworkable.

At the County’s suggestion the Condo owners and CLYC prepared an Agreement to clarify the ownership, operation, control, and management (including future construction) of the parcels within the 2002/2003 Windjammer Marina Planned Unit Development.

Basically this Agreement sets out the present ownership and notes that the Community System and Easement Agreement created the Windjammer Cove Community System Board which manages the common utility and other shared systems and services like dredging and bubbling that are or may be used by the parcels in the Windjammer Marina PUD, and provide for an equitable allocation of the costs to operate and maintain these services and systems.

The Agreement also sets out the common understanding that each owner will control and manage their own parcel, including any construction on their parcel. That is, outside of the common utilities and shared systems and services, none of the owners want or intend that the other parcels can exert control over or manage their parcel.

Three of the parties have signed this Agreement. K&P Services so far has refused.

What is particularly frustrating in this case is everyone agrees that adding some parking and keeping just boat slips in the Lagoon is not just the best use of the property but
most likely the only feasible use. And that is why there is no disagreement on the proposed change in use of the property.

In short, the Ordinance does not require that all owners must agree to any proposed change to a PUD, and any such requirement could have unacceptable and impracticable results.
Clarification of 2002/2003 Windjammer Marina PUD

A three-party Windjammer Marina PUD Agreement was signed by the Owner/Developer, Crooked Lake Properties LLC, on June 29, 2003, by Emmet County on July 7, 2003, and Littlefield Township on August 8, 2003. This Agreement incorporated the Approved Site Plan dated October 3, 2002 and covered and treated Tax Parcel numbers 24-07-17-18-451-004 and 451-005 as one Zoning parcel.

The Owner/Developer recorded a Master Deed on July 15, 2003 that established the Windjammer Cove Condominium Project under the Michigan Condominium Act. This Master Deed also established the Windjammer Cove Condominium Owner's Association, Inc., a Michigan non-profit corporation, to administer, operate, manage and maintain this Condominium Project.

However, after considerable infrastructure costs and building 6 of the planned 24 condominium units, slow sales, higher than anticipated construction costs, and a downturn in the economy forced the Owner/Developer to cease any further development. And on June 10, 2011 a Successor Developer recorded a Consolidating Master Deed that reduced the Windjammer Cove Condominium Project to the 6 completed units.

At the same time a Community System and Easement Agreement created the Windjammer Cove Community System Board, Inc., a Michigan non-profit corporation, to operate and maintain various utility and other systems that are or may be used by the reduced Windjammer Cove Condominium Project, the Marina, and the undeveloped parcel, and provide for an equitable allocation of the costs to operate and maintain these systems.

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 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. Address: 3602 Cincinnati Avenue, Alanson, MI 49706
The Marina parcels (former units 25 A & B) include Tax Parcel numbers 07-17-18-451-014 & 451-016 are owned by K&P Services, Inc. Address: 7806 M-68, Alanson, MI 49706.

The Marina building Parcel, Tax Parcel number 07-17-18-451-012, address: 3520 Oden Rd, Alanson MI 49706, is owned by K&P Services, Inc. Address: 7806 M-68, Alanson, MI 49706

Note that while all three of the Marina parcels were sold via a land contract to J Stroke Properties Llc, 820 West Shore Drive, Culver, In 46511 on January 4, 2018, K&P Services retains title to these three parcels.

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. 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. Address: 203 Bridge St, Charlevoix, MI 49720

2. Operation, Management & Maintenance of Certain Infrastructure Systems

As noted, the Windjammer Cove Community System Board, Inc. operates and maintains various utility and other systems and services 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 this Board is administered by a three member board, consisting of one representative each from K&P Services, Inc., Boathouse Village, LLC, and the Windjammer Cove Condominium Owner’s Association, Inc. A yet to be named individual representing the Crooked Lake Yacht Club, Inc., will also become a board member. Address: 3602 Cincinnati Avenue, Alanson, MI 49706

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

The Windjammer Cove Condominium is operated, controlled and managed by the Windjammer Cove Condominium Owners Association, Inc.
The other parcels are operated, controlled and managed by their respective owners, i.e.:

- The Marina Parcels and the Marina building Parcel is operated, controlled and managed by K&P Services Inc.

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

- And the Remaining Undeveloped Parcel by Boathouse Village LLC.

An Amendment will be sought for any construction that significantly varies from the PUD Agreement and Approved Site Plan, and to the extent possible the owners will coordinate any new construction.

This clarification is signed by the owners:

Windjammer Cove Condominium Owner’s Association, by

[Signature]

Date: 1-21-19

Boathouse Village, LLC, by:

[Signature]

Date: 1-22-19

Crooked Lake Yacht Club, Inc. by:

[Signature]

Date: 1-22-19

K&P Services, Inc. by:

[Signature]

Date: __________
COMMUNITY SYSTEM and EASEMENT AGREEMENT
(WINDJAMMER COVE COMMUNITY)

This Agreement is made and executed this 8th 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 367, Oden, Michigan, 49764, Crooked Lake Properties, L.L.C. ("CLP"), a Michigan limited liability company, whose address is P.O. Box 367, Oden, Michigan, 49764, and Windjammer Cove Condominium Owner’s Association, Inc. (the "Association"), a Michigan non-profit corporation, whose address is P.O. Box 367, 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, 2008;

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 well system, the storm water system, the sanitary sewer system, the sprinkler system, the sea wall and dredging system, the bubbler 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 987, 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 22, EMMET COUNTY RECORDS, SECTION 18, T56N, R4W, LITTLEFIELD TOWNSHIP, EMMET COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE EAST ¼ CORNER OF SECTION 18, T56N, 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 2068.66 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 88°23'32"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°50'39"E 57.65 FEET; THENCE S 40°09'21"E 69.69 FEET; THENCE ALONG THE SHORE OF CROOKED LAKE AS LOCATED IN MAY 2001 IN THE FOLLOWING 5 COURSES: S 51°32'02"W 69.27 FEET, S 28°58'59"W 44.48 FEET, S 3°26'51"W 84.37 FEET, N 83°18'10"W 7.36 FEET AND S 2°51'30"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 EASTERLY 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, EMMET COUNTY, MICHIGAN; THENCE ALONG THE EAST LINE OF SAID SECTION 18, S 01°01'15"E 1822.39 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 29.11 FEET; THENCE N 78°20'49"W 16.30 FEET; THENCE S 4°07'35"W 5.73 FEET; THENCE N 85°09'21"W 15.78 FEET; THENCE S 4°50'39"W 38.04 FEET; THENCE S 30°10'05"E 58.47 FEET; THENCE ALONG AN INTERMEDIATE TRAVERSE LINE OF THE SHORE OF CROOKED LAKE IN THE FOLLOWING 7 COURSES: N 84°55'40"W 24.44 FEET, S 7°24'03"W 36.86 FEET, S 88°07'03"W 11.15 FEET, N 40°09'21"W 44.64 FEET, S 62°18'54"W 25.34 FEET, S 40°09'21"E 8.35 FEET, AND S 50°22'15"W 70.75 FEET; THENCE N 40°09'21"W 89.68 FEET; THENCE S 49°50'39"W 57.65 FEET; THENCE N 40°09'21"W 20.83 FEET; THENCE S 84°47'24"W 36.25 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 328.85 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 TO THE PLACE OF BEGINNING; THENCE S 5°11'43"W 78.04 FEET; THENCE S 5°11'43"W 63.36 FEET; 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°24'05"E 13.19 FEET, AND N 4°36'45"E 48.02 FEET; THENCE S 85°09'21"E 88.34 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 TO THE PLACE OF BEGINNING; THENCE S 5°11'43"W 78.04 FEET; THENCE N 85°09'21"W 68.34 FEET; 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°38'28"W 8.12 FEET, N 84°37'59"W 43.30 FEET, N 3°10'56"E 5.67 FEET, N 85°12'11"W 52.23 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°09'17"W 21.41 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 4°07'35"E 22.11 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 85°20'09"E 57.72 FEET; THENCE ALONG THE SOUTH LINE OF US 31 HIGHWAY S 84°46'45"E 505.03 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°46'34"W 1563.78 FT; thence N84°46'34"W 675.79 FT TO POB; thence
S8°44'23"W 3.3 FT TO N LN OF CINCINNATI AV thence 172.93 FT ALG CURVE L,
RAD 445.17 FT, ANGLE 22°15'28", CHD S61°45'9"W 171.84 FT; thence
N84°46'34"W 285.76 FT TO N-S 1/4 LN thence N 0°24'32"W 103.68 FT TO S LN OF
HWY; thence S84°46'34"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
"Michelle 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 515.58 FT S OF INT OF N-S 1/4 LN & S LN OF HWY 31; thence S-
72-34-15-E 159.84 FT TO POB; thence S-5-42-47-W 104.19 FT; thence S-49-28-55-
E 158 FT TO SHOE OF CROOKED LK; thence NLY ALG 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 to the contrary:

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

Community System Expenses: 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, conduit, 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 buildup 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 in 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 16.2% of the electricity on the East Ramp Meter and 12% of the electricity on the Pump House Meter): 16.68% to the Windjammer Cove Condominium, 16.66% to the Marina Parcel, 50% to the Undeveloped Portion and 16.58% 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 REUs 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 REUs 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. 45.6% 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 PESs). 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 monies 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 some 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 delinquent’s capacity to make
the default, (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 & Marine Development Company, L.L.C., a Michigan limited liability company

By: [Signature]

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.

[Signature]

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: [Signature]
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.

[Signature]

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: [Signature]
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 24-07-17-451-004 & 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, 2002PZ 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

James Tamlyn, Chairman
Emmet County Board of Commissioners
Witness
Date

John Eby, Chairman
Emmet County Planning Commission
Witness
Date

For the Township of Littlefield:

Damien Henning, Supervisor
Witness
Date

For the County of Emmet:

Samuel Hoffman
Witness
Date

Deborah Shelley
Witness
Date
Hi Tammy, I just wondering what changed. The township has stated that they wouldn’t hear this case until the parties of the Windjammer Development had an agreement. I’m not sure if that was the counties position but assumed it was. I will attach a statement of opposition and reason why. Any thoughts are welcome. Thanks for your time and efforts concerning this matter. Kurt

Kurt Hoffman
Windjammer Marina
PO 367
Oden Mi 49764
231-347-6103
Cell 231-881-0073
www.windjammermarina.com
service@windjammermarina.com
I’d like to start out with the current PUD for the Windjammer Development. I’m going to focus on the east end of the property. Currently the PUD allows for 6 family dwelling, a commercial floating dock which consist of 32 slips and parking for 16 motor vehicles. There are 2 distinct properties 451-016 and more recently 451-017. As the current PUD stands the marina has 16 parking spaces and the only expenses are the shared expenses of electric, sewer, maintenance of the ice bubbler system, landscaping expenses, and construction and up keep of the pavement or asphalt.

If the PUD is amended as proposed I may be charged any fee to maintain all of the 16 parking spaces as an extra charge for the use of the property that is not titled to me in addition to the regular expenses of the Windjammer Community Cove Association.

The Windjammer Marina has exclusive right to dock rental and buoys in the riparian waters of the Windjammer Condo Development. This means that the proposed amendment would violate that right.

When we purchased the marina we purchased a known zoning plan. We support the current PUD and have made best efforts to follow the spirit of the PUD.

I understand that the zoning does not deal with property right, but I believe that to amend this PUD at this time would not be in everybody’s best interest.

I have other concerns. Who is going to manage the parking i.e. who can park there and what hours are they allowed to park. What would be done if the general public parks there? Also the Yacht club has 150 members and I understand that it would be unusual for all member to be there at once but the Friday night dinners there are more than 15 cars that park and the spillover intrudes on to the property to the west. Tammy has photos of this. Where will the slip renters park. I have had complaints over the year from my slip renters that they had to park elsewhere on the property to get to their boat on Tuesday and Friday nights.
Until all parties have an agreement I don’t see how the county can justify changing the PUD at the expense of an adjacent property owner.
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. 23 of the proposed spaces are new; 7 are existing on the easterly end of the property.
- 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. The public walkway is identified on the site plan as “5’wide turf pedestrian easement.
- 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 been signed by 3 of 4 property owners within the PUD.
- 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 – no buildings proposed. Access to new docks provided through fence.

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

This appears to be accomplished.

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

This appears to be accomplished.

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

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. As-built drainage plan recommended before use becomes active.

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. 

Appear 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 (extra standards removed)

N/A. No dumpster shown. If a dumpster is used, it would require screening and would require location shown on the site plan.

J. MECHANICAL OR ELECTRICAL EQUIPMENT: Mechanical or electrical equipment requirements. (extra standards removed) - N/A

COMMENTS:

This property is the location of the former Windjammer Marina which included boat storage buildings built over the water and was non-conforming (structures and 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 area of the
property being reviewed under this application. This proposal has been submitted in an effort to gain approval so that the parking use will be compliant with the approved plan. Three of four parties who own property within the PUD have signed-off on the maintenance/management document provided by the applicant.

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 revised site plan and updated application packet dated Received JAN 25 2019 because the standards of Zoning Ordinance Articles 17 and 20 have been met. Approval is on condition that the drainage, access, and amenities be improved and that an as-built drainage plan be provided before the use begins and because Littlefield Township recommended approval (other 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 JAN 25 2019 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 JAN 25 2019, for the following reasons: to allow the applicant time to provide additional information.
TO: The Emmet County Planning Commission

C/O: Ms. Tammy Doernenburg, County Planning and Zoning Director

I am Kathleen Gilgrist, 3602 Cincinnati Avenue, Alanson, 49706, a co-owner in the Windjammer Cove Condominium Association, Inc. and am also the Treasurer and manager of that Michigan Corporation. In addition, I am the Treasurer and manager of the Windjammer Cove Community Systems Board, Inc.

On behalf of the condo owners and the Community Systems Board, I would, first, like to thank all of the Littlefield Township and Emmet County authorities who have devoted many hours over the past 18 years to ensure the well-conceived, beautifying and economic asset to our township that the Windjammer complex has become. Although The Windjammer did not evolve as planned, it nonetheless, provides added value and revenue to the Township and County beyond what existed in the past.

Our greatest concern is maintaining our property values, as we felt we were buying into a marina community as well as a residential complex. We feel that it is vitally important that, even though we have lost the possibility of a total of twelve condos with the bank sale of the Nichol lagoon to the south, and now the east lagoon to the CLYC, that the County and Township stand firm on maintaining the remainder of the property for condo development. Another concern is that a viable marina business adds value to our purchase and we look forward to continuing our past strong relationship with the marina owners.

Finally, it is important to remember that the developers implemented sewer, rainwater, irrigation, well water, bubbler, electric, gas and other community systems, which were designed to support up to 30 condos and are costly to maintain. We have, thus far, been fortunate that the bank, successor developer, marina and now the CLYC have monetarily paid their fair share to support these community systems.

Again, thank you and your predecessors for your historic efforts on behalf of our complex and we look forward to your continued support in the future.

Sincerely,

Kathleen Gilgrist
Treasurer
REQUEST

PSUP18-013

A request by William Murphy for a Special Use Permit for an Exception to the Accessory Building standards at 2091 Hency Rd, Section 30, Springvale Township. The property is zoned SR Scenic Resource and is tax parcel 24-14-17-30-200-003. The request is to allow two detached residential accessory buildings over 200 sq. ft. where one is the maximum allowed by right. The request is per Section 22.01 of the Zoning Ordinance.

LOCATION
CASE #PSUP18-013  MURPHY  2091 HENCY RD

Plan prepared by Emmet County Planning and Zoning
231-348-1735

1 in = 500 feet
Date: 1/16/2019
**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: pzcr@emmetcounty.org

**DATE RECEIVED**
JAN 04 2019
**FEE**
$2,200
**PLEASE MAKE CHECKS PAYABLE TO:** EMMET COUNTY

<table>
<thead>
<tr>
<th>Applicant's Name</th>
<th>William Murphy</th>
<th>Phone</th>
<th>231-347-7860</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant's Address</td>
<td>2091 Hency Rd, Petoskey, MI 49770</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Applicant's Email Address</td>
<td>@</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Owner’s Name</th>
<th>William Murphy</th>
<th>Phone</th>
<th>231-347-7860</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner’s Address</td>
<td>2091 Hency Rd, Petoskey, MI 49770</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owner’s Email Address</td>
<td>@</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**JOB SITE LOCATION:**
Township: 
Tax Parcel #: 24-14-17-00-003
Address: 2091 Hency Rd, Petoskey, MI 49770

**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: 1220 Sq. Ft.
- Floor Area accessory building: 364 Sq. Ft.
- Lot/Parcel Size: 2.17 Acres
- Site/Plot Plan required*:
  - 2 full sized & 14 reduced sized (max 11"x17")
  - site plans required for Planning Commission cases.

**Date Submitted**
- Elevation Drawing
- Engineered Drainage Plan
- Soil Erosion Permit
- Health Dept. Approval/
- Sewer Taps
- Site Inventory
- Fire Dept Approval
- Wetlands Permit
- Road Commission/
- MDOT Approval

**Other:**
As owner/and or applicant representing the owner, I do [ ] 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**
[ ]
**Printed Name of Applicant**
[ ]
**Date**
[ ]

**Signature of Property Owner**
[ ]
**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 2405 of the Zoning Ordinance for Site Plan requirements.
MEMORANDUM
Emmet County Office of Planning, Zoning, and Ordinance Enforcement

To: Whom it may concern

From: Emmet County Office of Planning, Zoning, and Construction Resources

Re: Submittal of Requests for Zoning Action

The Emmet County Office of Planning and Zoning is enforcing the following policies regarding Zoning Action requests:

• All Special Use Permit, PUD, Rezoning, and Site Plan Review requests must be received 24 days prior to the meeting date to be on the next month’s agenda. Planning Commission meetings are scheduled for the 1st Thursday of the month. Submittal of requests must include a complete application, site plan, appropriate fees, site plan review check sheet, and impact statement.

• It is strongly urged that draft preliminary plans be submitted for staff review prior to investing in final engineered drawings that would accompany formal application materials.

• The Site Plan Review Check Sheet must be complete. Requirements which are not included with the submittal, or items which are not applicable, must be explained in the appropriate location on the check sheet.

• If all of the required applicable materials are not submitted by the applicable deadline, the request will not be processed and it will be returned to the sender.

• NO FAXED COPIES ARE ACCEPTED as official submittals.

• Having the correct information prior to design will save time and money; please call our office, 231-348-1735, to confirm the zoning district of a parcel, allowed uses, and other requirements for the zoning district.
## IMPACT STATEMENT

### 1. PROJECT DESCRIPTION
Give a description of the proposal:

*Build a shed: 14' x 26'*

### 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):

<table>
<thead>
<tr>
<th>Service</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Sanitary Services</td>
<td>None</td>
</tr>
<tr>
<td>b. Domestic Water</td>
<td>None</td>
</tr>
<tr>
<td>c. Traffic Volumes</td>
<td>None</td>
</tr>
<tr>
<td>d. Schools</td>
<td>None</td>
</tr>
<tr>
<td>e. Fire Protection</td>
<td>None</td>
</tr>
</tbody>
</table>
DIRECTIONS TO APPLICANT

The following items are needed to comply with the site plan requirements of the Emmet County Zoning Ordinance. All items should be submitted to the Emmet County Planning Department at least 24 days prior to the Planning Commission meeting in order to be heard at the Planning Commission meeting the following month. (Regular meeting date is the first Thursday of each month.)

2. Site Plan Review Check List in accordance with Article 20 of the Emmet County Zoning Ordinance. Applicable agency reviews as required.
3. Impact Statement for Site Plan Review.
4. Site Plans - (2) full sized and fourteen (14) reduced size (maximum 11"x17") copies of all maps or graphics. Digital format including data layers may be required, if deemed necessary by the Zoning Administrator.

IN ADDITION:
The applicant should distribute one copy of the completed plan to each of the following agencies (if required):

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>ADDRESS</th>
<th>PHONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Road Jurisdiction</td>
<td>2265 E. Hathaway</td>
<td>231-347-8142</td>
</tr>
<tr>
<td>County Road Commission</td>
<td>Harbor Springs, MI 49740</td>
<td></td>
</tr>
<tr>
<td>OR</td>
<td>Gaylord Transportation Service Center</td>
<td>989-733-3832</td>
</tr>
<tr>
<td></td>
<td>1088 M-32 East</td>
<td>or</td>
</tr>
<tr>
<td></td>
<td>Gaylord, MI 49735</td>
<td>888-304-MDOT (6368)</td>
</tr>
<tr>
<td>State Highway Department</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Affected Township</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
3. ENVIRONMENTAL IMPACTS
Include statements relative to the impact of the proposed development on (if applicable):

a. Soil Erosion
   
   Minimal soil disturbance, no loss or movement of soil

b. Storm Drainage
   
   Minimal impact, rain will run off into ground

c. Shoreline Protection
   
   Shed is 16' from the shore, it will not impact the shoreline

d. Wildlife
   
   Will not be impacted except to go around the shed

e. Air Pollution
   
   NONE

f. Water Pollution
   
   NONE

g. Noise
   
   NONE

---

**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-aways).</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<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>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Basic Zoning Information</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Zoning setback lines -Building (including the eave) Setbacks:</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front    Side    Side    Rear/Water</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Location of new building and general floor plan</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dimensions of bldg = 14' x 26' Total sq. ft. = 364 sq. ft.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Proposed building elevations (to scale) Max Height =</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---------------------------------------------------</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>All existing structures (labeled) within 100 feet of perimeter property lines</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Surrounding zoning (properties immediate to subject site)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Lot coverage of proposed building =</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Boundaries of existing natural features (trees, lakes, ponds, streams, rock outcroppings, severe topography, wetlands, woodlands, etc.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Has a wetland permit been applied for?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Natural Features

<table>
<thead>
<tr>
<th></th>
<th>yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td>Existing topography</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Soil analysis Is it in a Critical Dune Area?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Site Inventory provided?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Are there scenic view considerations?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Access

<table>
<thead>
<tr>
<th></th>
<th>Access drive. Width of Right-of-Way =</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>Road agency approval?</td>
<td></td>
</tr>
</tbody>
</table>

### Other Site Requirements

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>22</td>
<td>Affidavit of Use</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**ADDITIONAL COMMENTS:**
BUILDING USE AFFIDAVIT

I/We ______________________________ make this affidavit to certify the use of the accessory building I/We wish to construct will be used in the following manner: ______________________________

(Purpose/Use)

The legal description of the property on which the accessory building is to be constructed or altered is located in the:

Twp./ City / Village of ____________________________, County of Emmet, State of Michigan, described as:

(circle one) (Municipality)

Complete legal description:

see attached

The address where the accessory building is located is:

2091 HENRY ROAD, PETERSKE, MI 49770

Affiant(s) hereby certify that the accessory building located on the above described property will / will not be used for commercial purposes.

(circle one)

Date: ________________

X ____________________

Print name William Murphy

X ____________________

Print name

Subscribed and sworn before me this ________________ day of ____________________________, 2019

personally appeared ________________________________

William Murphy

Document prepared by: ________________________________

E. Douglas Baseler, Atty

455 BAY STREET

PETERSKEY, MI 49770

Acting in: Emmet County, State of MI

Emmet County, State of MI

My commission expires: April 14, 2020
Building Use Affidavit Instructions

1. Please print legibly or type information. Documents that are not legible or incomplete cannot be recorded per State recording requirements.

2. Please complete the entire document prior to delivery/recording. The Register of Deeds cannot help you prepare your document.

3. Mail or deliver your document with recording fees to:

   Emmet County Register of Deeds
   200 Division St.  Suite 150
   Petoskey, MI 49770

4. Recording fees are: $30.00.

5. If your legal description is extremely long or if you are uncomfortable printing/typing it, you may attach a copy of your deed. The Register of Deeds can print a copy for you if you need one. Using a complete and proper legal description is very important. (Copies are $1 per page.) Most deeds are only 1 page.

If you have any questions regarding the recording requirements or fees, please feel free to call the Register of Deeds at 231-348-1761.
Township of Springvale, County of Emmet, and State of Michigan, to wit:

Commencing on the East and West Quarter Line of Section 30, Township 35 North, Range 4 West on the West line of the road as surveyed, 1294.75 feet more or less East of the center post of said Section; thence North 11 17' West 193.07 feet along said road; thence North 40 36' East 84.26 feet; thence North 42 54' West 60.86 feet to an iron stake; thence North 16 52' East 144.20 feet; thence North 6 20' East 317.0 feet; thence North 39 10; East 62.45 feet to a point on the shore of the canal leading into the shore of Crooked Lake, being the point of beginning of this description; thence North 61 46' East 146.35 feet to an iron stake at the intersection of said canal with the shore of Crooked Lake; thence South 18 14' East 109.55 feet to an iron stake on said shore; thence South 44 14' West 125.25 feet to an iron stake; thence South 3 19' West 118.25 feet to an iron stake; thence South 27 46' West 25 feet; thence North 15 01' 17'' East 274.10 feet to the point of beginning; being a part of Government lot 2 Section 30, Township 35 North, Range 4 West. The above described property includes all land to the water's edge Northwesterly of the course between the points described on said canal and all land to the water's edge of Crooked Lake Northerly of the course between the iron described on said shore.

Township of Springvale, County of Emmet and State of Michigan, to wit:

Commencing at the intersection of the East eighth line and the East and West quarter line of Section 30, Town 35 North, Range 4 West; thence West along said quarter line 33.65 feet; thence North 11 17' West 193.07 feet; thence North 40 36' East 151.39 feet; thence North 27 46' East 176.25 feet; thence North 62 14' West 17 feet; thence North 27 46' East 50 feet, being the point of beginning of this description; thence continuing on said last described course 25 feet; thence North 15 01' 15'' West 274.10 feet to a point on the edge of the canal; thence South 39 10' West 62.45 feet to a point on the edge of said canal; thence South 06 20' West 127 feet to a point on the edge of said canal; thence South 41 27'57'' West 149.71 feet to the point of beginning; being a part of Government Lot 2, Section 30, Township 35 North, Range 4 West. The above described property includes all land to the water's edge of said canal Northwesterly of the courses between the points described on said canal.
Township of Springvale, County of Emmet and State of Michigan, to wit:

Commencing on the East and West quarter line of Section 30, Township 35 North, Range 4 West on the West line of the road as surveyed, 1294.75 feet, more or less, East of the center post of said Section; thence North 11° 17' West 193.07 feet along said road; thence North 40° 36' East 151.39 feet along said road; thence North 27° 46' East 176.54 feet; thence North 62° 14' West 17 feet; thence North 27° 46' East 100 feet to the point of beginning of this description; thence South 62° 14' East 75 feet; thence North 29° 39' 30" East 176.17 feet, more or less, to the shore of Crooked Lake; thence North 39° 10' West 115.41 feet; thence South 44° 16' 30" West 125.07 feet; thence South 03° 15' East 118.28 feet to the point of beginning of this description.
DATE: 01/23/2019
CASE #: PSUP18-013

APPLICANT: MURPHY WILLIAM R

PROPERTY: 2091 HENCY RD

TOWNSHIP: SPRINGVALE

REQUEST: Special Use Permit – exception to the number of allowed accessory buildings

FACTS:
- The property is zoned SR Scenic Resource District.
- Surrounding parcels are Scenic Resource.
- The property is approximately 1 acre in size.
- The parcel is located at the end of a dead end road.
- The request is for an exception to the number of accessory buildings allowed in Scenic Resource District.
- The additional 364 sq. ft. accessory building has already been built without permits.
- Scenic Resource District allows for 1 detached accessory building up to 1200 sq. ft. for 5 acres or less and 1 detached accessory building not to exceed 200 sq. ft.
- Existing on the parcel: 1 dwelling; 1 detached garage 996 sq. ft.; 1 accessory building 364 sq. ft.; and 1 accessory building under 200 sq. ft.
- Percent of lot coverage is met.
- Building straddles adjacent property line, both parcels owned by applicant. Location creates a zoning lot so two parcels become one for zoning purposes (200-003 & 200-004), otherwise all other setback standards met.

PERTINENT ZONING ORDINANCE STANDARDS:

Section 2.01 Definitions

Accessory building: Any structure that is used for storage and does not have a door or other entranceway into a dwelling unit or the principal use on the property, the use of which is limited primarily to storage of inanimate objects. Accessory buildings do not include dwelling units except when used in conjunction with a permitted use in the zoning district.

Accessory use, or accessory: A use which is clearly incidental to, customarily found in connection with and located on the same parcel as, the principal use to which it is related.

Section 22.01 Accessory Buildings

22.01.1 Accessory Residential Buildings Setbacks and Floor Areas – Reviewed by Zoning Administrator unless otherwise indicated
A. ACCESSORY RESIDENTIAL BUILDINGS SETBACKS AND FLOOR AREAS

1. Customary residential accessory buildings are permitted by right provided they are incidental to and customarily found in connection with a main residential use of the property on which it is located.

2. Accessory buildings 200 sq. ft. or less are authorized without a permit on a lot with or without a main use if they meet the applicable front yard setback standard, and that they are placed a minimum of five (5) feet from the side lot line(s) and ten (10) feet from the rear lot line.

3. Accessory residential buildings greater than 200 sq. ft. shall be subject to the side and front setback requirements as regulated by District but one (1) accessory building with 600 sq. ft. or less floor area may meet a minimum setback of ten (10) feet from the rear lot line. This setback provision shall not apply to lots fronting on a lake, river or stream.

4. Residential accessory building sizes shall be regulated as follows:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Location on the Property</th>
<th>Maximum Ground Floor Area*</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1, R-2, RR, and SR</td>
<td>Front, Side, or Rear Yard</td>
<td>1,200 Sq. Feet</td>
</tr>
<tr>
<td>FF-1, FF-2, and FR</td>
<td>Front or Side Yard</td>
<td>1,200 Sq. Feet</td>
</tr>
<tr>
<td>FF-1, FF-2, and FR</td>
<td>Rear Yard**</td>
<td>2,400 Sq. Feet</td>
</tr>
</tbody>
</table>

*On a corner lot, i.e. with two front yards, the Zoning Administrator may approve one yard to qualify for an accessory building that meets the size standards for a rear yard accessory building.

**For the purpose of determining the Rear Yard for placement of an accessory building: the rear yard is an area behind the back wall of the main use, or is at a point 250 ft. or farther from the road right-of-way line.

6. Accessory Residential Buildings in all Residential Districts may be attached or detached. Detached accessory buildings shall be limited as follows:

   a. One (1) detached accessory residential building up to the maximum allowable size per parcel of five (5) acres or less.

   b. For each additional five (5) acres of parcel area, above five (5) acres, one (1) additional accessory building up to the maximum allowed floor area may be permitted, but not more than four (4) such buildings.

   c. In addition to the standards listed in 1) and 2) above, one (1) detached accessory building not to exceed 200 sq. ft. in ground floor area, may be permitted for such use as tool shed, wood storage, equipment housing, or animal shelter.

7. Existing accessory residential buildings shall be considered to be conforming buildings for the purposes of this Section.

22.01.5 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.

Draft Motions:

To **approve** Case #PSUP18-013, William Murphy for a Special Use Permit for exception to the accessory building standards to allow an additional accessory building on property located at 2091 Hency Road, Section 30, Springvale Township, tax parcel 24-14-17-30-200-003, as shown on the site plan dated Received January 4, 2019 because the building is partially screened from the public road and on condition that an affidavit of use be filed with the Emmet County Register of Deeds indicating the use is residential or recreational and the applicant has shown that no good purpose would be served by strict compliance with the Zoning Ordinance (*other conditions or statement of facts may be inserted here)*.

To **deny** Case #PSUP18-013, William Murphy for a Special Use Permit for exception to the accessory building standards to allow an additional accessory building on property located at 2091 Hency Road, Section 30, Springvale Township, tax parcel 24-14-17-30-200-003, as shown on the site plan dated Received January 4, 2019 for the following reasons:

To **postpone** until the next regular Planning Commission meeting Case #PSUP18-013, William Murphy for a Special Use Permit for exception to the accessory building standards to allow an additional accessory building on property located at 2091 Hency Road, Section 30, Springvale Township, tax parcel 24-14-17-30-200-003, as shown on the site plan dated Received January 4, 2019 for the following reasons: to allow the applicant time to provide additional information.
1. 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 Committee. 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 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. PPUDF18-02 on November PC agenda. Case postponed, scheduled for 12/6/2018. Case postponed, scheduled for 1/10/2019. Case requested to be postponed, scheduled for 2/7/2019.

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 scheduled for 3/28/2018. 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. Staff has been in contact with owner 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. 11/14/2018 District Court judge ruled in favor of Emmet County. Formal Hearing for disposition scheduled for 1/14/2019. Formal hearing held. Building ordered to be brought into compliance within 45 days.

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. 12/20/2018 spoke with contractor, work to begin by January 31, 2019. Building addition completed 1/19/2019. Compliance achieved.
5. **Littlefield - 4700 Oden Rd / 4653 Pangburn St** - 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 vacuuming. 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. 11/15/2018 received email of status - owner attempting to abandon roads and convey to appropriate adjacencies to allow mobile home to remain at its current location. 11/20/2018 spoke with property owner representative and requested update in 30 days. Working toward resolution. 12/21/2018 - meeting with Civil Counsel to work toward next steps. 1/2/2019 letter sent to both the property owner and mobile home owner. No response from mobile home owner, property owner claimed no responsibility. Violation letter 2 sent 1/23/2019. No response to date.

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. 11/18/2018 no plans submitted to date. 12/19/2018 - revised plan and application submitted. Application incomplete. Applicant contacted and additional information received.

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 ask that I 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. 12/20/2018 - site visited. Letter to property owner prepared to address development as a whole.

9. **Bear Creek - 1590 Anderson Rd** - 7/6/2018 - complaint of outdoor sales in unauthorized area. Excessive flags. Sent letter that day. 7/18/2018 - visited business, explained compliance needed. Clerk indicated that she would relay the message. 8/17/2018 - visited site - found to be compliant. No additional complaints. Compliance achieved. September - received additional information and the violations have started again/continue. Follow-up needed. Letter to property owner prepared to address development as a whole - same development as #8 above.

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. Received call regarding outdoor lighting installed on cottages with glare onto neighboring property. Visited site 1/18/2019. Letter to be sent.

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.


15. **Bear Creek - Mitchell/Division Rd** - 12/19/2018 report of dumpster enclosure in disrepair.


Section 26.51  Wineries, Microbreweries, Distilleries, and Hard Cider Operations

26.51 Wineries, Microbreweries, Distilleries, and Hard Cider Operations.

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.

Wineries, microbreweries, distilleries, and hard cider operations may be permitted in any Zoning District which permits commercial farms subject to the following:

A. Permitted Accessory Uses
Wineries, Microbreweries, Distilleries, and Hard Cider Operations may be permitted by the Planning Commission on properties actively used for agriculture. All required licenses and approvals shall be obtained by the appropriate state and federal agencies prior to operation of the winery, brewery, or distillery. Winery shall include those land uses/activities permitted by the Michigan Liquor Control Commission’s Michigan Wine Maker and Small Wine Maker license.

B. Site Size
The minimum property size shall be twenty (20) acres or larger by description, having at least 600 ft. of lot width and at least 600 ft. of lot depth. A minimum of ten (10) acres of the parcel must be in active agricultural production or open space.

C. On-premise Consumption
Consumption of the alcoholic beverages on the site shall be limited to tasting room quantities. The facility shall not function as a bar as defined in this Ordinance. Supplemental food services may be provided.

E. Hours of Operation
The Wineries, Microbreweries, Distilleries, and Hard Cider Operations shall be limited to the hours of 10AM to 10PM.

F. Building Limitations
The floor area of retail sales area shall be no more than twenty-five (25) percent of the floor area devoted to the winery, but in no case shall it occupy more than two-thousand (2,000) sq. ft. of floor area.

G. Parking
Off-street parking spaces shall be provided in accordance with the standards of Section 22.02 of this Ordinance, except that 1) parking areas shall be setback a minimum of fifty (50) feet from all property lines, 2) adequate parking shall be provided for all uses on the property, and 3) parking areas shall be kept in a natural vegetated condition to the greatest extent possible.

H. Screening
The parking area shall be effectively screened from adjacent properties in accordance with the standards of Section 22.04.2.
I. Lighting
Outdoor 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.

K. Fire Protection
The winery shall only be approved upon approval of the use and site plan by the Fire Chief having serving the property.

Modifications to the standards listed in items B thru J above may be approved by the Planning Commission, if the intent of the Zoning Ordinance is kept and the surrounding properties are protected from nuisances.
Statement of Vision

Our vision is to provide enjoyable, safe, innovative, and quality public spaces, programs, and facilities. We shall strive to maintain a vibrant community that enhances the physical, mental, and social health of our residents and visitors in a fiscally responsible manner while being respectful of the rich cultural and natural resources entrusted to us.
Vision of Emmet County

Statement of Vision

Emmet County is a place where natural beauty and economic opportunity harmonize in a desirable and sustainable community. The County appeals to both year-round and seasonal resort residents, maintaining its reputation as a world-class resort and tourist destination. Emmet County land development is guided to complement and enhance the natural beauty and landscape for which it is famous. Parks and open spaces abound, and wildlife populations are visible and healthy. Emmet County offers outstanding opportunities to the outdoor enthusiast for camping, biking, hunting, fishing, and other outdoor recreation. Sustainable family farms are a vital part of the landscape, community, and local economy. The abundance of clean air and water add to the beautiful scenery, promoting a sense of pride and belonging.

Emmet County will continue to be a desirable place to live, work, and learn. Our educational system is first class, starting from day care through the public school districts, and on to our community college. Arts and entertainment programs in the County provide inspiration, entertainment, and opportunities for expression.

Emmet County’s economy is vibrant and diverse, with an appealing mix of healthy local retailers, services, and light industry.

Residents enjoy the highest quality in health care, and are protected by exceptional public safety, law enforcement, and fire protection services.

Transportation is safe, efficient, and multi-dimensional. Roads and highways are well maintained on a scale appropriate for the size of our community. Some seasonal congestion is recognized as a fact of life, and taken in stride as part of the relaxed lifestyle in a resort community. Relief from congestion by alternative modes of transportation is available through the County’s comprehensive network of recreational trails. They offer easy access to safe and convenient transportation for people of all ages, by separating them from the hazards of the roadway.

Finally, Emmet County’s citizens value and celebrate its history. From the well-known Petoskey Stones that were created millions of years ago through the glacial creation of the landscape, the rich history of Native Americans and the development of the area as part of the Northwest Territory and later the State of Michigan, the heritage of the area is treasured and respected, groups and individuals work hard to preserve and share the natural and cultural history of Emmet County.
BY-LAWS
EMMET COUNTY PLANNING COMMISSION

ARTICLE I- AUTHORITY:
These by-laws are adopted by the Emmet County Planning Commission pursuant to 2008 PA 33, as amended, being the Michigan Planning Enabling Act and 2006 PA 110, as amended, being the Michigan Zoning Enabling Act.

ARTICLE II- JURISDICTIONAL AREA:
The Emmet County Planning Commission’s jurisdictional area encompasses all of the unincorporated areas of Emmet County, Michigan.

ARTICLE III- PURPOSES:
The purposes of this Commission shall be:

a) To maintain a Master Plan for the physical development of Emmet County.
b) To promote the adoption and execution of the Master Plan.
c) To encourage sound development and wise land use practices in Emmet County.
d) To encourage and assist public and private agencies in improving the attractiveness of the County.
e) To further cooperation between governmental and private agencies toward these purposes.
f) To further economic development in balance with land use and resource management considerations.
g) To administer County-wide zoning for unincorporated areas of Emmet County and for Townships without their own zoning regulations.

ARTICLE IV- COMMISSION MEETINGS
Meetings and hearings of the Planning Commission will be held in the Commissioners’ Room at the Emmet County Building, 200 Division Street, Petoskey, Michigan 49770, unless public notice of the meeting states a different location. Regular meetings, and any meetings where official business is to be conducted, shall be open to the public. Regular meetings of the Commission shall be held at least once scheduled monthly each month at a time and place designated by the Chairperson. The Planning Commission Chair may cancel a regularly scheduled monthly meeting fifteen (15) days prior to that meeting provided no cases are scheduled to be reviewed. Notice of the cancellation shall be posted as soon as practicable. Regular meetings shall not be cancelled so as to violate the statutory requirement that the Planning Commission shall meet at least 4 times a year.

Special meetings may be held, as needed, upon the call of the Chairperson. An applicant may request a Special Meeting which shall be subject to appropriate fees established by the Emmet County Board of Commissioners. The applicant shall be required to meet all applicable Zoning Ordinance standards and the Application Process of the Zoning Ordinance. The Chairperson
may authorize or deny a Special Meeting request. No Special Meeting may be authorized within 7 days of the Regular Planning Commission meeting, unless agreed upon by a consensus of the Planning Commission members during a scheduled meeting.

All meetings of the Planning Commission shall comply with the Open Meetings Act, 1976 PA 267.

ARTICLE V - QUORUM
A majority of the appointed commission members shall be present to constitute a quorum.

ARTICLE VI - OFFICERS OF THE COMMISSION:
The officers of the Commission shall consist of a Chairperson, a Vice-Chairperson and a Secretary who shall all be members of the Commission and shall serve after elected for one year. Officers shall be elected at the first meeting, but not later than the second meeting of the calendar year by a majority vote of the membership of the Commission present at the time of the election. The officers so elected shall also be designated the Executive Committee.

ARTICLE VII - DUTIES OF OFFICERS OF THE COMMISSION:
SECTION 1: The Chairperson
The Chairperson shall be the chief officer of the Commission and shall preside at all meetings of the Commission. The Chairperson shall appoint all committees and be an ex-officio member of each. The Chairperson shall have a vote on all resolutions as a Commissioner.

SECTION 2: The Vice-Chairperson
The Vice-Chairperson shall serve as Chairperson, if for any reason the Chairperson is absent or otherwise unable to perform the duties of Chairperson.

SECTION 3: The Secretary
The Secretary, or one so assigned, shall keep the official minutes of each meeting of the Commission and assume any other duties assigned by the Chairperson. The Secretary shall assign the Chairperson duties if the Chairperson and Vice-Chairperson are absent.

SECTION 4: Vacancies
Should any vacancy occur among the officers of the Commission a replacement shall be elected at the first meeting after the vacancy occurs.

ARTICLE VIII - COMPENSATION:
Members may receive compensation and be reimbursed for out-of-pocket expenses as approved by the County Board of Commissioners.

ARTICLE IX - ANNUAL REPORT:
An annual report will be made not less than once each year, by the Commission, to County Board of Commissioners.

ARTICLE X - PARLIAMENTARY PRACTICE:
For meetings of the Commission, the rules of parliamentary practice shall be the same as those which govern the conduct of meetings of the County Board of Commissioners.

ARTICLE XI - ORDER OF BUSINESS:
a) Roll Call
b) Approval of Minutes of Previous Meeting
c) Public Hearings (other than those conducted under the Michigan Zoning Enabling

d) Unfinished Business
e) New Business
f) Public Comment
g) Other Business
h) Adjournment

The Chairperson of the Commission may, as a point of discretion, change the normal order of business. Items carried on an agenda from meeting-to-meeting by postponing, tabling, or adjourning action may be limited, and may be automatically deleted from the agenda after a fourth (4th) hearing (See item #4, Tabling).

ARTICLE XII- ZONING PROCEDURES:
For the purposes of conducting zoning business in Emmet County, the Planning Commission has the overall responsibility for zoning administration as stipulated in the Michigan Planning Enabling Act (2008 PA 33) and the Michigan Zoning Enabling Act (2006 PA 110).

1. ZONING CHANGES:
In considering any zoning changes, as either proposed by individuals or on the motion of the Commission, the Commission shall evaluate the impact of any changes on: specific sites, the Township Community affected, and the Master Plan. To the extent practical and as required by law, adjoining property owners of record and any affected municipality shall be notified of pending zoning district changes.

2. HEARING FORMAT:
As a policy, the format for the conduct of all public hearings shall be in accordance with the following procedures for the conduct of a public hearing, as well as the State Law:

Subjects considered at public hearings can vary significantly in terms of community impact, public interest, and technical complexity. Therefore, as is deemed appropriate to the situation, the chairperson may:

a) **Require Request** those who wish to comment on any matter brought before the Commission to identify themselves and to ask their questions or state their opinions in a concise manner. The Planning Commission appreciates and considers the interests and concerns of the public, and encourages individuals to express themselves in a civil and cogent manner.

b) The Planning Commission, if appropriate, may limit the time that individuals (or groups) may have the floor to express their concerns. For example, the Chair may declare at the beginning of the hearing on a specific case, that individuals speaking limit their comments to a maximum time of five (5) minutes.

3. VOTING AND CONFLICTS OF INTEREST:
Planning Commission recommendations on proposed zoning actions shall be by roll call vote. The roll shall generally and as practicable, be called in mixed random order or be called in sequentially mixed alphabetical order, beginning with the first name in the order on the first issue voted.

Except for those decisions that may be expressly required by law or these rules to be decided
by a greater majority, procedural and other questions arising at a meeting shall be decided by a majority of the members present. Whether the motion is for approval or denial, a motion requiring a majority vote fails on a tie vote so that no decision is made.

Whenever a question is put by the Chairperson, every member present will vote on the question. No member may abstain from voting unless excused by the Chairperson, or unless there is a conflict of interest.

Members will avoid conflicts of interest, including, but not limited to, deliberating, voting, or reviewing a question or case in which the member has a personal interest or a duty or loyalty to a third party that competes with or is averse to the proper exercise of the member's official duties.

When a conflict of interest becomes apparent to a member, the member will do all of the following:

1) Disclose the apparent conflict as soon as practicable at a meeting of the Board, and request the Chair to excuse him or her from participation;

2) Refrain from all participation in the matter; and

3) During the deliberation of the question or case, leave the meeting room until the agenda item is concluded.

The following relationships will be deemed a conflict of interest:

(a) Relationships to other people, including:

1) Family relationship whether by blood or affinity.
2) Relationship as legal guardian, trustee, agent, broker or personal administrator.
3) Relationship as employer/employee, mortgagor/mortgagee or consultant/client.
4) Relationship as officer or member of a corporation, partnership, or limited liability company.
5) Contractual relationship (for goods or services).
6) Appointment on retainer, whether or not service has been provided.

(b) Any of the above legal or contractual relationships associated with family members, members of partnerships, or officers or members of corporations or limited liability companies in which the Commissioner holds an interest.

(c) An interest in real property near or affected by the decision being made, whether the interest is held as an individual or arises out of one of the above relationships.

The following will not generally be deemed a conflict of interest:
(a) Relationship as officer or member of board of directors of a:

(1) Professional, fraternal, civic, or public service organization.
(2) Neighborhood association.
(3) Community organization.
(4) Nonprofit corporation.

(b) Holding personal accounts, commercial accounts, or lines of credit in a financial institution.

(c) Election or appointment to public office or as a member of a public body, unless otherwise prohibited by law.

(d) Personal relationship.

(e) Residing or owning property in the neighborhood.

4. TABLING OF CASES

A) A request for tabling will be taken based on good cause, i.e., policy of the Planning Commission, policy of the Township of impact, time for more research, correct errors, redraft the site plan, or other reasons to solicit a fair hearing of the case.

B) The date, time and place for a matter to be reheard must be set. This could be 30 days or perhaps six (6) months into the future, so long as it is announced at the first public hearing (or re-advertised).

C) A case that is not ready by the second hearing and a decision cannot be rendered, because of the inaction of the applicant, may be dropped from the agenda and require the applicant to re-advertise the case when it is ready for action.

Cases should not be carried for longer than two (2) monthly hearings beyond the hearings held as part of the standard procedure, a total of four (4) hearings. If there is no active progress demonstrated by the applicant and if it appears that the case is losing scrutiny by affected and concerned citizens in the area, the case may be dropped from the agenda.

5. DECISIONS:

All decisions affecting zoning amendment recommendations need not be made on the day of the initial presentation or hearing of the zoning request. Testimony and information obtained at hearings may initially be taken under advisement and a final decision rendered at any designated special or regular meeting within a reasonable time for the case in question.

ARTICLE XIII- AMENDMENT OF BY-LAWS:

These by-laws may be amended, altered, added to or repealed in whole or in part by a majority vote of the Commission members present at any regular or special meeting.
provided that notice of the proposed change or changes shall be submitted by mail or electronic mail to all members of the Commission at least 15 days before the regular or Special meeting of the Commission at which they are to be considered.

Mail notices of proposed changes shall not be required when the members discuss the contents of such changes in one meeting for consideration at a subsequent meeting.


AMENDED: DATE, by the Emmet County Planning Commission pursuant to the Michigan Planning Enabling Act (PA 33 of 2008)

SIGNED: James Scott, Secretary, Emmet County Planning Commission Date
In our continuing efforts to provide our customers with prompt, professional and courteous service, we request your input and ask you to complete our survey. Please check the appropriate box or provide an answer to the questions below that may be applicable to your project. Your answers will help us in assessing the customer service provided to our customers. We would sincerely appreciate hearing your input. Feel free to provide additional comments on a separate page if necessary.

Completed surveys can be mailed, emailed, faxed or hand delivered to:

Martin Van Berlo, Building Official
3434 Harbor Petoskey Rd Suite E
Harbor Springs, Mi 49740

Please check the appropriate box with your answer, if not applicable to your project, leave blank.

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Please answer the following questions. If not applicable to your project, please indicate n/a.

Do you feel that the Department Staff is attentive to your needs as a customer?
Yes ☐  No ☐  Please share your experience with us, whether positive or negative.

Are there any specific or recurring problems you have had with any services you received from the Department?
None

If you are a contractor, have you noticed any change, good or bad, in the services that have been provided to you during the past 6 months?
No

Please share any comments or suggestions that you may have for department improvement and/or improved communication ideas.
Zoning seems to be the hardest area to understand.
So many rules to conform to for building projects.
Not sure how to reduce paperwork or streamline.

Thank you for taking the time to complete our survey.

Feel free, if you so desire, to leave your name and contact information below. If your answers and/or comments are in regards to a specific project or permit, please provide us with a project or permit number. We will be happy to follow up with a phone call regarding your answers or comments.

☐ Please check this box and provide contact information if you would like a follow up phone call.

Name ___________________________ Phone (________) ___________________________

Address ___________________________

City ___________________________ State ___________ Zip Code ___________

email: ___________________________ Project/Permit # ___________________________

U:/Surveys/2012/Contractor Survey 2012.doc   LAST UPDATED 9/14/2016
Scott Smith of Resort Township welcomed the new Board and stated that he enjoyed working with the previous Board on the transit. Additionally, he offered his services to this Board. He expressed interest in helping on any affordable work force housing issues.

Jonathan Scheel of Bear Creek Township talked about how the Economic Development and Workforce Housing were important policies to address for Emmet County. An Ad Hoc Committee was formed to look into this. He said what has not been talked about is what part of successful and economic development and workforce housing the Planning Commission plays. He said the Planning Commission is "when boots hit the ground for all development." He expressed concerns that without clear rules and a clear path for approval, development would stall. He said there are current barriers in the Planning Commission approval process, and how zoning ordinance changes could make "successful economic development and workforce housing more likely." He asked that the new planning commission look at the 20-year old planning process and make some changes in the ordinances.

ANNOUNCEMENTS.
1) The Board of Commissioners' meeting of the Committee of the Whole will be held on Monday, January 14, 2018 at 6:00 p.m.

2) The Board of Commissioners' Regular Meeting will be held on Thursday, January 24, 2019 at 6:00 p.m., Board of Commissioners Room, 200 Division Street, Petoskey, Michigan.

3) A Public Hearing on the establishment of a PACE Program and a PACE District will be held on Thursday, January 24, 2019 at 5:30 p.m.

ADJOURNMENT.
There being no further business, the meeting was adjourned at 3:29 p.m.

Dated:

Juli Wallin
County Clerk

William Shorter
Chairman
MEMORANDUM

TO: Emmet County Office of Planning, Zoning & Construction Resources
Emmet County Road Commission
Bear Creek Township Clerk
Resort Township Clerk
Little Traverse Band of Odawa Indians
City of Petoskey Utilities
DTE Energy
AT&T
Charter Communications
Networks Northwest

FROM: Office of City Planner

DATE: January 11, 2019

SUBJECT: Notice of intent to update the City of Petoskey Master Plan

Please be advised that, pursuant to the Michigan Planning Enabling Act, PA 33 of 2008, as amended, the City of Petoskey will be updating its Master Plan adopted January 8, 2015. The update will be coordinated with the Emmet County master planning process.

We request your input during the planning process. The current Master Plan can be found at:


Unless otherwise requested, copies of draft and final documents will be provided digitally and posted on the City website. If you have any questions, please contact atweeten@petoskey.us.