

**CHARTER TOWNSHIP OF ELMWOOD  
PLANNING COMMISSION  
REGULAR MEETING**

**Tuesday, December 14, 2021 at 7PM**

**Location: Township Hall (10090 E. Lincoln Road, Traverse City, MI)**



**Commission  
Members:**

Rick Bechtold, Chair

Jeff Aprill, Vice-  
Chair

Jonah Kuzma,  
Secretary

Doug Roberts

Kendra Luta

Nathan McDonald

Chris Mikowski

- A. Call to order – 7:00 PM
- B. Pledge of Allegiance
- C. Roll Call
- D. Limited Public Comment-**Only on Agenda Items**- See Rules on Agenda
- E. Agenda Modifications/Approval
- F. Minutes – November 9, 2021
- G. Consent Calendar: Approve/Receive and File
- H. Declaration of Conflict of Interest (*Items on the Agenda*)
- I. Old Business
  1. SU/SPR# 2021-09 **Introduction**- West Shore Marina
  2. New Business
    1. Informal Review of Proposed Project Concept at Timberlee Hills / Parcel # 004-113-014-45. (10-15 minutes)
    2. Meeting Schedule (2022)
  3. Comments from the Chair
  4. Comments from Planning Commissioners
  5. Comments from Staff
  6. Public Comment-Any Items- See Rules below
  7. Adjourn

**Public Comment Rules:**

This is an input option. The Commission will not comment or respond to presenters. Silence or non-response from the board should not be interpreted as disinterest or disagreement by the board.

- Speakers are asked, but not required, to identify themselves by name and address
- Limit comments to 3 minutes for limited public comment and 2 minutes for public comment at the end of the agenda
- Comments shall be addressed to the chair, not individual board members or others in the audience

**Charter Township of Elmwood  
Planning Commission  
Regular Meeting  
November 9, 2021  
7:00 PM**

**A. Call to Order:** Chairman Bechtold called the meeting to order at 7:00 PM.

**B. Pledge of Allegiance:** The Chair led the Pledge of Allegiance.

**C. Roll Call: Present:** Jeff Aprill, Doug Roberts, Chris Mikowski, Rick Bechtold, Jonah Kuzma, Kendra Luta, Nate McDonald

**D. Limited Public Comment:** None

**E. Agenda Modifications/Approval:** MOTION BY COMMISSIONER APRILL, SECOND BY COMMISSIONER KUZMA TO APPROVE THE AGENDA AS MODIFIED REMOVING ITEM J1. MOTION PASSED UNANIMOUSLY.

**F. Minutes- October 19, 2021:** MOTION BY COMMISSIONER ROBERTS, SECOND BY COMMISSIONER MCDONALD TO ACCEPT THE MINUTES OF OCTOBER 19, 2021 AS PRINTED. MOTION APPROVED UNANIMOUSLY.

**G. Consent Calendar:** None

**H. Declaration of Conflict of Interest:** Commissioner Roberts and Commissioner Luta declared a conflict with item J2.

**I. Old Business:**

- 1. SU/SPR #2021-09 Introduction-West Shore Marina-rescheduled for 12/14**
- 2. SU/SPR #2021-08 Introduction-Starfell Savannahs Cattery (Kennel)-rescheduled for 12/14**

**J. New Business: (07:07)**

- 2. SPR #2021-10 Discovery Pier**

**Commissioners Roberts and Luta were excused to the audience.**

Engineer, Daryl Veldman, and CEO Matt McDonough gave a brief overview and update for the proposal for Discovery Pier.



The Commissioners asked questions, discussed the project, and went through Section 8.4 Requirements for Site Plan Approval and Section 8.5 Review and Approval for Site Plan Review.

**MOTION BY COMMISSIONER MCDONALD, SECONDED BY COMMISSIONER KUZMA TO APPROVE THE SITE PLAN REVIEW #2021-10 DISCOVERY PIER.**

**DISCUSSION**

**MOTION DIES**

**MOTION BY COMMISSIONER MCDONALD, SECONDED BY COMMISSIONER KUZMA, TO APPROVE THE SITE PLAN REVIEW #2021-10 DISCOVERY PIER WITH CONDITIONS IN SECTION 8.5 AND WITH REQUIREMENTS FROM THE FIRE CHIEF'S REPORT DATED JUNE 15, 2021 P. 3 OF 5 AND P. 4 OF 5. MOTION APPROVED 5-0.**

**Commissioners Roberts and Luta rejoined the meeting.**

**3. Township Board Motion regarding an overlay district or amendment to the Zoning Districts: (55:40)**

Staff reported the Township Board on September 30, 2021 did adopt two ordinances, one was a zoning ordinance to include short term rentals, and the other one was a licensing ordinance. After both ordinances were approved, there was a motion to direct the Planning Commission as soon as possible to remove STR's from subdivisions in Greilickville neighborhoods using an overlay district or amendment to the zoning districts. Staff included both ordinances for their review.

The Commissioners discussed an overlay district and whether to work on it immediately or wait to hear what happens in the Legislature. The Commission determined to hold off on discussion until at least January in order to determine what happens in the Legislature and to have further information on where the properties that submitted STR applications are located.

**4. Reminder of next meeting date (12/14)**

**K. Comments from the Chair:** Chairman Bechtold thanked the Commissioners for their thorough work and respectful conversation and wished everyone a happy Thanksgiving.

**L. Comments from Planning Commissioners:** Commissioner Aprill noted when they reviewed section 8.5, it was duplicated.

**M. Comments from Staff:** Staff thanked the Commissioners.

**N. Public Comment:** None

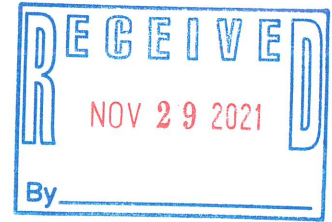
**O. Adjourn: MOTION BY COMMISSIONER LUTA, SECOND BY COMMISSIONER MCDONALD TO ADJOURN MEETING AT 8:27 PM. MOTION PASSED.**

See the Planning Commission's 10/19 epacket for further information re: Marina project (pgs 11-144) ([https://www.leelanau.gov/downloads/2021\\_3.pdf](https://www.leelanau.gov/downloads/2021_3.pdf))

WEST SHORE PARTNERS, LLC

8464 E. M-115

Cadillac, MI 49601



November 29, 2021

Ms. Sarah Clarren  
Planner/ Zoning Administrator  
Elmwood Township  
Re: MDEQ Permit for West Shore Marina

Dear Sarah,

Per your letter dated October 26, 2021, please find the questions with my response spaced in blue italics, followed by documents pertaining to the answers.

I read the email from Heather. The project is designed with the best efforts to protect the land and natural environment while allowing for development including significant improvement by the removal of the land part of the existing pier.

The dates will be dependent upon date of approvals. The whole project should take approximately five months to complete. Between the Covid virus hitting us and changing the marina layout, the project has been disrupted. I am looking forward to getting the approvals and moving forward.

The at-grade crossing will be constructed at the same time we are doing the parking lot. We plan on filing our permit with MDOT as soon as we have Township approval. We have been in contact with Jeremy Weiss so that our crossing is in the plans for the new corridor that is being planned.

Prior to construction, the contractor that we select will submit to you the lighting plan with the additional information required per the specifications from the township.

If you have further questions regarding the marina and plans, please feel free to contact me.

Thank you for your help in this matter.

Sincerely,  
Patrick Johnson  
West Shore Partners



## Schedule for West Shore Marina Construction

Upon all approvals being obtained from all governing entities, we plan to begin construction of the marina in the Spring of 2022 and to be completed in the Summer of 2022. The following is the sequence of events for the construction:

### Construction:

- Install all necessary sediment control fabric, including turbidity curtain for surface to bottom. Place near boundaries of the of the bottomland area on approved drawings.
- Remove all brush and stumps along the shoreline.
- Grade and add fill, as necessary, to area between M-22 and the shoreline.
- Drive sheet pile along the shoreline, install whalers and dead heads of seawall.
- Build stone seawall per approved drawings.
- Construct approved parking lot, storm water system, curb and asphalt; Approved cross walk shall be built.
- Berm and screening around parking area shall be built.
- Upon completion of the seawall along the shoreline, level area for use as staging area and temporary dredged spoils stockpile area.
- Install sheet pile on outer break-walls.
- Fill areas between sheet pile on break-walls per drawing
- Install stone armoring
- Install and connect all utility leads

- Dredge by mechanical dredging in marina basin area to obtain an approximate depth of 9' to 10' (to specific elevation required by the DEQ and Corp of Engineers)
- All dredging will be supervised and reported to soil erosion as requested by Steve Christensen.
- Dredging spoils will be hauled to the area west of hotel site; See Machin Engineering sheet C2.4.
- Dredge spoils will be graded over an area west of the hotel site. Topsoil will cover and spread seed to obtain ground cover.
- During the dredging process, all stone, steel, concrete and asphalt from pre-existing pier will be removed (everything including light poles and existing docks will be removed as pre-existing oil company pier and culverts), will be removed.
- Two fixed adjustable main piers shall be constructed and installed.
- Flotation docks will be built off-site and shall be installed in the spring/summer of 2022.
- All utilities shall be installed on the main piers.
- All tie piling will be installed simultaneously with the floating docks.
- All dock and break-wall lighting will be installed simultaneously with the construction of piers and docks, after the dredging is completed.
- Office/bathhouse and pump will be renovated in Spring/Summer 2022.
- Pump out system will be installed as water and sewer connections are constructed.
- Sidewalks and landscaping shall be completed.

Robyn,

We appreciate your patience in assisting with the processing of the West Shore Partners application for the Marina. We have discovered an issue that there is a small sliver of land between our parcel and the parcel to the north of us. This sliver has always been utilized and assumed to be owned by the West Shore Parcel. The Masonic Holding Association (the parcel to the North) has never claimed an interest and is happy to sign a quit claim deed to quiet title to the sliver of property. This seems like a simple process to quiet to the property; however, getting the necessary information has become quite a challenge. Everyone is so busy they have not provided us with what we need. We have been working with the Talon Group Title Agency to provide a title commitment that shows the only parties that can assert a claim to this sliver land are West Shore Partners and the Masons. We have also been working with Gourdie Fraser to provide a legal description for the property for a deed. After weeks and weeks, we still do not have the completed title search or legal description. Talon group has assured me that they are working on the deed and GFA has assured me I will have the legal any day; however, it has taken far too long to resolve a simple problem.

I am hoping that you can give us some additional time to provide you with the title report on the property and deed from the Masonic Holding Company. This deed will quiet title in West Shore Partners. We apologize it has taken far longer than it should have taken to accomplish this.

David H. Rowe, Esq.

202 E. State Street, Suite 100

Traverse City, Michigan 49684

Direct: (231) 346-5407

Fax: (231) 941-9679

[drowe@nmichlaw.com](mailto:drowe@nmichlaw.com)

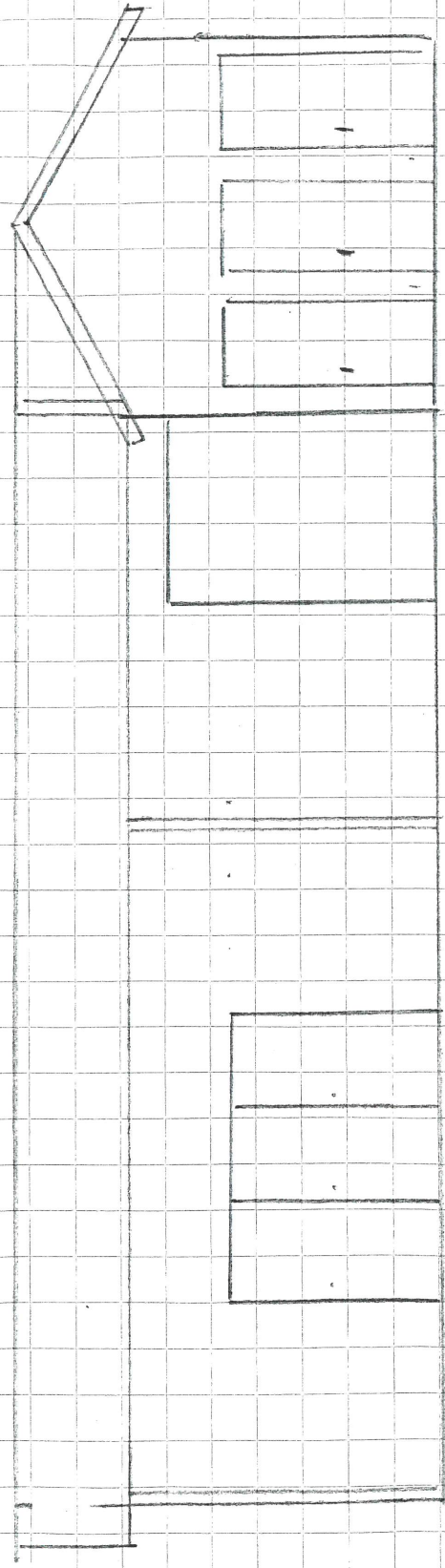
[www.nmichlaw.com](http://www.nmichlaw.com)





EAST ELEVATION-

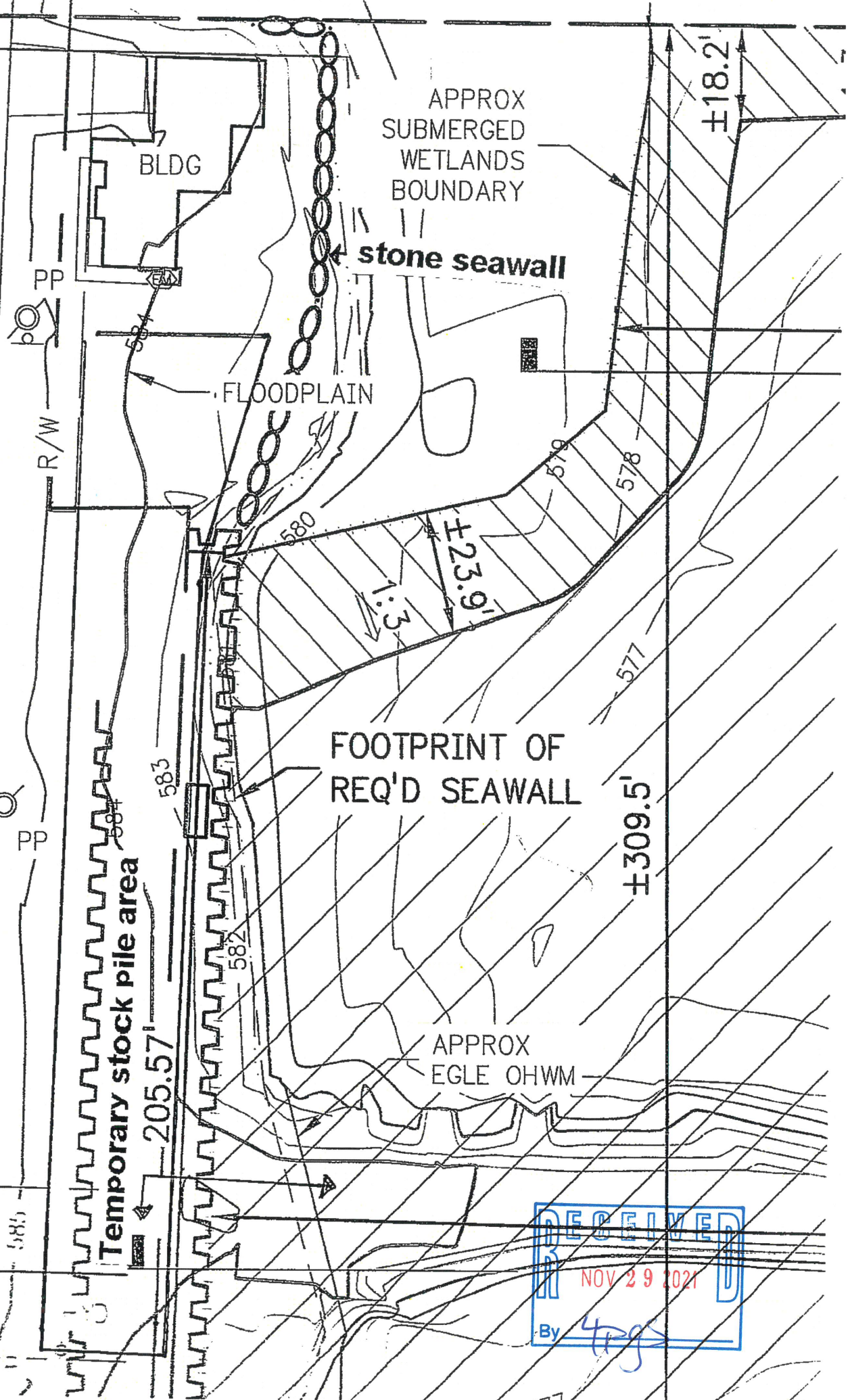
ALL OTHER ELEVATIONS ARE  
THE SAME





# SW BAY SHORE DR (M-22)

18" STM SWR



APPROX  
SUBMERGED  
WETLANDS  
BOUNDARY

stone seawall

FLOODPLAIN

FOOTPRINT OF  
REQ'D SEAWALL

APPROX  
EGLE OHWM

Temporary stock pile area

205.57'

±23.9'

±309.5'

±18.2'

RECEIVED  
 NOV 29 2021  
 By *[Signature]*





**GRAND TRAVERSE COUNTY  
DEPARTMENT OF PUBLIC WORKS**

PUBLIC SERVICE BUILDING  
2650 LAFRANIER ROAD  
TRAVERSE CITY, MI 49686-8972  
(231) 995-6039 • FAX (231) 929-7226

September 24, 2021

Via email: [piwestshorehotel@gmail.com](mailto:piwestshorehotel@gmail.com)

Patrick Johnson  
West Shore Partners, LLC  
8464 E M-115  
Cadillac, MI. 49601

Re: West Shore Hotel and Marina

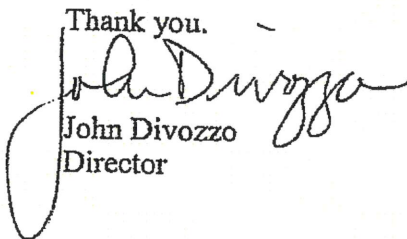
Mr. Johnson,

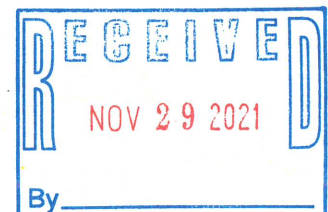
The Grand Traverse County DPW has reviewed the proposed site plan for the West Shore Hotel and Marina and can confirm that the current Elmwood Township Water and Sewer Systems have sufficient capacity to allow connection to said systems.

Formal approval for connection will occur upon submittal and review of an Application for Permit to Connect and payment of all fees required and necessary under that Permit.

If you have any questions, comments or concerns, please do not hesitate to contact our office.

Thank you.

  
John Divozzo  
Director



----- Original Message -----

Subject: DEQ File LM-294 - Marina Lease application  
From: "Graf, Tom (DEQ)" <GRAFT@michigan.gov>  
Date: Tue, February 06, 2018 12:06 pm  
To: "ronwalters@westshorehotel.net" <ronwalters@westshorehotel.net>  
Cc: "Schmidt, Robyn (DEQ)" <SCHMIDTR1@michigan.gov>

Ron --

The application to lease 2.59 acres of Lake Michigan public trust bottomlands has been approved. Once the marina is constructed, we will prepare the lease documents and send to you for signature.

In addition, the following are conditions of the lease:

1. The annual lease fee is \$8,300.
2. You will need to maintain either a financial instrument (surety bond or a letter of credit) for the term of the lease – see attached forms
3. You will need to maintain a \$1 million liability policy naming the DEQ as an additional insured for the term of the lease.

You need to contact this office once the marina is constructed.

Any questions, please contact me.

Tom Graf  
Water Resources Division  
MDEQ

P.O. Box 3045

Lansing, MI 48909-7958

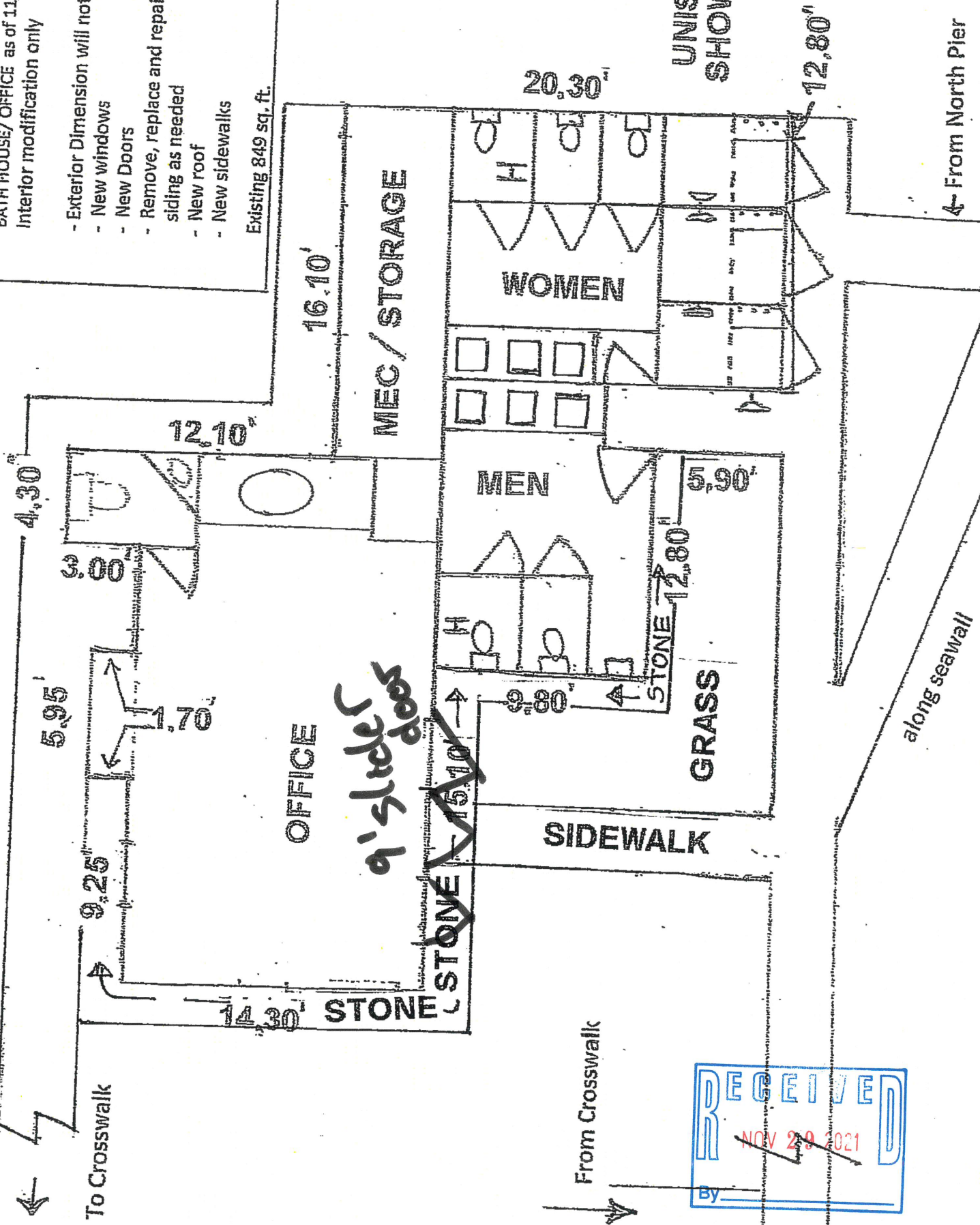


WEST SHORE MARINA BATH HOUSE AND OFFICE

WEST SHORE MARINA  
BATH HOUSE/ OFFICE as of 11/10/21  
Interior modification only

- Exterior Dimension will not change
- New windows
- New Doors
- Remove, replace and repair shake siding as needed
- New roof
- New sidewalks

Existing 849 sq. ft.

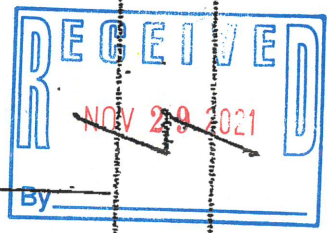


← From North Pier

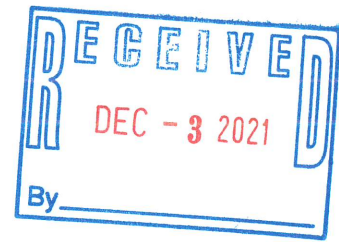
along seawall

To Crosswalk

From Crosswalk



**Subject:** 1 copy  
**From:** mike sutherland <mikesutherland@hotmail.com>  
**Date:** 12/3/2021, 1:57 PM  
**To:** pcfile <pcfile@tccopyshop.com>



Sarah,

Please add these four revised drawings regarding temporary stockpile area on East side of 22, the impact area for fill on west side, dumpster placement at South West side of parking lot and tote placement next to bath house (please eliminate page 3.0 in your full construction set and replace with the revised drawing) the revised construction schedule, letter from attny Dave Rowe to DEQ and a cover letter from westshore partners.

My best,  
Mike Sutherland  
Project Supervisor  
West Shore Marina

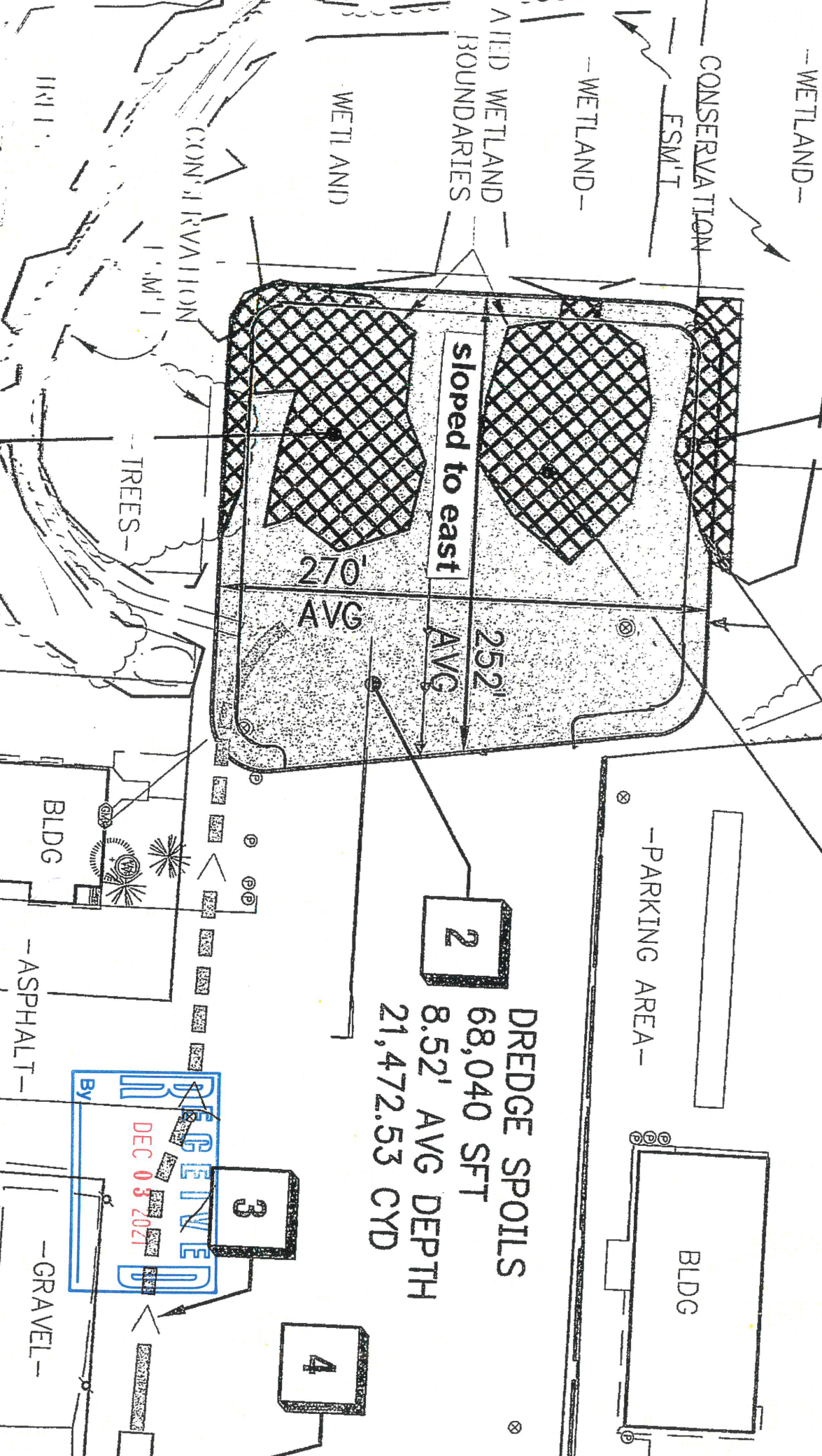
Sent from myMail for iOS





CONSERVATION ESM'T  
IMPACT AREA #3  
AND FILL (0.09 AC)

Approximate 3 4 foot raised  
berm around outside edge  
IMPACT AREA #2  
WETLAND FILL (0.23 AC)



DREDGE SPOILS  
68,040 SFT  
8.52' AVG DEPTH  
21,472.53 CYD

RECEIVED  
DEC 03 2021





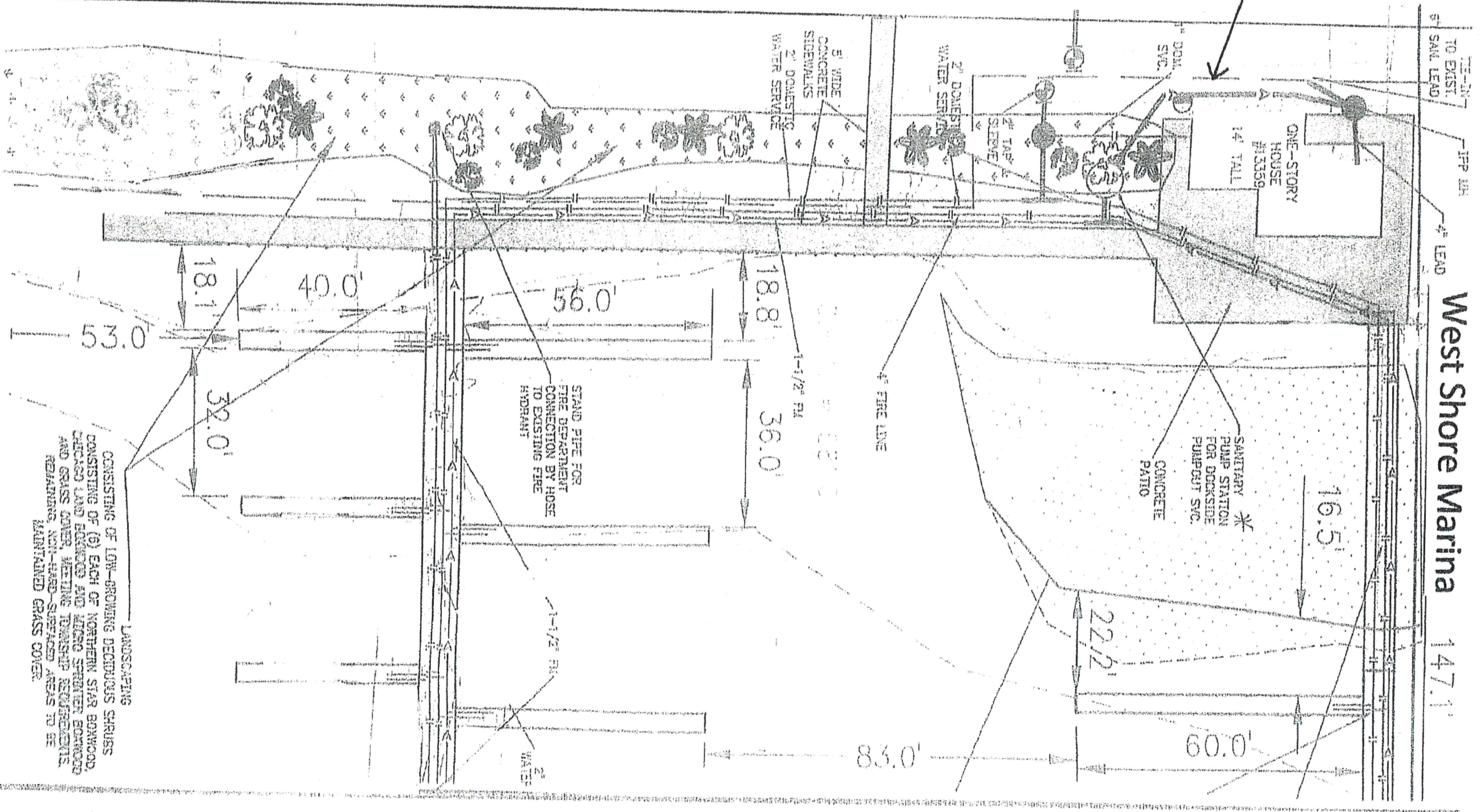
new 10/13

# LANDSCAPE PLAN

M22 R/W

M22

West Shore Marina 147.1'

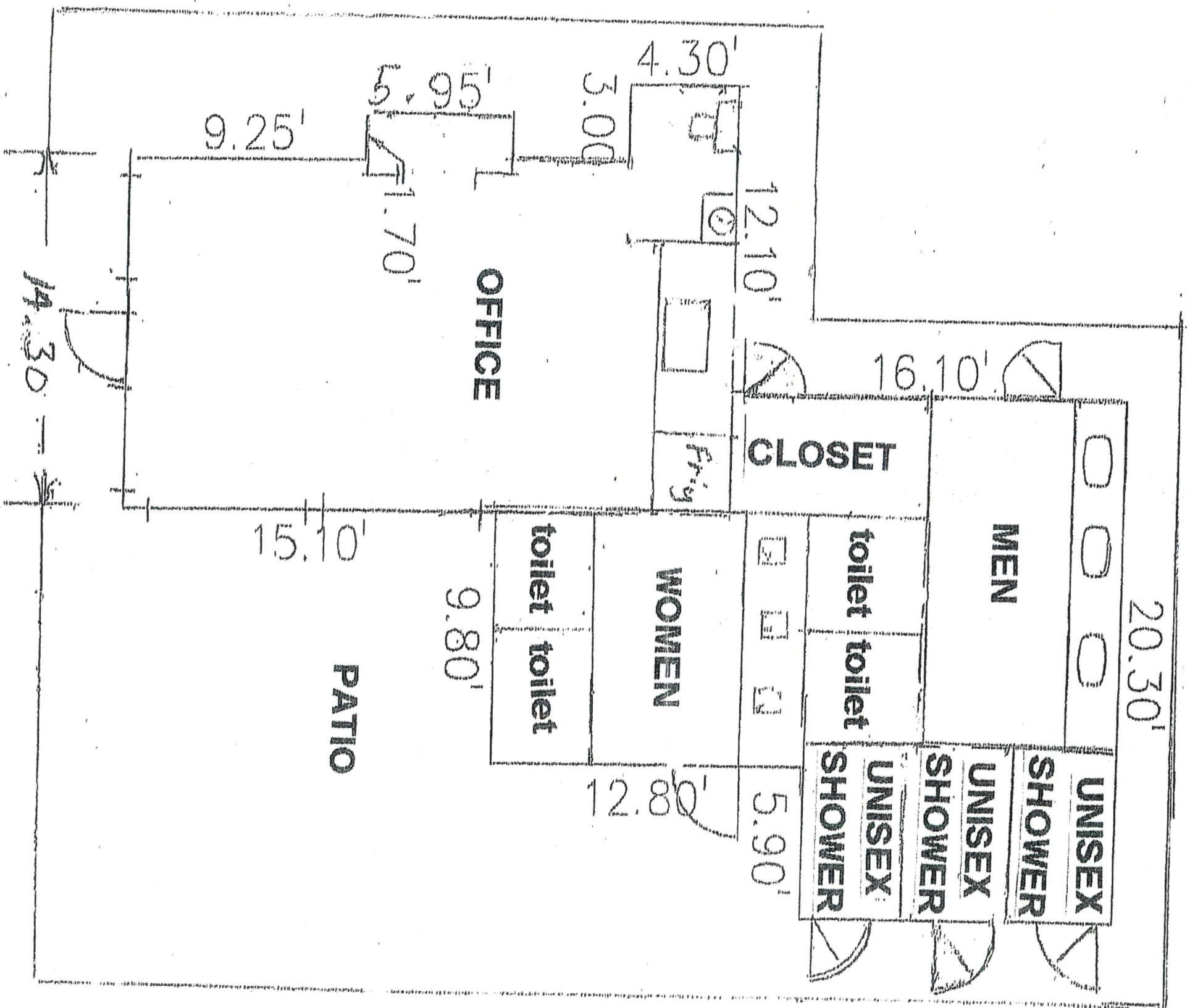


LANDSCAPING  
 CONSISTING OF (6) EACH OF NORTHERN STAR BOWWOOD,  
 CHICAGO LAND BURNING AND MING SPREITER BOWWOOD,  
 AND GRASS COVER, HEETING TOWNSHIP NEIGHBORHOODS.  
 REMAINING NON-HARD SURFACES AREAS TO BE  
 MAINTAINED GRASS COVER.

Area between M22 and the shoreline  
 Landscape; Pump out location; location of Utilities;  
 Sidewalk and patio; Crosswalk location

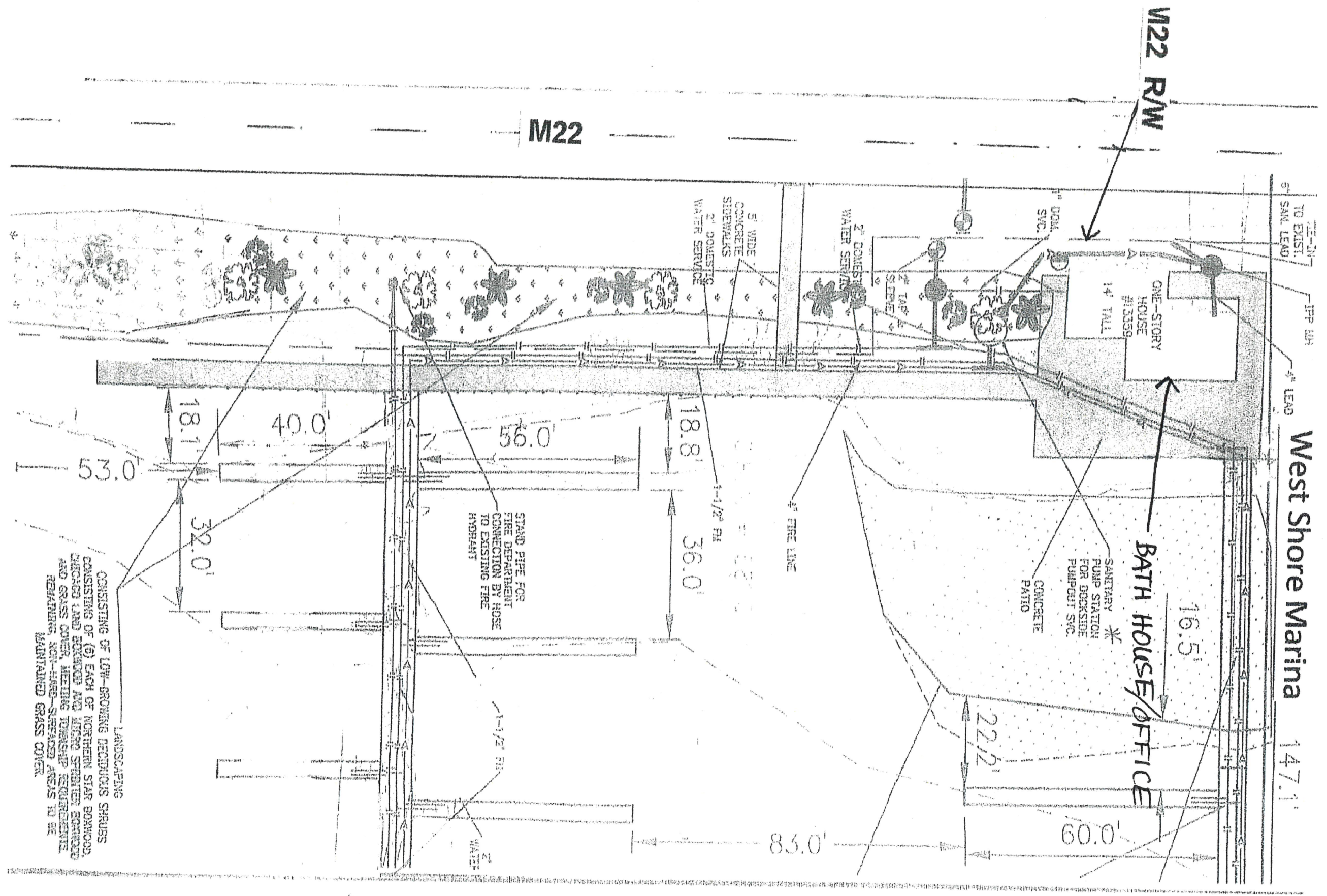
# OFFICE AND BATH HOUSE

849 sq ft





Area between M22 and the shoreline  
 Landscape; Pump out location; location of Utilities;  
 Sidewalk and patio; Crosswalk location



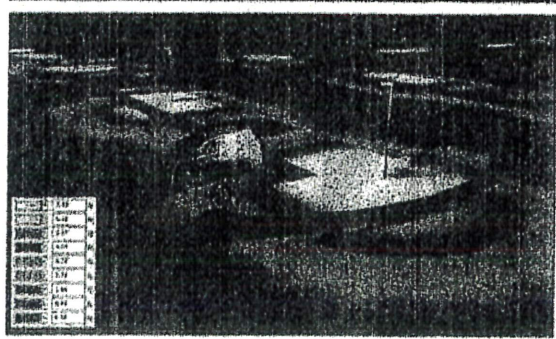
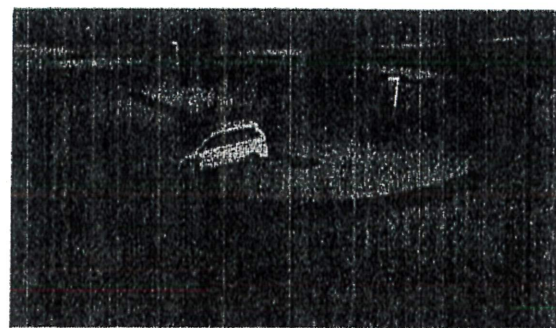
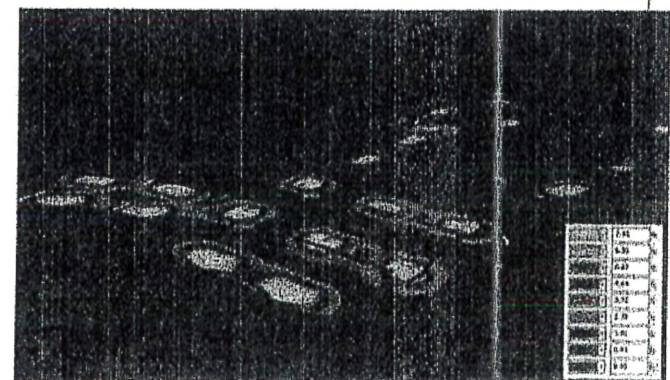
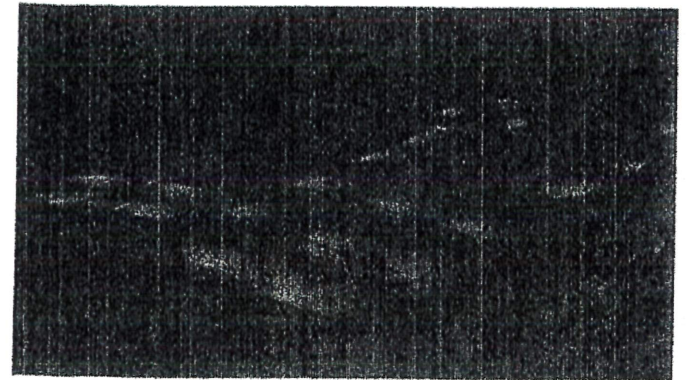
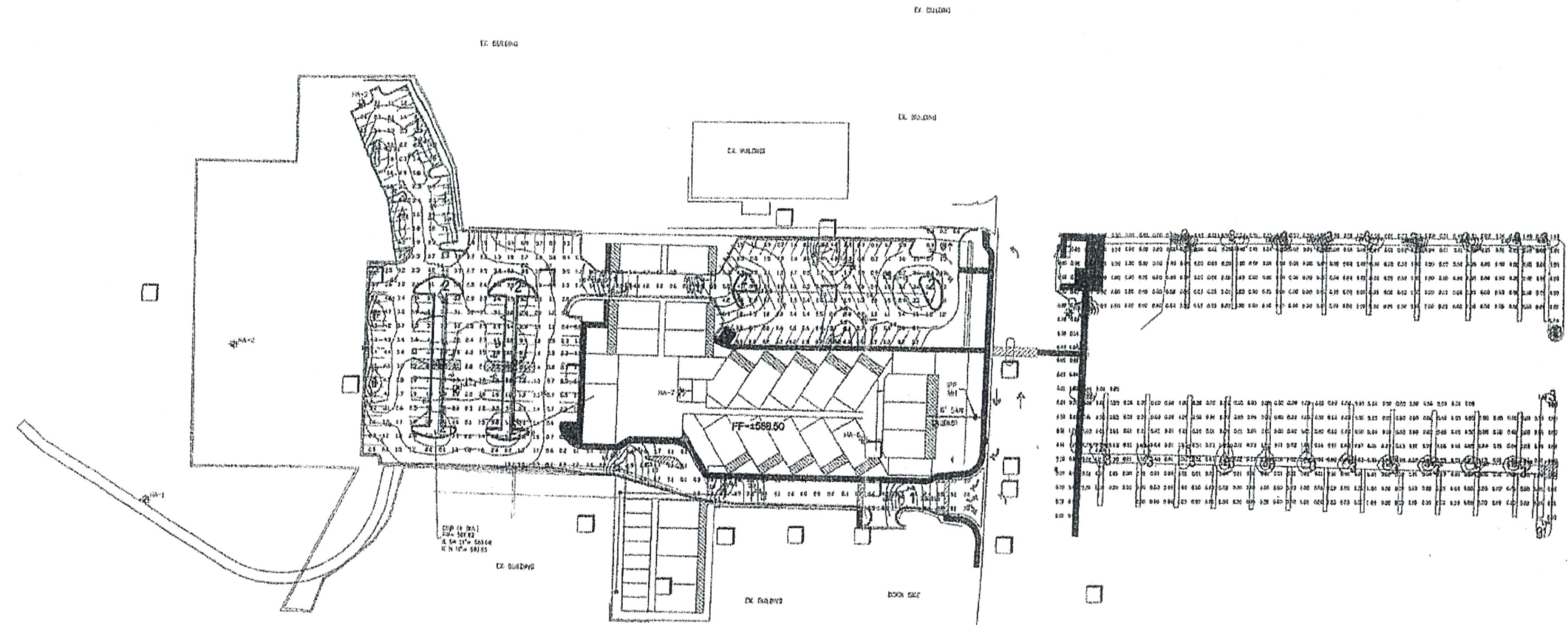


4



TRUE BLUE & ASSOCIATES  
1179 N. Westborough Pk.  
Tampa, FL 33607  
813-876-1221

WESTSHORE HOTEL  
PARKING AND MARINA LIGHTING PLAN



REVISIONS

No	Description	Date

DRAWING INDEX

Symbol	Label	Quantity	Manufacturer	Description	Lamp	Number Lamp	Lumen per Lamp	Wattage
	1	13	Lithonia Lighting	DSX1 LED P6 40K T3M MVOLT	LED	1	15377	138
	2	8	Lithonia Lighting	DSX1 LED P6 40K T5M MVOLT	LED	1	16435	138
	3	27	Eaton	Lighthouse Power Pedestal	LED	1		

Statistics

Description	Avg	Max	Min	Max/Min	Avg/Min
Parking Area	2.07 Fc	13 Fc	0.0 Fc	N/A	N/A
Marina Area	0.35 Fc	4 Fc	0.0 Fc	N/A	N/A

DATE: 7/20/16 PROJECT NO: 1604-00

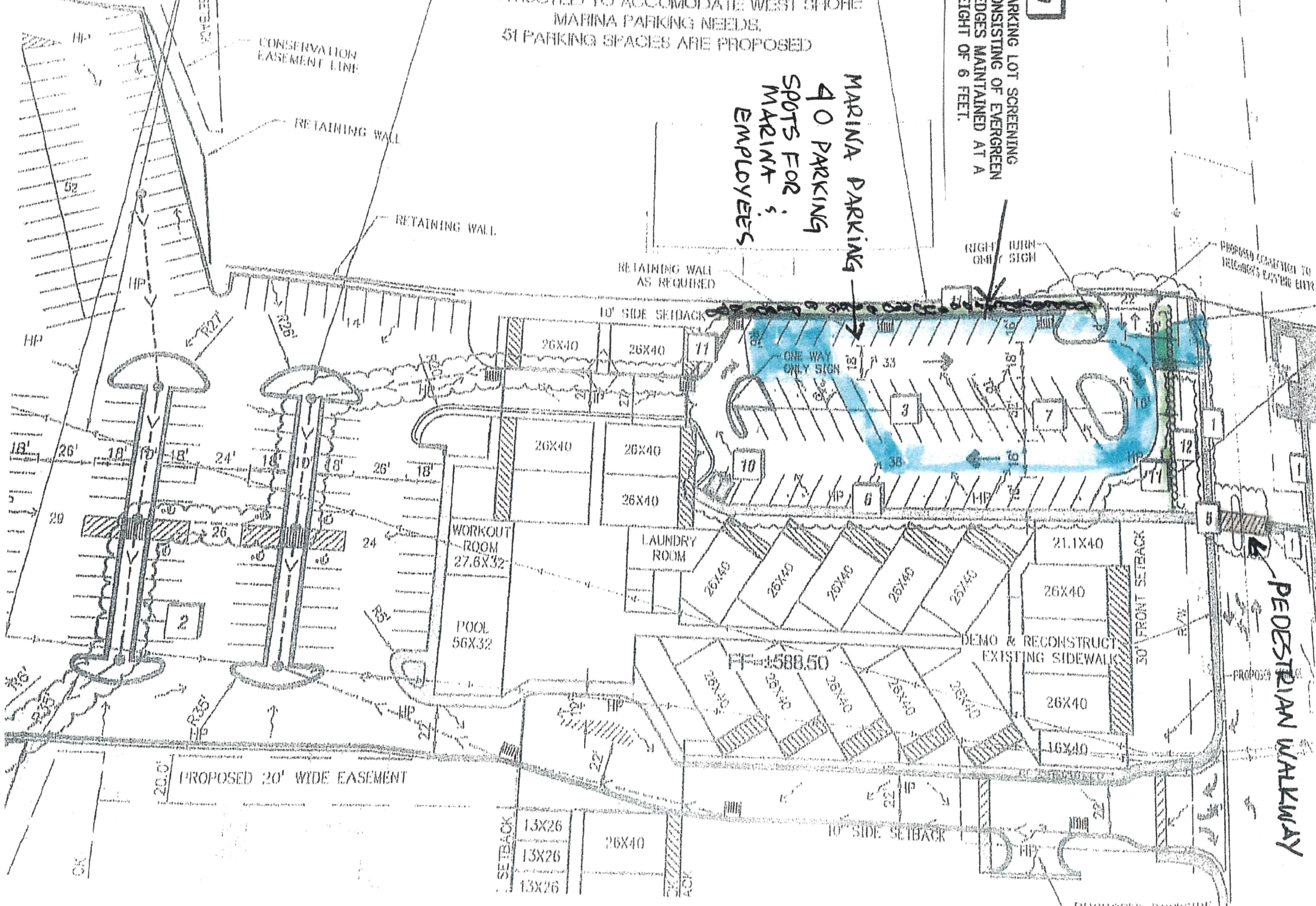


ATERING SYSTEM  
ALS FROM  
TION  
TAILS)

THESE PORTIONS OF THE WEST SHORE HOTEL  
PARKING AND DRAINAGE SYSTEM MUST BE  
CONSTRUCTED TO ACCOMODATE WEST SHORE  
MARINA PARKING NEEDS.  
51 PARKING SPACES ARE PROPOSED

9  
PARKING LOT SCREENING  
CONSISTING OF EVERGREEN  
HEDGES MAINTAINED AT A  
HEIGHT OF 6 FEET.

MARINA PARKING  
40 PARKING  
SPOTS FOR  
MARINA  
EMPLOYEES



PEDESTRIAN WALKWAY

DRAINAGE BACKSIDE





MASONIC BUILDING ASSOCIATION OF TRAVERSE CITY

13360 S. West Bay Shore Drive  
Traverse City, MI 49684

*new lot 13  
17g*

7/17/2019

Sara Kopriva, AICP  
Planner/Zoning Administrator  
Elmwood Township  
10090 E. Lincoln Rd  
Traverse City, MI 49684

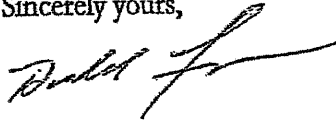
Re: West Shore Partners, LLC

Dear Ms. Kopriva:

The purpose of this letter is to confirm that the Masonic Building Association of Traverse City (MBA) has been in discussions with representatives of West Shore Partners, LLC, concerning West Shore Partners, LLC obtaining a driveway easement from the MBA. Those discussions remain ongoing at the present time.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely yours,



Donald Ferguson  
President

Cc: West Shore Partners, LLC



New 10/13  
(21995)

Sue C. Stoffel  
Leelanau Register of Deeds 11P  
Recording Fees: 44.00  
SUE Date 03/28/2008 Time 14:44:47  
Page 1 of 11 01 972/928

## AGREEMENT FOR CONSERVATION EASEMENT

(This instrument is exempt from County and State transfer taxes pursuant to MCL 207.505(a) and MCL 207.526(a), respectively)

This CONSERVATION EASEMENT is created February 26, 2008, 2008, by and between

**West Bay Partner LLC** a Limited liability company whose address is **13685 West Bay Shore Drive, #106, Traverse City Michigan, 49684**. (Grantor) and the Michigan Department of Environmental Quality (MDEQ), whose address is, Constitution Hall, 1<sup>st</sup> Floor South, P.O. Box 30458, Lansing, Michigan 48909-7958; or 525 West Allegan Street, Lansing, Michigan 48933 (Grantee);

The Grantor is the fee simple title holder of real property located in the Township of Elmwood, Leelanau County, and State of Michigan, legally described in Exhibit A.

MDEQ is the agency charged with administering Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and

Permittee/Grantor has applied for a Permit MDEQ File Number **07-45-0025-P** pursuant to Part 303 to authorize activities that will impact regulated wetland. The MDEQ evaluated the permit application and determined that a permit could be authorized for certain activities within regulated wetlands provided certain conditions are met, and

Permittee/Grantor has agreed to grant the MDEQ a Conservation Easement that protects the wetland mitigation site and/or the remaining wetlands on the property and restricts further development to the area legally described in Exhibit B. The Conservation Easement (the Easement Premises) consists of approximately 3.25 acres. A survey map depicting the easement premises is attached as Exhibit C. The MDEQ shall record this Agreement with the county register of deeds.

ACCORDINGLY, Grantor conveys this Conservation Easement to Grantee pursuant to Subpart 11 of Part 21, Conservation and Historic Preservation Easement, of the NREPA, MCL 324.2140 et seq., on the terms and conditions stated below.

1. The purpose of this Agreement is to protect the functions and values of existing or established wetlands and its natural resource values on the Easement Premises consistent with the Permit and the protection of the benefits to the public derived from wetlands and integral habitat, by requiring Grantor to maintain the Easement Premises in its natural and undeveloped condition.
2. Except as authorized under MDEQ Permit Number **07-45-0025-P** issued on **11/19/2007** or as otherwise provided in this Agreement, Grantor shall refrain from, and prevent any other person from altering or developing the Easement Premises in any way. This includes, but is not limited to:
  - a) Alteration of the topography;
  - b) Creation of paths, trails, or roads;
  - c) The placement of fill material as defined in Part 303 of the NREPA, MCL 324.30301 et seq., as amended;
  - d) Dredging, removal, or excavation of any soil or minerals;

- e) Drainage of surface or groundwater;
  - f) Construction or placement of any structure;
  - g) Plowing, tilling, or cultivating the soils or vegetation;
  - h) Alteration or removal of vegetation, including the planting of non-native species;
  - i) Ranching; grazing; farming;
  - j) Construction of unauthorized utility or petroleum lines;
  - k) Storage or disposal of garbage, trash, debris, abandoned equipment or accumulation of machinery, or other waste materials, including accumulated vegetative debris such as grass clippings, leaves, yard waste, or other material collected and deposited from areas outside the Easement Premises;
  - l) Use or storage of off-road vehicles including, but not limited to, snowmobiles, dune buggies, all-terrain vehicles, and motorcycles;
  - m) Placement of billboards or signage, except as otherwise allowed in the Permit or this Agreement;
  - n) Use of the wetland for the dumping of untreated stormwater at a volume that adversely impacts the hydrology of the wetland.
3. Cutting down, destroying, or otherwise altering or removing trees, tree limbs, shrubs, or other vegetation, whether living or dead, is prohibited within the Easement Premises, except with the written permission of Grantee, expressly for the removal of trees or limbs to eliminate danger to health and safety; to reduce a threat of infestation posed by diseased vegetation; to control invasive non-native plant species that endanger the health of native species; or as otherwise provided in the MDEQ approved Management Plan for the Easement Premises.
  4. Grantor is not required to restore the Easement Premises due to alterations resulting from causes beyond the owner's control, including, but not limited to, unauthorized actions by third parties that were not reasonably foreseeable; natural causes; or natural disasters such as unintentional fires, floods, storms, or natural earth movement.
  5. Grantor may perform activities within the Easement Premises consistent with the Permit or the mitigation requirements. Grantor shall provide 5 days notice of undertaking any mitigation activity even if the mitigation project has been conceptually approved. Any activities undertaken pursuant to the Permit, a mitigation project, or this Agreement, shall be performed in a manner to minimize the adverse impacts to existing wetland or mitigation areas.
  6. Grantor warrants that Grantor has good and sufficient title to the Easement Premises described in Exhibit B.
  7. Grantor warrants that any other existing interests or encumbrances in the Easement Premises have been disclosed to the MDEQ.
  8. Grantor warrants that to the best of Grantor's knowledge no hazardous substances or hazardous or toxic wastes have been generated, treated, stored, used, disposed of, or deposited in or on the property.
  9. This Agreement does not grant or convey to Grantee or members of the general public any right to possession or use of the Easement Premises.
  10. Grantor shall continue to have all rights and responsibilities as owner of the property subject to this Agreement. Grantor shall continue to be solely responsible for the upkeep and maintenance of the Easement Premises, to the extent it may be required by law.
  11. Grantee and its authorized employees and agents may enter the Easement Premises upon reasonable notice to Grantor to determine whether the Easement Premises are being maintained in compliance with the terms of this Agreement, mitigation, or other conditions of the Permit; and for the purpose of taking corrective actions for failure to comply. If Grantee is entering the easement premises for purposes of taking corrective actions, Grantor shall be provided with 14 days notice to provide the opportunity to cure the failure to comply.

12. This Agreement shall be binding upon the successors and assigns of the parties shall run with the land in perpetuity unless modified or terminated by written agreement of the parties.
13. This Agreement may be modified only in writing through amendment of the Agreement. Any modification shall be consistent with the purpose and intent of the Agreement.
14. In addition to the right of the parties to enforce this Agreement, it is also enforceable by others against the owner of the land in accordance with Part 21, Subpart 11 of the NREPA, MCL 324.2140 et seq, as amended.
15. Grantor shall indicate the existence of this Agreement on all future deeds, mortgages, land contracts, plats, and any other legal instrument used to convey an interest in the Easement Premises.
16. A delay in enforcement shall not be construed as a waiver of the Grantee's rights to enforce the conditions of this Agreement.
17. This Agreement shall be liberally construed in favor of maintaining the purpose of the Conservation Easement.
18. If any portion of this Agreement is determined to be invalid by a court of law, the remaining provisions will remain in force.
19. This Agreement will be construed in accordance with Michigan law. All legal action related to this conservation easement must be filed and pursued in Michigan state courts.
20. In addition to the terms of the Permit issued by Grantee, this document sets forth the entire agreement of the parties. It is intended to supersede all prior discussions or understandings.
21. Within 90 days after this Agreement is executed, Grantor shall place and maintain at Grantor's expense, signs, fences, or other suitable markings along the Easement Premises to clearly demarcate the boundary of the Easement Premises, or as otherwise provided in the permit.

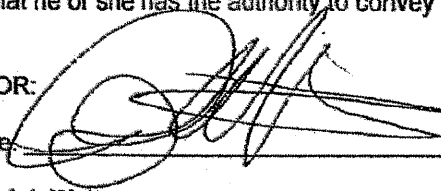
#### LIST OF ATTACHED EXHIBITS

- Exhibit A:** A legal description of the Grantor's property, inclusive of the Easement Premises.
- Exhibit B:** A legal description of the Easement Premises.
- Exhibit C:** A survey map depicting the Easement Premises that also includes identifiable landmarks such as nearby roads to clearly identify the easement site.
- Exhibit D:** A legal description that provides a path of legal access to the Easement Premises and a map that indicates this access site that MDEQ staff will use for ingress and egress to and from the Easement Premises; or if the Easement is directly connected to a publicly accessible point, such as a public road, a statement is required that authorizes MDEQ staff ingress and egress to and from the Easement Premises with a map that clearly indicates the connection of the public access site to the Easement Premises.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first above written. In signing this Agreement, the Signatory warrants that he or she has the authority to convey the Conservation Easement on behalf of the Grantor.

GRANTOR:

Signature



Ronald J. Walters

Type/Print Grantor's Name

Managing Member

Title (if signing on behalf of an organization)

West Bay Partners LLC

Organization Name (if signing on behalf of an organization)

STATE OF MICHIGAN

}

} ss

COUNTY OF GRAND TRAVERSE }

IF SIGNING ON BEHALF OF AN ORGANIZATION, THIS MUST BE COMPLETED:

The foregoing instrument was acknowledged before me this 26 day of February, 2008

by Ronald J. Walters, the Managing Member

of West Bay Partners LLC a limited liability company on behalf of the organization.



(Signature of Notary Public)

Melanie S. Nickerson

(Typed or Printed name of Notary Public)

Acting in: Grand Traverse County, Michigan

My Commission Expires: 11-28-2011

(OR) IF SIGNING AS AN INDIVIDUAL OR MARRIED PERSON, THIS MUST BE COMPLETED:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

by \_\_\_\_\_, (name[s]) \_\_\_\_\_ (marital status).

\_\_\_\_\_  
(Signature of Notary Public)

\_\_\_\_\_  
(Typed or Printed name of Notary Public)

Acting in: \_\_\_\_\_ County, Michigan

My Commission Expires: \_\_\_\_\_

GRANTEE:

Page 5 of 11

01 972/932

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LAND AND WATER MANAGEMENT DIVISION

*Kimberly D. Fish*

Kimberly D. Fish, Assistant Division Chief

STATE OF MICHIGAN)

} ss

COUNTY OF INGHAM)

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of March, 2008  
by Kimberly D. Fish, Assistant Division Chief, Land and Water Management Division, State of Michigan, on  
behalf of the Michigan Department of Environmental Quality.

*Linda D. Sandborn*

(Signature of Notary Public)

Linda D. Sandborn

(Typed or Printed name of Notary Public)

LINDA D. SANDBORN  
Notary Public, Ionia Co., MI  
My Comm. Expires Oct. 25, 2008

Acting in: Ingham County, Michigan

My Commission Expires:

10/25/2008

**AFTER RECORDING, RETURN TO:**

Form Drafted By:  
The Honorable Mike Cox, Attorney General  
Department of Attorney General  
Environment, Natural Resources, and  
Agriculture Division  
P.O. Box 30755  
Lansing, Michigan 48909

**Michigan Department of Environmental Quality  
Land and Water Management Division  
Constitution Hall, 1<sup>st</sup> Floor South  
P.O. Box 30458  
Lansing, Michigan 48909-7958**

(July 26, 2007)

# EXHIBIT A - GRANTOR'S PROPERTY LEGAL DESCRIPTION

Page 6 of 11

01 972/933

GRANTOR'S PROPERTY (Inclusive of the Easement Premises)

Part of Parcel Tax ID# 45-004-033-090-01 & Part of Parcel Tax ID# 45-004-033-088-00

A parcel of land situated in Section 33, Town 28 North, Range 11 West, Elmwood Township, Grand Traverse County, more fully describes as follows:

Commencing at the North One-quarter Corner of said Section 33;  
 thence South 00°27'00" West, 2275.66 feet,  
 along the North and South One-quarter Line of said Section 33;  
 thence South 88°43'58" East, 622.40 feet,  
 to the Point of Beginning at the southwest corner of said parcel;  
 thence Northwesterly, 493.59 feet,  
 along the easterly right-of-way line of The Leelanau Trail and  
 along the arc of a 5100.00 foot radius curve to the left,  
 the central angle of which is 05°32'43"; and whose chord bears  
 North 06°27'45" West, 493.40 feet;  
 thence North 08°49'09" West, 66.94 feet,  
 continuing along the said easterly right-of-way line of The Leelanau Trail;  
 thence South 89°42'29" East, 449.37 feet;  
 thence South 06°39'34" East, 66.78 feet;  
 thence South 08°10'17" East, 136.55 feet;  
 thence South 89°17'27" East, 489.19 feet,  
 to the westerly right-of-way line of State Highway M-22;  
 thence South 01°54'47" West, 241.66 feet,  
 along the said westerly right-of-way line of State Highway M-22;  
 thence Southwesterly, 18.84 feet,  
 along the arc of a 2448.12 foot radius curve to the right,  
 the central angle of which is 00°26'28", and whose chord bears  
 South 02°07'58" West, 18.84 feet;  
 thence North 88°44'46" West, 236.33 feet;  
 thence South 01°17'55" West, 105.85 feet;  
 thence North 88°43'58" West, 99.17 feet;  
 thence North 00°52'09" East, 134.76 feet;  
 thence North 88°43'58" West, 175.00 feet;  
 thence South 00°52'09" West, 134.76 feet;  
 thence North 88°43'58" West, 378.42 feet,  
 to the Point of Beginning.


Contains 8.49 acres, more or less.

SUBJECT TO other easements or restrictions, if any.

PREPARED FOR: **West Bay Partners LLC**

BASIS OF BEARINGS: FURNISHED TITLE COMMITMENT

THESE DOCUMENTS ARE PREPARED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE CONTRACT FOR THIS PROJECT.

PH 231.946.5874 FAX 231.946.3703 WWW.gourdiefraser.com  123 W. Front Street Traverse City, MI 49664	 <p><b>gfa Gourdie-Fraser</b> Municipal   Development   Transportation</p>	Location: <b>EXHIBIT A</b> <b>GRANTOR'S PROPERTY</b> <b>PART OF SEC. 33, T28N-R11W,</b> <b>ELMWOOD TWP., GRAND TRAVERSE CO., MI</b>	DATE: 02-22-08 P.M.: DAN WAGNER DR. CBL CO. TAM <b>06074B</b> SHEET 1 OF 1
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# EXHIBIT B - EASEMENT PREMISES LEGAL DESCRIPTION

Page 7 of 11

01 972/934

CONSERVATION EASEMENT (Easement Premises)

**NORTHERLY PORTION**

An easement for the conservation of wetlands situated in Section 33, Town 28 North, Range 11 West, Elmwood Township, Grand Traverse County, more fully describes as follows:

Commencing at the North One-quarter Corner of said Section 33;  
 thence South 00°27'00" West, 2105.62 feet,  
     along the North and South One-quarter Line of said Section 33;  
 thence South 89°33'00" East, 606.21 feet,  
     to the easterly right-of-way of The Leelanau Trail and  
     the Point of Beginning of the Northerly Portion of said Easement Premises;  
 thence northwesterly, 313.94 feet,  
     along the said easterly right-of-way of The Leelanau Trail and  
     along the arc of a 5100.00 foot radius curve to the left,  
     the central angle of which is 03°31'37", and whose chord bears  
     North 07°28'18" West, 313.89 feet;  
 thence North 08°49'09" West, 66.94 feet,  
     continuing along the said easterly right-of-way of The Leelanau Trail;  
 thence South 89°42'29" East, 449.37 feet;  
 thence South 07°40'30" East, 130.50 feet;  
 thence West, 6.41 feet;  
 thence North 24°27'27" West, 79.07 feet;  
 thence West, 116.24 feet;  
 thence South, 79.69 feet;  
 thence West, 96.23 feet;  
 thence South, 289.93 feet;  
 thence East, 170.96 feet;  
 thence South, 32.94 feet;  
 thence South 22°16'16" West, 24.56 feet;  
 thence South 44°08'52" West, 24.31 feet;  
 thence South 59°15'45" West, 25.85 feet;  
 thence South 72°08'18" West, 17.23 feet;  
 thence North 80°23'24" West, 31.66 feet;  
 thence North 72°48'02" West, 39.32 feet;  
 thence North 62°59'33" West, 29.10 feet;  
 thence North 49°30'12" West, 43.13 feet;  
 thence North 54°48'05" West, 18.34 feet;  
 thence North 71°49'06" West, 40.65 feet;  
 thence North 49°53'32" West, 54.15 feet;  
 thence North 86°06'59" West, 24.26 feet;  
 thence North 42°33'25" West, 34.70 feet,  
     to a point on said easterly right-of-way of The Leelanau Trail and the Point of Beginning.


Said Northerly Portion of said Easement Premises contains 2.64 acres, more or less.

(Cont.)

PREPARED FOR: **West Bay Partners LLC**

BASIS OF BEARINGS: FURNISHED TITLE COMMITMENT

THESE DOCUMENTS ARE PREPARED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE CONTRACT FOR THIS PROJECT.

PH 231.946.5874 FAX 231.946.3703 <a href="http://www.gourdiefraser.com">www.gourdiefraser.com</a>  123 W. Front Street Traverse City, MI 49684	 <p><b>gfa Gourdie-Fraser</b> Municipal   Development   Transportation</p>	Location: <b>EXHIBIT B</b> <b>GRANTOR'S PROPERTY</b> <b>PART OF SEC. 33, T28N-R11W,</b> <b>ELMWOOD TWP., GRAND TRAVERSE CO., MI</b>	DATE: 02-22-08 P.A.: DAN WAGNER DR.: COL. COL. TAM <b>06074B</b> SHEET 1 OF 2
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# EXHIBIT B - EASEMENT PREMISES LEGAL DESCRIPTION

CONSERVATION EASEMENT (Easement Premises) (Cont.)

Page 8 of 11

01 972/935

**SOUTHERLY PORTION**

An easement for the conservation of wetlands situated in Section 33, Town 28 North, Range 11 West, Elmwood Township, Grand Traverse County, more fully describes as follows:

Commencing at the North One-quarter Corner of said Section 33;  
 thence South 00°27'00" West, 2275.66 feet,  
 along the North and South One-quarter Line of said Section 33;  
 thence South 88°43'58" East, 622.40 feet,  
 to a point on the easterly right-of-way of The Leelanau Trail,  
 and the Point of Beginning of Southerly Portion of said Easement Premises;  
 thence northwesterly, 155.94 feet,  
 along the said easterly right-of-way of The Leelanau Trail and  
 along the arc of a 5100.00 foot radius curve to the left,  
 the central angle of which is 01°45'07", and whose chord bears  
 North 04°33'57" West, 155.93 feet;  
 thence South 56°04'41" East, 248.55 feet;  
 thence South 87°36'59" East, 65.46 feet;  
 thence North 61°35'44" East, 51.51 feet;  
 thence North 50°46'18" East, 50.27 feet;  
 thence North 16°05'49" East, 58.36 feet;  
 thence East, 20.71 feet;  
 thence South 00°52'09" West, 134.76 feet;  
 thence North 88°43'58" West, 378.42 feet,  
 to a point on said easterly right-of-way of The Leelanau Trail and the Point of Beginning.

Said Southerly Portion of Easement Premises contains 0.61 acre, more or less.

The combined said Northerly and Southerly Portions of the Easement Premises contain 3.25 acres total, more or less.


TOGETHER WITH the rights of ingress and egress from The Leelanau Trail (A recreational pathway).

SUBJECT TO other easements or restrictions, if any.

PREPARED FOR: **West Bay Partners LLC**

BASIS OF BEARINGS: FURNISHED TITLE COMMITMENT

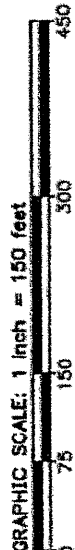
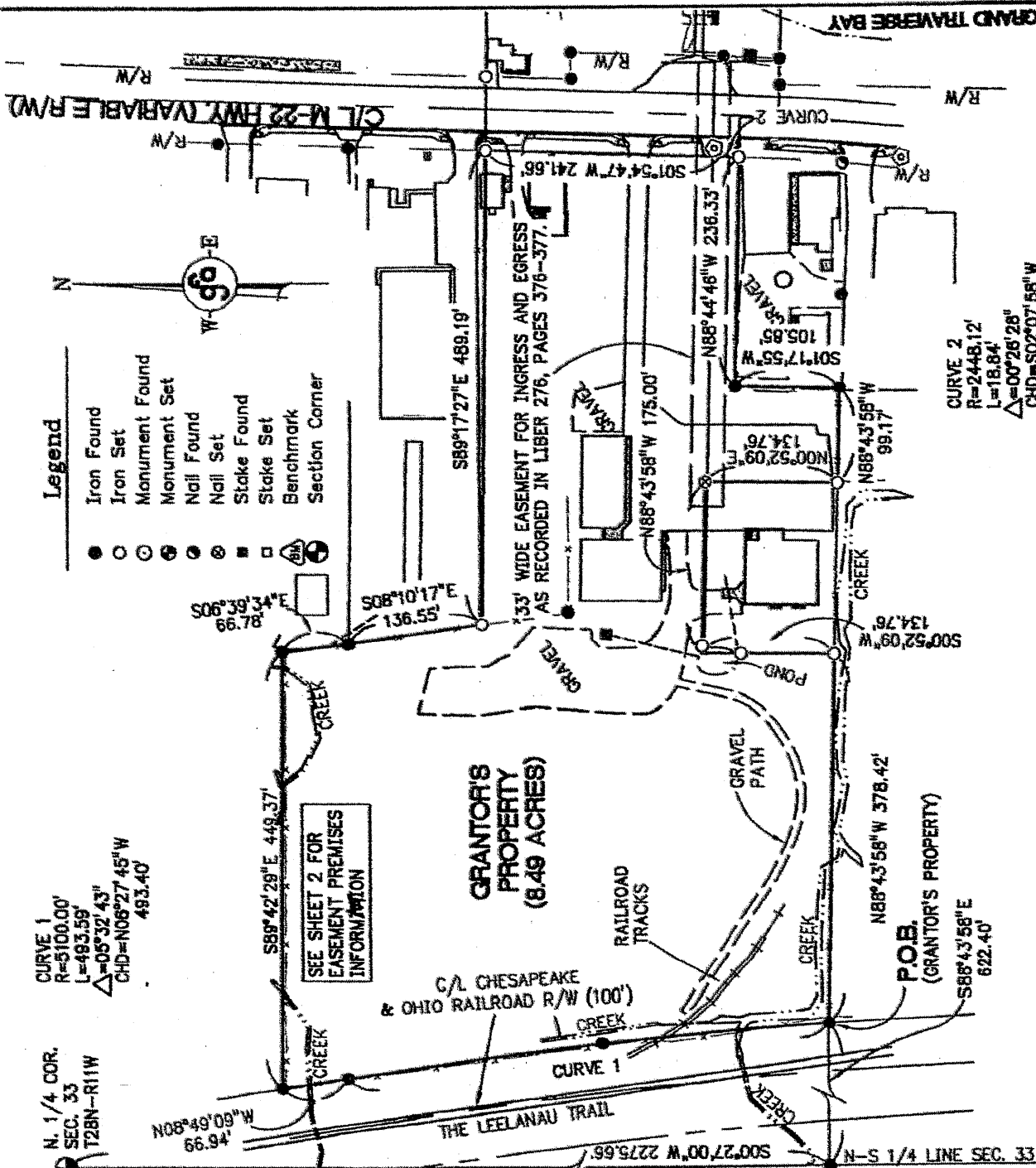
THESE DOCUMENTS ARE PREPARED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE CONTRACT FOR THIS PROJECT.

PH 231.946.5874 FAX 231.946.3703 WWW.gourdiefraser.com  123 W. Front Street Traverse City, MI 49684	 <b>Gourdie-Fraser</b> Municipal   Development   Transportation	Location: <b>EXHIBIT B</b> <b>GRANTOR'S PROPERTY</b> PART OF SEC. 33, T28N-R11W, ELMWOOD TWP., GRAND TRAVERSE CO., MI	DATE: 02-22-08 P.M.: DAN WAGNER DR: COL / CD: TAN <b>06074B</b> SHEET 2 OF 2
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# EXHIBIT C - SURVEY MAP - GRANTOR'S PROPERTY

01 972/936

Page 9 of 11



PREPARED FOR: **West Bay Partners LLC**

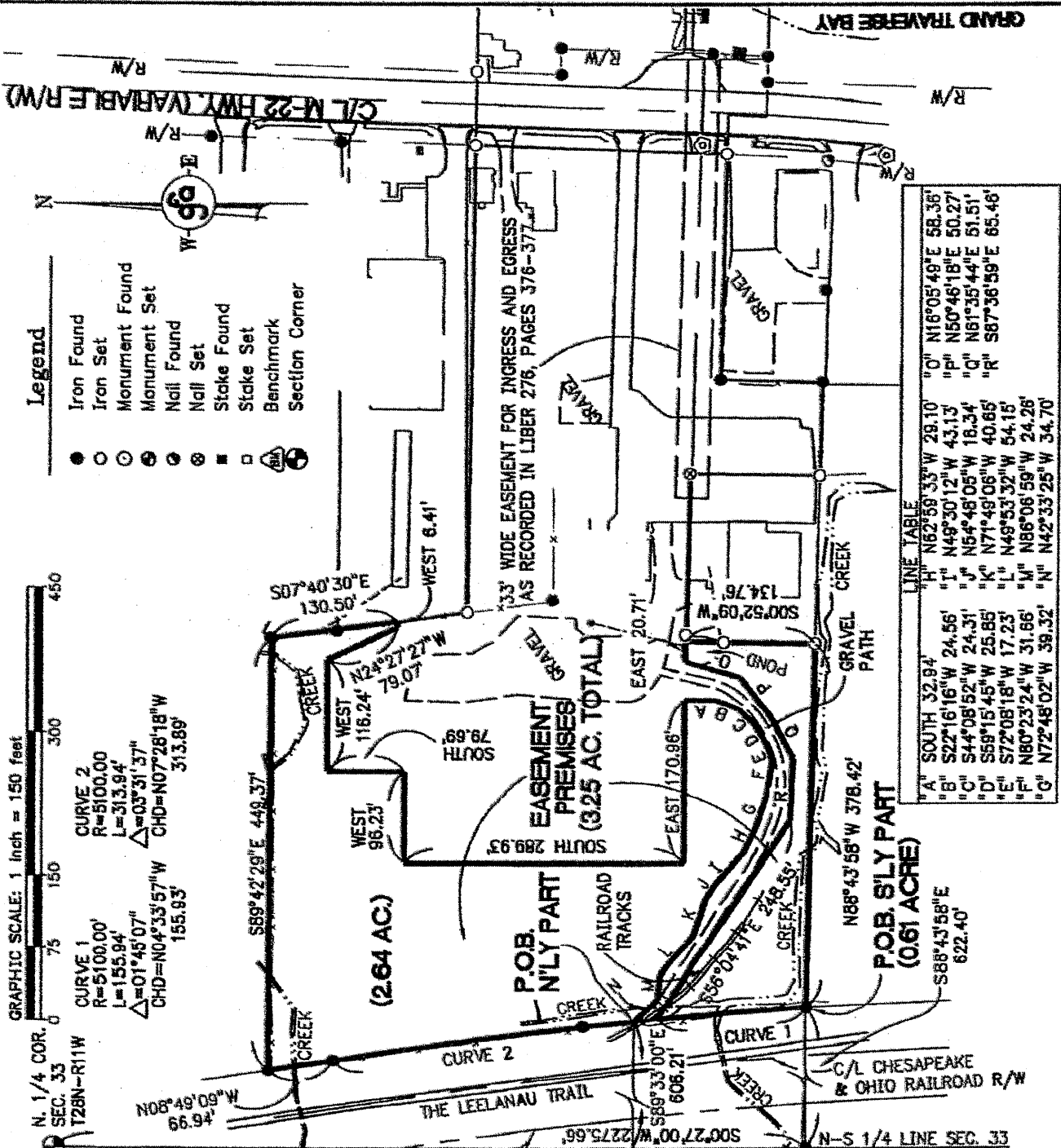
BASIS OF BEARINGS: FURNISHED TITLE COMMITMENT

THESE DOCUMENTS ARE PREPARED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE CONTRACT FOR THIS PROJECT.

PH 231.946.5874 FAX 231.946.3703 WWW.gourdiefraser.com 123 W. Front Street Traverse City, MI 49684	<p><b>Gourdie-Fraser</b>                  Municipal   Development   Transportation</p>	Location: <b>EXHIBIT C</b> <b>GRANTOR'S PROPERTY</b> PART OF SEC. 33, T28N-R11W, ELMWOOD TWP., GRAND TRAVERSE CO., MI	DATE: 02-22-08 P.M.: DAN WAGNER DR.: COL. DO: TAM <b>06074B</b> SHF 1 OF 2
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PROJECTS:06074B.DWG SURVEY:06074B.DWG EXHIBIT C (02-20-08 8:47 AM) TNC:MMH

# EXHIBIT C - SURVEY MAP - EASEMENT PREMISES



- Legend**
- Iron Found
  - Iron Set
  - ⊙ Monument Found
  - ⊕ Monument Set
  - ⊗ Nail Found
  - ⊘ Nail Set
  - ⊙ Stake Found
  - ⊗ Stake Set
  - Benchmark
  - Section Corner

**LINE TABLE**

"A"	SOUTH 32.94'
"B"	S22°16'16"W 24.56'
"C"	S4°08'52"W 24.31'
"D"	S59°15'45"W 25.85'
"E"	S72°08'18"W 17.23'
"F"	N80°23'24"W 31.66'
"G"	N72°48'02"W 39.32'
"H"	N62°59'33"W 28.10'
"I"	N49°30'12"W 43.13'
"J"	N54°48'05"W 18.34'
"K"	N71°49'06"W 40.65'
"L"	N49°53'32"W 54.15'
"M"	N86°06'59"W 24.26'
"N"	N42°33'25"W 34.70'
"O"	N16°05'49"E 58.36'
"P"	N50°46'18"E 50.27'
"Q"	N61°35'44"E 51.51'
"R"	S87°36'59"E 65.46'

PREPARED FOR: **West Bay Partners LLC**

BASIS OF BEARINGS: FURNISHED TITLE COMMITMENT

THESE DOCUMENTS ARE PREPARED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE CONTRACT FOR THIS PROJECT.

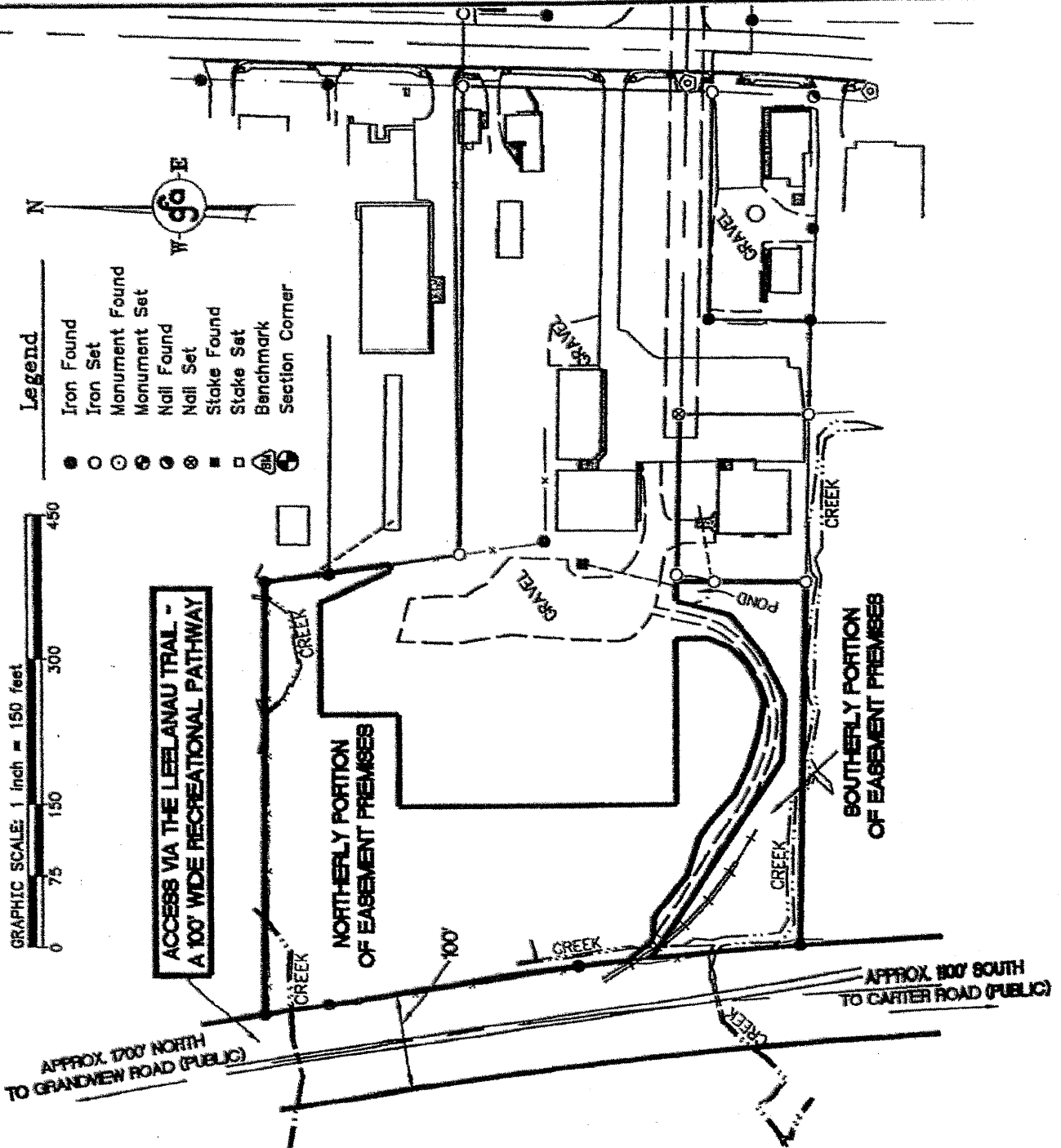
<p>PH 231.946.5874                  FAX 231.946.3703                  WWW.gourdiefraser.com</p> <p>123 W Front Street                  Traverse City, MI 49684</p>	<p><b>gfa Gourdie-Fraser</b>                  Municipal   Development   Transportation</p>	<p>Location:</p> <p><b>EXHIBIT C</b>                  EASEMENT PREMISES                  PART OF SEC. 33, T28N-R11W,                  ELMWOOD TWP., GRAND TRAVERSE CO., MI</p>	<p>DATE 02-22-08</p> <p>PM: DAN WAGNER</p> <p>DR. COL. CIG: TAM</p> <p><b>06074B</b></p> <p>SHT 2 OF 2</p>
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T:\PROJECTS\06074B-DWG\SURVEY\06074B\_DED\_EXHIBITS.DWG (02-28-08 8:48 AM) SMC/AM

# EXHIBIT D - SURVEY MAP - EASEMENT ACCESS

01 972/938


Page 11 of 11



PREPARED FOR: **West Bay Partners LLC**

BASIS OF BEARINGS: FURNISHED TITLE COMMITMENT

THESE DOCUMENTS ARE PREPARED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE CONTRACT FOR THIS PROJECT.

PH 231.946.5874 FAX 231.946.3703 WWW.gourdiefrazer.com  123 W. Front Street Traverse City, MI 49684	 <b>Gourdie-Frazer</b> Municipal   Development   Transportation	Location: <b>EXHIBIT D</b> <b>EASEMENT PREMISES</b> PART OF SEC. 33, T28N-R11W, ELMWOOD TWP., GRAND TRAVERSE CO., MI	DATE: 02-22-08 P.M.: DAN WAGNER DR: CXL CO: TAM <b>06074B</b> SH: 1 OF 1
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RCV'D LEELANAU COUNTY

2017 APR 26 PM 1 18

### **Shared Driveway Agreement**

This mutual access agreement is made and entered into this 26th day of April, 2017 by and between Dockside M22, L.L.C., and West Shore Partners, L.L.C., henceforth referred to as OWNER(S), and/or a Party to this agreement;

WHEREAS, OWNER(S) are the current owner and interest holder of the property (ies) legally described as See Attachment "A".

WHEREAS, each Party desires to consolidate access for the respective parcels into a single common driveway to facilitate efficient traffic operations and improve public safety along regional and arterial roadways.

THEREFORE, in consideration of the terms and conditions contained herein, the above named Parties agree as follows:

1. General Public Driveway, Vehicle, Other Motor Vehicle, Pedestrian and Bicycle Access;
  - a. An agreement is created which shall allow the current and future owner(s) of each parcel equal and joint access to their respective properties utilizing a single driveway constructed of minimized typical width within a recorded easement. Properties located adjacent to the easement shall be permitted to connect their parking areas, aisleways, driveways, etc. to access the shared driveway within the easement. The easement, corresponding access drive and adjacent areas shall be open for use by the general public.
  - b. No physical barrier including, but not limited to, curbs, structures, buildings, signs, parking spaces, landscape timbers, product displays, (etc) shall be placed across the easement, traveled or right-of-way in such a manner as to block access across and/or between the parcels.
2. The OWNER(S) of the parcels hereby covenant and agree that this agreement shall be binding and shall insure to the benefit of the Parties hereto, their successors, assigns, tenants, and subtenants, and that the covenants herein contained shall be deemed to be covenants running with the land.
3. Each Party shall have responsibility for costs and expenses incurred for approved maintenance or improvements proposed on the approach. All costs (including recording fees) are to be assessed and shared equally, unless otherwise approved in writing. Any future improvements SHALL be discussed between respective Parties, and a written agreement reached prior to any construction activity taking place. Each Party shall maintain the driveway surfacing in a mutually agreed condition from the roadway or highway surfacing to a distance where the single entrance splits, as edge lines extended, to serve each individual parcel of land (Parcel A, Parcel B, Parcel C, etc).
4. Each Party hereto agrees to indemnify and save others harmless from any and all liability, damage, expense, causes of action, suits, claims, or judgments arising from personal injury, death, or property damage and occurring on or from a Parties use of another Parties tract (including use by individuals claiming a right of access through such party), except if caused by the negligence of the owner of such tract.

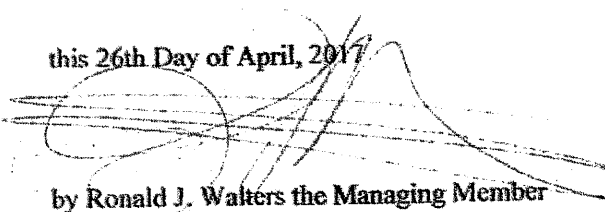
It is understood and agreed that the items previously mentioned and respective signatures below indicate acceptance of these conditions.

Corporate Notary Acknowledgement

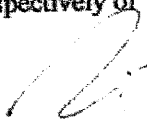
Notary Public, State of Michigan County of Leelanau Acting In Grand Traverse (Commission)


The foregoing instrument was acknowledged before me in Grand Traverse County, this  
*Acting in the County of*

this 26th Day of April, 2017

  
by Ronald J. Walters the Managing Member

respectively of West Shore Partners, L.L.C.

  
and by Matthew Michael Hunter the Member

  
and by Michael Korie Smith the Member

respectively of Dockside M22, L.L.C.



My Commission Expires on

8/28/17

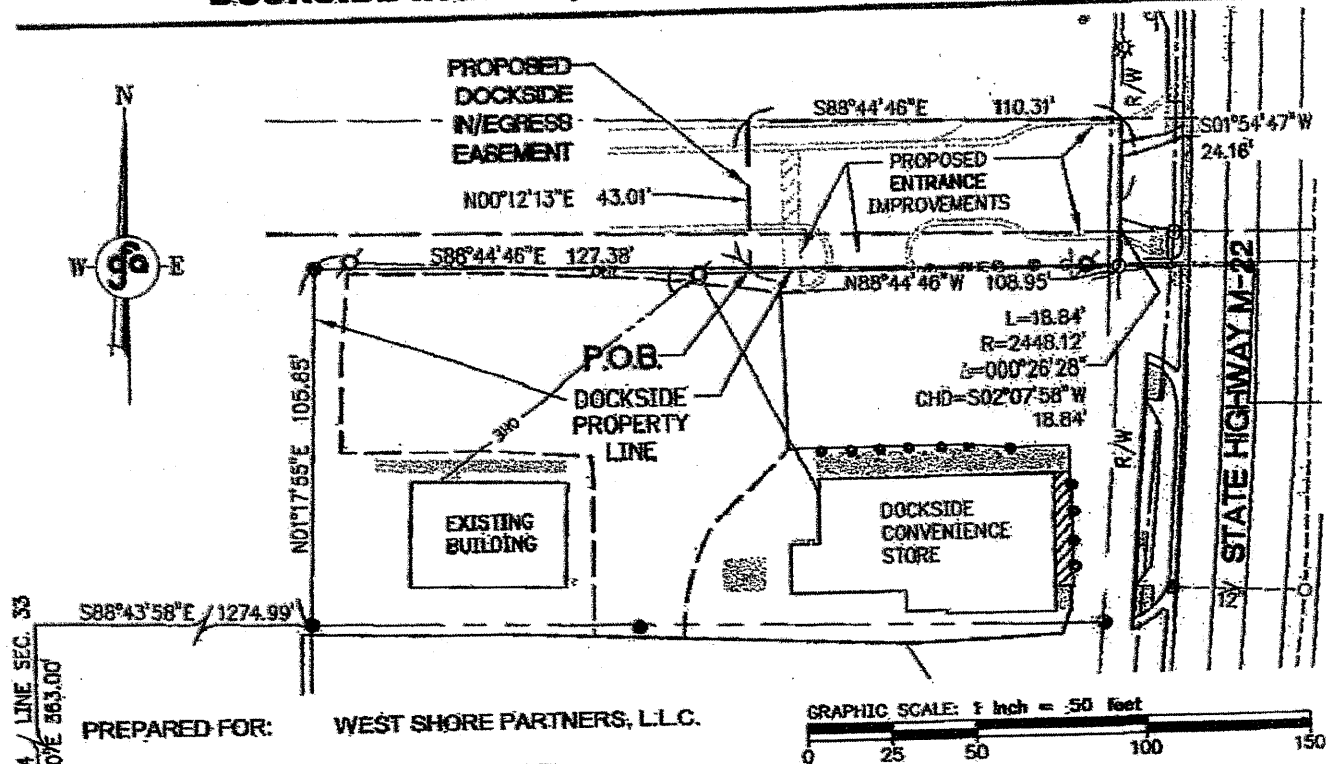
NOTARY PUBLIC

MIRANDA WITTKOPP  
Notary Public, State of Michigan  
Leelanau County, MI  
My Commission Expires 08-28-2017



# EXHIBIT A

## DOCKSIDE INGRESS/EGRESS EASEMENT EXHIBIT



PREPARED FOR: WEST SHORE PARTNERS, L.L.C.

**DOCKSIDE INGRESS/EGRESS EASEMENT**

An easement for ingress and egress located in part of Government Lot 2, Section 33, Town 28 North, Range 11 West, Elmwood Township, Grand Traverse County, Michigan, more fully described as follows:

**CENTER SEC. 33**

thence North 00°27'00" East, 363.00 feet;  
 thence South 88°43'58" East, 1274.99 feet;  
 thence North 01°17'55" East, 105.85 feet;  
 thence South 88°44'46" East, 127.38 feet,  
 to the Point of Beginning;

thence North 00°12'13" East, 43.01 feet;  
 thence South 88°44'46" East, 110.31 feet;  
 thence along the West right of way of State Highway M-22,  
 (also known as S. West Bay Shore Drive),  
 the following two courses:  
 thence South 01°54'47" West, 24.16 feet;  
 thence Southwesterly, 18.84 feet, along the arc of a 2448.12 foot radius curve to the right,  
 the central angle of which is 00°26'28", and the long chord of which  
 bears South 02°07'58" West, 18.84 feet;  
 thence North 88°44'46" West, 108.95 feet,  
 to the Point of Beginning.

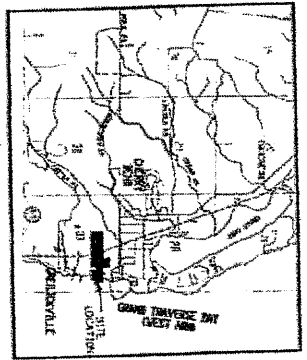
Legend	
●	Iron Found
○	Iron Set
⊙	Monument Found
⊗	Monument Set
⊙	Nail Found
⊗	Nail Set
■	Stake Found
□	Stake Set
⊕	Benchmark
(R)	Record
(M)	Measured
⊙	Section Corner

Contains 4,715 square feet of land, more or less.

Subject to easements and restrictions of record, if any.

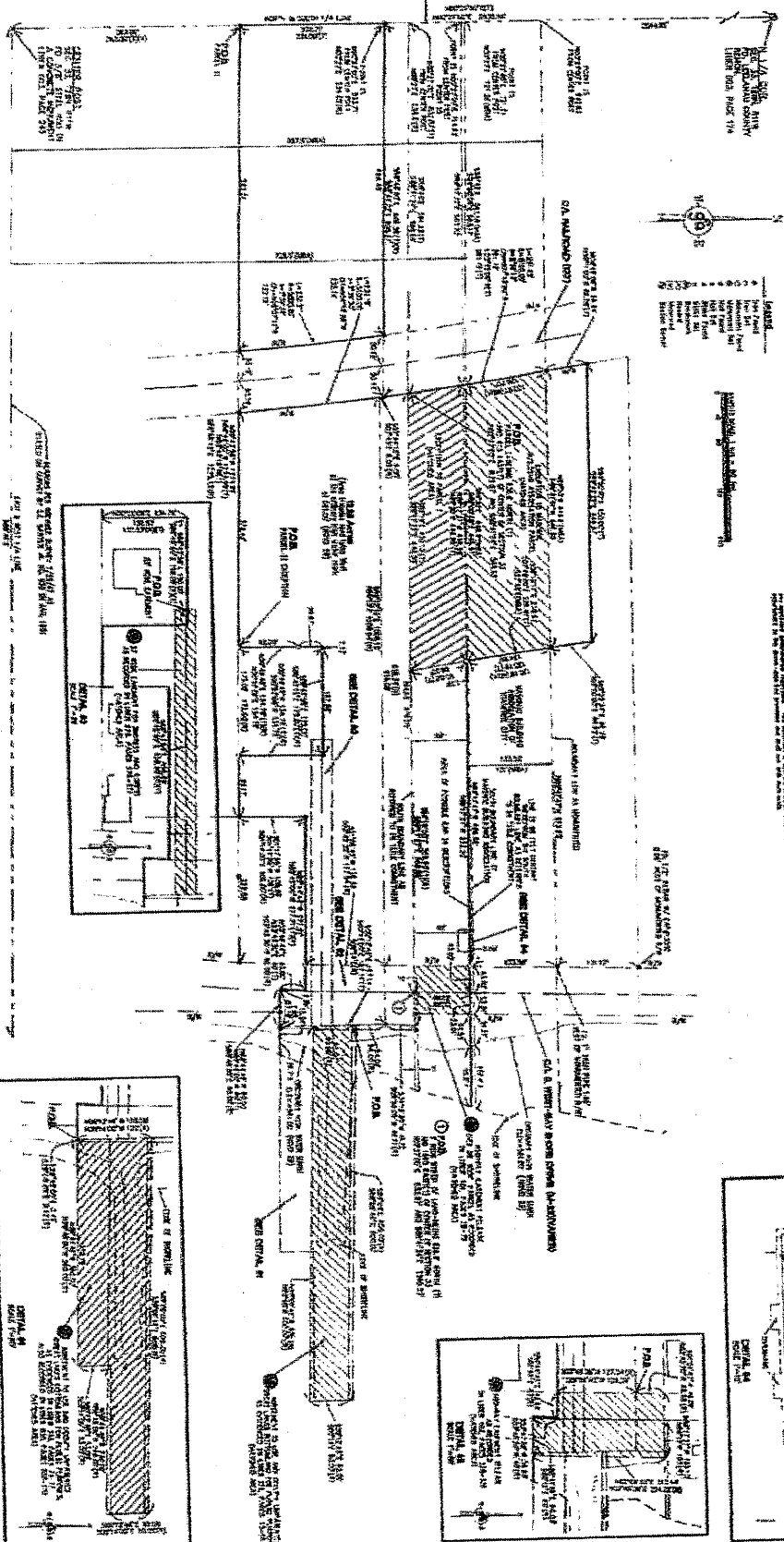
<p>PREPARED FOR: <b>WEST SHORE PARTNERS, L.L.C.</b></p> <p>ENGINEERING SURVEYING TESTING &amp; OPERATIONS</p> <p>123 West Front Street Traverse City, MI 49604</p> <p><a href="http://gfa.lc">http://gfa.lc</a></p> <p>231.946.5874 (p) 231.946.3703 (f)</p>	<p>LOCATION: DOCKSIDE INGRESS/EGRESS EASEMENT PART OF SEC. 33, T28N-R10W, ELMWOOD TWP., LEECLAMAN CO., MI</p> <p>DATE: 04-19-17</p> <p>BY: ROBERT J. OWEN</p> <p>NO: EDL CNO: RJW</p> <p style="font-size: 24pt; font-weight: bold;">17072</p> <p>SHEET 1 OF 1</p>	<p>BASES OF BEARINGS: GFA, NCL, ALTA, SUEWY, FILE NO. 050745</p> <p>THESE DOCUMENTS ARE PREPARED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE CONTRACT FOR THIS PROJECT.</p>
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PROJECTS\PROJECTS\SURVEYING\2017\0413 DOCKSIDE EGRESS AND INGRESS (17-19-17 R.33, P.10) DLM



VICINITY MAP  
IN SCALE

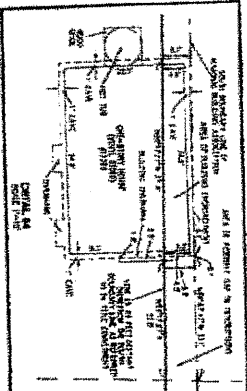
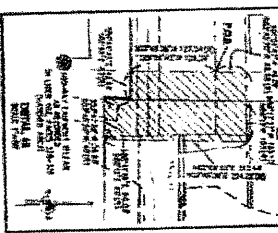
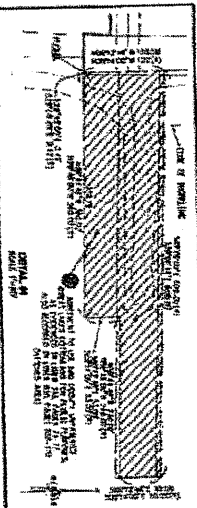
**GENERAL NOTES:**  
 1. The project area is located within the Grand Traverse Bay West Area, which is a part of the Grand Traverse Bay State Park. The project area is bounded by the Grand Traverse Bay to the north and west, and by the Grand Traverse Bay West Area to the south and east.  
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DATE	1	2
BY		
CHECKED		
APPROVED		
PROJECT NO.	080748	

Prepared For: **RON WALTERS**  
**NORTH SHORE CONSTRUCTION**  
 A.L.T.A. / A.E.S. RE. LAND TITLE SURVEY  
 SECTION 23, TOWNSHIP 29 NORTH, RANGE 18 WEST,  
 HEMPLOCK TOWNSHIP, ILLINOIS COUNTY, MISSOURI

NO.	DATE	DESCRIPTION
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7000 W. CENTER  
 PARK 25000  
 WILSON, MISSOURI 65354  
 1234567890  
 Telephone: 636-337-8800

**Goulds-Fraser**  
 Surveying • Engineering • Construction

RCV'D LEELANAU COUNTY

2017 APR 26 PM 1 18

**EASEMENT**

For One Dollar (\$1) and other good and valuable consideration which is hereby acknowledged and received, West Shore Partners, LLC, a Michigan Limited Liability Company ("Grantor"), 13380 S. West Bay Shore Drive, Traverse City, MI 49684 hereby grants, conveys and assigns to Dockside M22, LLC, a Michigan Limited Liability Company ("Grantee"), 13418 S. West Bay Shore Drive, Traverse City, MI 49684, an easement across certain property more fully described as:

An easement for ingress and egress located in part of Government Lot 2, Section 33, Town 28 North, Range 11 West, Elmwood Township, Grand Traverse County, Michigan, more fully described as:

Commencing at the Center of said Section 33; thence North  $00^{\circ}27'00''$  East, 363.00 feet; thence South  $88^{\circ}43'58''$  East, 1274.99 feet; thence North  $01^{\circ}17'55''$  East, 105.85 feet; thence South  $88^{\circ}44'46''$  East, 127.38 feet, to the Point of Beginning; thence North  $00^{\circ}12'13''$  East, 43.01 feet; thence South  $88^{\circ}44'46''$  East, 110.31 feet; thence along the West right of way of State Highway M-22, (also known as S. West Bay Shore Drive), the following two courses: thence South  $01^{\circ}54'47''$  West, 24.16 feet; thence Southwesterly, 18.84 feet, along the arc of a 2448.12 foot radius curve to the right, the central angle of which is  $00^{\circ}26'28''$ , and the long chord of which bears South  $02^{\circ}07'58''$  West, 18.84 feet; thence North  $88^{\circ}44'46''$  West, 108.95 feet, to the Point of Beginning.

Contains 4,715 square feet of land more or less.  
Subject to easements and restrictions if any.

As illustrated in attached Exhibit A.

Dated: 4-26-17

WEST SHORE PARTNERS, LLC

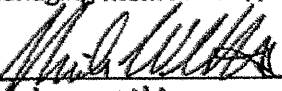
By:   
Ronald J. Walters

Its: Managing Member

STATE OF MICHIGAN )

STATE OF MICHIGAN )  
GRAND TRAVERSE COUNTY )

The foregoing instrument was acknowledged before me this 24<sup>TH</sup> day of April, 2017, by Ronald J. Walters, managing member of West Shore Partners, LLC, a Michigan Limited Liability Company.

/s/ 

name: Miranda Wittkopp  
Notary public, State of Michigan, County of Grand Traverse.  
My commission expires 8/28/17

MIRANDA WITTKOPP  
Notary Public, State of Michigan  
Leelanau County, MI  
My Commission Expires 08-28-2017

Drafted by and when recorded return to:  
Christopher K. Cooke, 300 Front Street, STE 460, Traverse City, MI 49684

Recording fee:-

DESCRIPTION AS FURNISHED:

Lawyers Title Insurance Corporation  
Case No. DDT-24206-L Revised  
Effective Date: October 6, 2006 at 8:00 A.M.

Land referred to in this Status Commitment is described as follows:

Land located in the Township of Elmwood, County of Leelanau, State of Michigan:

Parcel I-

That part of Lot 2, Section 33, Town 28 North, Range 11 West: Commencing 638.6 feet North and 615 East of the Center of said Section, this Point of Beginning being on the East line of the right of way of the M. & N. E. R. R. and the starting point; thence East parallel to the East and West quarter line of said Section, 975 feet to the center of the Newaygo and Northport State Road; thence Northerly along the center of said road, 88 feet, more or less, to a point in said road due East of a line running East and West parallel to the South boundary line hereof and 88 feet distant therefrom; thence West on said line to the East line of the right of way of said M. & N. E. R. R.; thence Southerly along the East line of said M. & N. E. R. R. right of way to the place of beginning, containing two acres, more or less. Also a strip of land five feet wide of Lot 2 of Section 33, Town 28 North, Range 11 West, from the center of the Newaygo and Northport State Road to the shore of Grand Traverse Bay to be used as a Pathway to said Bay directly opposite the South line of said above first described property, commencing at point 638.6 feet North and 1590 feet East of the center of Section 33, Town 28 North, Range 11 West, in the center of the Newaygo and Northport State Road; thence running East to the water's edge of Grand Traverse Bay; thence North 5 feet; thence West to the center of Newaygo and Northport State Road; thence South to place of beginning. Also, commencing on the Easterly side of right of way of the Manistee and Northeastern Railroad right of way, 638.6 feet North and 615 feet East of center of Section 33, Town 28 North, Range 22 West; thence running East parallel to the East and West quarter line of said Section, 975 feet to the center of the highway know as Michigan State Trunk Line M-22; thence run North 88 feet; thence run East parallel with the quarter line of said section to Grand Traverse Bay; thence South along said Bay to a point directly East of the Point of Beginning; thence run West to said Point of Beginning.

**EXCEPT:**

A part of Government Lot 2 of Section 33, Township 28 North, Range 11 West of the Michigan Meridian more fully described as follows: Beginning at a point located as follows: Beginning at a concrete monument set for the center of said Section 33; thence North 0°27' East along the North and South quarter line 632.87 feet; thence South 88°46' East 594.93 feet to the East right of way line of the Manistee and Northeastern Railroad for said Point of Beginning; thence South 89°19' East 450.10 feet; thence North 7°45' West 90.82 feet; thence North 89°30' West 449.90 feet to the East right of way line of the Manistee and Northeastern Railroad right of way; thence Southeasterly along said right of way line 89.34 feet to the Point of Beginning.

DESCRIPTION (Continued)

Parcel II-

Part of Government Lot 2, Section 33, Town 28 North, Range 11 West, more particularly described as: Commencing from the center of Section 33; thence North  $0^{\circ}27'00''$  East, along the North and South 1/4 line, a distance of 363.00 feet to the Point of Beginning; thence North  $0^{\circ}27'00''$  East, along said North and South 1/4 line, a distance of 231.00 feet to a point; thence South  $88^{\circ}46'00''$  East, a distance of 600.36 feet to a point in the Easterly right-of-way line of the Chesapeake and Ohio Railroad; thence Northwesterly along the East right-of-way line of said Railroad (the Chord line of which bears North  $7^{\circ}45'00''$  West, a distance of 261.18 feet along the chord to a point); thence continuing along said right-of-way line, North  $9^{\circ}11'00''$  West, a distance of 66.89 feet to a point; thence South  $89^{\circ}50'00''$  East, a distance of 450.00 feet to a point; thence South  $8^{\circ}50'00''$  East, a distance of 60.82 feet to a point; thence South  $7^{\circ}45'00''$  East, a distance of 226.01 feet to a point; thence South  $89^{\circ}19'00''$  East, a distance of 569.20 feet to the Shoreline of Grand Traverse Bay; thence South  $6^{\circ}26'00''$  West along the shoreline of Grand Traverse Bay a distance of 46.73 feet to a point; thence continuing along said Shoreline, South  $0^{\circ}14'00''$  East, a distance of 167.14 feet to a point; thence North  $88^{\circ}46'00''$  West 60 feet to a point; thence North  $03^{\circ}45'30''$  East 40 feet to a point; thence North  $88^{\circ}46'00''$  West 277.21 feet to a point; thence South  $01^{\circ}14'00''$  West 106 feet to a point; and thence North  $88^{\circ}46'00''$  West 1274.99 feet to the Place of Beginning; EXCEPTING THEREFROM the 100 foot right-of-way as occupied by Chesapeake and Ohio Railroad, and subject to the easement granted over the State Highway M-22 to the Michigan Department of Transportation.

EXCEPT

Part of Lot 2, Section 33, Town 28 North, Range 11 West, more fully described as: Commencing at the centerpost of said Section 33; thence North  $0^{\circ}27'00''$  East, 363.00 feet, along the North and South quarter line of said Section 33; thence South  $88^{\circ}46'19''$  East, 100.82 feet, (previously recorded as South  $88^{\circ}46'00''$  East) to the Point of Beginning; thence North  $0^{\circ}49'48''$  East, 134.76 feet; thence South  $88^{\circ}46'19''$  East, 175.00 feet; thence South  $0^{\circ}49'48''$  West, 134.76 feet; thence North  $88^{\circ}46'19''$  West, 175.00 feet; to the Point of Beginning.

Subject to and together with a 33 foot wide easement for ingress and egress and the installation and maintenance of public and private utilities, the centerline of which is described as being in part of Government Lot 2, Section 33, Town 28 North, Range 11 West, more fully described as: Commencing at the centerpost of said Section 33; thence North  $0^{\circ}27'00''$  East 363.00 feet, along the North and South quarter line of said Section 33; thence South  $88^{\circ}46'19''$  East, 100.82 feet, (previously recorded as South  $88^{\circ}46'00''$  East); thence North  $0^{\circ}49'48''$  East, 132.53 feet; thence South  $88^{\circ}46'00''$  East, 150.00 feet to the Point of Beginning of said centerline; thence South  $88^{\circ}46'00''$  East, 458.99 feet to an existing Traverse line along the Shore of Grand Traverse Bay (West Arm) for the Point of Ending of said easement centerline.

And together with an easement over and across the asphalt and rockfill portion of the existing jetty (which extends from the Eastern end of the above-described easement into the water of the West Arm of Grand Traverse Bay) and for the placement of the jetty of an adequate dock and

vessel (not to exceed forty feet in length), subject to any applicable governmental regulations. This easement is deemed to be an easement appurtenant to the above-described premises and shall run with such lands.

12/12





# CHARTER TOWNSHIP OF ELMWOOD

## Planning and Zoning

10090 E. Lincoln Rd, Traverse City, MI 49684

(231) 946-0921 Fax (231) 946-9320

Email: [planner@elmwoodtownship.net](mailto:planner@elmwoodtownship.net)

new 10/13  
(8798)

September 28, 2021

Patrick Johnson  
West Shore Partners, LLC  
13380 S. West Bay Shore Drive  
Traverse City, MI 49684

Re: SUP / SPR #2021-08 West Shore Marina

Dear Mr. Johnson,

Thank you for submitting your application. Upon my preliminary review, I have a few questions, concerns, and general comments. To ease your review of my findings, I have summarized them in the below bullet points. If said information has indeed been provided, please advise.

### General Questions on Site Plan

- Please provide copies of all easements referenced on the proposed plans.
  - Note that your plans two egresses onto abutting lots; have easements/approvals been granted for this?  
#1 - Easements included. Easement in progress with the Masonic Lodge , see letter.
- Has a landscaping plan for a development entranceway been submitted to the Planning Commission for review and approval (Section 6.4.2.E)?  
#2 - Included in package.
- Is signage proposed? If so, where is it located? I only see signage referenced on the 'hotel' side. The narrative indicates that signage will be done per Township guidelines. The Commission may be interested in further information as per Site Plan Review requirements, the "Location, size, and specifications of all signs and advertising features, including cross-sections" should be provided.  
#3 - Yes, it will be on the building and will be done per Township guidelines.

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- Are there any plans showing lighting? Per Site Plan requirements, the “Exterior lighting locations, with area of illumination illustrated as well as the type of fixtures and shielding to #4 - In package
- be used” should be provided. The application narrative notes that there are drawings from True Blue, but I cannot locate them.

True Blue plan included

- Where are the required restrooms located?

#5 - They are in the bathhouse/office. Bath drawing and location are on the site plan. See attached site plan.

- What is happening to the structure on the marina side of the project? It’s labeled as a ‘one story house,’ but there is no further detail on it. The schedule and phasing portion of the application notes that there is a ‘club house/bath house pump out station’ that will be renovated and built out in winter of 2021/2022. Is the club house/bouse house and the one story house one in the same? If so, please provide details on what the work on the structure entails. I believe it is a nonconforming structure and therefore any work on the structure is quite limited per Article 10 of the Ordinance.

This is the marina bath house and office. The work on this structure will adhere to the ordinance.

### **Parking and its requirements**

- The plans prepared for the marina, issued 7/26/2019 include the hotel and its associated parking. As you may know, the permit for the hotel has expired and no new permit application has been received. What parking area/s are currently going before the Planning Commission? It is unclear based on the plans submitted.

The area that is highlighted is the marina parking lot. The hotel permit will be applied for in December 21/January 22 depending on the marina progress. There will be 35 parking spaces (2 slips per parking space) plus there will be an additional 5 parking spaces for employees. See attached parking detail.

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- Where exactly is there screening to the parking areas? Is it just around the northeast parking area? Is there any screening between 033-090-01 (your property) and 033-091-00 (13418 S West Bay Shore Dr) as well as 033-090-10 (13398 S West Bay Shore Dr)?  
Screening shown on parking plan.
- Page 3.0 of the proposed plans note that 2 employees are expected, but your narrative notes that “we anticipate 1 full time employee and seasonally up to an additional 4 employees working varied shifts, not at the same times.” Can you please clarify?

- Page 3.0 of the proposed plans note that the parking requirements for the yacht club/marina are based off of 62 slips which equates to 31 (1 for every 2 slips) and that 69 are proposed. Plans will be changed to 35 parking spaces (1 for every 2 slips)
  - Marinas and yacht clubs are different per the Ordinance. Please further define if this project is 1) a yacht club (“A building or a portion of a building used as a meeting place for members of a social club organized for the purpose of supporting yachting and boating.”) 2) a marina (“A boat basin which has facilities for berthing and securing three (3) or more of all types of pleasure craft. A public, private or commercial marina may also include facilities for providing supplies, provisions, services, and fueling of watercraft.”) or 3) both. The parking number may need to be further examined.

This is a marina. The building will be a bath house/ office.

- The parking space number may also need to be examined as per Section 6.1.2.H, “To minimize excessive areas of pavement, which detract from the aesthetics of an area and contribute to high rates of storm water runoff, the total number of parking spaces provided for any nonresidential parking area constructed after adoption of this Ordinance shall not exceed one hundred twenty five percent (125%) of the parking required under this Article, unless specifically authorized by the Planning Commission through the site plan review process of Article 8, Site Plan Review.” I believe the proposed 69 parking spaces exceeds 125% of parking spaces allowed. The other parking spaces are for the hotel. See the attached parking lot drawing.

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- Note that “In granting any additional spaces beyond the required amount, the Planning Commission shall determine that the parking is necessary based on documented evidence of actual use or anticipated demand as provided by the applicant. The Planning Commission shall also consider impacts on the property and surrounding properties, including any natural features thereon” (Section 6.1.2.H). If you wish to request additional parking, please provide additional information.
- As you are unable to provide for parking on the same side of the road as the marina, you should speak to and/or further describe how you meet the below standards/requirements listed in Section 6.1.2.5 of the Ordinance:
  - a. The grade separation or at-grade crossing shall safely convey pedestrian traffic between the primary use and the required parking.  
Yes, there will be a pedestrian walk way . M-22 corridor is set to be redesigned in 2022-2023. This has been discussed with MDOT.
  - b. The grade separation or at-grade crossing must be approved by the agency having jurisdiction over the public road (e.g. either the Michigan Department of Transportation or the Leelanau County Road Commission).  
Yes, this has been discussed with Jeremy Wiese and will be addressed to MDOT standards
  - c. The required parking shall be screened from public view or located at the rear of any building or structure located on the same parcel as the parking.  
Yes, per plan
  - d. The grade separation or at-grade crossing shall comply with applicable nationally recognized standards for such a crossing.

Yes, per MDOT standards

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### Stormwater Management

- How will runoff be prevented from entering the abutting properties? It doesn't appear that there is any buffer or system between most lot lines. Given that you intend on elevating the lot, I am concerned that this will cause additional watershed to the abutting lots. The parking lots are designed with curb and drainage basins.
- Is there an Operations and Management Plan for the Stormwater System(s)?
- Sheet 3.1 of the plans prepared for the marina, issued 7/26/2019 notes that the storm sewer and infrastructure and CDS Units were designed to handle 10 year storm events. What will happen to the site and its runoff in larger storm events?  
Designed to required criteria.
- Sheet 3.1 of the plans prepared for the marina, issued 7/26/2019 notes that there is a report that was submitted with the drainage plan. Please submit said report. Further, is Sheet 3.1 the drainage plan or is there an additional plan?

### General Comments

- In multiple locations that you indicate that work will begin in October 2021 and be completed by spring 2022. Can you please provide evidence of this? You won't be able to begin work until approved by the Planning Commission. The best-case scenario would mean that you would be scheduled for a hearing before the Commission in November. The timeline you provided may need to be amended.
  - It would be helpful if you can provide information on where you stand with your other applicable permits. For instance, your letter/narrative indicates that Gordie-Fraser is working with MDOT on design requirements for the at-grade crossing and MDOT will likely have lighting required in their plan—what is the anticipated timeline for this? Also, what is the anticipated timeline with your other applicable permits (such as from EGLE/DEQ)?  
The start date will be moved to a date that follows receipt of all applicable permits, and specific parts of the construction shall also be scheduled as to specific water constraints.

# CHARTER TOWNSHIP OF ELMWOOD

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Email: [planner@elmwoodtownship.net](mailto:planner@elmwoodtownship.net)

- The schedule and phasing that you have provided does not reference when work on the parking lot will begin/be completed. Please provide further information on the construction of the parking lot.

The parking lot construction will begin in April and be completed by the first week of May.

- Please provide information showing how the project complies with Section 3.10 (Clear Vision Area). Also note that as the egress directly on/at M22 is on an easement, your project may be restricting allowed development on an abutter (033-091-00). You also have two other egresses where the line of vision would be on abutting properties. This should be addressed.

- As required by the Ordinance (Site Plan Review Requirements), please provide information on the following:

- Total number of units, employees, bedrooms, offices, total and usable floor area, amount and type of recreation or open space proposed, and similar information required to evaluate compliance with the Ordinance.

?

- The gross and net acreage of the parcel.

Land uses, zoning classification, and existing structures on the subject parcel and adjoining parcels.

- Existing topographic elevations at two (2) foot intervals, except at five-foot intervals where slopes exceed 18%.
- Location of all other utilities on the site, including, but not limited to, natural gas, electric, cable TV, telephone, and steam.

# CHARTER TOWNSHIP OF ELMWOOD

## Planning and Zoning

10090 E. Lincoln Rd, Traverse City, MI 49684

(231) 946-0921 Fax (231) 946-9320

Email: [planner@elmwoodtownship.net](mailto:planner@elmwoodtownship.net)

- Existing topographic elevations at two (2) foot intervals, except at five-foot intervals where slopes exceed 18%.
  
- Location of all other utilities on the site, including, but not limited to, natural gas, electric, cable TV, telephone, and steam.
  
- Location, size, and specifications for screening of all trash receptacles and other solid waste disposal facilities.  
See bath house plan.
  
- Can you provide further information regarding the loading/unloading area? The narrative only notes “No loading area needed other than the entrance” but it is unclear which entrance this is referring to.  
There will be no loading or unloading on the east side of the road only entrance to the parking lot.

Can you provide further detail on how your proposed project furthers the goals and objectives of the Master Plan? The West Shore Marina fits in with the long range plan for development of the Greilickville area Master Plan. The marina will be an attractive development that blends well with the shoreline environment. The careful design promotes a scenic use of land and water for the vicinity while preserving the environment. The Marina and Hotel property have shared access, the parking areas will have screened parking and the signage will be attractive and compatible with the surrounding uses. The marina will also have employment opportunities, and also will be a good revenue for the Township and Grand Traverse County.

- The below listed letters included in your application are over 2 years old. Please submit further/up to date information regarding each one. Please also note that per section 8.3.C.3 of the Ordinance, “The applicant will forward copies of the site plan to the Leelanau County Road Commission, Leelanau County Drain Commissioner, Health Department, the Elmwood Township Fire Department, Department of Public Works and Michigan Department of Transportation, as applicable, for their review and comments. Any review comments will be forwarded to the Zoning Administrator.” If you have not reached out to these departments, please do so and submit proof that you have.



## CHARTER TOWNSHIP OF ELMWOOD

### Planning and Zoning

10090 E. Lincoln Rd, Traverse City, MI 49684

(231) 946-0921 Fax (231) 946-9320

Email: [planner@elmwoodtownship.net](mailto:planner@elmwoodtownship.net)

- Letter from Otwell Mawby Geotechnical, P.C. (dated 3/5/2019)
- Letter from Masonic Building Association of Traverse City (dated 7/17/2019)
- Letter (email) from MDOT dated 4/27/2017
- Letter to Elmwood Fire Chief dated 7/26/2019
- Letter to Leelanau Conservation District dated 7/26/2019

New letters for updated preliminary approval can be sent out.

Again, if the above information was indeed submitted, please advise. As the project has been approved by the Planning Commission in the past, I will still include it on the Commission's 10/19 meeting. However, I would encourage you to address the above matters at your earliest convenience. Please also note that the Planning Commission reserves the right to request further information and points for clarification.

If you have any questions regarding my comments, please do not hesitate to reach out.

Thank you,

Sarah Clarren  
Planner / Zoning Administrator  
Elmwood Township

8/8



WEST SHORE PARTNERS, LLC  
8464 E. M-115  
Cadillac, MI 49601

new 10/13  
(5798)

October 13, 2021

via email

Leelanau County Department of Building Safety  
Amber Webber  
8527 E. Government Center Drive  
Suite 109  
Suttons Bay, MI 49682  
buildingsafety@leelanau.gov

RE: West Shore Marina - Preliminary Site Plan  
13880 S. West Bay Shore Drive, Traverse City, MI 49684

Dear Amber,

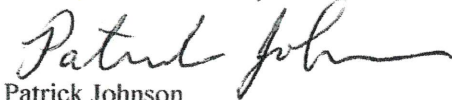
With this letter I am submitting the site plan for the above referenced project for your re-approval. This is the same site plan that was previously submitted to you although we have added a few boat slips.

This submittal is not intended for a permit at this time. It is my intention to obtain a preliminary review and comments that will be incorporated into a presentation for approval to the township.

Please review the attached information and contact us if you have any questions. Thank you in advance and your earliest response will be greatly appreciated.

Please direct your written preliminary approval to: West Shore Partners at the above listed address or email to [pjwestshorehotel@gmail.com](mailto:pjwestshorehotel@gmail.com). You can also just sign and date the last preliminary approval letter with the updated marina site plan date 6-15-2021 if it is more convenient.

West Shore Partners, LLC



Patrick Johnson  
Project Manager  
231-846-5454

WEST SHORE PARTNERS, LLC  
8464 E. M-115  
Cadillac, MI 49601

10/13/21

via email

Mr. Keith Tampa, Fire Chief  
Elwood Township Fire Department  
10090 E. Lincoln Road  
Traverse City, MI 49684  
ktampa@elmwoodfire.org

RE: West Shore Marina - Preliminary Site Plan  
13880 S. West Bay Shore Drive, Traverse City, MI 49684

Dear Chief Tampa,

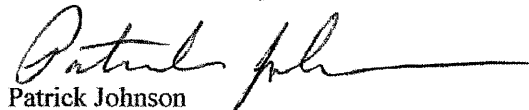
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West Shore Partners, LLC



Patrick Johnson  
Project Manager  
231-846-5454

WEST SHORE PARTNERS, LLC  
8464 E. M-115  
Cadillac, MI 49601

October 13, 2021

via email

Mr. Brendan Mullane  
Leelanau County Road Commission  
10550 E. Eckerle Road  
Suttons Bay, MI 49682  
bmullane@leelanauroads.org

RE: West Shore Marina - Preliminary Site Plan  
13880 S. West Bay Shore Drive, Traverse City, MI 49684

Dear Mr. Mullane,

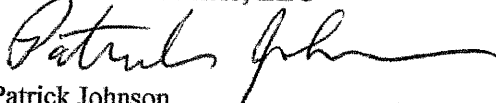
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Please review the attached information and contact us if you have any questions. Thank you in advance and your earliest response will be greatly appreciated.

Please direct your written preliminary approval to: West Shore Partners at the above listed address or email to [pjwestshorehotel@gmail.com](mailto:pjwestshorehotel@gmail.com). You can also just sign and date the last preliminary approval letter with the updated marina site plan date 6-15-2021 if it is more convenient.

West Shore Partners, LLC

  
Patrick Johnson  
Project Manager  
231-846-5454

WEST SHORE PARTNERS, LLC

8464 E. M-115  
Cadillac, MI 49601

10/13/21

via email

Mr. Jeremy Wiest  
MDOT - Traverse City TSC  
2084 US -31 South, Suite B  
Traverse City, MI 49685  
wiestj@michigan.gov

RE: West Shore Marina - Preliminary Site Plan  
13880 S. West Bay Shore Drive, Traverse City, MI 49684

Dear Jeremy,

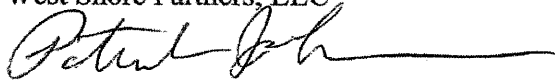
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West Shore Partners, LLC



Patrick Johnson  
Project Manager  
231-846-5454

WEST SHORE PARTNERS, LLC  
8464 E. M-115  
Cadillac, MI 49601

October 13, 2021

via email

Mr. Steve Christensen  
The Leelanau Conservation District  
8527 E. Government Center Drive, Suite 205  
Suttons Bay, MI 49682  
schristensen@leelanau.gov

RE: West Shore Marina - Preliminary Site Plan  
13880 S. West Bay Shore Drive, Traverse City, MI 49684

Dear Steve,

With this letter I am submitting the site plan for the above referenced project for your re-approval. This is the same site plan that was previously submitted to you although we have added a few boat slips.

This submittal is not intended for a permit at this time. It is my intention to obtain a preliminary review and comments that will be incorporated into a presentation for approval to the township.

Please review the attached information and contact us if you have any questions. Thank you in advance and your earliest response will be greatly appreciated.

Please direct your written preliminary approval to: West Shore Partners at the above listed address or email to [pjwestshorehotel@gmail.com](mailto:pjwestshorehotel@gmail.com). You can also just sign and date the last preliminary approval letter with the updated marina site plan date 6-15-2021 if it is more convenient.

West Shore Partners, LLC



Patrick Johnson  
Project Manager  
231-846-5454

S/S





To: Elmwood Township Planning Commission

From: Sarah Clarren

Date: October 12, 2021

RE: SUP / SPR #2021-09 West Shore Marina Introduction

new 10/14  
(note: included in  
10/26/21 letter (last  
rev. 12/8/21  
by ZA)  
pg 5

Should the Planning Commission find the application complete and the standards have been met:  
**Recommended Motion:** Motion to schedule a public hearing on November 9<sup>th</sup>\* for SUP / SPR #2021-09 West Shore Marina.

*Note: due to publication deadlines and the need to meet the MI Zoning Enabling Act, the ad would have to run in one of the Record Eagle issues the weekend of 10/22*

The applicant has submitted a request for a marina in the Shoreline Commercial zoning district. This is an allowed use, with a Special Use Permit. A Special Use permit requires a public hearing prior to any decision being made. Please also note that the proposed parking for the marina is located in the General Commercial zoning district.

Included in your packet regarding this project is a letter dated September 28<sup>th</sup>, 2021 from Sarah Clarren, Zoning Administrator, to the applicant. Said letter sets forth a variety of questions the ZA had after reviewing the plans, narrative, and Ordinance. As noted, the Commission reserves the right to request further information and points for clarification.

At this time, we have not received any comments from outside agencies. Without those, the Planning Commission cannot render a decision on this application. The Planning Commission may consider confirming that the site plan is finalized prior to obtaining comments from other agencies.

**SECTION 9.8 ADDITIONAL REQUIREMENTS FOR CERTAIN SPECIAL LAND USES**

**E. Marinas-Commercial, Private, and Public.**

1. Sanitary facilities (i.e. bathrooms) shall be provided. **Location not yet shown on plan.** ✓ *submitted on plan*
2. Marinas must comply with all Federal and State regulations including permitting. **Required as condition** *yes, we are renewing this permit also.*
3. Sale of motor fuels may be allowed if located more than five hundred feet from any public bathing beach measure along the shoreline, and no closer than one hundred feet from any adjacent property. **Not included within narrative; applicant may not be requesting to sell motor fuel onsite** *we are not asking to sell fuel.*
4. Storage of boats, trailers, and cradles may be permitted provided that trailers and cradles are screened from view or located one hundred feet from any road right of way. **A portion of the parking area shows screening, but may not be large enough for trailers.** ✓ *screened. we will not be storing any of the above out of water.*

NO

**SECTION 9.2 GENERAL PROVISIONS (Special Use Requirements)**



B. **Application.** Application for any special land use permit permissible under the provision of this Ordinance shall be made to the Planning Commission through the Zoning Administrator by filing an official special use permit application and submitting a site plan in accordance with Article 8. In addition to information or documents required by Article 8, the applicant shall provide the following information:

1. Location of all proposed special land uses and activities to be conducted on the parcel(s); **Location of marina is shown; parking for said marina is unclear as the site plan shows multiple parking lots and a hotel that is not part of the application.**  
*see submitted parking plan.*
2. Height and footprint of all structures and improvements; **required sanitary facilities not shown; boathouse not shown.** *See bathhouse drawing already submitted. Height of building is 10'8"*
3. Adjacent land uses and their corresponding zoning districts; **Not yet provided.** *To the north is the masonic lodge, it is existing development. South is the dockside party store is existing development. Melicar is existing.*
4. Need for the proposed special land use in the specific area of the Township. **Not yet provided.** *See submitted information previously*
5. Compatibility with the listed permitted uses in the zoning district where the proposed special land use is requested to be located; **Not yet provided.** *It is a marina. The existing land pier will be removed to allow the flow of the natural bay.*
6. Such additional information or documents that will assist the Planning Commission in determining whether the proposed special land use meets the General Standards and Specific Requirements as provided in Section 9.3. **Not yet provided.** *See previously submitted information.*

*All are zoned general commercial see map.*

### SECTION 8.3 SITE PLAN REVIEW APPLICATION PROCEDURES

3. The applicant will forward copies of the site plan to the Leelanau County Road Commission, Leelanau County Drain Commissioner, Health Department, the Elmwood Township Fire Department, Department of Public Works and Michigan Department of Transportation, as applicable, for their review and comments. Any review comments will be forwarded to the Zoning Administrator. Comment letters shall be provided to the Zoning Administrator prior to application being placed on the Planning Commission agenda for consideration. **Letters not yet received** *copies of letters sent via email previously submitted.*

### SECTION 8.4 REQUIREMENTS FOR SITE PLAN APPROVAL

The following information shall be provided with the site plan as indicated, unless waived by the Zoning Administrator when such information is not applicable. The site plan must be drawn at a scale of one (1) inch equals one hundred feet (1"=100') or less. Required site plan elements shall include:

1. Applicant's name, address, and telephone number. **Provided**
2. Property owner's name, address, telephone number, and signature. **Provided**
3. Proof of property ownership, and whether there are any options or liens on the property. **Not yet provided.** *Note that there are two access easements shown on the plan to attached documents. Yes, a bank lien.*



- abutting properties. No proof has been provided showing that abutters have given permission for this. *previously submitted. Have been in conversation with masons regarding driveway. Will finalize after getting permit*
4. A signed and notarized statement from the owner of the property that the applicant has the right to act as the owner's agent. **Not applicable**
  5. The address and/or parcel number of the property, complete legal description and dimensions of the property, width, length, acreage, and frontage. **Not yet provided.**  
*see attached legal. Dimensions on plan.*
  6. Seal of the registered engineer, architect, and landscape architect who prepared the plan, as well as their names, addresses, and telephone numbers. **Provided**
  7. Project title or name of the proposed development. **Provided**
  8. Statement of proposed use of land, project completion schedule, and any proposed development phasing. **Provided – but questions remain on feasibility.**  
*The approval must come first. Expected to be completed by spring of 2022 per permit.*
  9. Statements regarding the project impacts on existing infrastructure, including traffic, schools, existing utilities, and the natural environment on and adjacent to the site. **Statements made, but no explanation provided nominal impact. No impact on schools, and a very beneficial impact on the natural environment.**  
*see information on request for site plan review*
  10. Total number of units, employees, bedrooms, offices, total and usable floor area, amount and type of recreation or open space proposed, and similar information required to evaluate compliance with the Ordinance. **Provided – but questions remain**  
*plans previously submitted*
  11. A vicinity map showing the area and road network surrounding the property. **Provided**
  12. The gross and net acreage of the parcel. **Gross provided, net not.** Net is shown on sheet 3.1 but as the plan includes the hotel and the parking, the net may be higher than it actually is. *attached. legal.*
  13. Land uses, zoning classification, and existing structures on the subject parcel and adjoining parcels. *see attached maps*
  14. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines, and monument locations. **Provided**
  15. Existing topographic elevations at two (2) foot intervals, except at five-foot intervals where slopes exceed 18%. **Not yet provided** *on drawing*
  16. The location and type of existing soils on the site, and any certifications of borings. **Boring log provided, no certification or indication where borings were done.**  
*west end of land pier, center of land pier, east of land pier.*
  17. Location and type of significant existing vegetation. **Provided**



18. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, floodplains, wetlands, and sand dunes. **Provided**
19. Location of existing and proposed buildings and intended uses thereof, as well as the length, width, and height of each building or building envelope. **required sanitary facilities not shown; boathouse not shown. Plans state that there is a Single-family house—but that is a nonconforming structure and should not be being used as a house.** - See previously submitted plan. Height of building is 10' 8" <sup>bathhouse</sup>
20. Proposed location of all proposed structures, buildings, equipment, and uses. **required sanitary facilities not shown; boathouse not shown.** plan submitted previously
21. Elevation drawings of typical proposed structures and accessory structures. **required sanitary facilities not shown; boathouse not shown.** plan submitted previously
22. Location of existing public roads, rights-of-way, easements of record, and abutting streets. **Provided**
23. Location and dimensions of proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration, and passing lanes, including those within 100 feet of the property. **Provided, questions remain on egresses to abutting lots** We have been speaking with masons. will get easement after permits.
24. Location, design, and dimensions of existing and/or proposed curbing, barrier-free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes, and all lighting thereof. **Provided, questions remain on egresses to abutting lots. Questions also remain on parking area and if it complies with the maximum allowed parking spaces.** already submitted.
25. Location, size, and characteristics of all loading and unloading areas. **Unloading areas not indicated** only in the parking Lot. <sup>manha</sup>
26. Location and design of all sidewalks, walkways, bicycle paths, and area for public use. **Provided**
27. Location of **water supply lines and or wells, including fire hydrants and shut off valves; and the location of sewer lines, location of manholes, waste water lines, and clean-out locations; and connection points and treatment systems (including** **Some of this is included, some is not. There should be a sheet showing location of all utilities.** utilities are shown on drawing
28. Location of all other utilities on the site, including, but not limited to, natural gas, electric, cable TV, telephone, and steam. **Not yet provided** shown on drawings.
29. Proposed location, dimensions, and details of common open spaces, and common facilities such as community buildings or swimming pools, if applicable. **Provided**



- 30. Location, size, and specifications of all signs and advertising features, including cross-sections. **Not yet provided** *NO sign. only on building and will comply with specifications.*
- 31. Exterior lighting locations, with area of illumination illustrated as well as the type of fixtures and shielding to be used. **Not yet provided** *see plan previously submitted*
- 32. Location and specifications for all fences, walls, and other screening features, with cross sections shown. **Not yet provided.** *A cross section is provided for the hedge screening around a portion of the parking lot (sheet 3.0).* *see plan previously submitted*
- 33. Location and specifications for all proposed perimeter and internal landscaping and other buffering features. The proposed sizes of landscape materials (not previously existing) must be indicated. All vegetation to be retained on site must also be indicated, as well as its typical size by general location, or range of sizes as appropriate.
- 34. Location, size, and specifications for screening of all trash receptacles and other solid waste disposal facilities. **Provided; note: unclear if the dumpster is for the marina as it is located on the west of M22 (sheet 3.0).** *Required to be located west of M-22.*
- 35. Location and specifications for any existing or proposed (above or below ground) storage facilities for any chemicals, salts, flammable materials, or hazardous materials. Include any containment structures or clear zones required by county, state, or federal government authorities. **Not yet provided, but may not be applicable** *N/A*
- 36. Identification of any significant site amenities or unique natural features, and whether they will be preserved. **Provided**
- 37. North arrow, scale, and date of original submittal and last revision. **Provided**

**SECTION 8.5 REVIEW AND APPROVAL (for Site Plan Review)**

**B. Standards for Site Plan Approval.** The Planning Commission shall make a finding that the following standards are met prior to approving a site plan:

- 1. All required site plan and application information has been provided as specified in this Article.
- 2. All required permits and approvals from outside agencies have been secured, or have been made a condition of site plan approval.
- 3. Adequate essential facilities and services including highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools are available, or the provision of such facilities and services has been assured.
- 4. All applicable standards of agencies including, but not limited, to the Township Fire Department, Michigan Department of Transportation, Leelanau County Road

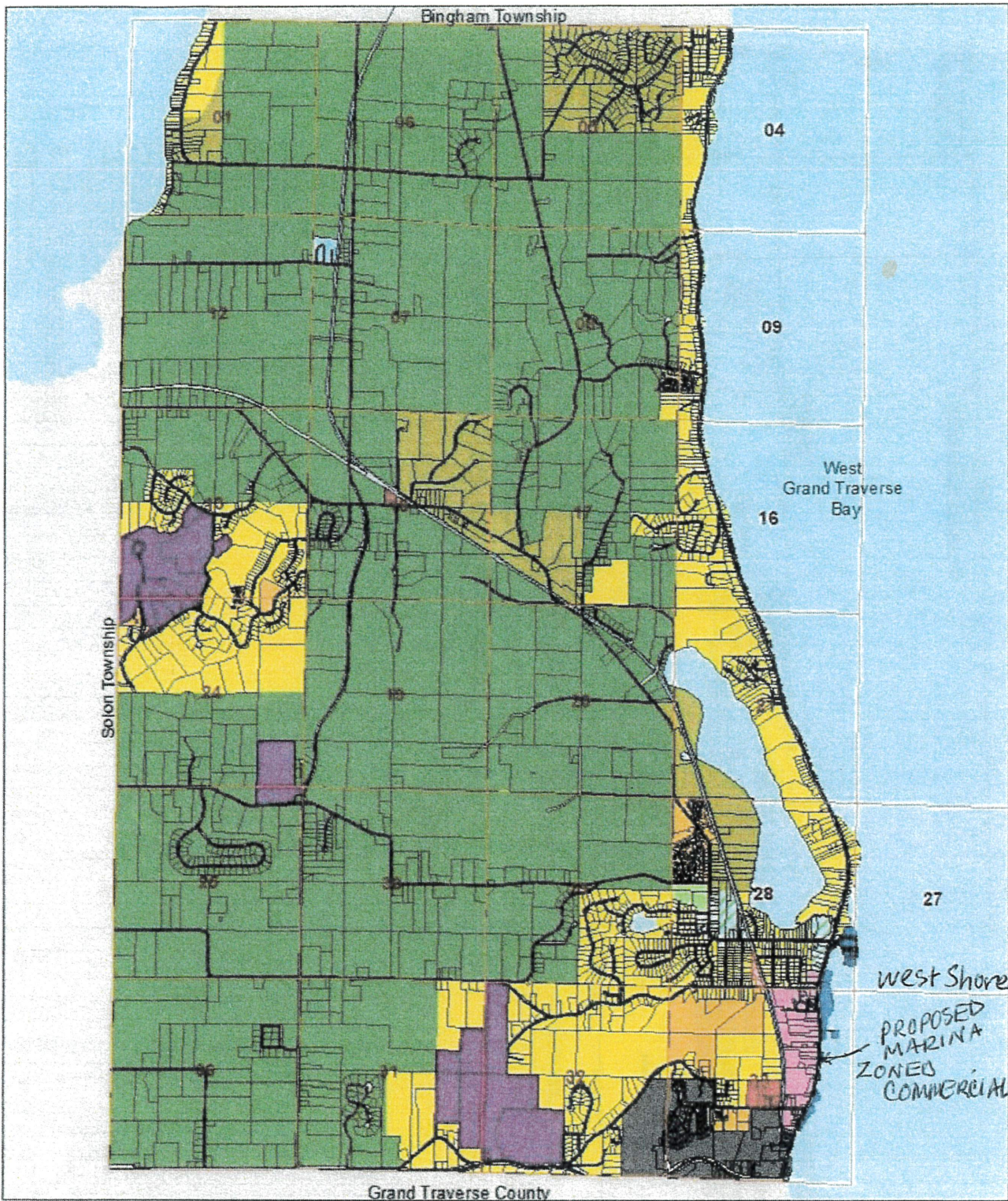
*TJ*  
*SRS*





new 10/14

[8pgs]



### CHARTER TOWNSHIP OF ELMWOOD

#### Zoning Districts

- |                            |                              |                           |                      |
|----------------------------|------------------------------|---------------------------|----------------------|
| Agricultural - Rural (A-R) | Manufactured Home Park (MHP) | General Commercial (GC)   | Conditional Rezoning |
| Residential 1 (R-1)        | Rural Resort (RR)            | Light Industrial (LI)     |                      |
| Residential 2 (R-2)        | Municipal Center (MC)        | Shoreline Commercial (SC) |                      |
| Residential 3 (R-3)        | Neighborhood Commercial (NC) | Traverse City             |                      |

Official Zoning Map

September 1, 2017







PREPARED FOR WEST BAY DEVELOPMENT LLC

BOTTOM LANDS LEASE PARCEL "A"

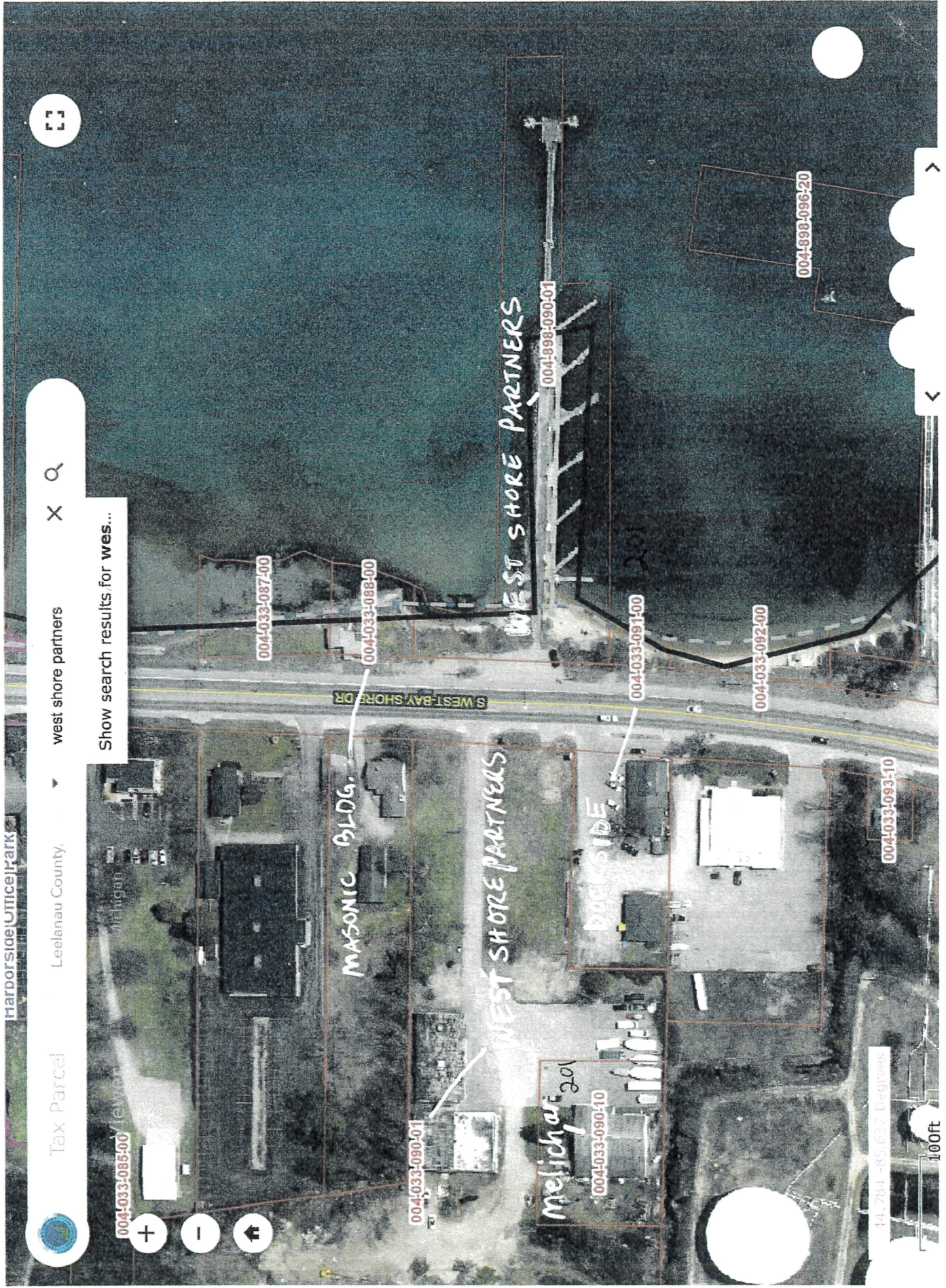
A parcel of unpatented Lake Michigan bottomland opposite, adjacent, and contiguous to Government Lot 2, Section 33, Town 28 North, Range 11 West, Elmwood Township, Leelanau County, Michigan, more particularly described as: All that portion of the following description lying below an elevation of 581.00 (NGVD29).

Commencing at the center post of said Section 33;  
thence North 00°27'00" East, 363.00 feet,  
along the North and South one quarter line of said Section 33;  
thence South 88°43'58" East, 1274.99 feet,  
(previously recorded as South 88°46'19" East, 1275.13 feet);  
thence North 01°17'55" East, 105.85 feet,  
(previously recorded as North 01°14'00" East, 106.00 feet);  
thence South 88°44'46" East, 277.21 feet,  
(previously recorded as South 88°46'00" East);  
thence South 03°46'44" West, 40.00 feet,  
(previously recorded as South 03°45'30" West);  
thence South 88°44'46" East, 60.00 feet,  
(previously recorded as South 88°46'00" East), to a point on a traverse line along the  
shore of the West arm of Grand Traverse Bay;  
thence North 00°12'46" West, 120.00 feet,  
(previously recorded as North 00°14'00" West), along said traverse line, and Westerly  
line of an unpatented Lake Michigan bottomland lease recorded in Liber 346, Page 074;  
thence South 88°06'46" East, 7.98 feet,  
(previously recorded as South 88°08'00" East), along the Northerly line of said bottom  
land lease parcel recorded in Liber 346, Page 074, to a point on the Easterly Right-of-  
Way line of West Bay Shore Drive (State Highway M-22), and to the Point of Beginning of  
said Bottom Lands Lease Parcel "A";  
thence North 01°56'31" East, 94.84 feet,  
along said Easterly Right-of-Way line;  
thence South 88°55'31" West, 27.12 feet,  
continuing along said Right-of-Way line;  
thence North 01°54'47" East, 87.57 feet,  
continuing along said Right-of-Way line;  
thence South 89°17'27" East, 612.00 feet;  
thence South 00°12'46" East, 193.72 feet,  
to a point on the Northerly line of said bottom land lease recorded in Liber 346, Page 074;  
thence North 88°06'46" West, 592.02 feet,  
along said Northerly line, to a point on the Easterly Right-of-Way of said Road, and the  
Point of Beginning.

Said Parcel contains 2.59 acres.

t:\projects\06074b\documents\legals\bottom\_lands\_lease\_prepared for west bay development  
llc.doc









Tax Parcel

Leelanau County, Michigan

west shore partners

Show search results for wes...

**KOZELKO TRUST**

Gov1Lot2

Leelanau Trails

West shore partners

West shore partners

004-033-146-00

004-033-085-00

004-033-090-01

004-033-090-10

004-033-096-00

004-565-001-00

004-565-002-00

004-033-01

004-033-08

004-033-091-00

004-03

44.784 -85.039 Degrees

100ft





Patrick Johnson <pjwestshorehotel@gmail.com>

---

## West Shore Marina

---

**Building Safety** <buildingsafety@leelanau.gov>  
To: Patrick Johnson <pjwestshorehotel@gmail.com>

Thu, Oct 14, 2021 at 12:45 PM

Good Afternoon Patrick,

I have reviewed this site plan with Charles Sessoms, Building Inspector and we have no issues with the site plan. Our only request is that when the final site plan is submitted please list the parcel number for where the work is occurring.

Please let me know if you have any questions.

Thank you,

*Amber Weber*

**Building Official**

**Leelanau County Department of Building Safety**

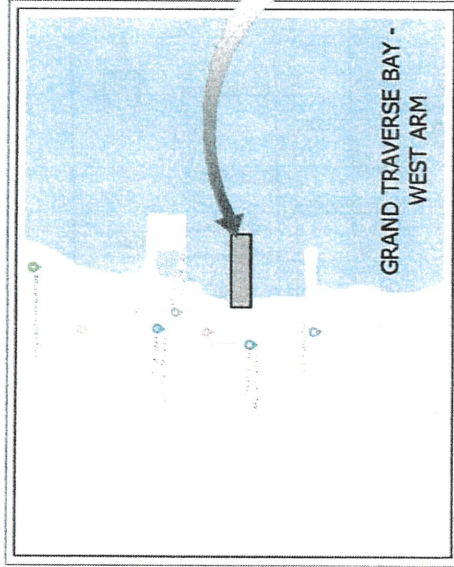
8527 E Government Center Drive, Suite 109

Suttons Bay, MI 49682

(231) 256-9806

[Quoted text hidden]

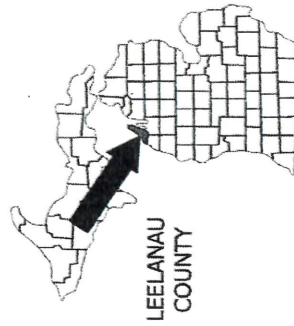
# WEST SHORE PARTNERS, LLC WEST SHORE MARINA CIVIL SITE PLAN



PROJECT  
LOCATION

## LOCATION MAP

SECTION 33, T28N, R11W, LEELANAU CO, MI  
NO SCALE



LEE LANAU  
COUNTY

## VICINITY MAP



**Know what's below.  
Call before you dig.**  
(3 WORKING DAYS)

THE LOCATION OF THE EXISTING UTILITIES, AS SHOWN ON THIS PLAN, ARE APPROXIMATE ONLY. IT SHALL BE THE RESPONSIBILITY OF ALL EXISTING UTILITIES TO VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES. THE OWNER AND THE CONTRACTOR SHALL NOT BE RESPONSIBLE FOR ANY OMISSION OR VARIATION FROM THE LOCATION SHOWN. THE CONTRACTOR SHALL NOTIFY "MIES DIG" AT LEAST THREE (3) WORKING DAYS PRIOR TO THE START OF CONSTRUCTION.

## CLIENT

WEST SHORE PARTNERS  
13380 S WEST BAY SHORE DR  
TRAVERSE CITY, MI 49684

## SHEET INDEX

COVER SHEET	NOTES & SPECIFICATIONS
T1	OVERALL EXISTING CONDITIONS
R0	DEMOLITION PLAN
C1.0	DIMENSION SITE PLAN
C1.1	SEAWALL LAYOUT
C2.0-C2.1	DREDGE CONTAINMENT AREA & SPOILS PLAN
C2.2	DESIGN CROSS SECTION
C2.3	DOCK FRAMING PLANS
C2.4	NORTH & SOUTH PIER SECTION
C3.0-3.3	PIER / BREAKWATER SECTION
C4.0	CONSTRUCTION DETAILS
C5.0-5.2	
C6.0-6.1	
C6.2	
C7.0-7.3	

**MACHIN ENGINEERING**  
Incorporation  
TRAVERSE CITY, MI Ph: 231.931.1839  
www.machinengineering.com

**STATE OF MICHIGAN**  
★ PATRICK J. MACHIN ENGINEER No. 6201051471 ★  
LICENSED PROFESSIONAL ENGINEER  
Exp. 10/31/2023

NO.	DESCRIPTION	DATE
1	PREP - DESIGN	
2	PREP - DESIGN	
3	PREP - DESIGN	
4	PREP - DESIGN	
5	PREP - DESIGN	
6	PREP - DESIGN	
7	PREP - DESIGN	
8	PREP - DESIGN	
9	PREP - DESIGN	
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11	PREP - DESIGN	
12	PREP - DESIGN	
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15	PREP - DESIGN	
16	PREP - DESIGN	
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19	PREP - DESIGN	
20	PREP - DESIGN	
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PROJECT TITLE:  
**WEST SHORE MARINA**

CLIENT:  
WEST SHORE PARTNERS  
13380 S WEST BAY SHORE DR  
TRAVERSE CITY, MI 49684

SHEET TITLE:  
**COVER SHEET**

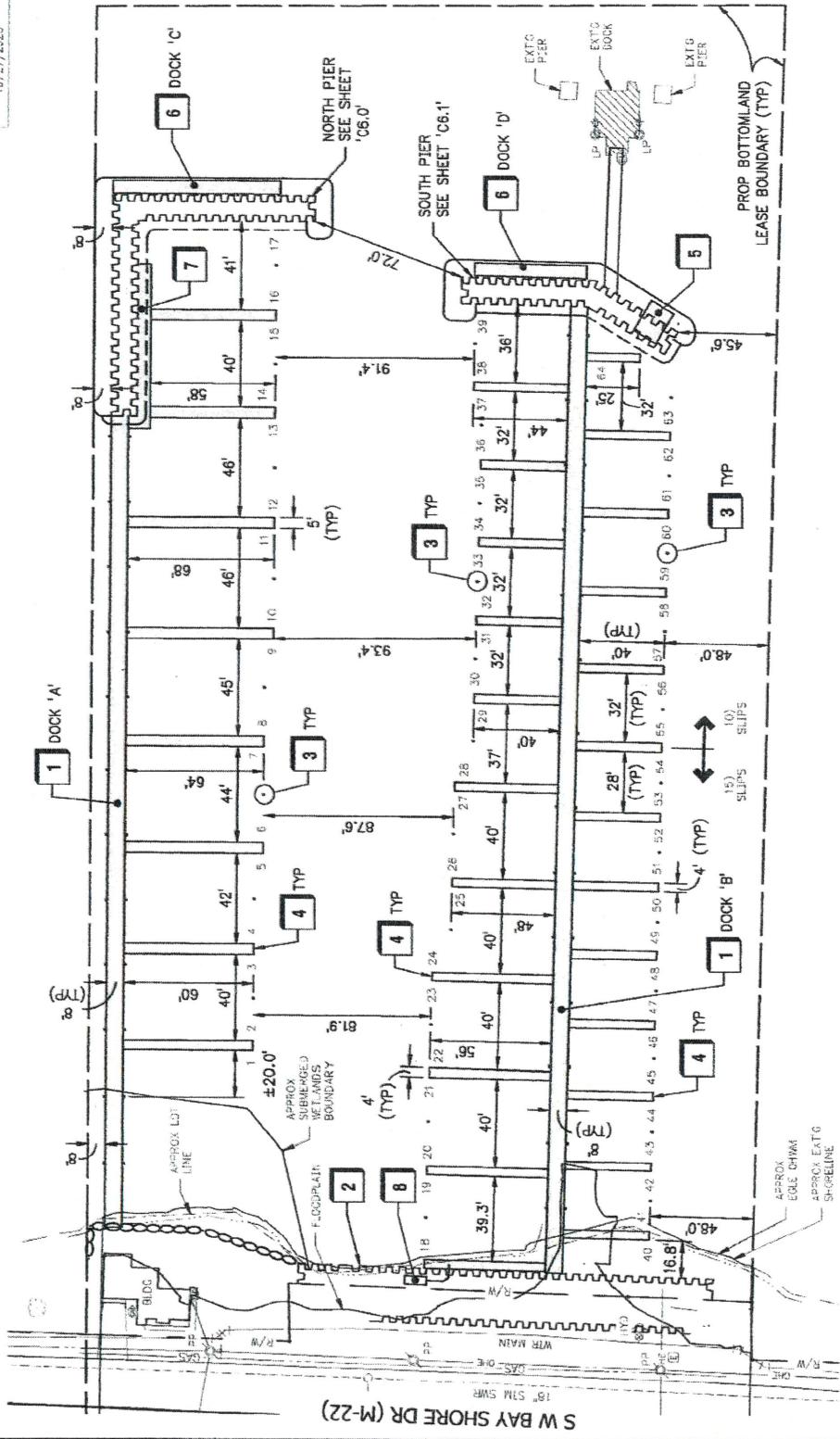
PROJECT NUMBER: **19150**  
SHEET NUMBER: **T1**

GRAPHIC SCALE: 1 inch = 50 feet

EGLE CHRM EL=580.53'  
USACE CHRM EL=581.5' (OLD 85)

WATER SURFACE  
EL=581.54' (CDD 85)  
12/27/2020

GRAND TRAVERSE BAY - WEST ARM



PROPOSED SLIP SUMMARY

1	25 FT SLIP
32	40 FT SLIP
4	60 FT SLIP
3	44 FT SLIP
4	48 FT SLIP
7	56 FT SLIP
5	58 FT SLIP
4	64 FT SLIP
4	68 FT SLIP

KEY NOTES

- 1 INSTALL 6' WIDE PILE SUPPORTED ADJUSTABLE DOCK SEE SHEETS C5.0-C5.1 FOR LAYOUT
  - 2 INSTALL SHEET PILE SEAWALL SEE SHEET C2.2 FOR LAYOUT
  - 3 INSTALL 10 3/4" DIA SPRING PILE
  - 4 INSTALL FLOATING PIER (BY OTHERS)
  - 5 INSTALL 18'x12' FISHING PLATFORM (BY OTHERS)
  - 6 INSTALL 6' WIDE CANTILEVER DOCK SEE SHEETS C5.2-C5.3 FOR LAYOUT
  - 7 INSTALL 6' WIDE FLOATING DOCK (BY OTHERS)
  - 8 INSTALL SANITARY PUMP OUT UNIT (BY OTHERS)
- NOTE:  
1. FOR CLARITY SEE C2.1 FOR ADD'L SITE PLAN WORK AREAS

**MACHIN ENGINEERING**  
Incorporation  
TRAVERSE CITY, MI PH 231.935.1330  
www.machinengineering.net

STATE OF MICHIGAN  
PATRICK J. MACHIN  
ENGINEER  
No. 620 051471  
LICENSED PROFESSIONAL ENGINEER  
061934-0400

PROJECT TITLE:  
**WEST SHORE MARINA**

CLIENT:  
WEST SHORE PARTNERS  
13380 S WEST BAY SHORE DR  
TRAVERSE CITY, MI 49684

SHEET TITLE:  
**DIMENSION SITE PLAN**

PROJECT NUMBER: **19150**  
SHEET NUMBER: **C2.0**

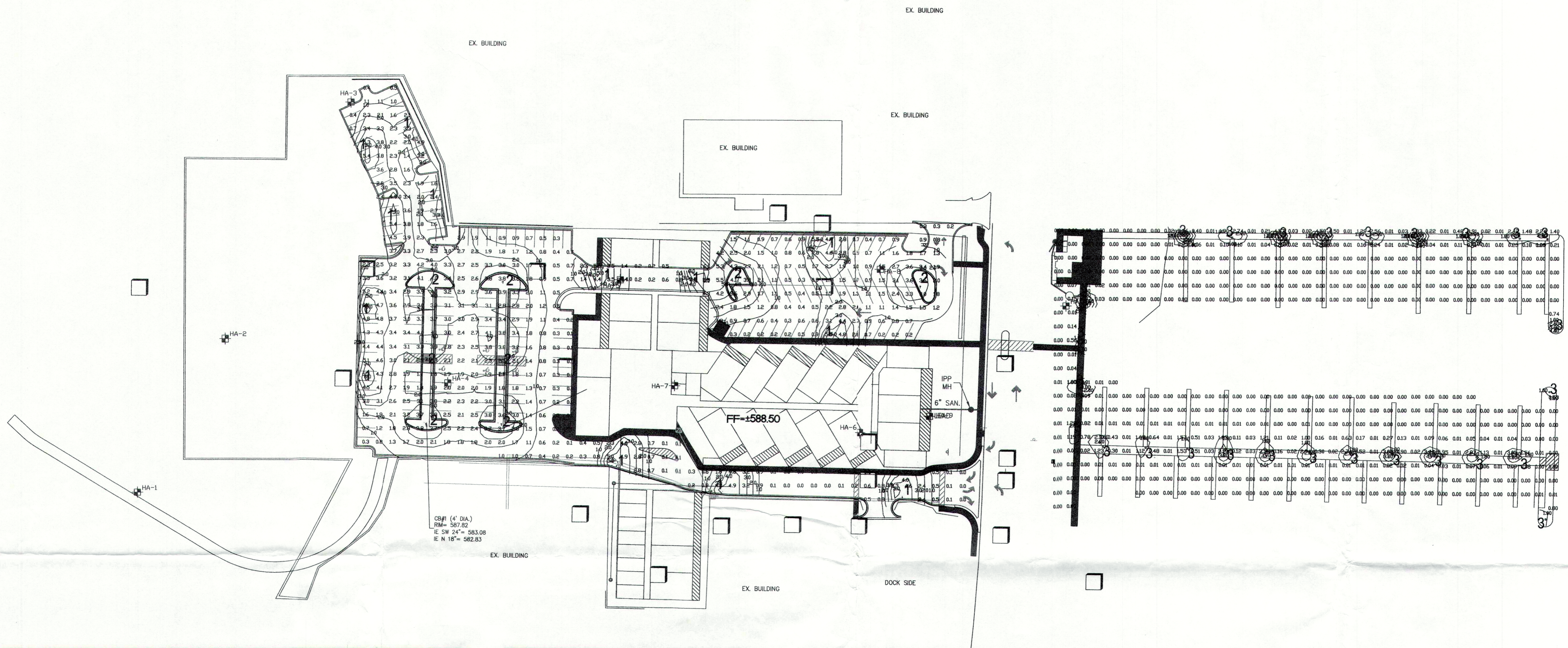
004 - 898 - 090 - 01

878 parcel

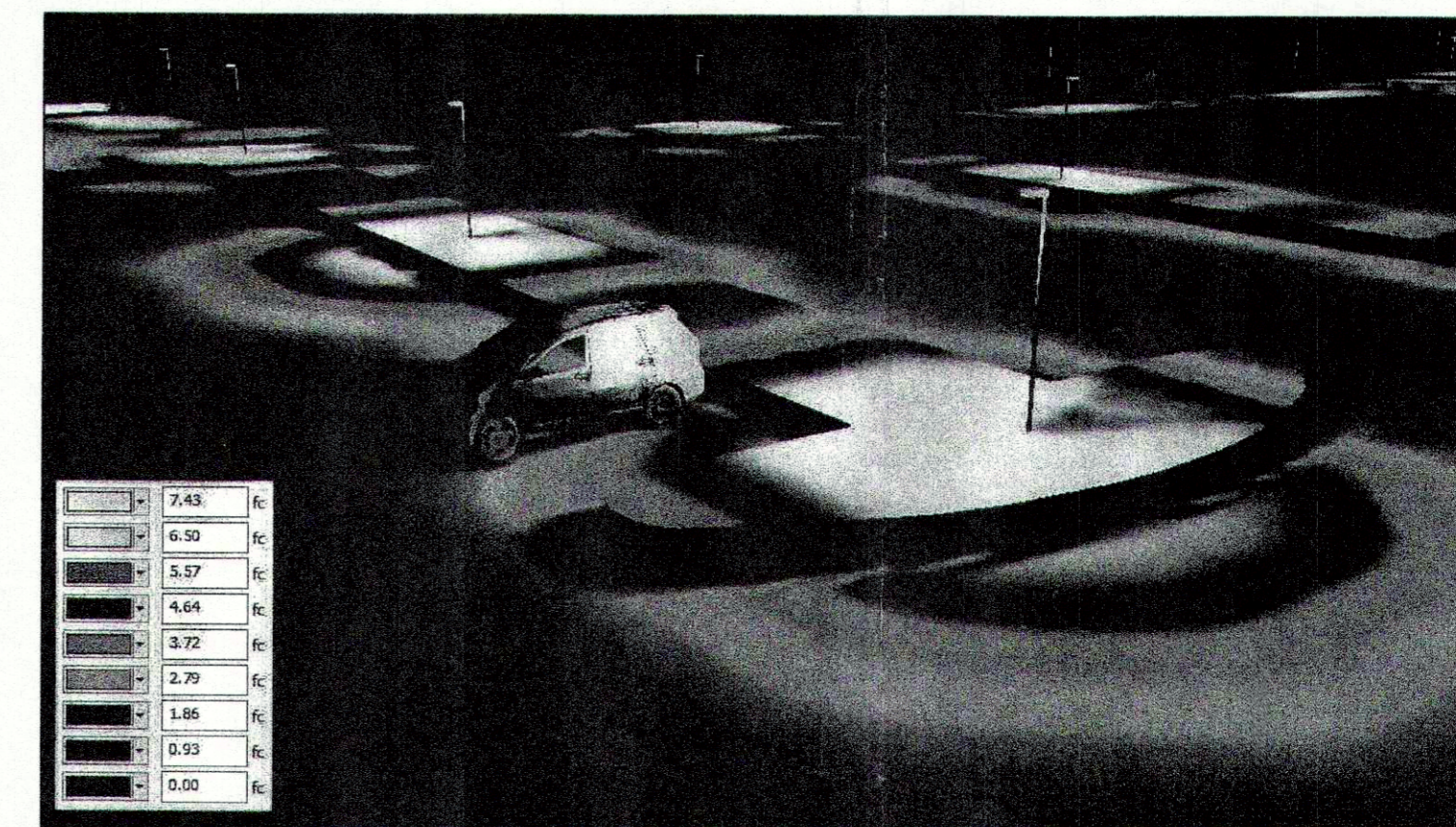
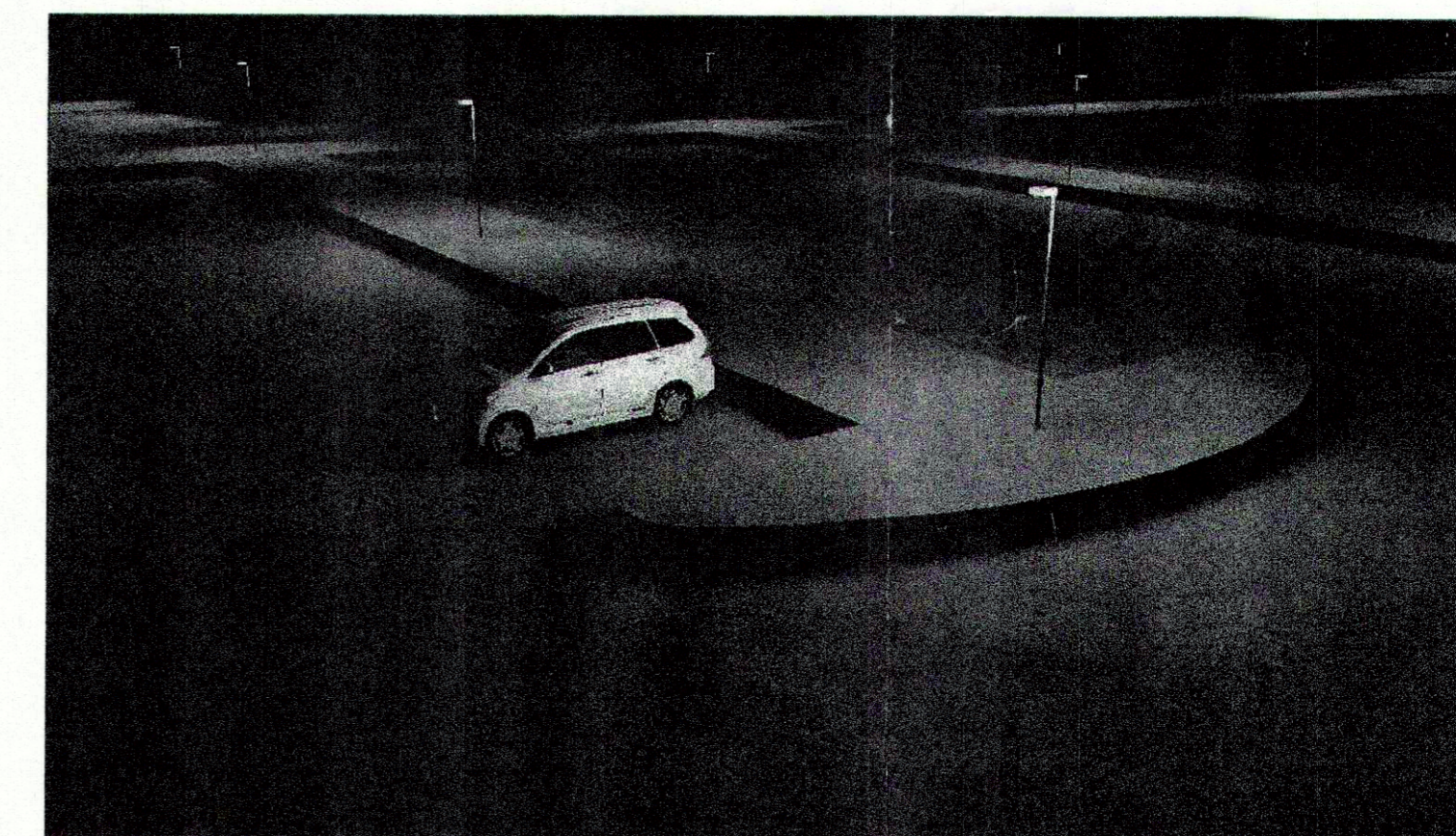
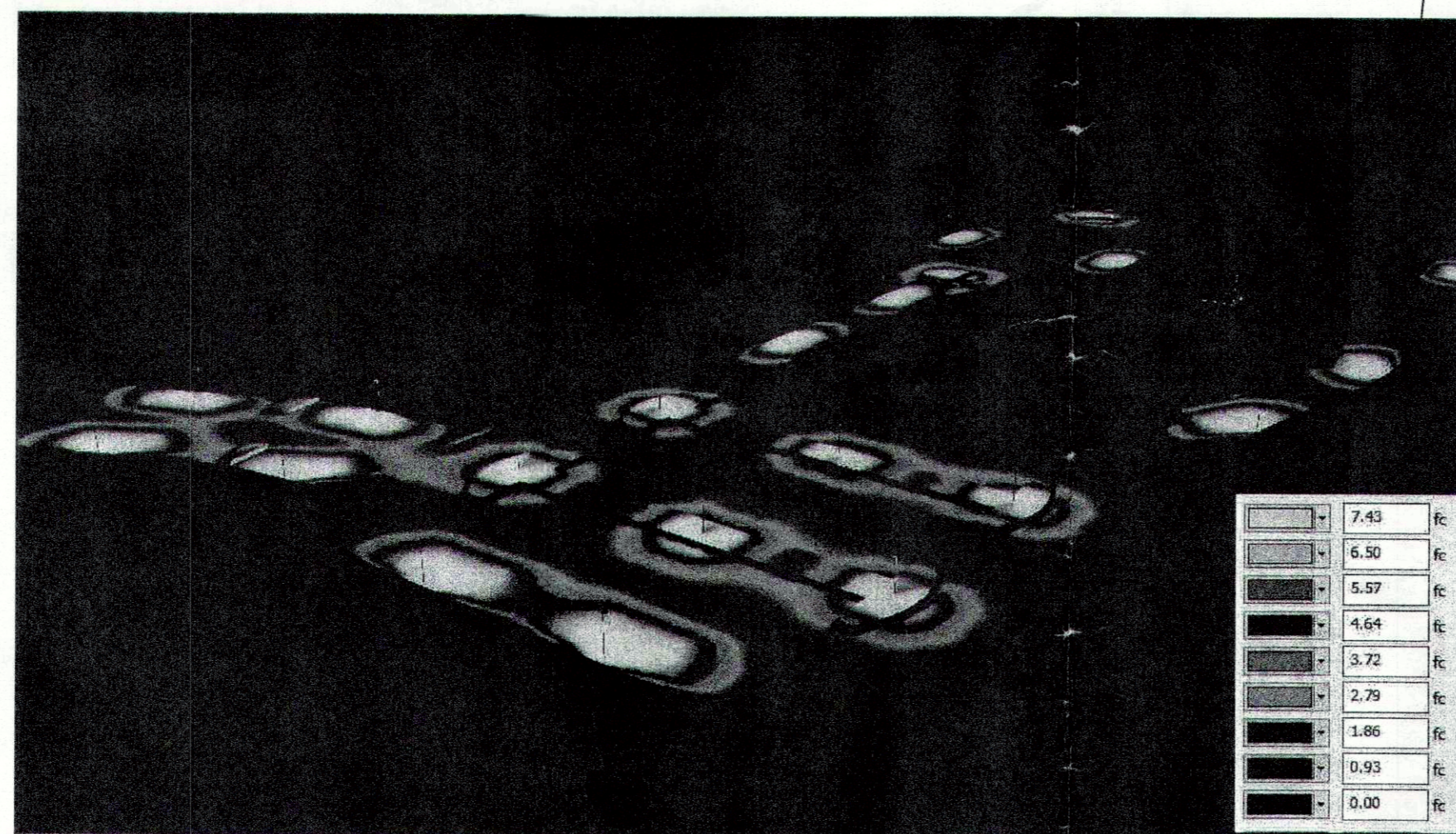
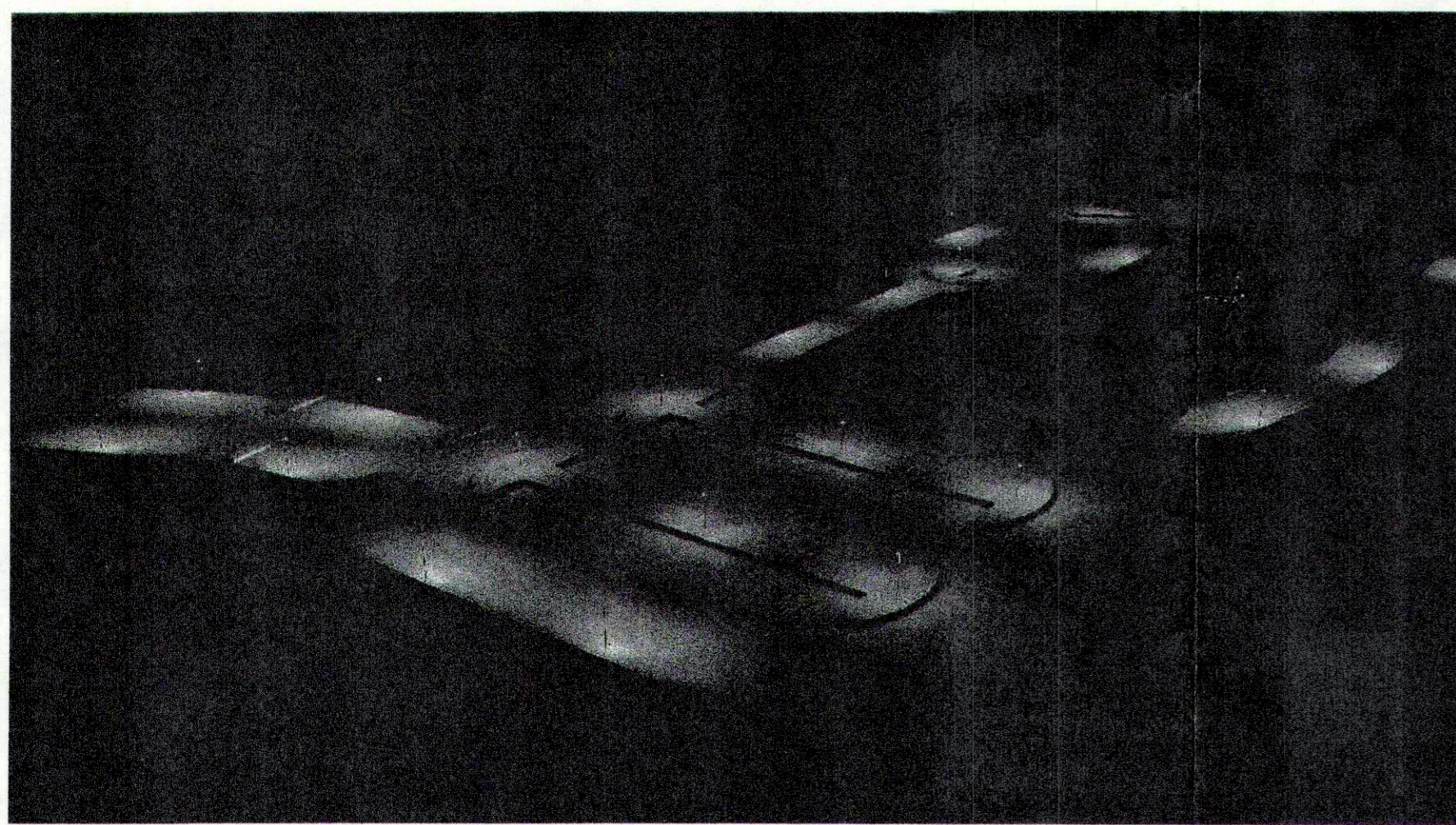








CS#1 (4" DIA.)  
RM= 587.82  
E SW 24"= 583.08  
E N 18"= 582.83



Symbol	Label	Quantity	Manufacturer	Description	Lamp	Number Lamp	Lumen per Lamp	Wattage
	1	13	Lithonia Lighting	DSX1 LED P5 40K T3M MVOLT	LED	1	15377	138
	2	8	Lithonia Lighting	DSX1 LED P5 40K T5M MVOLT	LED	1	16435	138
	3	27	Eaton	Lighthouse Power Pedestal	LED	1		

Statistics					
Description	Avg	Max	Min	Max/Min	Avg/Min
Parking Area	2.07 Fc	13 Fc	0.0 Fc	N/A	N/A
Marina Area	0.35 Fc	4 Fc	0.0 Fc	N/A	N/A

REVISIONS		
No.	Description	Date

TRUE BLUE & ASSOCIATES, LLC  
DRAWING INDEX:

SHEET TITLE:

SHEET NUMBER:

DRAWN BY:	REVIEWED BY:
DATE: 7/22/19	PROJECT NUMBER: 0624.00





## CHARTER TOWNSHIP OF ELMWOOD

### Planning and Zoning

10090 E. Lincoln Rd, Traverse City, MI 49684

(231) 946-0921 Fax (231) 946-9320

Email: [planner@elmwoodtownship.net](mailto:planner@elmwoodtownship.net)

10/26/2021 (revised 12/9/21)

Patrick Johnson

West Shore Partners, LLC

13380 S. West Bay Shore Drive

Traverse City, MI 49684

Re: SUP / SPR #2021-08 West Shore Marina

Dear Mr. Johnson,

This letter incorporates questions/comments/concerns from multiple correspondence (10/12 letter from Zoning Administrator (ZA) to the Planning Commission and your 10/14 response as well as the 9/28 ZA letter to you and our 10/13 response). This letter also incorporates questions raised by the Commission when the project went before them for an introduction. Similar to prior correspondence, I have highlighted items where a response may be needed. Please also note that the Planning Commission reserves the right to request further information and points for clarification. They may also not agree with all of my concerns/comments. If the information has already been submitted, please advise. Please also note that there are situations where you have provided some information, but I've (and/or the Commission) has requested further detail.

I will send this letter as both a signed PDF and a word document. Text of my original note is bolded and strikethrough, your original response is noted in italics, and my new response is included in bold below your response. Please type your response in italics below my bolded inquiries. This will allow us to keep track of what was requested and your responses. It will also help streamline review by avoiding multiple documents that generally include the same information.

### SECTION 9.8 ADDITIONAL REQUIREMENTS FOR CERTAIN SPECIAL LAND USES

E. Marinas-Commercial, Private, and Public.

1. Sanitary facilities (i.e. bathrooms) shall be provided.

~~Location not yet shown on plan.~~

*Submitted on plan.*

**Plan submitted is a sketch of the proposed interior of the nonconforming structure lakeside of M22. Per Section 10.2.C of the Zoning Ordinance, "A nonconforming use shall not be expanded." The structure can be remodeled within its current building footprint and spatial building envelope, but the use cannot be increased without approval from the Zoning Board of Appeals. It is this Department's understanding that the current use is an office. A patio is proposed on the bayside of the building and there are four proposed doors from the structure to this patio; although a patio is not considered a structure per Article 2 of the Ordinance, given the multiple proposed access points to the patio, the Commission and/or ZBA may find the patio to also be an expansion of a nonconforming use and/or structure (See Section 10.2.B which states**



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“Neither a nonconforming use of land nor a structure associated with the nonconforming use shall be enlarged or increased nor extended, horizontal or vertically, to occupy a greater area of land than was occupied at the effective date of this Ordinance”). Members of the Commission questioned the conformity of the structure; **it may be helpful to provide further detail on how the proposed use complies with the Ordinance.**

*The building is not being enlarged. We would like to add sidewalks where people will be walking.*

The Commission should discuss this.

2. Marinas must comply with all Federal and State regulations including permitting.

**Required as condition.**

*Yes, we are renewing this permit also.*

**As Section 8.48 of the Ordinance requires a project completion schedule, please submit evidence of where you stand with the required Federal/State permits and submit a more accurate schedule. On 10/19 you submitted your MDEQ permit dated 5/11/18. Upon review of said permit, the ZA has questions/concerns/comments regarding said permit (see attached letter to applicants dated 10/26/2021).**

*Because of the change of marina slips, a new MDEQ/EGLE application for permit has been submitted for approval. They are awaiting the Elmwood Township approval. The only thing that has changed on the plans since the last approval is the number of boat slips. Everything else is the same. The schedule of events will be the same as submitted to you except the date of construction will change depending on the date of final approval. We are still hopeful for an early spring construction with completion to be finished by early summer.*

As previously stated, this is a new application and is therefore being treated as such. Commission should note that an ACOE permit is also necessary before construction. As indicated in the applicant’s response to the ZA’s letter re: the MDEQ permit, an ACOE “...permit is reviewed and approved/denied simultaneously with the MDEQ permit. Machin Engineering has submitted this request for West Shore Partners and is in review.”

3. Sale of motor fuels may be allowed if located more than five hundred feet from any public bathing beach measure along the shoreline, and no closer than one hundred feet from any adjacent property.

**Not included within narrative; applicant may not be requesting to sell motor fuel onsite.**

*We are not asking to sell fuel.*

**Comment resolved.**



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- 4. Storage of boats, trailers, and cradles may be permitted provided that trailers and cradles are screened from view or located one hundred feet from any road right of way.

~~A portion of the parking area shows screening, but may not be large enough for trailers.~~

✓ Screened. We will not be storing any of the above out of water.

**Comment resolved.**

### SECTION 9.2 GENERAL PROVISIONS (*Special Use Requirements*)

B. **Application.** Application for any special land use permit permissible under the provision of this Ordinance shall be made to the Planning Commission through the Zoning Administrator by filing an official special use permit application and submitting a site plan in accordance with Article 8. In addition to information or documents required by Article 8, the applicant shall provide the following information:

- 1. Location of all proposed special land uses and activities to be conducted on the parcel(s);

~~Location of marina is shown; parking for said marina is unclear as the site plan shows multiple parking lots and a hotel that is not part of the application.~~

*See submitted parking plan.*

The submitted parking plan is a zoomed in image of Sheet 3.0 which highlights a portion of a parking area. On 10/19, the applicants verbally acknowledged that the parking area has been made smaller to conform with parking requirements.

The Commission reserves the right to request a formal engineered drawing of the proposed parking area; note that on 10/19, Commissioners expressed some concern regarding the clarity of the plans. Further, this highlighted plan now shows a new, not engineered entrance to M22; will the applicants be moving forward with an egress to the Mason's lot or the new annotated entrance to M22?

*The entrance that is described as added is existing and has existed for many years. If we are able to reach a deal with the neighbors to improve and combine their exit with ours then we will do that.*

The ZA again notes that the Commission can request an engineered parking plan. Given that the Commission needs to be sure they understand what is being permitted, it is advised one is obtained prior to any approval being granted. As a new (or enhancing a pre-existing) entrance to M22 is proposed on the highlighted drawing, the dimensions/engineering of this entrance should be added to the proposed plan.

If any new plan is submitted, it should include a title block containing the name of the person who prepared it, original date, and the date of revision(s).

- 2. Height and footprint of all structures and improvements; ~~required sanitary facilities not shown; boathouse not shown.~~  
*See bathhouse drawing already submitted. Height of building is 10'8.*



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A hand drawn sketch of the boathouse was submitted and it doesn't show the exterior. The Zoning Administrator recommends that formal prepared plans are provided to the Planning Commission to ensure code compliance as well as compliance with the Zoning Ordinance. This is a nonconforming structure and should be reviewed to ensure it is structurally sound. The Commission should also get renderings of the exterior, especially as the rear of the building may be changing as there are four doors providing access to a new patio. Further, the monuments (lot line markers) as shown on sheet 2.1 appear to be right at the edge of the structure. This is consistent with aerials from the Leelanau Tax Parcel Viewer. However, other plans showing the location of the proposed patio/walkways show that the walkways/patio is on the applicant's parcel. Are the boundary markers an accurate representation of the lot lines? If so, the proposed patio/walkway may not be on the applicant's lot. Please provide clarification on this.

*The exterior will remain shake siding and new shingles on the roof.*

*See the attached improved Bath house/ Office Drawings and letter from Dave Rowe, Attorney, regarding quiet title.*

- The hand sketched rendering doesn't include any dimensions.
- Note that per the undated letter from Dave Rowe, the matter on property has not been resolved.
- The letter from the Mason's (submitted 10/13/21) is dated 7/17/19.

3. Adjacent land uses and their corresponding zoning districts;

~~Not yet provided.~~

*All are zoned general Commercial see map – to the north is the masonic lodge, it is existing development. South is the dockside party store is existing development. Melicar is existing. Comment resolved; just note that both Dockside and Masonic have portions of their parcels on the bayside; both bayside portions of the parcels are located in the Shoreline Commercial district.*

4. Need for the proposed special land use in the specific area of the Township.

~~Not yet provided.~~

*See previously submitted information.*

**This was answered in applicants 10/13/21 response to ZA's review letter dated 9/28/21 (Greilickville area Master Plan. The marina will be an attractive development that blends well with the shoreline environment. The careful design promotes a scenic use of land and water for the vicinity while preserving the environment. The Marina and Hotel property have shared access, the parking areas will have screened parking and the signage will be attractive and compatible with the surrounding uses. The marina will also have employment opportunities, and also will be a good revenue for the Township and Grand Traverse County.)**



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5. Compatibility with the listed permitted uses in the zoning district where the proposed special land use is requested to be located;

~~Not yet provided.~~

*It is a marina. The existing land pier will be removed to allow the flow of the natural bay.*

**This is answered, with the following note: the bayside of M22 (in this area) is zoned Shoreline Commercial; a marina is an allowed use.**

6. Such additional information or documents that will assist the Planning Commission in determining whether the proposed special land use meets the General Standards and Specific Requirements as provided in Section 9.3.

~~Not yet provided.~~

*See previously submitted information.*

**Not fully addressed.** General Standard #5 states, in part, that projects "...shall not...nor have adverse environmental impacts..." and general condition states that "The proposed special land use shall not have an adverse effect on the natural environment beyond the normal impacts of permitted principal uses in the same zoning district, and shall not result in impairments, pollution or destruction of the air, surface, ground water, vegetation, and other natural resources." In reviewing information provided by applicant on 10/13, 10/14, and at the 10/19 meeting, questions have arisen regarding potential impacts of a vertical wall on the abutting submerged wetland. **The applicant may wish to address concerns further detailed in ZA's 10/22/21 letter regarding MDEQ Permit No. WRP009934.**

*The area abutting the wetland has a rock seawall shown on Machin Engineering drawing sheet C2.4.*

**Further, Specific requirement two states that "Screening shall be provided along all sides and rear property lines by a buffer area, and along the front property line by a greenbelt in accordance with Section 6.4, unless it can be demonstrated that the proposed special land use can be adequately controlled through some other means, such as restrictions on the hours of operation, or reducing the impact by the type and level of activity to be conducted on the site." The only screening shown on the plan is to the north of the parking lot and the area directly to the east of the parking lot.**

*The rear of the project extends into the bay area with landscaped area between the harbor and M-22. The parking area shows screening on the front, east side and north side. The south and west side land is owned by the applicant that surrounds the parking. The southwest and north sides of spoils area will be graded with large elevated berms and the area inside the berm shall be sloped gently toward the east. See Machin Engineering sheet C2.4.*

The ZA advises the applicant and the Commission to review and address the letters submitted by Heather Smith of the Watershed Center of Grand Traverse Bay. These letters are dated 12/3/21, 9/16/19, 6/18/19, and 5/15/17. These letters were submitted by Smith for part of the record of this application on 12/3/21.





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#### SECTION 8.3 SITE PLAN REVIEW APPLICATION PROCEDURES

3. The applicant will forward copies of the site plan to the Leelanau County Road Commission, Leelanau County Drain Commissioner, Health Department, the Elmwood Township Fire Department, Department of Public Works and Michigan Department of Transportation, as applicable, for their review and comments. Any review comments will be forwarded to the Zoning Administrator. Comment letters shall be provided to the Zoning Administrator prior to application being placed on the Planning Commission agenda for consideration.

~~Letters not yet received.~~

*Copies of letters sent via email previously.*

**The Commission may wish to wait for detailed review/comments from the various departments as they may choose or need to incorporate their comments/conditions into any approval that the Commission may grant.**

#### SECTION 8.4 REQUIREMENTS FOR SITE PLAN APPROVAL

The following information shall be provided with the site plan as indicated, unless waived by the Zoning Administrator when such information is not applicable. The site plan must be drawn at a scale of one (1) inch equals one hundred feet (1"=100') or less. Required site plan elements shall include:

1. Applicant's name, address, and telephone number. **Provided**
2. Property owner's name, address, telephone number, and signature. **Provided**
3. Proof of property ownership, and whether there are any options or liens on the property. ~~Not yet provided. Note that there are two access easements shown on the plan to abutting properties. No proof has been provided showing that abutters have given permission for this.~~

*Attached documents. Yes, a bank lien. Previously submitted. We have been in conversation with Masons regarding driveway. Will finalize after getting permit.*

**The Commission requested a current letter regarding talks on easement; note that a General Requirement of a SUP states that "Application for a proposed special land use shall be made by those persons having ownership of the land on which the special land use is being requested. All persons having an ownership interest in the property shall sign the application prior to its acceptance by the Township." Provide written letter from the 1) the Masons, 2) the MDEQ (bottomlands owner) that they are alright with the application as submitted.**

*Local approval must be submitted for approval from the state. We have also submitted a letter from the Masons. We are currently in negotiations.*



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- **Email from the DEQ dated 2/6/18 notes that “The application to lease 2.59 acres of Lake Michigan public trust bottomlands has been approved. Once the marina is constructed, we will prepare the lease documents...”.**
  - **Also note that the applicants recently submitted an undated letter from Dave Rowe, the matter on the property just north of the nonconforming structure has not been resolved. An updated letter from the Mason’s is still needed.**
4. A signed and notarized statement from the owner of the property that the applicant has the right to act as the owner's agent. **Not applicable**
  5. The address and/or parcel number of the property, complete legal description and dimensions of the property, width, length, acreage, and frontage.  
~~Not yet provided.~~  
*See attached legal. Dimensions on plan.*  
**The legal submitted is not recorded and includes bottomlands that the applicant has not yet obtained a lease for; see Section 9.3.D.1 of the Zoning Ordinance (all owners must sign off on application).**  
*We have a current approval for the exact footprint submitted.*
  6. Seal of the registered engineer, architect, and landscape architect who prepared the plan, as well as their names, addresses, and telephone numbers. **Provided**
  7. Project title or name of the proposed development. **Provided**
  8. Statement of proposed use of land, project completion schedule, and any proposed development phasing.  
~~Provided—but questions remain on feasibility.~~  
*The approval must come first. Expected to be completed by summer of 2022 per permits.*  
**Concern on the timeline was referenced on 10/19. As a completion schedule is a requirement, provide a detailed schedule, including all required permits and where this project stands in regards to obtaining said permits.**  
*See attached project schedule.*  
**Schedule has been submitted – note that it doesn’t include where all permits stand, but states that “upon all approvals being obtained from all governing entities, we plan to begin construction of the marina in the Spring of 2022...”.**
  9. Statements regarding the project impacts on existing infrastructure, including traffic, schools, existing utilities, and the natural environment on and adjacent to the site. ~~Statements made, but no explanation provided.~~



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*Nominal impact. No impact on schools and a very beneficial impact on the natural environment. See information on request for site plan review.*

**Provide further detail/explanation on how the environment will not be impacted. During 10/19/21 meeting you indicated that an environmental impact study has been done and that EGLE approved—it may be helpful for this to be provided. Please also see and respond to inquiries on how the environment will be impacted as included in the ZA’s letter regarding MDEQ Permit No. WRP009934 dated 10/26/21.**

*I did not indicate that an environmental impact study had been done. I stated that in meetings with the MDEQ we discussed how it was a strong desire of MDEQ that we would agree to remove the existing earthen pier.*

Concerns regarding the impact on the environment still exist. See letters from Watershed Association, previous comments from ZA, comments raised by Commissioners.

10. Total number of units, employees, bedrooms, offices, total and usable floor area, amount and type of recreation or open space proposed, and similar information required to evaluate compliance with the Ordinance.

**Provided—but questions remain.**

*Plans previously submitted.*

**The plans submitted on 10/13 show the interior of the nonconforming structure. The plan also shows a new patio in the rear of the structure. Is the sq footage of said patio included anywhere in your proposal? Its size appears to be fairly large; how will this area be used?**

*We removed the patio.*

Pathways/open space exist. This area needs to be defined (i.e. sq. ft, length, width, etc.). Per discussion on 12/9/21, applicants may want to stake the site showing location of proposed walkways, property boundaries, seawall/revetment, etc., and take pictures for the Commission.

11. A vicinity map showing the area and road network surrounding the property.

**Provided**

12. The gross and net acreage of the parcel.

~~Gross provided, net not. Net is shown on sheet 3.1 but as the plan includes the hotel and the parking, the net may be higher than it actually is.~~

*Attached legal.*

I am unable to locate this information in the 10/14 information you sent over. The unrecorded Bottom Lands Leas Parcel “A” description notes that the parcel contains 2.59 acres. **What is the net acreage of the property?** Per the Ordinance, the net lot area is defined as “the lot area excluding unbuildable areas of the lot. Examples for unbuildable areas include existing and proposed ingress and egress easements, wetlands, and bodies of water.” Net is listed on



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Sheet 3.0, but that likely includes the hotel/parking that is shown on the plan but is not being reviewed by the Commission at this time.

*See drawing. We can provide this from GFA.*

The plans submitted to ZA on 11/29/21 are the same plans reviewed in October; the gross/net acreage should be of the proposed project only.

13. Land uses, zoning classification, and existing structures on the subject parcel and adjoining parcels.  
*See attached maps.*  
**Provided.**
14. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines, and monument locations. **Provided**
15. Existing topographic elevations at two (2) foot intervals, except at five-foot intervals where slopes exceed 18%.  
~~Not yet provided.~~  
*On drawing.*  
**I see the proposed elevations on Sheet 3.0, but do not see the existing elevations. Please indicate what sheet said information is on.**  
*Drawings have contour lines on them. These elevations have changed from stock piling materials for soil stabilization process.*
16. The location and type of existing soils on the site, and any certifications of borings.  
~~Boring log provided, no certification or indication where borings were done.~~  
*West end of land pier, center of land pier, east of land pier.*  
**Please provide a plan showing location of the borings. Please also provide sample analysis showing that the sediment is safe to be dewatered landward of M22. On 10/19/21 a Commissioner questioned if borings were done on all sides of the pier—heavy metals sink and can remain in sediment years after original contamination.**  
*See attached report.*  
**Report was not attached.**
17. Location and type of significant existing vegetation. **Provided**
18. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, floodplains, wetlands, and sand dunes. **Provided;**  
**upon further review, it appears that the wetlands shown on the plan are only approximated—have they ever been delineated by a wetlands biologist.**  
**This needs to be addressed. Also floodplain should be shown on plan.**



## CHARTER TOWNSHIP OF ELMWOOD

### Planning and Zoning

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(231) 946-0921 Fax (231) 946-9320

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19. Location of existing and proposed buildings and intended uses thereof, as well as the length, width, and height of each building or building envelope. ~~required sanitary facilities not shown; boathouse not shown. Plans state that there is a Single-family house—but that is a nonconforming structure and should not be being used as a house. See previously submitted plan. Height of bathhouse building is 10’8”.~~ **Note that on the landscaping plan you submitted it states that the height of the structure is 14. Please provide clarification on this discrepancy.** Further, it is a nonconforming structure and work must comply with the Ordinance or you must obtain a variance from the ZBA. Note that per Section 10.3.C, “An existing nonconforming structure may be remodeled within its current building footprint and spatial building envelope.”  
*The height of the structure is approximately 10’ 8”.*  
*The outside footprint of the structure will stay exactly the same. See attached bath house/ Office drawing.*  
Sketches do not include dimensions. It’s a nonconforming structure and the Commission should review/discuss if the use is being expanded.
20. Proposed location of all proposed structures, buildings, equipment, and uses. ~~required sanitary facilities not shown; boathouse not shown.~~  
*Plan submitted previously.*  
**Plans submitted on 10/13 do show this information. On 10/19, a Commissioner asked if there would be any commercial boats in the marina. It may be helpful to include a narrative of the uses onsite and the facilities you propose to offer your slip holders.**  
*Our previous approval allowed for 2 commercial slips within the harbor area of the marina.*
21. Elevation drawings of typical proposed structures and accessory structures. ~~required sanitary facilities not shown; boathouse not shown.~~  
*Plan submitted previously.*  
**Elevation drawings are not included of the boathouse; see ZA’s comments under SECTION 9.2 GENERAL PROVISIONS #2 in this letter.**  
*See attached drawing with elevations.*  
Sketches do not include dimensions/elevations.
22. Location of existing public roads, rights-of-way, easements of record, and abutting streets. **Provided**
23. Location and dimensions of proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration, and passing lanes, including those within 100 feet of the property.  
~~Provided, questions remain on egresses to abutting lots.~~  
*We have been speaking with masons. Will get easement after permits.*



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**Commission has requested written updated status. Also note that all property owners with interest need to sign off on the filing of application (See Section 9.3.D.1).**

*We have not obtained approval from the Masons. We are working with them. We have an existing curb cut on that side as shown on the drawing.*

*West Shore Partners is the only owner until the deal with the Masons is final.*

**Written updated status still has not been provided.**

24. Location, design, and dimensions of existing and/or proposed curbing, barrier-free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes, and all lighting thereof.

~~**Provided, questions remain on egresses to abutting lots. Questions also remain on parking area and if it complies with the maximum allowed parking spaces.**~~  
*Already submitted.*

**The parking plan (which is a highlighted portion of a plan) submitted on 10/13 shows a new egress to M22. This is not engineered. Are you now proposing a new egress to M22 or will you be moving forward with egress to the Mason's lot? The parking plan is unclear. See SECTION 9.2 GENERAL PROVISIONS ZA response to B.1 in this letter.**

*We anticipate an easement with the Masons. If this is not possible, we will use the existing egress to M-22.*

**The plan needs to be final before seeking approval from the Commission. The Commission does not have an accurate engineered proposed parking plan. Note that the applicants have relayed that in prior approval, the Commission asked to see the plan for the marina/hotel combined.**

25. Location, size, and characteristics of all loading and unloading areas.

~~**Unloading areas not indicated.**~~

*Only in the marina parking lot.*

**In reviewing the highlighted parking plan submitted on 10/13, there appears to be no unloading area, just parking spaces.**

*That it correct, unloading will be done from the parking spots.*

**Comment resolved.**

26. Location and design of all sidewalks, walkways, bicycle paths, and area for public use. **Provided.**

27. Location of water supply lines and or wells, including fire hydrants and shut off valves; and the location and design of storm sewers, retention or detention ponds, waste water lines, and clean-out locations; and connection points and treatment systems (including septic system if applicable).

~~**Some of this is included, some is not. There should be a sheet showing location of all utilities.**~~





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*Utilities are shown on drawings.*

**The highlighted parking plan submitted on 10/13 does not seem to include a complete stormwater management system; when comparing the ‘new’ parking plan to the stormwater system (see Sheet 3.1), it’s unclear what will be constructed and how it will be able to handle storm events. Please provide further detail on the utilities to be installed landward of M22. Further, Sheet 3.1 points to two areas and states that “these portions of the West Shore Hotel parking and drainage system must be constructed to accommodate West Shore Marina Parking Needs. 51 Parking Spaces are proposed” (emphasis added). It may be helpful to submit a final, formal parking plan that shows what is currently being proposed. Further, in previous correspondence you indicated that runoff will be prevented from entering abutting properties by a curb and drainage system. The Commission may consider reviewing an Operations and Maintenance Plan for the system and consider conditioning that said plan be followed and/or amended as necessary to ensure that no additional runoff be directed to abutting properties.**

- Sheet 3.1 of the plans prepared for the marina, issued 7/26/2019 notes that there is a report that was submitted with the drainage plan. Please submit said report. Further, is Sheet 3.1 the drainage plan or is there an additional plan? *[applicants did not answer in other correspondence]*. **Please provide a copy of this report.**

*This information is on the drawings. GFA sheet 3.1*

**A report is not submitted with the drainage plan is not shown on GFA sheet 3.1. Also, the applicants have not answered above questions regarding the stormwater system. On 12/9, the applicant relayed that the stormwater system will be constructed at the time of the marina parking lot.**

28. Location of all other utilities on the site, including, but not limited to, natural gas, electric, cable TV, telephone, and steam.

~~Not yet provided.~~

*Shown on drawings.*

**Provided on sheet 3.01; though are cable TV/telephone/steam included?**

*No cable. Boats have satellite. There is cable on a pole across the street coming overhead.*

*Comment resolved.*

29. Proposed location, dimensions, and details of common open spaces, and common facilities such as community buildings or swimming pools, if applicable. **Provided.**

30. Location, size, and specifications of all signs and advertising features, including cross-sections.

~~Not yet provided.~~

*No sign. Only on building and will comply with specifications.*

**Planning Commission has requested details on proposed signage.**



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*Sign is shown on elevation drawing.*

**No it's not; the elevation drawing is of the rear of the structure and no signage is shown on the plan.**

31. Exterior lighting locations, with area of illumination illustrated as well as the type of fixtures and shielding to be used.

~~Not yet provided.~~

*See plan previously submitted.*

**Plan provided, but it is not full-sized and is a scanned black/white copy (images are not visible. Provide ZA with a full-sized plan as well as a color PDF copy.**

*We are in process of getting the color full size copy for you. This could be a condition of approval to be submitted to the zoning administration prior to construction.*

**It is a requirement of this permitting process; the PC needs to approve it. The PC should not condition that the ZA approve it.**

32. Location and specifications for all fences, walls, and other screening features, with cross sections shown.

~~Not yet provided. A cross section is provided for the hedge screening around a portion of the parking lot (sheet 3.0).~~

*See plan previously submitted.*

**A SUP requires that "Screening shall be provided along all sides and rear property lines by a buffer area" (Section 9.3.B.2). Only screening is located just north of parking lot area. Provide evidence of compliance with 9.3.B.2.**

*Detail is on the drawing. GFA sheet # 3.1*

**As noted above, screening needs to be provided along all sides and rear property lines by a buffer area. This is not shown on sheet 3.1.**

33. Location and specifications for all proposed perimeter and internal landscaping and other buffering features. The proposed sizes of landscape materials (not previously existing) must be indicated. All vegetation to be retained on site must also be indicated, as well as its typical size by general location, or range of sizes as appropriate. **See above comment.**

*Same as previous approval.*

**This is a new application and the information must be submitted for this application; see above comment. Also note that an updated landscaping plan for the proposed boathouse area will need to be submitted as the plan has changed.**

34. Location, size, and specifications for screening of all trash receptacles and other solid waste disposal facilities.

~~Provided; note: unclear if the dumpster is for the marina as it is located on the west of M22 (sheet 3.0).~~



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*Required to be located west of M-22.*

**Commission expressed concern over how boaters would utilize these facilities as they are across M22. Show location of signs and location of trash totes which your representative suggested at meeting.**

*Sign is shown on elevation drawing.*

*Tote location has been added to the GFA sheet 3.0*

Tote location resolved. Sign is not shown on elevation drawing which only shows rear (bayside) of the nonconforming structure.

35. Location and specifications for any existing or proposed (above or below ground) storage facilities for any chemicals, salts, flammable materials, or hazardous materials. Include any containment structures or clear zones required by county, state, or federal government authorities.

~~Not yet provided, but may not be applicable.~~

*N/A.*

**Resolved.**

36. Identification of any significant site amenities or unique natural features, and whether they will be preserved. **Provided; NEW COMMENT: on further review of information, questions have arisen on the wetland boundary east of M22. See ZA's letter regarding DEQ permit.**

*Shown on Marina drawing. Machin Engineering sheet C2.4*  
Sheet C2.4 shows the wetlands west of M22.

37. North arrow, scale, and date of original submittal and last revision. **Provided**

**[new ZA comment 10/26] – please see below standards for how the Commission will base their decision. I would encourage you to review, paying close attention to the highlighted areas. It may be beneficial for you to address, in written detail, how your project would comply with the below standards (again, paying close attention to highlighted areas).**

- None of these were addressed.

## SECTION 8.5 REVIEW AND APPROVAL (for Site Plan Review)

**B. Standards for Site Plan Approval.** The Planning Commission shall make a finding that the following standards are met prior to approving a site plan:

1. All required site plan and application information has been provided as specified in this Article.
2. All required permits and approvals from outside agencies have been secured, or have been made a condition of site plan approval.





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3. Adequate essential facilities and services including highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools are available, or the provision of such facilities and services has been assured.
4. All applicable standards of agencies including, but not limited, to the Township Fire Department, Michigan Department of Transportation, Leelanau County Road Commission, Leelanau County Drain Commission, Health Department, and the Michigan Department of Environmental Quality (MDEQ) have been met.
5. Compliance with all non- zoning ordinances adopted by the Township, including, but not limited to the private road ordinance.
6. All buildings and structures shall be designed, constructed, operated, and maintained so as to be harmonious, compatible, and appropriate in appearance with the existing or intended character of the general vicinity.
7. The buildings, structures, and entryway thereto proposed are situated, designed, and screened/buffered so as to minimize any adverse effects upon owners and occupants of adjacent properties and the neighborhood.
8. All buildings and structures are accessible to emergency vehicles.
9. Complete and safe pedestrian, non-motorized and vehicular circulation is provided.
10. The percentage of impervious surface has been limited on the site to the extent practicable.
11. Efforts have been made to protect the natural environment to the greatest extent possible.
12. There exists within the site plan sufficient protection to accommodate storm water runoff on the site location.
13. The proposal furthers the goals and objectives of the Master Plan.

### **SECTION 9.3 STANDARDS, REQUIREMENTS AND FINDINGS *(for Special Use Approval)***

The Planning Commission shall review the particular circumstances of the special land use permit application in accordance with the requirements of this Article and Article 8. Approval of the special land use application shall be contingent upon approval of the site plan and a finding of compliance with all of the General Standards and Specific Requirements listed below:



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#### A. General Standards.

1. The proposed special land use meets the objectives, intent, and purposes of this Article and the zoning district in which the proposed special land use is to be located.
2. The proposed special land use is designed, and is intended to be constructed, operated, maintained, and managed so as to be consistent with the existing or intended character of parcels within the zoning district.
3. The proposed special land use meets or exceeds the minimum requirements for the zoning district in which it is requested to be located.
4. The proposed special land use will be served adequately by essential public utilities, facilities, and services such as water supply, wastewater disposal, highways, roads, police and fire protection, drainage structures, and refuse disposal. Alternatively, such services, if adequate to serve the proposed special land use, may be provided privately or by a combination of public and private providers.
5. The proposed special land use will not adversely impact existing or future neighboring uses. For example, but without limitation, the proposed special land use shall be designed as to location, size, intensity, site layout, and periods of operation to eliminate any possible conflicts. Additionally, it shall not be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, and odors, nor have adverse environmental impacts and detrimental effects on the general aesthetics or appearance of the character of existing or future neighborhood uses.
6. The proposed special land use shall not have an adverse effect on the natural environment beyond the normal impacts of permitted principal uses in the same zoning district, and shall not result in impairments, pollution or destruction of the air, surface, ground water, vegetation, and other natural resources.
7. The proposed special land use will not create excessive additional requirements or costs for public facilities, utilities and services.
8. The proposed special land use has met or will meet all requirements of other Township, County, State, and Federal ordinance and code requirements.
9. The proposed special land use will meet the Specific Requirements described below, which are applicable to the proposed special land use.



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- B. **Specific Requirements.** The following specific requirements shall be met to the extent applicable to the proposed special land use:
1. Ingress and egress for the special land use shall be controlled to ensure maximum vehicular and pedestrian safety, convenience, and minimum traffic impact on adjacent roads and highways, drives, and nearby uses including, but not limited to:
    - a. Minimization of the number of ingress and egress points through elimination, minimization, and consolidation of drives and curb cuts;
    - b. Proximity and relation of driveway to intersections;
    - c. Minimization of pedestrian and vehicular traffic conflicts;
    - d. Adequacy of sight distances between road and driveway intersections as specified in Section 6.2, Access Management.
    - e. Location and accessibility of off-street parking, loading, and unloading for automotive vehicles, including buses and trucks;
    - f. Location and potential use of ingress and egress drives to access special land use parcels for the purpose of possibly reducing the number of access points necessary to serve the parcels.
    - g. Adequate maneuverability and circulation for emergency vehicles.
  2. Screening shall be provided along all sides and rear property lines by a buffer area, and along the front property line by a greenbelt in accordance with Section 6.4, unless it can be demonstrated that the proposed special land use can be adequately controlled through some other means, such as restrictions on the hours of operation, or reducing the impact by the type and level of activity to be conducted on the site.

Note that the project will also need to comply with Section 6 of the Ordinance.

#### SECTION 6.1 PARKING

##### SECTION 6.1.2 - General Requirements

##### B. Non-Residential Off-Street Parking.





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1. Off-street parking in nonresidential districts or for non-residential uses within a residential district shall not be permitted within a front yard setback, but may be located behind or to the side of the primary structure.
2. All parking areas, maneuvering lanes, driveways, and loading areas shall be constructed of asphalt, concrete, pavers or other solid, dust-free, permeable material.
3. The parcel proposed for a use shall have sufficient room for off-street parking to meet the requirements of this Ordinance. Shared parking may be used as per Section 6.1.2.C. If a lot is split by a public road, parking shall be on the same side of the road as the use.
4. No parking lot shall be located within the clear vision area, as established by Section 3.10 of this Ordinance.
5. Parking shall be on the same side of the road as the use it serves. When required parking cannot be located on the same side of the road as the primary use, a grade separation (tunnel or overpass) or an at-grade crossing served by a traffic control device may be approved by the Planning Commission as a Special Land Use subject to the application requirements and procedures as provided in Article 9, Special Land Uses. However, the review standards in Section 9.3 shall not be applicable; instead, this special land use shall comply with the following standards/requirements:
  - a. The grade separation or at-grade crossing shall safely convey pedestrian traffic between the primary use and the required parking.
  - b. The grade separation or at-grade crossing must be approved by the agency having jurisdiction over the public road (e.g. either the Michigan Department of Transportation or the Leelanau County Road Commission).
  - c. The required parking shall be screened from public view or located at the rear of any building or structure located on the same parcel as the parking.
  - d. The grade separation or at-grade crossing shall comply with applicable nationally recognized standards for such a crossing.

**[ZA NOTE: in an earlier note from the applicants, they indicated that the corridor is set to be redesigned in 2022-2023. However, they have also indicated that they want this project to be up and running before then. A safe pedestrian crossing from the marina to the parking needs to be installed as part of this project. Provide written evidence on the status of talks with MDOT and evidence of details on the crossing which will need to be installed for this project.]**

#### H. **Limitation of Parking Spaces.**

1. Maximum Parking.
  - a. To minimize excessive areas of pavement, which detract from the aesthetics of an area and contribute to high rates of storm water runoff, the total number of parking spaces provided for any nonresidential parking area



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constructed after adoption of this Ordinance shall not exceed one hundred twenty five percent (125%) of the parking required under this Article, unless specifically authorized by the Planning Commission through the site plan review process of Article 8, Site Plan Review.

- b. In granting any additional spaces beyond the required amount, the Planning Commission shall determine that the parking is necessary based on documented evidence of actual use or anticipated demand as provided by the applicant. The Planning Commission shall also consider impacts on the property and surrounding properties, including any natural features thereon.
2. **Overflow Parking.** For uses that require additional parking for special events on an infrequent basis, an auxiliary overflow parking area may be designated on the site plan. The overflow parking area shall be landscaped or otherwise improved with a mowed, graded, porous, and/or permeable surface.
  3. **Deferred Parking.** The Planning Commission may defer construction of a portion of the required number of parking spaces if the following conditions are met:
    - a. Areas proposed for deferred parking shall be shown on the site plan and shall be sufficient for construction of the required number of parking spaces, in accordance with the requirements of this Article for parking lot design and other site development requirements. The deferred area shall not be used for any purpose that would generate a need for parking.
    - b. Modifications and construction of parking facilities within the deferred parking lot may be initiated by the owner or required by the Zoning Administrator, and shall require the approval of an amended site plan by the Zoning Administrator.

### SECTION 6.1.3 Spaces Required

A. The following schedule contains the parking requirements for individual uses and activities within the township.

Marinas	1 space per every 2 slips plus 8 trailer parking spaces for each boat launch ramp plus 4 spaces per each charter boat lease slips
Yacht Club	1.5 spaces per boat plus 1 space per every 4 people allowed by occupancy permit

A. **Pedestrian and Non Motorized Circulation.**

1. For all uses other than residential, off-street parking areas shall be designed to safely accommodate pedestrian circulation and access to the primary use.
2. Where a parking area is adjacent to a bike path or sidewalk along the right-of-way, the site shall be designed to provide hard surface access from the bike path or sidewalk onto the site.
3. As a condition of Site Plan approval and consistent with the provisions regarding Site Plan review and the imposition of conditions of approval, the Planning



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Commission can require the installation of bicycle facilities, such as bike loops, bicycle parking pads, and related signage.

**B. Parking Spaces for the Disabled.** All parking areas shall conform to the requirements of the Americans with Disabilities Act and any other accessibility requirements in effect at the time. These spaces shall be included in the calculations for meeting the parking requirements of this Article.

## SECTION 6.1.4 Off-Street Parking Development

Off-street parking lots shall be designed, constructed, and maintained in accordance with the following requirements:

- A. A parking lot shall not be constructed until a land use permit has been issued by the Zoning Administrator.
- B. Before a permit is issued, plans and specifications shall be submitted for review and approval showing the location, capacity, size, site design, surfacing, marking, lighting, landscaping, drainage, curb cuts, entrances, exits, and any other detailed features essential to design and construction of the proposed parking facility.

- 1. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width (ft.)		Parking Space (ft.)	
	One way	Two way	Width	Length
0 degrees (Parallel Parking)	12	18	8	23
30 to 53 degrees	14	18	9	19
54 to 74 degrees	18	20	9	18
75 to 90 degrees	20	24	9	18

- 2. Each off-street parking lot shall not cross residentially zoned property but shall connect parking area with adjacent parking areas where possible. Easements shall be recorded when parking does not have direct access to a highway or street.
- 3. All parking spaces shall be accessed by means of maneuvering lanes. Backing directly onto a street shall be prohibited except for single family and two family residential uses.





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4. Adequate ingress and egress to the off-street parking lot by means of clearly defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be permitted across property zoned for single-family residential use.
5. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single family residential use shall be at least twenty five (25) feet from adjacent lots located in any single family residential district.
6. All off-street parking lots abutting a residential district shall be provided with a fence of not less than five (5) nor more than six (6) feet in height, constructed of materials sufficient to block the view of the parking lot from the abutting residential district. A living fence of not less than four feet, six inches (4' 6") when planted may be substituted to meet this requirement. Such fences shall be constructed of materials approved by the Zoning Administrator and shall be durable, weather resistant, and easily maintained.
7. Except for single family and two family residential lots, all parking areas, including parking spaces, loading zone, and maneuvering lanes, shall be surfaced with a material that provides a durable, smooth, and dustless surface and shall be graded and drained to dispose of all properly collected surface water so that it does not pollute adjoining waters or lots.
8. To further the goals of the Greilickville Sub Area Master Plan, all new or redeveloped properties along M22 shall connect parking areas to adjacent parking areas where feasible.

#### **SECTION 6.1.5 Snow Storage**

- A. Whenever an off-street parking lot is two thousand seven hundred (2,700) square feet or larger, provision shall be made for on-site snow storage in addition to the required parking lot. Snow storage shall be provided in the ratio of ten (10) square feet of storage area per one hundred (100) square feet of parking lot surface area.
- B. Snow storage areas shall be located so they do not interfere with clear visibility of traffic on internal roads or drives, adjacent streets, and highways.
- C. Snow storage areas shall not interfere with emergency vehicle access.

#### **SECTION 6.1.8 Off-Street Loading And Unloading Requirements**

- A. On the same off-street parking lot with every building, structure, or part thereof involved in the receipt or distribution of vehicles, materials, or merchandise, space shall be provided and maintained on the lot for standing, loading, and unloading in order to avoid interference with the public use of dedicated public streets.
- B. Loading docks shall be located on either the rear or side of the building not facing a street, and shall be enclosed on two (2) sides by a decorative masonry wall.



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- C. Loading spaces shall be fourteen (14) feet by sixty (60) feet, with fourteen (14) feet of clearance.

### SECTION 6.1.9 Parking Area Landscaping

All parking area landscaping shall comply with Section 6.4 of this Ordinance.

### SECTION 6.2 ACCESS MANAGEMENT

- A. Access Management. The following restrictions apply to properties in all commercial and business zoning districts within the Township:

1. Driveways along the primary road frontage shall be spaced, as measured from the driveway centerlines, a minimum of one hundred and twenty-five (125) feet apart.
2. Driveway locations and design shall be approved by either the Michigan Department of Transportation (MDOT) or the Leelanau County Road Commission.
3. A maximum of one (1) driveway per parcel shall be permitted on the primary road frontage. When accessible:
  - a. Driveways on adjacent parcels shall be shared.
  - b. At the rear of a parcel, driveways shall be accessed via an alley or a secondary drive located within an easement.
4. Driveways on opposite sides of an arterial shall be aligned or offset a minimum of one hundred and fifty (150) feet, as measured from the centerlines where practicable.
5. Shared commercial driveways and service roads shall be located within an access easement which has been approved by the Township Attorney prior to being recorded with the County Register of Deeds.
6. Where it can be demonstrated that preexisting conditions and the natural features prevent adherence to the minimum commercial driveway spacing requirements, the Planning Commission may modify those requirements. Requirements shall be modified by the minimum amount necessary to achieve safe access.

### SECTION 6.3 OUTDOOR STORAGE AND PRIVACY FENCES

All loading and unloading areas, waste receptacles, and outside storage areas which face or are visible from residential districts or public streets, shall be screened by a vertical screen consisting of a solid masonry enclosure or wood enclosure no less than six (6) feet in height. The finished side of any wall, fence, or other screen shall face adjacent properties.

### SECTION 6.4 LANDSCAPING



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## SECTION 6.4.1 Intent and Applicability

- A. Intent. The intent of this Article is to promote the provision of adequate vegetative landscaping and buffering to improve aesthetics; to reduce potential light and noise nuisances; to reduce impervious surface area; to retain existing naturalized vegetation; to improve filtration of storm water runoff; and to provide shade in parking areas.
- B. Applicability
  - 1. The requirements in this Section shall apply to all applications that require a site plan review.

## SECTION 6.4.2 General Landscaping Requirements

- A. Landscaping shall be comprised of species chosen for the site’s specific condition (soil type, hydrology, hardiness, etc). Factors to be considered in determining species shall include the ability to thrive in the proposed location, expected full size of the species, and whether it is poisonous to humans.
- B. Elmwood Township will use the “Recommend Planting Guidelines for Municipalities” as published by the Northwest Michigan Invasive Species Network, as periodically revised, to determine what constitutes a “native species” from an “invasive species”.
  - 1. Only “native species” listed under “Recommended Plants” shall be used as plant materials for any type of landscaping.
  - 2. “Invasive species” shall be removed during development and will not be allowed for landscaping in any non-residential zoning district.
- C. The following minimum plant sizes and spacing shall be provided at time of installation.

<b>Minimum Plant Sizes and Spacing</b>		
<b>Type of Plant Material</b>	<b>Minimum Plant Sizes</b>	<b>Recommended Spacing Requirements</b>
Deciduous Canopy Tree.	2½ in. caliper	25 ft. on-center
Deciduous Ornamental Tree.	2 in. caliper 6' height (clump form)	15 ft. on-center
Evergreen Tree.	6 ft. height	15 ft. on-center
Deciduous Shrub.	2 ft. height	4-6 ft. on-center
Upright Evergreen Shrub.	2 ft. height	3-4 ft. on-center
Spreading Evergreen Shrub.	18-24 in. spread	6 ft. on-center

- D. Landscaping shall be maintained in a healthy, growing condition. Diseased or dead materials shall be replaced within the current or next planting season.
- E. A landscaping plan for a development entranceway shall be submitted to the Planning Commission for review and approval.
- F. Any berms installed in the township shall meet the following requirements:





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1. Berms shall be no higher than five (5) feet, as measured from the average grade along the primary road side or along the perimeter of the site (depending on the proposed location).
2. Berms shall have a minimum width of three (3) feet at the crown and shall have a maximum side slope of 2:1.
3. Berms shall undulate or otherwise be designed to avoid an unnatural appearance.
4. Landscaping shall be in naturalized groupings planted along the slopes of the berm.

#### SECTION 6.4.3 Parking Area Landscaping

- A. Parking lot screening shall be constructed to create a visual screen at least six feet in height along all adjoining boundaries between a residentially zoned property and either a conflicting nonresidential land use or a conflicting residential land use. A landscape buffer having a minimum width of 10 feet may consist of landscaped earthen berms and/or living plant material so as to maintain a minimum opacity of at least 80%. The buffer area shall consist of natural landscape materials such as lawn, ground cover, shrubs, and trees and shall not contain impervious materials except sidewalks or pathways. Opacity shall be measured by observation of any two-square-yard area of landscape screen between one foot above the established grade of the area to be concealed and the top or the highest point of the required screen. The plantings must meet this requirement based upon reasonably anticipated growth over a period of three years.

#### SECTION 6.4.4 Buffers

- A. Where a nonresidential use is adjacent to a residential zoning district or use, a minimum buffer of fifteen (15) feet shall be required along the perimeter(s) of the nonresidential site.
- B. A buffer may consist of any or a combination of the following:
  1. Existing natural vegetation, provided that it provides substantial screening year around.
  2. Existing natural vegetation, augmented with additional plantings to provide substantial screening year around.
  3. A “living wall” of upright evergreen shrubs with a minimum height of five (5) feet within two (2) years of planting.
  4. Naturalized groupings of planted vegetation with a minimum of one (1) tree and four (4) shrubs per twenty (20) linear feet

#### SECTION 6.5 LIGHTING

##### SECTION 6.5.1 Intent

To preserve the character of Elmwood Township, the dark night sky, and the restful quality of nighttime by eliminating intrusive artificial light and glare.

To prevent unwanted/undesirable illumination of neighboring properties.

To maintain safe nighttime vehicular and pedestrian traffic.



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#### **SECTION 6.5.2 Requirements**

- A. All light sources and light lenses shall be shielded and down-facing. Lighting from exposed, bare light bulbs or from bare luminous tubes shall not be permitted.
- B. Lighting shall not be directed off one's property.
- C. There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness, or color. Beacon lights, searchlights, or lasers are not permitted.
- D. No lights shall be used in any location or in any manner so as to be confused with or construed as a traffic control device.

#### **SECTION 6.5.3 Exceptions**

- A. Safety lighting required by law, such as obstruction lights on tall structures and construction projects.
- B. Farm related lighting for Agricultural Commercial Enterprises as defined in Article 2 of this Ordinance.
- C. Exceeding the height and/or intensity of lighting fixtures as stated in this Section may only be approved by a variance approved by the Zoning Board of Appeals under Article 12.

#### **SECTION 6.5.4 Other Lighting Restrictions**

- A. Internally lit outdoor vending machines may be allowed by the Planning Commission if visually screened from adjacent properties.
- B. All non-residential outdoor lighting fixtures, including display lighting, shall be turned off after close-of-business unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary or an infrared sensor security fixture is used.
- C. Any installed parking lot lighting shall comply with the following requirements:
  - 1. All pole-mounted lighting of parking or display areas shall be fully shielded, and in no case shall the light be permitted to extend above the horizontal plane of ninety (90) degrees.
  - 2. Pole mounting height for any outdoor lighting shall not exceed twenty- five (25) feet.
- E. Lighting for a parking area shall be installed so that the light is directed into the parking area only. Parking lot lights shall be extinguished after working hours or shall be placed on an infrared sensor.

The Commission and applicant may also take note of the below section.

#### **SECTION 3.10 CLEAR VISION AREA**



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A. No plantings or structures shall be established or maintained on any corner lot or along any driveway that will likely result in obstructing the view of a vehicle driver approaching the intersection, or entering or exiting the driveway.

B. Clear Vision Triangle.

A clear vision area shall mean a triangular area formed by the street property lines and a line connecting them at the distances designated in this Section from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended.

1. Driveway: Ten (10) feet.

2. County Local Road Intersections: Twenty five (25) feet.

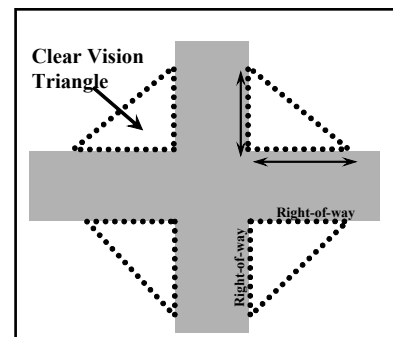
3. County Local Road and State Trunk-line: Thirty (30) feet.

4. Intersection of two (2) State Trunk-lines: Fifty (50) feet in accordance with MDOT standards and requirements.

C. This shall not prohibit the maintaining of landscaping less than thirty (30) inches in height in this area, nor the planting of trees whose lowest branches are higher than eight (8') feet from grade.

D. The Zoning Administrator may require a reduction in the height of screening or vegetation where necessary to ensure adequate sight distance and/or corner clearance visibility for drive approaches and public streets in proximity to screening or vegetation.

In this case, height shall be reduced only for that portion of the screening or vegetation necessary to provide adequate sight distance and/or corner clearance necessary for traffic safety.



A lot of information has been submitted, so if I missed something, please advise.

If you have any questions regarding my comments, please do not hesitate to reach out.

Thank you,

Sarah Clarren  
Planner / Zoning Administrator  
Elmwood Township





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October 26, 2021

Patrick Johnson  
West Shore Partners, LLC  
13380 S. West Bay Shore Drive  
Traverse City, MI 49684

Re: MDEQ Permit No. WRP009934 SUP / SPR #2021-08 West Shore Marina

Dear Mr. Johnson,

The DEQ Permit that you submitted at the 10/19 meeting raises a few questions. I believe said questions are within the Planning Commission's purview to ask as the Zoning Ordinance requires applicants to provide a timeline on their project, requires the applicant to protect the natural environment to the greatest extent possible (and projects need to be designed to ensure compatibility with adjacent uses of land and the natural environment), and to provide sufficient protection to accommodate storm water runoff of the site. Given that many comments/concerns deal with the wetlands, I specifically want to draw attention to the Zoning Ordinance, General Standard 6 of a Special Land Use which states "The proposed special land use shall not have an adverse effect on the natural environment beyond the normal impacts of permitted principal uses in the same zoning district, and shall not result in impairments, pollution or destruction of the air, surface, ground water, vegetation, and other natural resources." Questions, concerns, and comments regarding said permit are included below. I have bolded areas where I request further information/clarification. This letter will be provided you via PDF and Word. Please utilize the Word document to detail your response. Please also note that the Planning Commission reserves the right to request further information and points for clarification. They may also not agree with all of my concerns/comments. If the information has already been submitted, please advise.

- The permit was issued to West Shore Partners, LLC Attn: Ron Walters. As stated in the Planning Commission meeting on 10/19, you have bought out the other people who were previously involved in the project. Condition Q of the DEQ permit states that "This permit may be transferred to another person upon written approval of the MDEQ. The permittee must submit a written request to the MDEQ to transfer the permit to the new owner. The new owner must also submit a written request to the MDEQ to accept transfer. The new owner must agree in writing, to accept all conditions of the permit. A single letter signed by both parties which includes all the above information may be provided to the MDEQ. The MDEQ will review the request and if approved will provide written notification to the new owner." **Please provide confirmation from the MDEQ regarding that you are the new/only owner and that it will not affect your permit.** Also note that on p. 5 it notes that "prior to the transfer of this permit to another person,



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the new person must obtain and provide a financial instrument acceptable to the MDEQ in the name of the new person and in the amount required by this permit.”

*West Shore Partners, LLC, was the owner when the initial paperwork was filed. West Shore Partners, LLC, is still the owner. In 2019 I bought out Ron Walters, who was a minority owner of West Shore Partners, LLC. The request for the approval of the new modified marina layout has been submitted to MDEQ. The submittal includes the change in ownership of West Shore Partners, LLC. If necessary, you may request this to be a condition, that MDEQ is notified and accepts this change.*

- The permit states that a mitigation plan is required and that a final wetland mitigation plan needs to be provided to the Water Resources Division, Cadillac District Office. **Provide evidence that this has been done and that the Cadillac District Office has approved said plan. Please also note that on p. 10 of this permit it states that “The permittee is required to submit an approvable Wetland Mitigation and Monitoring Plan to the MDEQ for the proposed mitigation site shown in the attached location map within 60 days of the issuance of this permit.” 1) was this done and if so, provide the Plan to the Planning Commission**

*The mitigation plan is part of the 2018 MDEQ permit. The work described in the mitigation plan was completed several years previously including installation of the fence and grading of the areas allowed outside the wetland that were agreed upon. There have been numerous visits by MDEQ both during and after this work was done. Observing the re-vegetation of the areas outlined in the mitigation plan. The work consisted Primarily of the removal of the fill that was placed many years ago for the rail siding across this wetland area, fencing and re-vegetating the area.*

- The project as defined on page 1 is different than what you are currently requesting from the Planning Commission. Further, the permit is conditioned to state that “all work shall be done according to the attached plans dated March 23, 2018. **Provide evidence that you have obtained approval for the project as the plan appears to be different than what MDEQ approved.**

*MDEQ mitigation plan was created for a much different use of this upland area. The most recent submittal of plans dating March 23, 2018 have been modified again and these modifications have been submitted to MDEQ. Also, it is important to know that most of the work outlined in the mitigation plan was completed in 2018, and the re-establishment of growth to these areas has been progressing since the work was done.*

- The permit is conditioned so that “No dredging in W. Grand Traverse Bay is allowed from May 15<sup>th</sup> to July 15<sup>th</sup>, due to fisheries concerns\*\*for 2018 only, dredging is allowed within the marina basin, surrounded by turbidity curtain, until June 15<sup>th</sup>\*\* **Provide**



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evidence that to update this condition. Further, incorporate this required timeframe into a more accurate timeline for the Planning Commission.

*Approval from the local governing entity is required prior to MDEQ review and approval. For this work to begin, the rule described in your question is for all the Great Lakes areas where MDEQ is overseeing any construction within these water areas. The specific area affected by our project was given a modification of this time restriction. A minor change of this time window was previously granted in that it does not have a major spawning activity, so, if a modification becomes necessary, we would request the MDEQ for a similar request. However, if we can receive all necessary approvals, we do not anticipate a need for any modification to this rule.*

- The permit is conditions so that “A U.S. Army Corps of Engineers permit is required before this work can be conducted. **Provide evidence that you have obtained a ACOE permit; submit this permit for review to ensure that any conditions can be incorporated, if relevant into any decision that the Commission may make.**

*US Army Corp. permit is reviewed and approved/denied simultaneously with the MDEQ permit. Machin Engineering has submitted this request for West Shore Partners and is in review.*

- The permit does not include all parcel numbers. **As you may need to have MDEQ revise your permit, ensure that they incorporate parcel number 004-898-090-01. Yes, we will.**
- Condition E of the permit notes that No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved. **The Commission should consider imposing such a condition if/when they issue a decision.**

*We understand this is a condition from the state and will comply.*

- Condition M of this permit states that “In issuing this permit, the MDEQ has relied on the information and data that the permittee has provided with the submitted application for permit. If, subsequent to the issuance of a permit, such information and data prove to be false, incomplete, or inaccurate, the MDEQ may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.” **A Commissioner expressed concern that there may have been further contamination since the permit was issued. It may be helpful for you to provide further detail on when testing was done and if MDEQ finds it necessary for recent samples to be done onsite. Further, the Commission should consider imposing such a condition if/when they issue a decision.**





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*There has not been any additional contamination and neither the prior owner, current owner or MDEQ has indicated this statement or anything that would lead us to think there is any validity to the above statement. Also, MDEQ personnel has been on site numerous times since the current owner's involvement and has not communicated anything that would make this a concern. This project should be treated the same as any other project.*

- Condition P of this permit states that “If any change or deviation from the permitted activity becomes necessary, the permittee shall request, in writing, a revision of the permitted activity from the MDEQ. Such revision request shall include complete documentation supporting the modification and revised plans detailing the proposed modification. Proposed modifications must be approved, in writing, by the MDEQ prior to being implemented. **As the plans have changed, provide evidence that the MDEQ has approved the changes.**

*Machin Engineering has submitted with the MDEQ the modification to the existing permit. The local (Elmwood Township) approvals are part of our requirements of our submittal to them.*

- **The Commission may consider imposing Condition R if/when they issue a decision.**

*We understand this is a condition of the state and will comply.*

- Condition S. states that “Construction must be undertaken and completed during the dry period of the wetland. If the area does not dry out, construction shall be done on equipment mats to prevent compaction of the soil.” **Provide written information on when the dry period of the wetland is and incorporate this into your timeline which you need to provide to the Commission. Further, the Commission may consider imposing such a condition if/when they issue a decision.**

*This area of work was completed several years ago and as the plants and other wetland growth continue to re-establish MDEQ will review and direct.*

- Condition V states that “The permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.” **You are requesting to use the dredge spoils to change the elevation to your lot (landward side of M22). Existing and proposed elevation contours should be presented to the Planning Commission and written detail showing how runoff will not be directed to the abutting lots should be provided. Further, the Commission may consider imposing such a condition if/when they issue a decision.**



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*All areas surrounding the area that dredged materials will be moved to are owned by West Shore Partners. Most of the water from the dredged material will have drained prior to transporting it to the placement area on the west side of M-22. See Machin Engineering plan sheet C2.4.*

- Beginning on page two of the permit, there are numerous, unnumbered conditions.
  - It indicates that Steve Christensen needs to be contacted. **Please provide evidence that you have reached out to him and have addressed all of his comments, if any.**

*Both Pat Johnson and Dave Lewis (of Gordie Fraser & Associates) met with Steve and he has outlined what he needs for his permit, upon approvals obtained from governing entities and the construction permit as required. When all approvals have been obtained and a contractor is selected, the contractor will be required to obtain a permit from soil and erosion, (Steve).*

- A condition mentions a turbidity curtain and how it must be installed and remain, maintained, onsite until all disturbed sediments have settled. **A Commissioner expressed concern/questioned the borings that were done. It may be helpful to provide evidence on 1) report/analysis of the soil samples taken from the work area, 2) a map showing where the soil samples were taken, 3) evidence that the soil is not contaminated and is safe to be dewatered landward of M22. Further, provide written evidence of a contingency plan on what will happen in case the turbidity curtain is damaged during construction. Final construction drawings will be done, the project will be bid and engineers and contractors will be selected that will obtain construction permits as required.**

*Turbidity curtains will be installed and maintained by the selected, experienced, and qualified contractor per the guidelines and requirements.*

- A condition references that no dredging is to take place in the wetland. **Sheet C2.3 shows a map of the boundaries of the proposed dredging. There does not appear to be a buffer between the wetland and the dredging. It may be beneficial to submit information on how that boundary will be maintained during dredging. Provide information on how the wetland will be protected during dredging and construction. The Commission may consider requesting before/after photographs of the wetlands/natural environment to ensure it is not adversely impacted from the project.**

*The wetland area you are describing is under approximately 1-5 feet of water. This will be delineated, and a turbidity curtain will be installed by the contractor to protect it. It will be inspected by MDEQ.*



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- A condition states that “The wetland in W. Grand Traverse Bay shall be isolated during the dredging operation...until the water in the basin is free of suspended sediment.” **This implies that the wetland in the Bay will not be filled. It may be helpful to submit information on how the wetlands will be protected during construction/dredging. Further, the plans submitted to the Commission note there is a seawall behind the existing structure; vertical walls are known to have an adverse effect on wetlands (scouring). The plans included in the MDEQ permit (see sheet 10 of 16) note that a revetment is proposed. Which is being proposed at this time; a seawall or a revetment? Note that Sheet C4.0 includes a cross section of the wall at submerged wetlands. Provide evidence on how a solid vertical wall will not negatively impact the wetlands and that MDEQ has reviewed/approved the plans for the vertical wall. Details on how the work will be done may be helpful.**

*Same as above; Revetment is proposed for the area next to the wetland. The seawall area is to be installed at the edge of the water area. This area does not have the vertical wall like the area south of the delineated wetland. See Machin Engineering plan sheet C2.4.*

- **Where will stockpiling be and where will equipment be stored?**

*See the attached drawing. It will also be placed as needed on earthen pier until removed. Machinery will be parked within the stockpile area as shown on the drawing or on a barge.*

- A conditions states that “All slurry resulting from any dewatering operation shall be discharged through a filter bag or pumped to a sump located away from wetlands and surface waters and allowed to filter through natural upland vegetation, gravel filters, or other engineered devices for a sufficient distance and/or period of time necessary to remove sediment or suspended particles. The discharge of slurry water resulting from the hydro-demolition of concrete is not allowed to enter a lake, stream, or wetland.” **Dewatering details are shown on S4. Provide written detail on the dewatering process, specifying how/where the fill will be used and where the slurry water will go/be handled.**

*The previous permit had approval to use either mechanical or hydraulic dredging which requires dewatering of the dredged material by use of settling ponds. We will only be using mechanical dredging which results in the ... majority of the water to drain from the dredge materials prior to transporting it to a final area of placement. Because we are only mechanically dredging, the water will drain from the spoils back into the dredge area inside the sediment settling area, inside the turbidity curtain. See Machin Engineering plan C2.4.*





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- A condition indicates that a NPDES permit may be required and that Jake Riley, DEQ-WRD needs to be contacted. **Provide written evidence that Jake Riley has been notified, has reviewed the revised plans, and any of his comments/concerns have been resolved.**

*We are mechanically dredging and have submitted our request as required by MDEQ guidelines.*

- As stated on p. 4, “The issuance of this permit does not convey any right, title or ownership in the state owned, public trust bottomlands of the Great Lakes...A conveyance of the occupied bottomlands is required pursuant to Part 325, Great Lakes Submerged Lands, 1994 PA 451, as amended...Contact the Submerged Lands Unit, Water Resources Division, Water Resources Division, DEQ...to complete the conveyance process.” **Concern on ownership has been raised. As this may impact your timeline, it may be helpful to provide evidence that you have 1) contacted said division and 2) that they approve and/or give permission for you to file for a permit from the Planning Commission. You have said verbally that you can construct the project and then receive approval for the bottomlands—if this is still the case, provide written evidence of it.**

*My statement was regarding the Bottomland lease. It is necessary to obtain MDEQ permit to build. Once the project is constructed, then the bottomland lease is given. See email from Tom Graf WRD/ MDEQ to Ron Walters February 6, 2018, outlining the process.*

- A condition states that “additional attachments to permitted structures, including but not limited to roofs, sidewalks, handrails, benches, decks, docks, piers, or extensions thereof, are not authorized by this permit.” **The plans you submitted to the Planning Commission show a fairly large patio and sidewalk that may be connected to the seawall. It may be helpful to the Commission to know if MDEQ has reviewed/approved the sidewalks/patio.**

*See the office/bath house drawing with further details. We removed patio and are requesting sidewalk to maintain landscaped areas.*

- **It appears that the patio/walkway is within the floodplain. Will you be changing the grade of the area?**

*Yes, the grade will change per the drawings. The previous approvals and the current request have drawings that detail the grade for land area between the seawall and M-22.*



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- A Condition states “No boat in an outside slip (slips that are accessed from locations between the marina’s riparian interest area boundary and the mooring structure) shall extend beyond the end of the authorized dock or slip length. Swim platforms, bow sprits, and/or pulpits must be factored into total length of the boat. No other structures such as boat hoists or spring piles shall extend beyond the end of the authorized dock or slip length.” **The Commission may consider imposing such a condition if/when they issue a decision.**
- A Condition states “Plans showing construction details for any proposed dockside potable water distribution system sanitary pump-out facility, or restrooms must be submitted to the MDEQ’s Water Resource Division, or the Local or District Public Health Department. If the potable water or sanitary facilities will be connected to a municipal or public system, contact the MDEQ’s Water Resource Division Permits Section. If the potable water or sanitary facilities will be connected to a private or on-site system. contact the Local or District Health Department.” **This may impact your timeline and therefore may be helpful to provide written evidence that this has been done and that if there were any concerns/comments, they have been resolved.**

*The plans submitted to the MDEQ include this, but the package is not complete without local approval being submitted. See attached letter from Grand Traverse DPW.*

- There is significant information regarding the required wetlands mitigation in said permit. **As the proposed work will ensure the loss of 0.37 acres of wetland (back in 2018, confirm if this number is changing with the new plans), a new 0.74-acre wetland is required. Which sheet that you submitted to the Planning Commission indicates where the wetland mitigation area will be? Further, the wetlands replication should be included in your timeline/construction sequence. The Commission may consider reviewing the Wetland Mitigation section of the permit in detail and may want to consider imposing many of the same conditions if/when they issue a decision.**

*The wetland in the marina area is the same as detailed by MDEQ in our previous approval from them.*

The permit requires fencing approved by MDEQ around the Conservation Easement area. **Fencing on SUP projects needs to be reviewed by the Commission; it may be helpful to include fencing on a plan (location and detail (visual) submitted to the Planning Commission.**

*The fencing was installed two years ago per requirements in the plan.*



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If the above information was indeed submitted, please advise. Please also note that the Planning Commission reserves the right to request further information and points for clarification.

If you have any questions regarding my comments, please do not hesitate to reach out.

Thank you,

Sarah Clarren  
Planner / Zoning Administrator  
Elmwood Township



**From:** [Heather Smith](#)  
**To:** [planner@elmwoodtownship.net](mailto:planner@elmwoodtownship.net)  
**Subject:** West Shore Marina Letters  
**Date:** Friday, December 3, 2021 4:21:30 PM  
**Attachments:** [20170515 TWC Comments on West Shore Development.pdf](#)  
[20180618 TWC Comments Elmwood Twp PC West Shore Marina Landscaping.pdf](#)  
[20190916 TWC Comments Elmwood Twp PC West Shore Marina.pdf](#)  
[20211203 TWC Concerns w West Shore Marina.pdf](#)

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Sarah,

Could you please distributed the attached letters to Planning Commissioners with their packets for the December 14, 2021 meeting? We'd like these comments to reach the Commission before the 14th and I believe the website states that comments submitted 7 business days prior will make it to the Commissioners with the packet. Thank you.

Best,

Heather Smith  
Grand Traverse BAYKEEPER  
The Watershed Center Grand Traverse Bay  
13170 S. West Bay Shore Drive, Ste 102 | Traverse City, MI 49684  
-----  
231.935.1514 x3  
[www.gtbay.org](http://www.gtbay.org)

Our office is currently closed – all staff are working remotely and are available by email and our main line.

December 3, 2021

Planning Commission  
Elmwood Township  
10090 E Lincoln Rd  
Traverse City, MI 49684



Dear Elmwood Township Planning Commissioners,

I am writing on the proposed West Shore Marina development that was introduced to the Planning Commission on October 19, 2021, and is scheduled for discussion on December 14, 2021. While we understand the agenda packet is not available yet, we wanted to get our comments and concerns in front of the commission prior to the night of the meeting.

As you are likely aware, The Watershed Center has expressed concerned with this development in the past; attached are letters from 2017, 2018, and 2019 related to previous versions of this project. Because this parcel is an environmentally sensitive site along Grand Traverse Bay's shoreline and because shoreline hardening and building too close to the water's edge has the potential to impact water quality and aquatic habitat, we offer the following for your consideration.

Removing vegetation along the land-water interface and installing sheet piling destroys natural shorelines vital for fish and wildlife habitat and water quality. Hardened shorelines cause erosion on neighboring properties, removes vegetation critical for healthy aquatic habitats, and interferes with the natural movement of sand up and down the shoreline.

When buildings and impervious surfaces are built too close to the water's edge of the Great Lakes, inadvertent pollution, aquatic habitat degradation, and property damage ensue. Water levels in the Great Lakes continually fluctuate; the variability is immense and may change more than 50 linear feet over the course of a decade. Allowing buildings, patios, and other construction at the water's edge removes native, deep-rooted vegetation critical for thwarting erosion. In addition, structures and surfaces like concrete inevitably crumble into the water during high water years, introducing pollutants into the lake. Look no further than a mile south to see the parking lot of West End Beach crumbling into the water.

Article 10, *Nonconformities*, of Elmwood Township's Zoning Ordinance addresses nonconforming uses and structures. While we understand the current building onsite will be rebuilt or reconstructed in a manner that will not increase its original size, we believe the paved patio adds to the already large impact the nonconforming house has on the shoreline. Further, it is a poor land use practice to allow such surfaces in proximity to the Great Lakes.

The Planning Commission must ensure the West Shore Marina proposal complies with standards in Section 8.5(B), *Standards for Site Plan Approval*. This includes subsection (11) that states, "Efforts have been made to protect the natural environment to the greatest extent possible." There are several ways the negative environmental impacts associated with the proposed marina may be lessened or mitigated. These include:

- 1) Planting native plants, such as dogwoods, bullrushes, or willows, in the spaces between rock riprap. This will help with erosion control and provide filtration and habitat.
- 2) Installing fish habitat structures around the marina to support fish.
- 3) Planting a diverse array of deep-rooted, native vegetation on the site to help infiltrate stormwater and create a riparian buffer.
- 4) Ensuring that a permanent, concrete patio is not built between the building and the shoreline. Alternatives to a concrete patio that will inevitably be threatened by our next highwater year are removable and pervious decking materials or a low-growing grassy area.

Development pressure in the Greilickville area of Elmwood Township is threatening the natural state of our land and water. We need to ensure we use the tools we have, such as standard 8.5(B), to ensure these sensitive areas remain protected and preserved. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Smith".

Heather Smith

Grand Traverse BAYKEEPER®



September 16, 2019

Elmwood Township  
Planning Commission  
10090 E Lincoln Rd  
Traverse City MI 49684



Dear Planning Commissioners,

I am writing to comment on the proposed West Shore Marina project scheduled for discussion at the September 17, 2019 Planning Commission meeting. The Watershed Center advocates for clean water in Grand Traverse Bay and acts to protect and preserve its watershed. As the Grand Traverse BAYKEEPER®, I advocate for sustainable development solutions that preserve our shorelines, wetlands, lakes, and streams.

Nearly 50% of the shoreline in southern Elmwood Township, from Harbor West Marina to the City of Traverse City boundary, has been hardened with riprap or sheet piling. This removes native vegetation and strips the ecological functionality of shorelines. Structures, patios, and parking lots that were built too close to the water's edge on the Great Lakes are crumbling into our lakes during high-water years. Sediments and nutrients enter our surface waters through stormwater that washes from roads, parking lots, and driveways carrying sand, nutrients, and other pollutants. This particular project may exasperate these issues; therefore, we offer the following for your consideration.

Elmwood Township's Zoning Ordinance Standards for Site Plan Approval, Section 8.5 (B)(11), states that "Efforts have been made to protect the natural environment to the greatest extent possible." This is a standard enforced by the Township *in addition to* Department of Environment, Great Lakes and Energy and United States Army Corp of Engineers approval. We offer the following potential solutions to the Elmwood Township Planning Commission to ensure that this standard is met.

- 1) Ensure the bathhouse/office and concrete patio are set back at least 30 feet from the ordinary high water mark of Grand Traverse Bay; the standard outlined in Section 5.6 of the Zoning Ordinance. Fluctuating Great Lakes water levels are only predicted to become more extreme as we face a changing climate. Because water's edge setbacks are critical for healthy water as they provide opportunity for runoff from impervious surface and they prevent structures from crumbling into the lake during high water years, we encourage you to ensure a nonconforming structural setback does not perpetuate.
- 2) Require the planting of native vegetation between rock riprap to retain ecological functionality. Planting dogwoods, willows, or other native, woody shrubs between riprap can soften the appearance of and further stabilize the shoreline, help filter runoff, and provide wildlife habitat.
- 3) Ensure that all stormwater generated by paved areas and the bathhouse/office is treated and infiltrated (if possible) onsite. We applaud the neighboring West Shore Hotel for proposing rain gardens to treat stormwater naturally using plants and soil microbes. We encourage the Planning Commission to request rain gardens or other forms of green infrastructure to ensure stormwater does not contaminate the bay.

Further, page 36 of the agenda packet outlines a sequence for the construction of the proposed marina. "Remove all brush and stumps along the shoreline" is listed as the first action item, followed by "Install all necessary sediment control fabric, including turbidity curtain for surface to bottom." It is essential that all project participants recognize that Soil Erosion and Sedimentation Control Efforts (Part 91 of the Natural Resource and Environmental Protection Act) require soil erosion measures in place *before* stumping trees within 500 feet of a waterbody.

The Grand Traverse Bay watershed is comprised of a plethora of clean, healthy lakes and streams. These indispensable resources are in jeopardy unless local jurisdictions adopt and enforce layers of environmental protection meant to uphold our community's needs and values. We cannot rely on state and federal standards to protect our water and land resources. Please ensure all Township standards are met before approving the West Shore Marina.

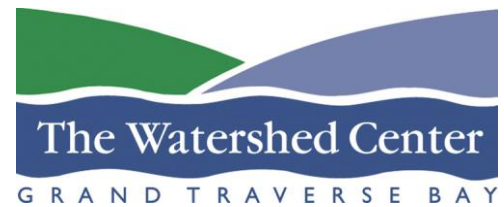
Sincerely,

A handwritten signature in black ink, appearing to read "Heather Smith". The signature is fluid and cursive, with the first name being more prominent.

Heather Smith  
Grand Traverse BAYKEEPER®

June 18, 2018

Elmwood Township  
Planning Commission  
10090 E Lincoln Rd  
Traverse City MI 49684



13272 S. West Bay Shore Drive  
Traverse City, MI 49684  
231.935.1514  
[www.gtbay.org](http://www.gtbay.org)

Dear Planning Commissioners,

I am writing to comment on the proposed West Shore Marina project scheduled for discussion at the June 19, 2018 Planning Commission meeting. The Watershed Center advocates for clean water in Grand Traverse Bay and acts to protect and preserve its watershed. As the Grand Traverse BAYKEEPER®, I advocate for sustainable development solutions that preserve our natural resources. Elmwood Township's Zoning Ordinance Standards for Site Plan Approval, Section 8.5 (B)(11), states that "Efforts have been made to protect the natural environment to the greatest extent possible." The Planning Commission is charged with ensuring all standards are met before approving site plans. Because this proposed development threatens native habitats and water quality, I offer the following for your consideration.

The Watershed Center believes 50% of the shoreline of between Harbor West Marina and the City of Traverse City boundary has been hardened with riprap or sheet piling, which strips the ecological functionality of shorelines and causes erosion on adjacent properties. Hardening the shoreline removes vegetation, which results in the loss of water filtration and habitat for fish, invertebrates, and wildlife.

West Shore Marina's landscaping plan was originally discussed in June of 2017, where the Planning Commission expressed a desire for the use of native plant species on this parcel. The Great Lakes Clean Marina Best Management Practices Guide<sup>1</sup> provides useful guidelines to ensure natural environments are protected to the greatest extent possible when designing and constructing marinas. This guide encourages preserving natural vegetation and shorelines, minimizing harden surfaces, using vegetative shoreline protection measures, and planting and maintaining vegetated buffers.

We continue to urge the Planning Commission to ensure some of the aforementioned best management practices are utilized at the West Shore Marina site. Site plan approval could be conditioned on maintaining a 10 foot vegetated buffer between the hardened shoreline and the road using deep-rooted, native shrubs, grasses, and sedges. Furthermore, the Planning Commission may condition site plan approval on planting native plants between the rock riprap. Planting dogwoods, willows, or other native, woody shrubs between riprap can soften the appearance of and further stabilize the shoreline, help filter runoff, and provide wildlife habitat.

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<sup>1</sup> Sea Grant Great Lakes Network and National Oceanic and Atmospheric Administration. *Great Lakes Clean Marina Best Management Practices Guide*. Revised May 2017.

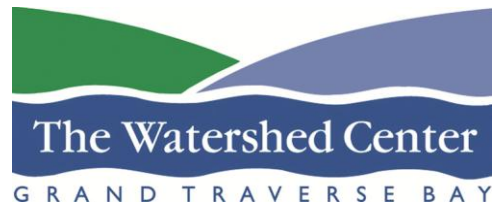


We encourage the Planning Commission to ensure developments are sustainable with minimal ecological footprints. We look forward with working with the township to protect and preserve our valuable natural resources. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Smith". The signature is fluid and cursive, with the first name being more prominent.

Heather Smith  
Grand Traverse BAYKEEPER®



May 15, 2017

Elmwood Township  
Planning Commissioners  
10090 E Lincoln Rd  
Traverse City, MI 49684

13272 S. West Bay Shore Drive  
Traverse City, MI 49684  
T 231.935.1514  
F 231.935.3829  
[www.gtbay.org](http://www.gtbay.org)

**Re: Application for Site Plan Approval and Conditional Use Permit:  
West Shore Hotel & Marina.**

Dear Elmwood Township Planning Commissioners,

I am writing to outline concerns over the proposed West Shore Hotel and Marina development on S.W. Bay Shore Drive in Elmwood Township. The Watershed Center (TWC) advocates for water quality in Grand Traverse Bay and works to protect and preserve its watershed. In advance of your consideration of these applications, please consider the following points as they relate to protecting the natural environment and complying with the Township's Zoning Ordinance.

**(1) Hotel**

**a. Development in Wetlands**

Wetlands provide a number of important functions, including filtering runoff, reducing erosion, recharging groundwater, and providing wildlife habitat. In recognition of the importance of wetlands, Section 3.10 of the Zoning Ordinance (Wetland Development Standards) states that "all development in a wetlands area as defined above, shall first obtain approval of the Board of Appeals and be issued a land use permit upon showing compliance with the provisions of the ordinance." Moreover, the Zoning Ordinance (Section 3.10.1, part 3) requires a 50 foot setback from all surface water, which includes water within a wetland.

**i. Insufficient Information about Wetlands and Surface Water**

The application shows that the proposed West Shore Hotel is located on a parcel with state-regulated wetlands. However, the applicant has not provided a current wetland delineation of the parcel. The application does not depict the extent of wetlands on the parcel, beyond those in the Michigan Department of Environmental Quality (MDEQ) Conservation Easement (discussed below). A current delineation of all onsite wetlands is a prerequisite to being able to ascertain whether the project complies with Elmwood Township Zoning Ordinance, particularly Section 3.10.

Moreover, it is well known that the wetlands in the vicinity of this parcel frequently sustain surface water. There are also off-site creeks near the parcel. Therefore, the application should indicate all areas of surface water, both on-site and within 50 feet of the boundary of the parcel, to ensure compliance with Section 3.10.1 of the Zoning Ordinance. Based on the current available information, it is not possible for the Planning Commission to evaluate whether the development complies with local wetland protection ordinances.

**ii. Conservation Easement Does Not Permit Development in Non-protected Wetlands**

It is our understanding that MDEQ entered into a Conservation Easement with the property owner, which protects approximately 3.25 acres of wetlands on site. The application shows there will be no development within the Conservation Easement boundaries. It is clear from the application that the Conservation Easement boundaries are not co-extensive with the wetland boundaries. The Conservation Easement creates legal boundaries that protect part of the onsite wetlands, but the Conservation Easement boundaries do not depict the extent of onsite wetlands. The fact that part of the onsite wetlands are under perpetual protection does not exempt the remaining onsite wetlands from local, state, and federal wetland regulations. Wetlands outside of the Conservation Easement boundaries, as well as those inside, are subject to both MDEQ and Township regulations and ordinances.

**iii. Proposed Trail Should be Open Construction (e.g., Boardwalk)**

The application indicates a proposed trail connecting the hotel area with the TART trail. This trail requires careful review as the proposed trail is likely within the boundaries of a regulated wetland (although it is outside of the boundaries of the MDEQ Conservation Easement).

We generally support trails that promote greater community exposure to the area's natural resources. For trail access through wetlands, a clear span or open pile construction, such as a boardwalk, is recommended because it reduces adverse impacts to the wetland system. MDEQ (Best Management Practices Manual, Wetland Crossings, 1992) recommends the use of open-pile structures to minimize impacts to wetlands because "fill paths and roadways tend to impede the natural surface flows in wetlands and act as dam-like structures." To ensure protection of the valuable onsite wetlands, the Planning Commission should condition site plan approval on clear span or open pile construction of the proposed trail, such as a boardwalk. In addition, because the trail appears to be a development in wetlands, it is subject to Section 3.10 of the Zoning Ordinance and requires prior approval from the Zoning Board of Appeals.

In summary, this project may require Elmwood Township's Board of Appeals approval and an adjustment of site plans to comply with setbacks. I encourage the Planning Commission to mandate a formal wetland delineation form a certified professional before site plan approval to ensure compliance and wetland protection.

**b. Stormwater Management**

Sediments and nutrients enter our surface waters through stormwater that washes from roads, parking lots, and driveways, carrying sand, nutrients, and other pollutants. Stormwater management at this site is required by the Elmwood Township Zoning Ordinance, Section 3.18.2, Stormwater Plans and Standards.

We understand that the applicant is proposing a stormwater management system that ensures the runoff rate after development does not exceed the runoff rate of a ten-year storm under the natural hydrology. This includes a proposed storm basin designed to store runoff in excess of a 25-year, 24-hr storm event with an emergency overflow route as well as



a CDS unit (a filter to trap trash, debris, sediment, and hydrocarbons) prior to discharge into the wetland.

TWC supports onsite treatment and infiltration of stormwater, as proposed here. However, we have observed that stormwater management plans often change as site data is better understood and project details develop. To avoid confusion or ambiguity as the project continues to develop, I encourage consideration that site plan approval for this project should specifically condition approval on the final project meeting these Ordinance standards for stormwater management (on-site management and treatment prior to discharge to wetlands).

**(2) Marina**

**a. Dredging and Shoreline Hardening**

Dredging activities can disrupt fish spawning and nursery habitats and can disturb benthic invertebrate communities. In addition, dredging can increase turbidity and suspend buried contaminants and/or nutrients. Hardening of the shoreline with sheet piling or riprap will reduce the ecological functionality of the natural shoreline, further fragmenting the remaining natural shoreline in this area. Waves dispersing off a hardened shoreline causes erosion immediately adjacent to the hardened area, resulting in increased sedimentation and turbidity and reduced fish and invertebrate habitat. As part of the conditional land use approval, the Planning Commission is required to address the adverse environmental impacts of this marina project, including its impact to the natural shoreline.

**b. Stormwater Management**

The application as submitted details a stormwater management plan that utilizes storm drain beds to infiltrate stormwater onsite. To avoid confusion or ambiguity as the project continues to develop, I encourage the Planning Commission to condition approval on the final marina project meeting Ordinance standards for stormwater management, including on-site management.

The site plans for both the West Shore Hotel and Marina require careful review as these sites have the potential to adversely affect local water quality and aquatic habitats. Thank you for considering my aforementioned points. Please contact me if you have any questions.

Sincerely,



Heather Smith  
Grand Traverse BAYKEEPER®

cc: Thomas Allenson, PhD, U.S. Army Corps of Engineers, Regulatory Office  
Steve Christensen, Leelanau County Soil Erosion Officer and Drain Commissioner  
Sara Kopriva, Elmwood Township Planner and Zoning Administrator  
Connie Preston, Elmwood Township Clerk  
Robyn Schmidt, Michigan Department of Environmental Quality, Water Resources  
Jeff Shaw, Elmwood Township Supervisor

November 22, 2021

Re: Proposed Amendments at Timberlee Hills

Dear Planning Commissioners:

Thank you for taking the opportunity to let us introduce a proposed project located in the Rural Resort district at Timberlee Hills. This is a conceptual idea that we'd like to discuss with the Commission, prior to engaging in any further design.

I am sure most of you are familiar with Timberlee Hills, a winter snow tubing run and wedding venue located on approximately 40 acres. The land has changed hands over the years and the center has been a mainstay of the area for recreation and events.

One of the amenities that is missing from Timberlee Hills and is in demand is lodging. The current owners, the Zaryczny's, would like to be able to offer a few small cabins to the guests. We have prepared a generalized concept to show what we are thinking about.

- The cabins, roughly 400-800 sf, would be accessed by a private drive off the main driveway.
- Cabins most likely will have sleeping quarters, a bathroom, and a small living area. Full kitchens are not included in the design.
- Proposed availability year-round.
- Screened by existing vegetation along Slope Drive
- Will provide 2-parking spaces at each cabin

Rural Resort, in Section 7.2.3 (B) PD, allows for *no more than 5% of the supporting uses that are directly related or integral to the outdoor recreations uses(s), but that are supporting nature including:..... lodges, hotels/motels....*

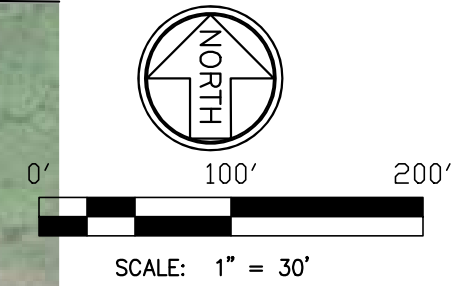
Timberlee would also like to increase their parking as their snow tubing run activity grows to the general public. A parking lot is proposed on the lower tier of the property as well, an area previously denoted as future parking and excavated out to create a level surface.

While this is only an introduction of a schematic idea, we would like constructive feedback from you in order to move forward in a comprehensive engineered design. Please share with us any comments or concerns you have.

Thank you for your time.

Sincerely,

  
Sarah Keever



ISSUE DATE: 11/22/2021

REVISIONS:


PROJECT: **TIMBERLEE HILLS**

PROJECT LOCATION:  
 LOT 2, CRESCENT RIDGE SUBDIVISION,  
 PART OF SECTION 26, T31N, R12W,  
 LELAND TOWNSHIP, LEELENAU COUNTY, MICHIGAN

JOB NO.:  
**2021-136**



# Elmwood Charter Township Planning Commission

## NOTICE TO THE PUBLIC YEAR OF 2022 Regular Meeting Schedule

Regular meetings of the Elmwood Charter Township Planning Commission are held at the Elmwood Township Hall located at 10090 E. Lincoln Rd., Traverse City, MI on the third Tuesday of each month at 7:00 PM, with no new business being considered after 9:00 PM without approval of a majority of the Planning Commissioners.

January 18, 2022

February 15, 2022

March 15, 2022

April 19, 2022

May 17, 2022

June 21, 2022

July 19, 2022

August 16, 2022

September 20, 2022

October 18, 2022

November 15, 2022

December 13, 2022\* second Tuesday

The public is advised that any one of these meetings is subject to cancellation or postponement due to the lack of agenda items or business. In such an event, an 18-hour notice will be posted at the Township Hall. Individuals who are planning to attend and require reasonable auxiliary aids should contact Connie Preston, Elmwood Charter Township Clerk at 231-946-0921.

Date adopted: \_\_\_\_\_

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Elmwood Charter Township  
Planning Commission Chair