

**HAYES TOWNSHIP
PLANNING COMMISSION
AGENDA
September 18, 2018**

- ☐ Call to Order
- ☐ Pledge of Allegiance
- ☐ Review Agenda
- ☐ Declaration of Conflict of Interest (if any)
- ☐ Public Comments Unrelated to Agenda Items
- ☐ Report of Township Board Representative to the Planning Commission
- ☐ Report of Planning Commission Representative to the Zoning Board of Appeals
- ☐ Zoning Administrator Report
- ☐ New Business
 - ☐ Elliott Falls special use permit, site plan review
 - ☐ Waterfront Development Review subcommittee of the Planning Commission discussion. Update. Mailings.
 - ☐ BOT funds for survey
 - ☐ Approval of Minutes
- ☐ Old Business
- ☐ Set Public Hearing Dates
- ☐ Set/Confirm Date of Next PC Meeting
- ☐ Planning Commission Comment
- ☐ Public Comment
- ☐ Adjournment

Draft

Minutes of the Hayes Township, Charlevoix County, MI

Planning Commission Meeting

August 21, 2018

Members attending: Cliff Biddick, Omar Feliciano, Matt Cunningham, Robert Jess, Marilyn Morehead, Ed Bajos, Roy Griffiths.

Members Excused:

Also Present: Larry Sullivan, Zoning Administrator, Julie Collard, Clare Karner, Elliot Falls, J Malewitz

The regular meeting of the Planning Commission (PC) was called to order at 6:58 pm by Robert Jess, Chair, who asked everyone to join in the Pledge of Allegiance. This was followed by a review of the agenda.

There were no declarations of a Conflict of Interest.

There were no Public Hearings scheduled, however the Falls SUP provided additional information and drawings which were received by the PC three days before the meeting. Given the complexity of the information and the short time frame to review it, the PC did not feel comfortable in taking up the matter at this meeting. After discussion the PC unanimously decided to schedule the continuation of the hearing on the September agenda. Further PC discussion regarding the process by which information received for hearings is to be distributed to the members for review resulted in a motion by Ms. Morehead that the packets were to be distributed by Mr. Sullivan by Friday ten days before the meeting date. Mr. Cunningham supported the motion. Mr. Feliciano asked that the information also be made available in .pdf format. He also suggested that the timeline is set that such that information received by the end of any month is to be scheduled for review in the following month. After clarifying the motion, to state that all information to be sent to the PC in the packets be to Larry Sullivan ten day prior to the meeting date, a roll call vote was taken; Biddick yes, Feliciano yes, Cunningham yes, Jess no, Morehead yes, Griffiths no. Motion passed. Discussion ensued about publicizing the SUP hearing again, and the method for collecting questions to be asked in advance.

Public Comments unrelated to Agenda Items:

There were no Public Comments.

New Business:

The discussion focused on the Master Plan update and the survey. Ms. Karner had shared the survey from Bay Township as an example of a very comprehensive survey. She contrasted it with the Banks township survey, a mailed postcard directing respondents to an online survey conducted by survey monkey, which was much less expensive. Response rates were discussed as a desired outcome and the

effects on the community buy in to the results of the survey. Generally 10% is an acceptable response rate.

Mr. Jess started to list areas that needed to be addressed in the Plan and Mr. Griffiths added that growth needed to be planned for and controlled by zoning, and Ms. Morehead added that certain areas like 9 Mile Pointe needed to be reviewed to rationalize the zoning in regard to older platted developments. Mr. Jess discussed the proposal from Ms. Karner for 11 additional hours of work to do the field work on property analysis of the 9 Mile area. Ms. Morehead asked for an estimate on the amount of time that Ms. Karner would need to assist in the survey process? Mr. Jess asked her for a specific proposal that includes both the survey and zoning reviews for specific areas. Ms. Karner replied that she would have that information to him the next week. Mr. Cunningham made a motion that the PC request funding for both the community survey assistance and the zoning overlay analysis, at a rate to be provided by Ms. Karner to Mr. Jess. The motion was seconded by Mr. Griffiths. It was suggested that when the rate information was received Mr. Jess add 10% to cover contingencies before presenting the request to the board. The motion was amended to reflect this recommendation and the amendment was supported. The vote was unanimous in favor of these motions, motions passed.

Mr. Griffiths asked for feedback on the first draft of the survey questions. Ms. Morehead provided some good feedback. Mr. Cunningham asked about whether we wanted to address the park in the survey, and Ms. Karner added that our recreation plan is expiring this year and it too needed to be updated. It can get information from the survey to update it if we include relevant questions in the survey thus eliminating the need for two different surveys. Mr. Cunningham reported that the Board of Trustees (BOT) asked whether the PC wanted to address the rec plan or if there should be a subcommittee be formed to specifically address the Rec plan? Discussion of the process and timelines ensued and the need for the rec plan to be separate from the Master Plan. The PC would support the BOT's recommendation to form a 5 person BOT subcommittee to address the Rec plan. Mr. Biddick and Mr. Feliciano volunteered to be on the subcommittee as PC representatives and that the survey would include sufficient information that both the Rec Plan and the Master Plan can use.

Mr. Feliciano suggested a review format that utilized sub-groups of the PC to start reviewing sections of the plan to offer feedback for the PC as a whole to consider in the update. Ms. Karner and Mr. Sullivan reviewed the notification process for the Master Plan update. Ms. Karner agreed to start the notification process as required with input from Mr. Sullivan.

There being no new business the PC moved to the review of the minutes.

Approval of Minutes:

After correcting the spelling of Ms. Karner's name, Mr. Biddick moved to accept the minutes as corrected, Ms. Morehead seconded the motion. The motion passed unanimously.

Report of the Township Board Representative:

Mr. Cunningham reviewed the August 13, 2018 BOT meeting. The BOT voted to return the Michigan Passport Rec grant for the renovation of the cabins. The Cemetery ordinance is now posted on the webpage and will be on the agenda for discussion at the next meeting. Maple grove road end will have a committee formed to review the road end. Burgess road end is the Boyne City road. Robinson landscaping asked for a break on the liability insurance for their work on the park, denied. A separate checking account will be created for the Camp Seagull project.

Report to the Planning Commission from the Zoning Board of Appeals:

There was no activity to report.

Zoning Administrator's report:

Mr. Sullivan provided a copy of his monthly report which is available online. Mr. Sullivan issued one permit in the previous month and four to this point in August. There were two land division inquiries. Mr. Sullivan has been exploring procedures to best handle these types of requests and has provided copies of forms used by other townships. There was no nuisance complaints in July there were two in August to date. There is a list of zoning violation letters sent for shoreline protection strip violations. Additional letters are to be sent in the next round. One application for a permit on shoreline restoration has been received. Short term rental license issues are still outstanding pending corrections by the applicants. The Bole permit was issued. There is one Board of review hearing scheduled for a property where the variances were previously granted but the permit expired.

Ms. Morehead reported that the Pierce property situation and complaint has been addressed and the communications misunderstanding corrected. The subcommittee will use this situation as a case study for training purposes in implementing the review process. A letter with the PC members listed on the letterhead was discussed and it was decided that the names should be removed from the letterhead. Discussion then took place on the issue of public notice regarding the shoreline protection ordinance.

New Business:

Waterfront Development Review Subcommittee review.

Mr. Griffiths updated the activities of the subcommittee and the development of a checklist for the review process, and the methodology being proposed for the reviews. It is believed that a quick review with the township attorney to insure to that we do not inadvertently agree to a plan that does not comply with the ordinance.

Mailings, previously discussed.

BOT funding survey request, previously discussed,

Old Business: There was no old business on the agenda.

Public Hearing Dates: There are two scheduled for the September 18, 2018 meeting. The Falls SUP continuation and Scott Featherly has requested a change to his site plan.

Set/Confirm Date of Next PC Meeting: September 18, 2018

Planning Commission Comments:

PC to look at the zoning of the area along 31 from Murray road to Bayshore to insure it reflects the actual development has occurred.

Mr. Feliciano asked about the number of meetings required in a month to work on the Master Plan update? Ms. Morehead suggested that we start taking a section at each meeting to review and update until we reach the sections which are impacted by the survey data. Mr. Jess suggested that we take up discussion of the introduction and socio-economic characteristics at the next meeting and based on that we then consider increasing the number of meetings required. Mr. Sullivan commented on the differences in the 2010 census data versus the American Community Survey and the need to decide on our choice for the update.

Public Comment:

None

Adjournment:

Motion to adjourn by Mr. Griffiths, seconded by Mr. Cunningham. Meeting adjourned at 8:47 pm.

Compiled by: R Griffiths

Submitted by: M Morehead

Beckett & Raeder

Total Expenses	\$346
Not to Exceed Amount (includes expenses)	\$5,601
Not to Exceed Amount (includes expenses and Optional Task)	\$6,921

<https://www.hayestownshipmi.gov>

Zoning Administrator Report

August 2018

Zoning Permits/Actions for August 2018				
Permit #	Parcel #	Owner Name	Address	Improvement
18-08-01	113-014-15	Joel & Melissa Robinson	06872 Upper Bay Shore Rd.	Sign Permit
18-08-02	570-021-00	Bill Schneider	11551 Summerhill Way	Residential Addition
18-08-03	301-021-55	Camp A.S.L.	7055 Birdland Drive	Accessory Building
18-08-04	119-004-10	Eryn & Brenda Willson	11701 Boyne City/Charlevoix Road	Accessory Building
18-08-05	465-002-00	North Star Development	North Star Drive North Lot 2	Accessory Building
18-08-06	465-007-00	North Star Development	North Star Drive North Lot 7	Accessory Building
18-08-07	465-008-00	Enclave Enterprises LLC	North Star Drive North Lot 8	Accessory Building
18-08-08	465-001-00	William Schulman	North Star Drive N. Lot 2	Accessory Building

Pending Zoning Permits

Last month (July) only one zoning permit was issued but as I mentioned at that time, a number of activities were being planned and the month of August reflected the projects in the pipeline moving into the permitting stage with eight permits having been issued.

I expect the pace to let up to some extent in September but a couple of time consuming permit applications have been submitted in August but were rejected as not complying with the ordinance requirements. One is headed to the Zoning Board of Appeals and the second may either be going before the Zoning Board of Appeals or the Planning Commission for a revision to an approved site plan for a site condo development.

Land Divisions

One land division application was received in July but was not acted upon due to the need for both property owners party to the agreement needing to sign off on the boundary line adjustment. I am still awaiting the signature from the second party. A property line adjustment application was received in August involving two property owners and three parcels. I am awaiting legal descriptions, surveys and the permit application fee. Since these three parcels are located in a recorded subdivision, I am checking to determine whether or not surveys would

be required. The intent of the realignment is to split the middle parcel of the three parcels such that the resulting two parcels would each have an equal lot width.

As I indicated in June, I have acquired a copy of a form used by another township in northern Michigan that seems to better address the issue of shifting a property boundary line which I would like to discuss with the Township Board at your convenience.

Nuisance Complaints

No nuisance complaints have been received during the month of August.

Zoning Violations

Two complaints of alleged zoning violations were received in August. Following my investigation, notices were sent out to both property owners. The first was for a sign violation at the property occupied by Toy Boxes on US-31. I have not seen the sign reappear since the date the property owner was given to comply. The second violation was for the Argonne Supper Club property owned by Steve Ager. Earth moving and removal appeared to have taken place. I have not seen any additional activity since the letter was sent.

Short Term Rental Licenses

No applications have been received for short term rental licenses during the month.

Secretarial Work on behalf of the Planning Commission

The packet was copied and mailed out for the Planning Commission August meeting. I also prepared a public hearing notice and mailed out notices to all property owners within 300 feet of the property for which Elliot Falls is requesting approval by the Planning Commission of a special use permit and site plan approval for rental storage units located adjacent to the Americinn Hotel. This hearing will occur during the month of September. Another hearing is planned for the October Planning Commission meeting for a revision to a site plan for the Featherly property on US-31.

At the request of the Planning Commission, I have created a letterhead for the exclusive use of the zoning administrator for any correspondence that I send out.

Zoning Board of Appeals

A meeting of the Zoning Board of Appeals has been scheduled for September 26th, for a request to construct a garage addition to a dwelling owned by Helga Strey on Nine Mile Point Drive. A variance was granted approximately 17 months ago but due to the variance not having been used and the plans being changed, a new variance request is required and has been submitted.

Meetings Attended

I attended the July Township Board and Planning Commission meetings.

northern michigan review, inc.

-Ad Proof-

This is the proof of your ad scheduled to run on the dates indicated below. Please proof read carefully if changes are needed, please contact us prior to deadline at
(231) 439-9322 ext. or
email at haugust@petoskeynews.com.

Date: 08/29/18

Account #: 179528

Company Name: Hayes Township

Contact: Marlene Golovich

Address: 09195 Old US 31 N
Charlevoix

Telephone: (231) 347-2899

Fax:

Run Dates:

News Review 08/31/18

NR Online 08/31/18

Ad ID: 537307

Start: 08/31/18

Stop: 08/31/18

Total Cost: \$63.40

of Lines: 31

Columns Wide: 1

Total Depth: 3.917

of Inserts: 2

Ad Class: 7700

Phone # (231) 439-9322

Email: haugust@petoskeynews.com

Hayes Township

Special Use Permit Hearing

The Hayes Township Planning Commission will hold a public hearing on September 18, 2018 at 7:00p.m. at the Hayes Township Hall located at 09195 Old US 31 North near Burgess Road, Charlevoix, Michigan. The purpose of this hearing is to accept comments regarding the request for a special use permit to allow the construction and rental of storage buildings on the below described property to the general public. The Site Plan will also be considered at this meeting. The property tax identification numbers are 007-118-015-30 and 007-119-006-45 with a street address of 11770 US 31 North. Questions may be directed to Larry Sullivan, Zoning Administrator at 231-497-9360, by email to zoning@hayestownshipmi.gov, or by fax to 231-237-0046. (L-8/31)

Cars - Used



2006 Mercedes Benz
C-Class, C280 V-6
Luxury 4MATIC,
150,000 Miles \$6,500
Text Phone (231) 838-1930



2008 Chevy Aveo Sport, 4
cylinder, 5 speed, hatchback,
121,000 miles. Red. \$2,699.
(231)437-3501.
budgetofcharlevoix.com

2008 Chevy HHR Panel wag-
on, 59,000 miles, 12 tires. Great
shaps. Stored inside winters.
\$6,060. (231) 242-0391.
2009 Honda Civic Coupe, 2
door, auto transmission, cus-
tom wheels, original owner, set
of snow tires included. \$4,800
(231) 373-6143



2010 Chevy Impala LT,
4-door 142 000 miles 1 part-

Pickups

1972 GMC 1/2-ton pickup,
one owner, 92,000 miles. 383
four speed. Mint condition. First
\$15,000. (231) 548-5253, leave
message.



2005 Ford F-150 XLT Super
Crew, 4x4, Dark Gray, Trailer
Tow, 140,000 miles. \$7,999.
(231)437-3501.
budgetofcharlevoix.com



2011 Ford F-150 STX regu-
lar cab, 4x4, V8, automatic, air,
aluminum wheels, chrome step,
141,000 miles. Red. \$10,999.
(231)437-3501.
budgetofcharlevoix.com

RVs & Campers

Keystone Springdale, 2011,
excellent condition, 26-1/2',
power jack leveling and awning.
Never seen snow. Always stored
inside. \$12,000. Call (231) 881-
3379, can email photos.

SUVs &
4 Wheel Drives



Hood's Rust-Free Southern
2004 Jeep Grand Cherokee
Laredo, 4x4, Special Edition,
Straight 6. One owner, 129,000
miles. 4 new tires. Absolutely no
rust! \$6,995. (231)548-2192
hoodusedcars.com



Hood's, Rust-Free Southern
2004 Jeep Liberty, 4x4, "Rocky
Mt. Edition" 3.7 liter, 132,000
miles. ABSOLUTELY rust-free
\$5,995. (231)548-2192
hoodusedcars.com



Hood's, Rust-Free Southern
2006 Jeep Commander, AWD,

Watercraft



2002 Crownline 266
CCR cuddy in excellent
condition. 496 MAG Merc
engine 375 hp w Bill drive
only 483 hrs. Tandem axle
Eagle trailer incl. Original
owner, freshwater only, al-
ways covered. Boyne City.
Asking \$29,900. (231) 409-
4627



2005 SunTracker 30 Regen-
cy Party Hut Galvanized trailer
w/new brakes, 115 Merc, alu-
minum deck, newer covers, 1
owner, nicely equipped, good
condition, downsizing \$19,995
248-388-1312 Walloon area

2009 Harris Flotebote
pontoon. 115hp Mercury 4
stroke EFI. 241 hrs. Runs great.
Overall great shape, small dent
in back port corner. New Bim-
ini, full mooring cover. No trailer.
Depth finder, Docking lights, 1ft
bow deck extension, Courtesy
lights, Sony Stereo, Ski Tow bar,
\$17,500.

Public Notices



City of East Jordan
Notice of
Sanitary Sewer Overflows

The City of East Jordan's sewer
system experienced two sepa-
rate sanitary sewer overflows.
The first occurred at the city's
main pump station located
at 99 Bridge Street in the city
limits. On August 28, 2018,
after 9pm, the heavy rain over-
whelmed the collection system
and overflowed from a manhole
at the station. Approximately,
200-300 gallons of raw sew-
age was spilled. The DEQ and
local Health Department were
notified as required. Lime was
spread on the affected soil. No
wastewater entered the storm
drain or any body of water.
The second spill occurred on
Rogers Road between M32
and the Jordan River. The city's
force main ruptured at approx-
imately 7:30am on August 29,
2018, causing roughly 30,000
gallons of raw sewage to be
spilled on the ground. The area
was bermed to prevent the sew-
age from reaching any body
of water. The DEQ and local
Health Department were noti-
fied as required. Some of the
contaminated soil was removed
from the site and lime was
spread on the remaining soil.

If anyone has any questions
regarding the overflows or ac-
tions taken, please contact Kate
Mowbray, Wastewater Plant
Operator, at [knowmbray@east-](mailto:knowmbray@east-jordanmi.gov)
[jordanmi.gov](mailto:knowmbray@east-jordanmi.gov) or by leaving a

Public Notices



Hayes Township
Special Use Permit
Hearing

The Hayes Township Planning
Commission will hold a pub-
lic hearing on September 18,
2018 at 7:00p.m. at the Hayes
Township Hall located at 09195
Old US 31 North near Burgess
Road, Charlevoix, Michigan.
The purpose of this hearing is
to accept comments regarding
the request for a special use
permit to allow the construction
and rental of storage buildings
on the below described prop-
erty to the general public. The
Site Plan will also be considered
at this meeting. The property
tax identification numbers are
007-118-015-30 and 007-119-
006-45 with a street address of
11770 US 31 North. Questions
may be directed to Larry Sulli-
van, Zoning Administrator at
231-497-9360, by email to zoning@hayestownshipmi.gov, or
by fax to 231-237-0046.
(L-8/31)



**VILLAGE OF
BOYNE FALLS**
Legal Notice

The Village of Boyne Falls has
adopted an amendment to
Ordinance # 55 to regulate
and restrict signs for residen-
tial property. It was adopted at
the Villane council meeting held

SUP

HAYES TOWNSHIP
09195 OLD US 31 N, CHARLEVOIX, MI. 49720

ZONING PERMIT APPLICATION

ZONE DISTRICT C-2 Pending PERMIT NUMBER 7 FEE 300.00 DATE RECEIVED 1-24-18

GENERAL INFORMATION

Property Owner Name(s) Falls enterprises
 Mailing Address 206 Ferry Ave #39 charlevoix, mi 49720
 Telephone _____ Cell: 989 859 3569 EMAIL: Elliott@Falls2Gmail.com

PROPERTY INFORMATION

Property Tax ID Number(s) 15-007-007-118-015-30 007-119-006-45

Property Address 11770 US-31 N charlevoix, mi. 49720

Contractor _____ Contractor Contact Information _____

PROPOSED USE OF PROPERTY

Type of Improvement(s)(describe) 100+ Heated/cold units - pole build. 10x10 to 20x40+

New Construction ☒ Reconstruction _____ Addition _____ Sign _____ Other _____

Dimensions of Proposed Structure 60x440 60x220
22x135 80x200 HEIGHT 16' walls + roof

PROPOSED ZONING PERMIT

Special Use ☒ Type of Special Use Cottage industry, marine service, moving, carpet, carpet cleaning, lawn care, auto detailing/wax, inventory storage, cabinet making, artist space

P.U.D. _____ Rezone _____ Land Division/Split Involved? _____

PERMITS & REQUIRED DOCUMENTS

Site Plan Required ☒ Survey Required _____ Health Dept. ☒

Road Commission _____ Soil & Erosion ☒ Corps of Engineers _____ D.N.R. _____ D.E.Q. _____

Owners Signature(s) [Signature] Elliott J Falls

Zoning Administrator Signature [Signature]

SEE REVERSE SIDE

HAYES TOWNSHIP
CHARLEVOIX COUNTY, MICHIGAN
NOTICE OF HEARING
SPECIAL USE PERMIT APPLICATION
AND SITE PLAN

Dear Property Owner:

Per the Hayes Township Zoning Ordinance, you are being notified of a Public Hearing by the Hayes Township Planning Commission for the purpose of accepting public comments on a request to consider approving a special use permit to allow for the construction of storage buildings on the below described property. The use requested is to allow the construction and rental of storage units to the public. The site plan will also be considered at this meeting. This property is currently zoned General Commercial (C-2) which allows storage units as a special use. The property consists of approximately 4.5 acres.

DATE AND TIME:	Tuesday September 18, 2018 at 7:00 p.m.
LOCATION:	Hayes Township Hall, 09195 Old US 31 North, near Burgess Road
PROPERTY INVOLVED:	Approximately 4.5 acres located at 11770 US 31 North having property tax numbers 15-007-119- 006-45 and 15-007-118-015-30.
APPLICANT:	Falls Enterprises (a.k.a. Elliot Falls)

Comments may be made at the hearing or in writing to Larry Sullivan, Zoning Administrator at 09195 Old US 31 N, Charlevoix MI 49720. Questions may be directed to Larry Sullivan at 231-497-9360. Written comments will also be accepted by email at zoning@hayestownshipmi.gov or by fax to 231-237-0046,

15-CC7-11E-CC4- 1ET HANY LUTHERAN CHURCH 1096 US 31 N :HARLEVOIX MI 49720	15-007-:1E-CC4-EC CHARLEVOIX PROPERTIES INC)821 RIVERSIDE AVE MARINETTE MI 54143	15-007-11E-012-1C BLAKE HOLDINGS LLC FRED TAYLOR 00970 MARINA DRIVE BOYNE CITY MI 49712
15-007-118-015-10 LANDSCAPE SUPPLY NORTH LLC >C BOX 363 ;AST JORDAN MI 49727	15-007-118-015-30 CHARLEVOIX CLUB PARK LLC 203 BRIDGE ST CHARLEVOIX MI 49720	15-007-119-006-20 WHITLEY BEN & ANDREA PO BOX 64 CHARLEVOIX MI 49720
15-007-116-CC1-55 CHARLEVOIX FRIENDS OF THE POOL 11SC5 US 31 N CHARLEVOIX MI 49720	15-007-11E-004-35 BETHANY LUTHERAN CHURCH 110% US 31 N CHARLEVOIX MI 49720	15-007-11E-CC4-60 CHARLEVOIX PROPERTIES INC 1821 RIVERSIDE AVE MARINETTE MI 54143
:5-C07-11E-004-E5 ADI REAL ESTATE HOLDINGS LLC PO BOX 490 KALKASKA MI 49646	15-007-11E-012-10 BLAKE HOLDINGS LLC FRED TAYLOR 00970 MARINA DRIVE BOYNE CITY MI 49712	15-007-118-015-1C LANDSCAPE SUPPLY NORTH LLC PO BOX 363 EAST JORDAN MI 49727
15-007-118-015-30 CHARLEVOIX CLUB PARK LLC 203 BRIDGE ST CHARLEVOIX MI 49720	15-007-119-004-10 WILLSON BRENDA & ERYN 616 MAIN ST EAST JORDAN MI 49727	

Haggard's
PLUMBING and HEATING
"Business of Quality and Service"
"Charlevoix-the-Beautiful"
haggardsinc@hotmail.com

Date: September 5, 2018

To: Hayes Township Hall
9195 Old US 31 Hwy N.
Charlevoix, MI 49720

RE: Request for a special use permit to allow the construction and rental of storage buildings on the below described property to the general public. Parcel#007-118-015-30 and #007-119-006-45 located at 11770 US 31 N.

To Whom it May Concern,

Upon reviewing the above Notice, I would like to express my view with the above case's requests. Haggard's Plumbing & Heating is not at all opposed to the changes of the property and/or the request to the Zoning Board. If a property owner is fortunate enough to have the ability and the resources in this time of economical struggles to either build and/or improve their existing property, we would like to see their request granted. It would prove positive for the local, county, state and county to do all we can to improve and promote growth in any way possible.



Sincerely,
JOHN HAGGARD

Memorandum

To: Hayes Township Planning Commission
From: Larry Sullivan, Zoning Administrator
Re: Elliot Falls Special Use Permit and Site Plan
Date: September 10, 2018

The Elliot Falls Special Use Permit and Site Plan review is before the Planning Commission for review and approval at your meeting which will be held on Tuesday, September 18, 2018.

Since Mr. Falls originally applied for the Special Use Permit, he has since revised his request to allow rental storage units only with a reduction in the number of rental units due to the need to meet the setback requirements.

Background information is as follows:

The Hayes Township Planning Commission considered a request to rezone the property known by tax identification numbers 007-118-015-30 and 007-119-006-45 from C-1 (Neighborhood Commercial) District to the C-2 (General Commercial) District at the meeting which was held on February 20, 2018. The Planning Commission also considered a Special Use Permit and a Site Plan at that meeting. The Planning Commission after considerable discussion, tabled consideration on the Special Use Permit and Site Plan Review until their next meeting which is scheduled for March 20, 2018 (see attached minutes of February meeting).

The Hayes Township Board approved the rezoning of this property from C-1 (Neighborhood Commercial) District to the C-2 (General Commercial) District at a special meeting which was held on April 20, 2018. The Planning Commission tabled the review of the Special Use Permit Request and Site Plan Review for Warehouses and Storage Buildings, which are allowed as a special use in the C-2 District pending the receipt of a site plan which meets the Zoning Ordinance requirements.

At the March 20th, PC meeting, discussion took place regarding the County Planning Commission action on the rezone request and as a result, discussion and potential action on the Falls Special Use Permit Request and Site Plan review was tabled until the April 17, 2018 Planning Commission meeting. At the April 17th PC meeting, no action was taken in regard to Mr. Falls SUP (Special

Use Permit) or SPR (Site Plan Review) pending action by the Township Board on the rezone request from C-1 to C-2 and a site plan meeting the zoning ordinance requirements. The language contained in the approved minutes states that "The decision by the BOT will occur in the period between the PC meetings and the outcome will dictate the scheduling of the site plan review". The only reference to the Falls project in the May meeting was that "He (Sullivan) was researching an easement question that arose in the Falls SUP initial review and will develop further information on it. There being no questions we moved on to new business." The June PC minutes contained no mention of the Falls SUP or SPR.

As a refresher, the Special Use Permit being requested is to allow this property to be used to locate storage buildings which will be rented out to a variety of different parties to allow them to store personal belongings, business inventory or other assorted sundry items. When this project was originally proposed in January of 2018, the thought of the developer was to potentially allow for a variety of uses to take place out of the various storage units such as auto detailing, marine service, cabinet making, etc. The applicant has since decided to only request to be allowed to construct and rent out storage units.

Section 6.02 4. Standards for Granting Special Use Permits:

- A. The property subject to the application is located in a Zoning District in which the proposed special land use is allowed. **Storage Units are listed as an allowed special use in the C-2 Zone District.**
- B. Compatibility with Adjacent Land Uses: **The surrounding properties are all being used for commercial purposes; the property to the east is an excavating/earth moving company, the property to the west is the Americinn, a motel/hotel business while the property to the south is used for condominium storage building. The property located to the north, (across US-31) is the Charlevoix Country Club. The property will not be subject to or generate significant amounts of traffic; will not generate noise, smoke, glare, odors, and/or fumes.**
Conditions the Planning Commission may want to consider requiring include not allowing outdoor storage and limiting the hours of operation.
- C. Public Services - **The use being proposed will not result in demands on public services other than the potential for small amounts of water, or electricity. The demands for services will be adequately served by the existing utilities currently serving the area.**
- D. Economic Well-Being of the Community. **The use of this property will not have a detrimental impact on residents, businesses, landowners or the community as a whole.**

- E. Compatibility with Natural Environment. **The use proposed will not have a negative impact upon natural resources of the Township or the natural environment as a whole.**
- F. Compliance with Specific Standards. Specific standards for storage units are contained in Article VII, Section 7.01 19 which begins on page VII-13 of the Ordinance. This begins with the following: "Storage uses as allowed in Industrial (1-1), including mini-storage, shall meet the following regulations. *While this language specifically states Industrial (1- 1), I believe that this language should be considered for storage units allowed in all zone districts. That will be an issue for the Planning Commission to decide.* These conditions include orientation of storage units nearest to the primary access road, set back a minimum of 100 feet from the public road right-of-way lines. Effective year-round screening is required to shield storage buildings from bordering public roads.
- G. Conditional Approvals. The Planning Commission may impose reasonable conditions with the approval of a Special Use Permit, pursuant to Section 9.03 of this ordinance.
1. Be designed to protect the natural resources, the health, safety, welfare, as well as the social and economic wellbeing of those who will use the land under consideration, residents, and landowners immediately adjacent to the proposed land use and the community as a whole.
 2. Be related to the valid exercise of police power.
 3. Be necessary to meet the intent and purpose of the Zoning Ordinance.
- H. Performance Guarantee. The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a special use permit, pursuant to section 9.06 of this ordinance.

Article V Site Plan Review

Required site plans give the Planning Commission an opportunity to review development proposals in a concise and consistent manner. The use of the site plan ensures that the physical changes in the property meet with local approval and that development actually occurs as it was planned and represented by the developer.

1. Circumstances Requiring a Site Plan: Site plans are required for the following uses:
- I. All new uses and/or structures except one-family or two-family residential units, associated accessory structures to one-family or two-family residential units, agricultural buildings in the Agricultural district and accessory buildings as a principal use, provided all requirements are met

- J.** Expansion or renovation of an existing use, other than one-family or two-family residential use, which increases the existing floor space more than twenty five (25) percent.
 - K.** Changes of use for an existing structure or lot.
 - L.** Any special use permits.
 - M.** Any use requiring off-street parking, as stated in the off-street parking schedule of this ordinance.
 - N.** Other uses as required by this Ordinance.
- O. 3.** Site Plan Data Required: Each site plan submitted shall contain the following information unless specifically waived, in whole or in part by the Township Planning Commission. The Planning Commission can waive any or all of the below site plan requirements, when it finds those requirements are not applicable to the proposed development.
- P.** The name and address of the property owner.
 - Q.** The date, north arrow, scale and name of the individual or firm responsible for preparing said plan. The scale must be at least one (1) inch= fifty (50) feet for parcels under three (3) acres and not less than one (1) inch = one hundred (100) feet for parcels three (3) acres or more.
 - R.** A certified survey of the property prepared and sealed by a professional licensed surveyor, showing at a minimum the boundary lines of the property, to include all dimensions and legal description.
 - S.** The location of all existing structures and all proposed uses or structures on the site, including proposed drives, walkways, signs, exterior lighting, adequate parking for the proposed uses (show the dimensions of a typical parking stall and parking lot), loading and unloading areas, if necessary, common use areas and recreational areas and facilities. An elevation drawing of the proposed building(s) shall be required in order to review the proposed building bulk and verify height.
 - T.** The location and width of all abutting rights-of-way, easements and utility lines within or bordering the subject project.
 - U.** The location of existing environmental features, such as watercourses, wetlands, shorelines, man-made drains, mature specimen trees, wooded areas or any other unusual environmental features.
 - V.** The location and identification of all existing structures, lighting, signs, ingress drives, roads, and parking within a two hundred (200) foot radius of the site, including road names.
 - W.** The existing zoning district in which the site is located and the zoning of adjacent parcels.
 - X.** The location of all existing and proposed landscaping as well as all existing and proposed fences or walls. -
 - Y.** The location, size and slope of all surface and subsurface drainage facilities.
 - Z.** Summary tables, cross-sections and/or floor plans should be included with site plans for proposed structures giving the following information:
The number of units proposed, by type, including a typical floor plan for each unit

The area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.

Typical elevation drawings of the front and rear of each building.

The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten percent (10%) or greater, contours shall be shown at height intervals of two (2) feet or less.

Generalized soil analysis data, which may include data prepared by the Charlevoix County Soil Conservation District regarding the soils and their adaptability to the use. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of soils.

All site plans shall comply with the terms of any applicable soil erosion sedimentation and storm water runoff control ordinance. It shall be the applicant's responsibility to provide documentation of compliance with any applicable ordinance.

Anticipated hours of operation for the proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.

The impact statement shall address the following as applicable to the type of use:

A complete description of the proposed development including: areas of the site, the number of lots or units; and the number and characteristics of the population impact such as density, elderly persons, school children, tourists, family size, income, and related information as applicable.

Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of sewage for treatment, volume of water consumption related to ground water reserves or community system capacity, change in traffic volume on adjacent streets and other factors that may apply to the particular development.

Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment.

5. Standards for Granting Site Plan Approval:

The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below, unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed

development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard. These standards are listed in subsections 1-11 listed below.

All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development of surrounding property for uses permitted in this Ordinance.

The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.

Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.

The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

All buildings or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides.

Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use.

All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials no less than six feet in height.

Exterior lighting shall be arranged as follows:

It is deflected away from adjacent properties.

It does not impede the vision of traffic along adjacent streets.

It does not unnecessarily illuminate night skies.

The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent

development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way.

All streets shall be developed in accordance with any adopted Township private road standards, or if a public road, the County Road Commission specifications.

Site plans shall conform to all applicable requirements of state and federal statutes and the Hayes Township Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual zoning permit authorizing the special land use is granted.

The Planning Commission shall seek the recommendations of the Fire Chief, the Charlevoix County Road Commission, the County Health Department, and the Michigan Department of Natural Resources, where applicable.

6. Approval Site Plan: If approved by the Planning Commission, three (3) copies of the site plan shall be signed and dated by both the applicant and Zoning Administrator or Planning Commission Chair. One signed and dated site plan shall be provided to the applicant; one shall be retained by the Zoning Administrator as part of the Township's permanent zoning file, and; one copy shall be made part of the Planning Commission's permanent record of proceedings on the site plan.

7. Conformity to Approved Site Plan Required. Following approval of a site plan by the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved site plan. Failure to do so shall be deemed a violation of this Ordinance.

The site plan shall expire unless substantial construction of an approved site plan improvement has begun within 365 days of approval. Thirty days prior to expiration of an approved final site plan, an applicant may make application to the Planning Commission for a one year extension of the site plan at no fee. The Planning Commission shall grant the requested extension for an additional one year, if it finds good cause for the extension and that the zoning regulations governing the site plan approval have not changed since the approval.

Conditional Approvals. The Planning Commission may impose reasonable conditions with the approval of a site plan, pursuant to Section 9.03 of this Ordinance.

Performance Guarantee Required. The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a site plan, pursuant to Section 9.06 of this Ordinance.

As-Built Site Plan. Upon completion of the installation of required improvements as shown on the approved site plan, the property owner shall submit to the Zoning Administrator two (2) copies of an "as-built" site plan, certified by the engineer or surveyor, if such professional prepared the original site plan, at least one week prior to the anticipated occupancy of any building. The Zoning Administrator shall circulate the as-built plans to the official listed in Section 5.03.48 that provided comments to the planning commission during the initial review process for review and further comments. Any further comments shall be submitted to the Zoning Administrator within seven (7) days of sending the as-built plans. After receiving the comments or the expiration of the seven (7) day comment period, whichever comes first, the Zoning Administrator may make the final inspection of the project to determine whether the project conforms to the approved site plan.

The current owner of the property is requesting the approval of a new site plan that would allow for 3 buildings which all told would allow for approximately 41 rental units. The Schedule of Regulations for the C-2 District require a minimum lot area of 2 acres which this parcel greatly exceeds, it requires a minimum width of 100 feet which this parcel also greatly exceeds. The maximum structure height is limited to 35 feet with the structures proposed not exceeding 30 feet in height. The minimum setbacks from the perimeter of the property are 35 feet from the front lot line, 15 feet from the side lot lines and 35 feet from the rear lot line. The maximum percentage of impervious surface, which includes driveways, buildings, sidewalks, etc., will be 56.6% with the maximum amount allowed being 60%.

A Site Plan Review is required by the Hayes Township Zoning Ordinance for all uses with the exception of single and two family residential and agricultural uses. Uses in the C-2 District require a Site Plan Review.

No pre-application conference was held with regard to this property.

Site Plan Data Requirements. The material submitted meets all of the site plan requirements with the exception of the following:

The site plan drawing does not depict all uses such as structures, signs, lighting, ingress drives and roads within a 200 foot radius of the site. A signed and sealed survey of the property was not provided with the application, however, Ferguson & Chamberlain Associates Inc. prepared the boundary drawings for this plan with the detailed interior layout having been prepared by Performance Engineers Inc.

The Zoning of this parcel and adjacent parcels is not shown on the site plan. This property is zoned C-2. The property located to the **west** is zoned C-1 mas is the property to the east. The property to the south was given a "conditional rezoning" to C-2 to allow the development of a Site Condo Storage Unit Complex. Property located to the north (across US-31 North) is zoned A "Agricultural".

..

The approximate number and size of each rental unit is shown on the site plan. No information has been provided regarding the color of the sides and roofs of the buildings. The Planning Commission may want to require the colors be of a neutral shade to blend into the surround environment.

The Planning Commission may want to require the ability to approve the contents of the lease agreements with regard to the types of materials that are allowed to be stored on the property, with particular emphasis as to hazardous, toxic and explosive materials.

The location of catch basins has been shown on the site plan as well as a stormwater retention basin to which runoff is intended to be directed. No information has been provided regarding the soils on the property. Generally the soils in this area of the Township tend to be wet, or in drainage ways and swales with limited areas of high, well drained soils.

No information has been provided regarding the hours of operation or types of lighting that will be provided other than a statement that the lighting will comply with the Ordinance standards.

A minimal impact statement has been provided. Based upon the use that is being proposed, no additional school children or elderly populations will be residing on the property. No demands on community services are expected to be generated by this development as they are only to be used as storage buildings. This property is served by Charlevoix Township water and City of Charlevoix Sewer, both of which has excessive capacity at the current time.

In approving this site plan, the Planning Commission may outright approve the plan as submitted, approve with conditions upon a finding that the proposed site plan complies with the standards contained in Article V Section 5.03 5.as well as Article VII Section 7.01 19. Should the Planning Commission find that the site plan and proposed uses do not comply with the Hayes Township Zoning Ordinance; the Planning Commission shall deny the site plan and provide specific reasons for its action to deny.

Jim Malewitz

From: Rik Lobenherz <riktherealtor@gmail.com>
Sent: Thursday, July 12, 2018 4:06 PM
To: Jim Malewitz
Subject: FW: Attached Image
Attachments: 0094_001.pdf

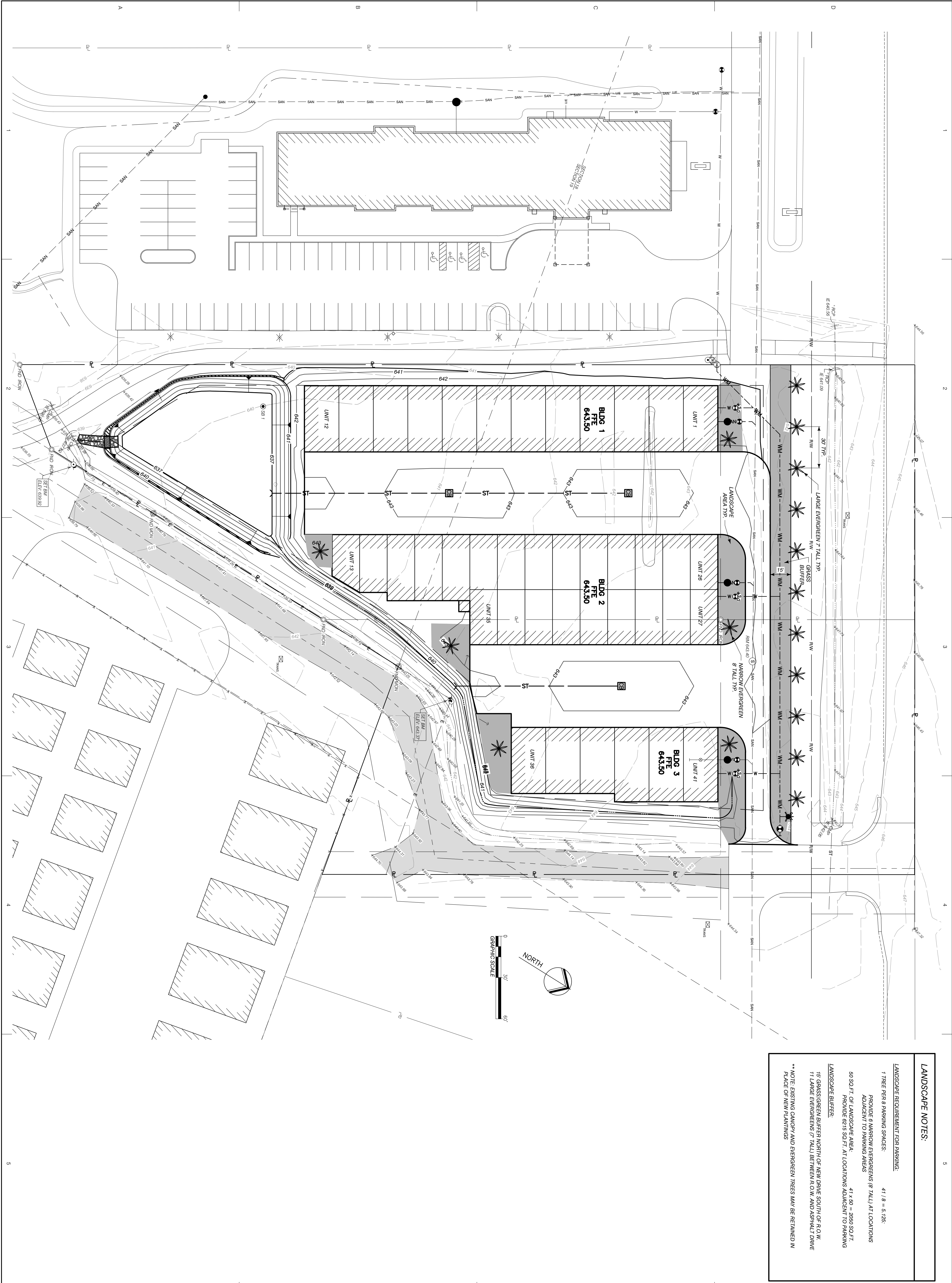
I will sign and record this when we close with Falls

Richard E. Lobenherz, CCIM
Broker/Owner
Cell -231-675-6285
Office- 231-547-9905
Fax- 231-547-2936
203 Bridge Street, Charlevoix, MI 49720
Free Northern Michigan Real Estate App
www.richardtherealtor.net
Northern Michigan Property Guide



BERKSHIRE HATHAWAY
HomeServices
Michigan Real Estate

K:\PROJECTS\5080\DRAWINGS\5080SITE.DWG - 3-LAND - PLOTTED 8/30/2018 12:53 PM BY JIM MALEWITZ



LANDSCAPE NOTES:

LANDSCAPE REQUIREMENT FOR PARKING:

- 1 TREE PER 8 PARKING SPACES: 41 / 8 = 5.125;
PROVIDE 4 NARROW EVERGREENS (8 TALL) AT LOCATIONS ADJACENT TO PARKING AREAS
- 50 SQ. FT. OF LANDSCAPE AREA: 41 x 50 = 2050 SQ. FT.
PROVIDE 82 IS SQ. FT. AT LOCATIONS ADJACENT TO PARKING
- LANDSCAPE BUFFER:
15 GRASS GREEN BUFFER NORTH OF NEW DRIVE SOUTH OF R.O.W.
11 LARGE EVERGREENS (7 TALL) BETWEEN R.O.W. AND ASPHALT DRIVE
- ** NOTE: EXISTING CANOPY AND EVERGREEN TREES MAY BE RETAINED IN PLACE OR NEW PLANTINGS

Performance Engineers, Inc.

Civil / Structural Engineering
406 Petoskey Avenue
Charlevoix, Michigan 49720
Phone: (231) 547-2121
Fax: (231) 547-0084
www.performanceeng.com

CONSULTANTS

FERGUSON & CHAMBERLAIN ASSOCIATES, INC.
PROFESSIONAL SURVEYORS
103 W. UPRIGHT STREET
CHARLEVOIX, MICHIGAN 49720
Phone: (231) 547-6882
Fax: (231) 547-0021

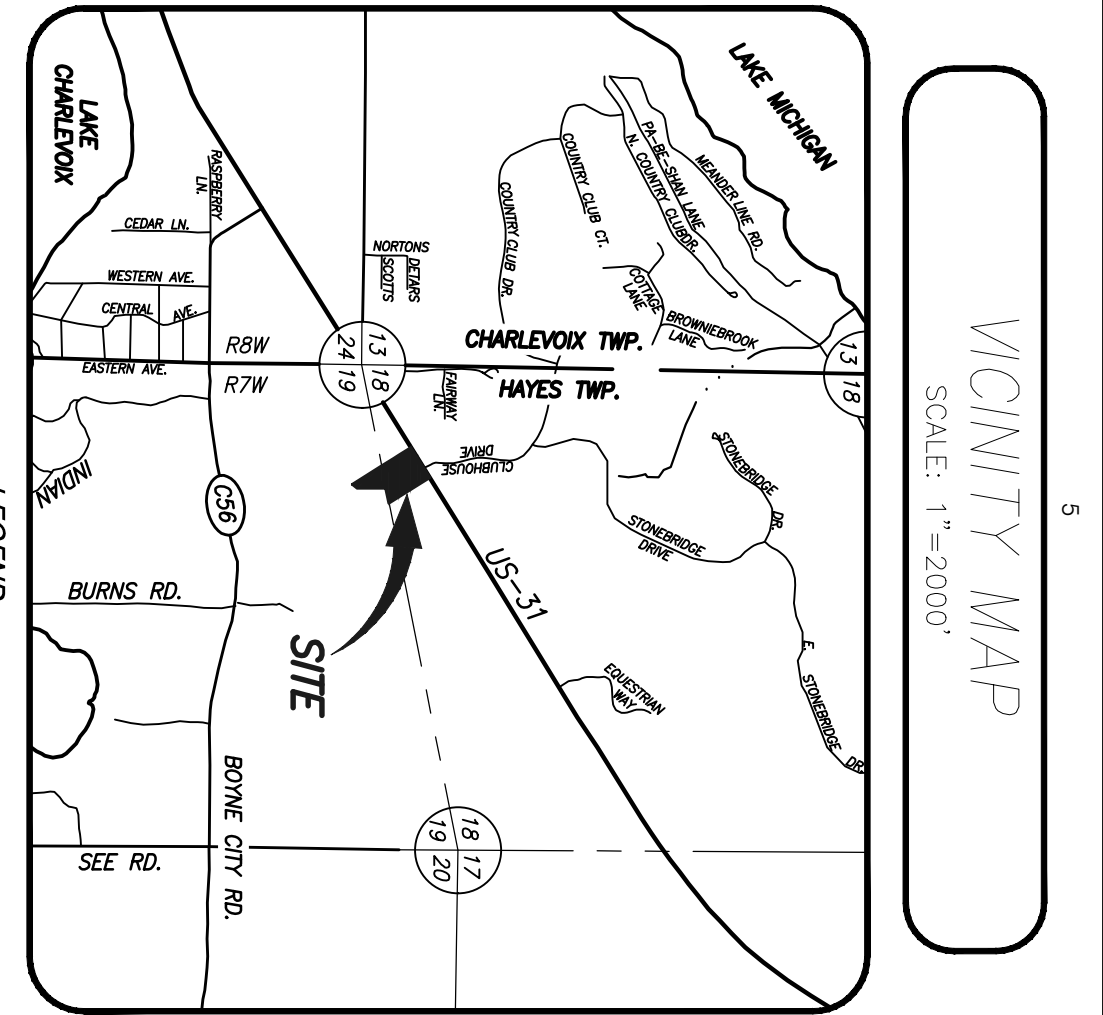
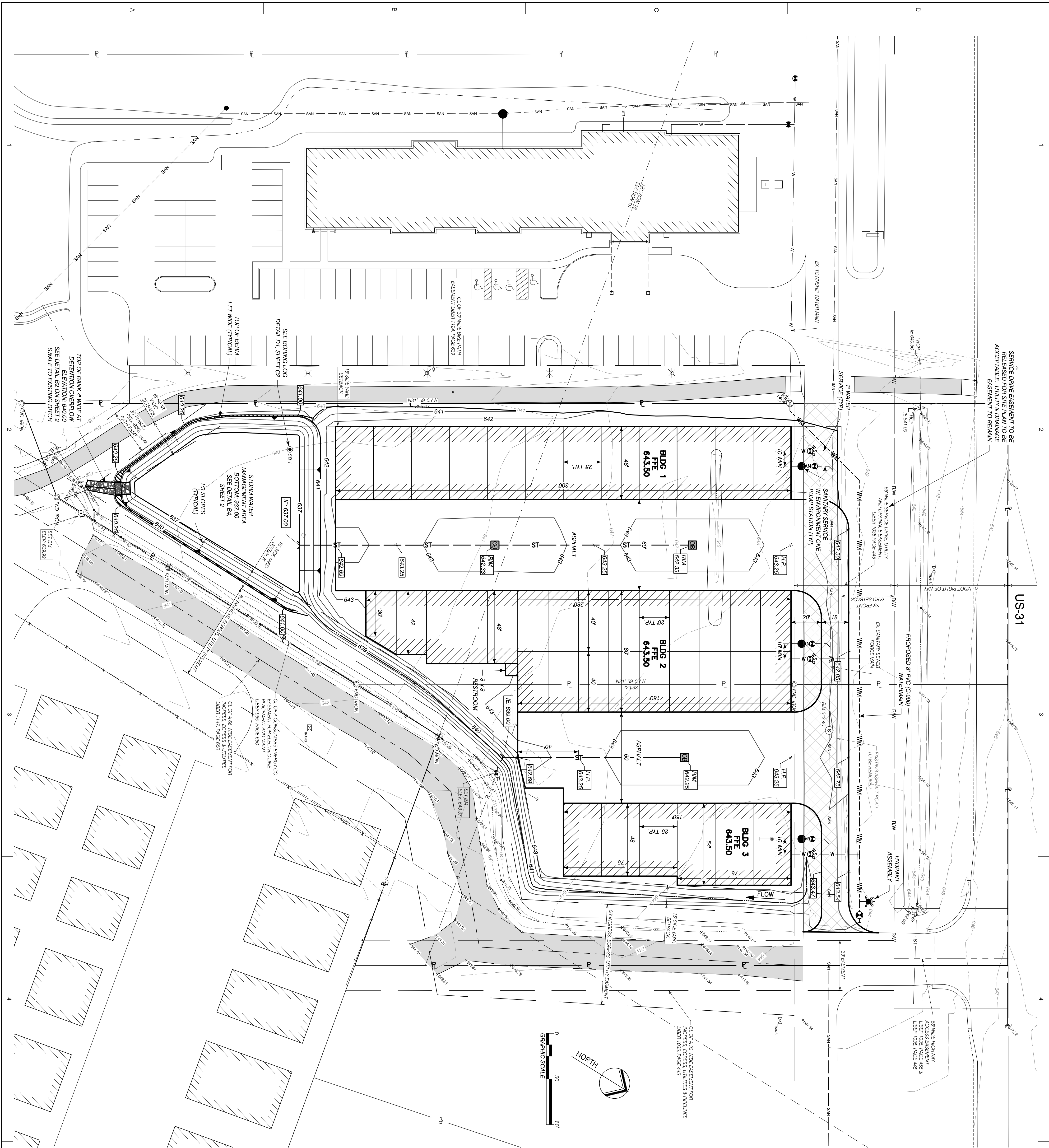
FALLS STORAGE

PART OF SECTIONS 18 & 19
TOWN 34 NORTH, RANGE 8 WEST
HAYES TOWNSHIP, CHARLEVOIX COUNTY, MICHIGAN

OWNER
ELLIOT FALLS
244 BRIDGE STREET, CHARLEVOIX, MI 49720
<https://www.hayestownshipmi.gov>

MARK	DATE	DESCRIPTION
1	21 AUG 18	TOWNSHIP ZONING SUBMITTAL
PROJECT NO.: 18-5080		
CAD DWG FILE: 5080SITE.DWG		
DRAWN BY: C. STEIN		
DESIGNED BY: JIMALEWITZ		
CHECKED BY: JIMALEWITZ		
SEAL		
SHEET TITLE		
LANDSCAPE PLAN		
SHEET 1 OF 1		

K:\PROJECTS\5080\DRAWINGS\5080SITE.DWG - 1-SITE - PLOTTED 8/6/2018 2:53 PM BY DAN COOK



SITE NOTES:	
CURRENT ZONING: GENERAL COMMERCIAL (C-2)	PROPOSED ZONING: SAME (C-2)
EXISTING USE: VACANT	PROPOSED USE: STORAGE BUILDINGS
AREAS	
PARCEL AREA (TOTAL):	179,008 sq. ft.
PARCEL LESS US-31 RW:	151,166 sq. ft. (used for calculations)
EXISTING ROADWAY SURFACE:	
PROPOSED BUILDINGS:	8,459 sq. ft.
PROPOSED ROADWAY/PARKING SURFACE:	± 38,293 sq. ft.
TOTAL HARD SURFACE AREA:	85,017 sq. ft.
LOT COVERAGE:	
PROPOSED BUILDINGS:	27.0%
ROADWAY SURFACE:	29.6%
TOTAL COVERAGE:	56.6%
STORM WATER MANAGEMENT AREA:	
REQUIRED VOLUME:	27,500 CU.FT.
PROVIDED VOLUME:	28,644 CU.FT.
SETBACK REQUIREMENTS:	
FRONT YARD:	35 FEET
REAR YARD:	35 FEET
SIDE YARD:	15 FEET
STRUCTURE HEIGHT NOT TO EXCEED 35'	
PARKING REQUIREMENTS:	
IN FRONT OF STORAGE UNITS	
ADDITIONAL SITE INFORMATION:	
SIGNAGE AND LIGHTING TO MEET HAYES TOWNSHIP SIGN AND LIGHTING REQUIREMENTS	
PROJECT HAS ABILITY TO BE SERVED BY CHARLEVOIX TWP. WATER AND CITY OF CHARLEVOIX SANITARY SEWER	
OWNER: ELLIOT FALLS	
244 BRIDGE STREET, CHARLEVOIX, MI 49720	

DESCRIPTION	PROPOSED	EXISTING
BUILDING		
STORM/SEWER		
SANITARY SEWER		
WATER		
NATURAL GAS		
UNDERGROUND ELEC.		
OVERHEAD ELEC.		
UNDERGROUND TEL.		
WELL		
MANHOLE		
CATCH BASIN		
FIRE HYDRANT		
UTILITY POLE		
LIGHT POLE		
CLEANOUT		
WATER VALVE		
DECIDUOUS TREE		
CONIFEROUS TREE		
BUSH		
TREELINE		
DITCH OR SWALE		
ELEVATION		
CONTOUR		
PROPERTY LINE		
UNIT LINE		
FENCE		

ABBREVIATIONS	
ASPH - ASPHALT	HOPE - HIGH DENSITY POLYETHYLENE
BF - BARRIER FREE	LF - LINEAL FEET
BLDG - BUILDING	PVC - POLYVINYLCHLORIDE PIPE
BR - BRIDGE	RCP - REINFORCED CONCRETE PIPE
C.C. - CENTER TO CENTER	STL - STEEL
COMP - CORRUGATED METAL PIPE	STM - STORM
CONC - CONCRETE	TIC - TOP OF CURB
DIP - DUCTILE IRON PIPE	TTC - TOP OF CURB
F.G. - FINISH GRADE	TW - TOP OF WALK
FIN - FINISH FLOOR ELEVATION	TWALL - TOP OF WALL
IE - INVERT ELEVATION	TYP - TYPICAL

MARK

1

DATE

06 AUG 18

DESCRIPTION

TOWNSHIP ZONING SUBMITTAL

PROJECT NO.

18-3080

CAD DWG FILE:

5080SITE.DWG

DRAWN BY:

C. STEIN

DESIGNED BY:

C. STEIN

CHECKED BY:

J. WALENITZ

SCALE

SHEET TITLE

SITE PLAN

SHEET

1 OF 2

C1

FALLS STORAGE

PART OF SECTIONS 18 & 19
TOWN 34 NORTH, RANGE 8 WEST
HAYES TOWNSHIP, CHARLEVOIX COUNTY, MICHIGAN

OWNER
ELLIOT FALLS
244 BRIDGE STREET, CHARLEVOIX, MI 49720

CONSULTANTS

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www.performanceeng.com

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<https://www.hayestownshipmi.gov>

BORING LOG	
SB 1	
TOPSOIL	0" SURFACE -6"
SAND	-6" -36"
SANDY LOAM	-36" -48"

B1 BORING LOG
1/2" = 1'

BORING DATE: 7/27/2018
INSPECTED BY: J. MALENITZ, PE
PERFORMANCE ENGINEERS

C1 TYPICAL HYDRANT ASSEMBLY
NO SCALE

ASPHALT SURFACE - TWO 1-1/2" LIFTS OF SAME MIX (MDOT 4E1 WITH 58-28 BINDER AND 3% MAX AIR VIDS AND MAX 1 1/2" RAP 67 WEIGHT). INSTALLED AT OWNER'S RISK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL PAVEMENT GRADES ON PLAN ARE TO BE TOP OF GRAVEL ELEVATIONS.

NOTE: PARKING LOT MAY BE LEFT GRAVEL SURFACED DURING INITIAL CONSTRUCTION. CONTRACTOR TO ADJUST ALL FINISH GRADES TO ALLOW FOR 3" ASPHALT.

B2 PARKING LOT SECTION
1/2" = 1'

B2 CATCH BASIN DETAIL
1/2" = 1'

A2 DETENTION OVERFLOW SECTION
NO SCALE

B4 DETENTION AREA DETAIL
1" = 10'

<

EASEMENT TERMINATION

THIS EASEMENT TERMINATION (the "Easement Termination") is given as of this ____ day of _____, 2018, by Charlevoix Club Park, LLC, a Michigan limited liability company ("CCP"), whose post office address is 203 Bridge Street, Charlevoix, MI 49720; and Landscape Supply North LLC, a Michigan limited liability company ("Landscape") whose mailing address is P.O. Box 363, East Jordan, MI 49727; and Northstar Development – Charlevoix LLC, a Michigan limited liability company ("Northstar"), whose mailing address is PO. Box 903, Boyne City, MI 49712.

WHEREAS, CCP is the fee simple owner of certain real property more particularly described in Exhibit "A" attached hereto;

WHEREAS, Landscape has an interest in the real property more particularly described in Exhibits "B", "C", and "D" attached hereto;

WHEREAS, Northstar is the fee simple owner of certain real property more particularly described in Exhibit "E".

WHEREAS, CCP granted to the Parcels owned by CCP, Landscape, and Northstar a non-exclusive 66 foot wide service drive, utility and drainage easement in that Service Drive Utility and Drainage Easement (the "Service Drive Easement") recorded on June 28, 2013, in Liber 1035, Page 455, with the Charlevoix County Register of Deeds;

WHEREAS, CCP hereby exercises its reserved rights to alter or amend the Service Drive Easement; and

WHEREAS, this Termination Agreement runs with the land and shall be binding upon and inure to the benefit and burden of the parties, and their respective heirs, personal representatives, transferees, successors, or assigns;

NOW, THEREFORE, for valuable and other good consideration paid at the time of the execution hereof, the receipt of which is hereby acknowledged, and intended to be legally bound, the parties agree as follows:

1. Recitations. The foregoing recitations are true and correct and are incorporated herein by reference.

2. Termination of Pedestrian and Vehicular Ingress and Egress. CCP, Landscape, and Northstar hereby terminate the Service Drive Easement only as it relates to pedestrian and vehicular ingress and egress on the parcels described in Exhibits "A", "B", "C", "D", and "E".

3. Other Easements. All other terms, provisions, and easements not specifically referenced in this Easement Termination shall remain in full force and effect.

4. Binding Effect. The covenants contained in this Easement Termination are not personal but shall run with the land and shall be binding upon and inure to the benefit of the fee simple title holder of the Parcels, and their respective heirs, personal representatives, transferees, successors, or assigns. The Termination Agreement is hereby ratified and confirmed and shall remain in full forth and effect.

IN WITNESS WHEREOF, This Termination Agreement is executed on this _____ day of _____, 2018.

Charlevoix Club Park, LLC, a Michigan limited liability company

By: Richard E. Lobenherz
Its: Member


STATE OF MICHIGAN)
COUNTY OF CHARLEVOIX) ss

The foregoing instrument was acknowledged before me, a notary public, on this _____ day of _____, 2018, by Richard E. Lobenherz, Member for and on behalf of Charlevoix Club Park, LLC, a Michigan limited liability company.

Notary Public:
State/County:
Acting In:
Commission Expires:

IN WITNESS WHEREOF, This Termination Agreement is executed on this _____ day of _____, 2018.

Landscape Supply North LLC, a Michigan limited liability company




By: Robert Moblo
Its: Member

STATE OF MICHIGAN)

COUNTY OF CHARLEVOIX) ss

The foregoing instrument was acknowledged before me, a notary public, on this 12th day of July, 2018, by Robert Moblo, Member for and on behalf of Landscape Supply North, LLC, a Michigan limited liability company.

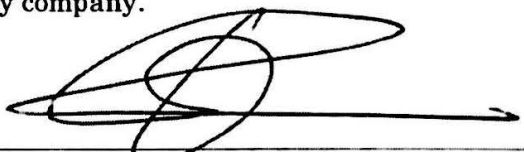
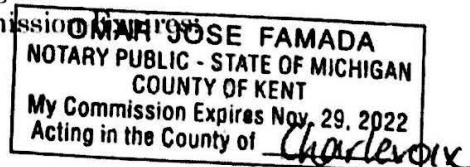

 Notary Public: Omar Jose Famada
 State/County: MI/Kent
 Acting In: Charlevoix
 Commission Expires: 11/29/2022

Northstar Development-Charlevoix LLC, a
 Michigan limited liability company


 By: Jean Musilek
 Its: Member

STATE OF MICHIGAN)
 COUNTY OF CHARLEVOIX) ss

The foregoing instrument was acknowledged before me, a notary public, on this 12th day of July, 2018, by Jean Musilek, Member for and on behalf of Northstar Development – Charlevoix LLC, a Michigan limited liability company.


 Notary Public:
 State/County:
 Acting In:
 Commission Expires:


Drafted by:
 Omar J. Famada, without opinion as to title (P80671)
 203 Bridge Street
 Charlevoix, MI 49720

Exhibit A**PARCEL "A":**

In the Township of Hayes, Charlevoix County, Michigan, Commencing at a Charlevoix County Marker at the West corner common to Sections 18 and 19, Town 34 North, Range 7 West; thence along the line common to said sections, North 76°04'44" East 983.25 feet to a 1/2 inch rod, being the POINT OF BEGINNING of this description; thence North 34°01'39" West 153.64 feet to a 1/2 inch rod on the Southeasterly line of 66 foot wide service drive, utility and drainage easement; thence continuing North 34°01'39" West 66.00 feet to a 1/2 inch rod on the Southeasterly line of Highway U.S. 31; thence continuing North 34°01'39" West 75.00 feet to the centerline of said highway; thence along said centerline, North 55°58'21" East 185.00 feet; thence South 34°01'39" East 75.00 feet to a 1/2 inch rod on said southeasterly highway line; thence continuing South 34°01'39" East 66.00 feet to a 1/2 inch rod on the Southwesterly line of said 66 foot wide easement; thence continuing South 34°01'39" East 439.21 feet to a 1/2 inch rod; thence South 35°22'58" West 197.62 feet to a 1/2 inch rod; thence North 34°01'39" West 355.07 feet to the Point of Beginning; being a part of the Southwest 1/4 of the Southwest 1/4 of Section 18, and a part of the Northwest 1/4 of the Northwest 1/4 of Section 19, all in Town 34 North, Range 7 West, and containing 2.612 acres.

Subject to the rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road or highway purposes.

PARCEL "B":

In the Township of Hayes, Charlevoix County, Michigan, Commencing at a Charlevoix County Marker at the West corner common to Sections 18 and 19, Town 34 North, Range 7 West; thence along the line common to said sections, North 76°04'44" East 1180.26 feet to a 1/2 inch rod, being the POINT OF BEGINNING of this description; thence North 34°01'39" West 221.36 feet to a 1/2 inch rod on the Southeasterly line of 66 foot wide service drive, utility and drainage easement; thence continuing North 34°01'39" West 66.00 feet to a 1/2 inch rod on the Southeasterly line of Highway U.S. 31; thence continuing North 34°01'39" West 75.00 feet to the centerline of said highway; thence along said centerline, North 55°58'21" East 185.00 feet; thence South 34°01'39" East 75.00 feet to a 1/2 inch rod on said southeasterly highway line; thence continuing South 34°01'39" East 66.00 feet to a 1/2 inch rod on the Southwesterly line of said 66 foot wide easement; thence continuing South 34°01'39" East 289.09 feet to a 1/2 inch rod on said section line; thence South 16°54'53" West 238.25 feet to a 1/2 inch rod; thence North 34°01'39" West 217.85 feet to the Point of Beginning; being a part of the South 1/2 of the Southwest 1/4 of Section 18, and a part of the North 1/2 of the Northwest 1/4 of Section 19, all in Town 34 North, Range 7 West, and containing 2.145 acres.

Subject to the rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road or highway purposes.

*Exhibit B***PARCEL "C":**

In the Township of Hayes, Charlevoix County, Michigan, Commencing at a Charlevoix County Marker at the West corner common to Sections 18 and 19, Town 34 North, Range 7 West; thence along the line common to said sections, North 76°04'44" East 1377.27 feet to a 1/2 inch rod, being the **POINT OF BEGINNING** of this description; thence North 34°01'39" West 289.09 feet to a 1/2 inch rod on the Southeasterly line of 66 foot wide service drive, utility and drainage easement; thence continuing North 34°01'39" West 66.00 feet to a 1/2 inch rod on the Southeasterly line of Highway U.S. 31; thence continuing North 34°01'39" West 75.00 feet to the centerline of said highway; thence along said centerline, North 55°58'21" East 228.26 feet; thence South 15°22'39" East 79.16 feet to a 1/2 inch rod on said southeasterly highway line; thence continuing South 15°22'39" East 69.66 feet to a 1/2 inch rod on the Southwesterly line of said 66 foot wide easement; thence continuing South 15°22'39" East 333.69 feet to a 1/2 inch rod on said section line; thence along said section line, South 76°04'44" West 78.77 feet to the Point of Beginning; being a part of the South 1/2 of the Southwest 1/4 of Section 18, Town 34 North, Range 7 West, and containing 1.563 acres.

Subject to the rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road or highway purposes.

*Exhibit C***PARCEL "D":**

In the Township of Hayes, Charlevoix County, Michigan,
Commencing at a Charlevoix County Marker at the West corner common
to Sections 18 and 19, Town 34 North, Range 7 West; thence along
the line common to said sections, North 76°04'44" East 1456.04
feet to a 1/2 inch rod, being the **POINT OF BEGINNING** of this
description; thence North 15°22'39" West 333.69 feet to a 1/2 inch
rod on the Southeasterly line of 66 foot wide service drive,
utility and drainage easement; thence continuing North 15°22'39"
West 69.66 feet to a 1/2 inch rod on the Southeasterly line of
Highway U.S. 31; thence continuing North 15°22'39" West 79.16 feet
to the centerline of said highway; thence along said centerline,
North 55°58'21" East 228.26 feet; thence South 01°31'09" East
88.94 feet to a 1/2 inch rod on said southeasterly highway line;
thence continuing South 01°31'09" East 78.26 feet to a 1/2 inch
rod on the Southwesterly line of said 66 foot wide easement;
thence continuing South 01°31'09" East 407.02 feet to a 1/2 inch
rod on said section line; thence along said section line, South
76°04'44" West 78.77 feet to the Point of Beginning; being a part
of the Southeast 1/4 of the Southwest 1/4 of Section 18, Town 34
North, Range 7 West, and containing 1.705 acres.
Subject to the rights of the public and of any governmental unit
in any part thereof taken, used or deeded for street, road or
highway purposes.

Exhibit D

PARCEL "E":

In the Township of Hayes, Charlevoix County, Michigan,
Commencing at a Charlevoix County Marker at the West corner common
to Sections 18 and 19, Town 34 North, Range 7 West; thence along
the line common to said sections, North 76°04'44" East 1534.81
feet to a 1/2 inch rod, being the **POINT OF BEGINNING** of this
description; thence North 01°31'09" West 407.02 feet to a 1/2 inch
rod on the Southeasterly line of 66 foot wide service drive,
utility and drainage easement; thence continuing North 01°31'09"
West 78.26 feet to a 1/2 inch rod on the Southeasterly line of
Highway U.S. 31; thence continuing North 01°31'09" West 88.94 feet
to the centerline of said highway; thence along said centerline,
North 55°58'21" East 166.01 feet; thence South 01°31'09" East
88.94 feet to a 1/2 inch rod on said southeasterly highway line;
thence continuing South 01°31'09" East 78.26 feet to a 1/2 inch
rod on the Southwesterly line of said 66 foot wide easement;
thence continuing South 01°31'09" East 465.45 feet to a 1/2 inch
rod on said section line; thence along said section line, South
76°04'44" West 143.34 feet to the Point of Beginning; being a part
of the Southeast 1/4 of the Southwest 1/4 of Section 18, Town 34
North, Range 7 West, and containing 1.939 acres.
Subject to the rights of the public and of any governmental unit
in any part thereof taken, used or deeded for street, road or
highway purposes.

Exhibit E

In the Township of Hayes, Charlevoix County, State of Michigan, Commencing at a Charlevoix County Marker at the West corner common to Sections 18 and 19, Town 34 North, Range 7 West; thence along the line common to said sections, North 76°04'44" East 1216.54 feet to a 1/2 inch rod, being the POINT OF BEGINNING of this description; thence continuing along said section line, North 76°04'44" East 81.76 feet to a 1/2 inch rod on the West 1/8 line of said section 19; thence continuing along said section line, North 76°04'44" East 365.01 feet to a 1/2 inch rod; thence South 05°59'01" East (recorded as South 04°25'25" East) 601.71 feet to a 1/2 inch rod; thence South 87°59'36" West 398.87 feet to a 1/2 inch rod on said 1/8 line; thence continuing South 87°59'36" West 30.00 feet to a 1/2 inch rod; thence South 02°00'25" East 64.02 feet to a inch rod; thence South 55°58'26" West 188.15 feet to a 1/2 inch rod; thence North 34°01'39" West 151.37 feet to a 1/2 inch rod; thence North 55°58'26" East 176.66 feet to a 1/2 inch rod; thence North 02°00'25" West 100.59 feet to a 1/2 inch rod; thence North 35°22'58" East 65.87 feet to a 1/2 inch rod; thence 02°00'25" West 296.87 feet to the Point of Beginning; being a part of the North 1/2 of the Northwest 1/4 of Section 19, Town 34 North, Range 7 West., containing 6.658 acres.

Together with and subject to a 66 foot easement for ingress and egress described at follows: In the Township of Hayes Charlevoix County, Michigan, A 66 foot wide private easement for ingress, egress and utilities lying 33 feet either side of a centerline described as follows: Commencing at the West corner common to Sections 18 and 19, Town 34 North, Range, Range 7 West; thence along the line common to said sections, North 76°04'44" East 1377.27 feet; thence North 34°01'39" West 355.09 feet to the Southeasterly line of Highway U.S. 31, being the POINT OF BEGINNING of this description; thence along the centerline of said 33 foot wide private easement the following five (5) courses: South 34°01'39" East 66.00 feet, South 30°42'09" East 207.56 feet, South 45°35'52" West 104.08 feet, South 07°52'02" West 37.51 feet, and South 01°42'39" East 581.58 feet to the Point of Ending; being a part of the West 1/2 of Sections 18 and 19, Town 34 North, Range 7 West.

**Impact Statement for Falls Storage Complex
August 6, 2018**

Based upon the use that is being proposed, no additional school children or elderly populations will be residing on the property. No demands on community services are expected to be generated by this development as they are only to be used as storage buildings. This property is capable of being served by Charlevoix Township water and City of Charlevoix Sewer, but usage is expected to be quite minimal for this use.