

AGENDA
BOYNE CITY PLANNING COMMISSION
Monday, May 21, 2012, 5:00 p.m.
Boyne City Hall

1. Call to Order
2. Roll Call - Excused Absences
3. Consent Agenda

The purpose of the consent agenda is to expedite business by grouping non-controversial items together to be acted upon by one Commission motion without discussion. Any member of the Commission, staff, or the public may ask that any item(s) on the consent agenda be removed to be addressed immediately following action on the remaining consent agenda items. Such requests will be respected.

 - A. Approval of minutes from the April 16, 2012 Boyne City Planning Commission meeting.
 - B. Irene Brannon Lot Reconfiguration Parcel 051-369-346-00
4. Hearing Citizens Present *(Non-Agenda Items)*
5. Reports of Officers, Boards, Standing Committees
6. Unfinished Business
7. New Business
 - A. Election of Officers
 - B. Public Hearing for Conditional Rezoning Request for 1 Water Street submitted by Catt Development
8. Staff Report
9. Good of the Order
10. Adjournment – Next Meeting, June 18, 2012



**Meeting of
April 16, 2012**

Record of the proceedings of the Boyne City Planning Commission meeting held at Boyne City Hall, 319 North Lake Street, on Monday, April 16, 2012 at 5:00 P.M.

Call to Order

Chair Neidhamer called the meeting to order at 5:00 p.m.

Roll Call

Present: George Ellwanger, Chris Frasz, Jim Kozlowski, Lori Meeder, Tom Neidhamer, Jane MacKenzie, John McCahan
Absent: Joe St, Dennis (arrival at 5:01 pm) and Gretchen Crum

**Excused Absence(s)
MOTION

2012-04-16-2

McCahan moved, Meeder seconded, PASSED UNANIMOUSLY a motion to excuse the absence of Crum.

Meeting Attendance

City Officials/Staff: Planning Director Scott McPherson and Clerk / Treasurer Cindy Grice
Public Present: Five

**Consent Agenda
MOTION

2012-04-16-3

Ellwanger moved, MacKenzie seconded, PASSED UNANIMOUSLY a motion to approve the consent agenda. Approval of the March 19, 2012 Planning Commission minutes as presented.

**Comments on
Non-Agenda Items**

Hugh Conklin discussed the update provided the Planning Commission with information on the recent Market Study

**Reports of Officers, Boards
and Standing Committees**

None

New Business

Planning Director Scott McPherson presented the conditional rezoning request for the 1 Water Street property. The proposed plan would rezone the property from Waterfront Marina District to Central Business District to the proposed use of detached motel units. The proposed plan would eliminate the approved 37 unit hotel with 15 detached cottage units that would consist of a ground floor rental suite that close resemble a typical hotel room on the ground floor and two bedroom dwelling on the upper floors. There is commercial space being proposed on the ground floor of three of the cottages.

**Preliminary Review of
Conditional Rezoning
Request for 1 Water
Street submitted by Catt
Development**

Renderings of the originally approved plan and the new, proposed plan were provided. Glen Catt stated that nothing has been done to develop the property yet, they did not want to start and stop the project. It had not been taken to market yet so they decided to look at options other than the originally proposed hotel.

Wally Kidd of Kidd Leavey Real Estate said the challenge of financing a condominium, shared wall hotel is difficult. There is no money being lent by Fannie and Freddie Mae to do so. The project has to be 70% sold out.

Chair Neidhamer said to clarify, you cannot finance a conventional condominium unit unless it is 70 % sold out and cannot have any future phases. Mr. Kidd also added that big box lenders won't touch it if there is a rental attached to the unit. The goal is to start selling and marketing the project now.

Doug Mansfield of Mansfield and Associates, planner for Catt Development also spoke on the project and the proposed rezoning request. The cottage units are 10' apart, three stories tall. The height of the new project is 20% less than the original project and has 25% less density. Each unit has a one car garage, there are four different floor plans available; three units are planned to have cottage industries on the first level rather than the motel room. There will be a cottage for marina use. The remaining units will have a one bedroom rental space like a typical hotel room. It is not a site condo and all units will be maintained by an association. The marina will be marketed at the same time.

Lori Meeder stated these appear to be more marketable and Mr. Kidd said yes.

Mr. Kidd added that they are taking the same building, reducing the size, segregating the units. Properties today are very value driven. The rental allows owners to subsidize their unit. There is a demand for these. All driveway radiuses are in compliance with fire codes.

There was discussion on the project parking requirements. From the previous project, they are only losing 16 spaces, while losing 20% of the density.

Jim Kozlowski inquired about the construction sequence. Mr. Mansfield said they plan two or three foundations at a time. There is a lot of interest in the corner unit.

George Ellwanger said they have done a superb job of putting this together and inquired where the footpath between the marina and the marina office unit will be.

Glen Catt said there are only six slips left and praised City Harbormaster Barb Brooks for the great job managing their marina for the past few years.

John McCahan discussed combining the two south units of the plan.

Chris Frasz agrees with the project, but added it might be hard to justify in the Central Business District. Scott McPherson said they will also have to look at allowed uses.

Tom Neidhamer said we could not do this project in the waterfront marina district and Scott said that is correct.

2012-04-16-7A

Ellwanger moved, McCahan seconded, PASSED UNANIMOUSLY a motion to schedule a public hearing for the conditional rezoning for the 1 Water Street project for the May 21, 2012 Planning Commission meeting.

Review Park Street Reconstruction proposals

Planner Director McPherson provided the Commission with the four possible plans proposed for the Park Street project. After discussion, the board expressed approval for option 2.

Commissioner MacKenzie excused

Commissioner Jane MacKenzie was excused at 7:06 p.m.

Planning Commission Reappointment Recommendations

2012-04-16-7C

St. Dennis moved, Meeder seconded, PASSED UNANIMOUSLY a motion to recommend approval to the City Commission for the reappointment of George Ellwanger, Chris Frasz to a three year term expiring on May 31, 2015 and that Tom Neidhamer be appointed as City Commission representative.

Staff Report

Planning Director Scott McPherson discussed the MSI Extension invitation to be part of a short term workgroup exploring water quality protection through planning and zoning. Tom Neidhamer or Jim Kozlowski will be the Planning Commission representative to the workgroup.

Planning Director Scott McPherson said the Kirtland Citizens Committee is going to make a recommendation to the LDFA board on a consultant to be hired to identify the noise issues.

Good of the Order

George Ellwanger inquired on the status of the Devlon Site and Scott said they have until May 19 to clean the site.

Adjournment

The next regular meeting of the Boyne City Planning Commission is scheduled for May 21, 2012.

****MOTION**

2012-04-16-10

Neidhamer moved, Meeder seconded, PASSED UNANIMOUSLY a motion to adjourn the meeting at 7:19 p.m.

Cindy Grice, Clerk/Treasurer

Tom Neidhamer, Chair

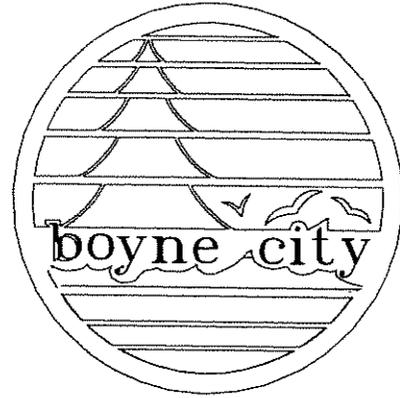
CITY OF BOYNE CITY

To: Chair Tom Neidhamer and fellow Planning Commissioners

From: Shannon McMaster, Assistant Planner *SM*

Date: May 10, 2012

Subject: Lot Reconfiguration parcels 051-369-346-00, 051-369-349-00, 051-369-348-00



Background Information

The subject parcels are platted lots 347, 348, and 349 in Nicholls and Morgan's 3rd Addition. The applicants propose to split lot 347 by extending the common lot line of 348 and 349, and add the segments to the rear of those lots. The parcels are located in the Traditional Residential District (TRD).

Lot Reconfiguration Ordinance

See the attached table of requirements for Lot Division found in the City of Boyne City Subdivisions and Other Divisions of Land ordinance.

Setbacks

The proposed reconfiguration will neither create nor exacerbate any nonconformities.

Lot Size

In the TRD the minimum lot size is 5,445 square feet. Both proposed parcels comply with this requirement

Lot Depth-to-Width Ratio

The parcels are and will remain conforming parcels

Process

Planning Commission is required to complete a preliminary review of proposed lot reconfigurations and make a recommendation to the City Commission..

Recommendation

Recommend approval the lot reconfiguration as proposed.

Split of Lot 347 of Nicholls and Morgan's Third Addition

Sec. 58-124. Standards for approval of divisions or property transfer.		
An application to divide a lot, parcel, or tract of land or to affect a property transfer shall be granted when all of the following standards are met:		
ORDINANCE STANDARD	STATUS	RELEVANT FACTS
(1) The proposed division or property transfer shall comply with all requirements of the Land Division Act (MCL 560.101 et seq.);	Met	
(2) The lots, parcels, or tracts of land that will result from the division or property transfer shall comply with all requirements of the city zoning ordinance, as amended, including but not limited to the requirements relating to area and width for the newly created lots, parcels, or tracts of land, the requirements relating to lake and/or road frontages, and the requirements relating to setbacks if the newly created lots, parcels, or tracts of land have existing buildings or structures. The addition of land to an already lawful nonconforming lot or parcel is permitted without a zoning variance; provided that the lot or parcel from which the land is taken will not become a nonconforming lot or parcel;	Met	
(3) Each lot, parcel, or tract of land that will result from the division or property transfer shall have an adequate and accurate legal description certified by a land surveyor licensed by the state, and shall be serviced by a public utility easement, and shall be accessible;	Met	
(4) Each new lot, parcel, or tract of land that will result from the division, including those lots, parcels, and tracts of land greater than ten acres, shall have a depth of not more than four times its width as measured under the requirements of the city zoning ordinance. This standard shall not apply to a property transfer;	Met	
(5) If a lot, parcel, or tract of land will result in an open space community development, the planning commission shall be the approving body according to the standards of this article, and the city zoning ordinance (appendix A to this Code);	N/A	
(6) If a lot, parcel, or tract of land that will result from the division or property transfer will be a development site, then each such resulting lot, parcel, or tract of land shall have adequate easements for public facilities from each such resulting lot, parcel, or tract of land to existing public utility facilities;	N/A	
(7) If the land proposed to be transferred between two or more adjacent lots or parcels does not independently conform to the requirements of the Land Division Act (MCL 560.101 et seq.), the city zoning ordinance, as amended, and this article, then the land proposed to be transferred shall not thereafter be independently considered a development site, but may only be used in conjunction with an adjoining lot, parcel, or tract of land;	Met	
(8) Each lot, parcel, or tract of land that will result from	Met	

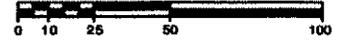
the division or property transfer shall be accessible;		
(9) The owner of the parcel or tract of land shall possess the right to divide the parcel or tract of land. This standard shall not apply to a property transfer;	Met	
(10) The property lines of the lots, parcels, or tracts of land that will result from the division or property transfer shall be consistent and in harmony with the property lines of the lot, parcel, or tract of land to be divided, or the lots or parcels involved in a property transfer, and/or the property liens of adjacent lots, parcels, or tracts of land (i.e., the new lot lines shall be parallel and/or perpendicular to existing lot lines). When, in the opinion of the city, exceptional or extraordinary circumstances or conditions exist that do not generally apply to other property and have not resulted from any act of the applicant, and such circumstances or conditions warrant a deviation from this standard, the new lot lines may be approved which are not consistent and in harmony with existing lot lines; and	Met	
(11) The lot, parcel, or tract of land to be divided, or the lots or parcels involved in a property transfer, shall have no delinquent real property taxes or delinquent special assessment payments levied against it or against them. In addition, the lot, parcel, or tract of land to be divided, or the lots or parcels involved in a property transfer, shall have no municipal liens filed against it or against them that are due and payable.	Met	

CERTIFICATE OF BOUNDARY SURVEY

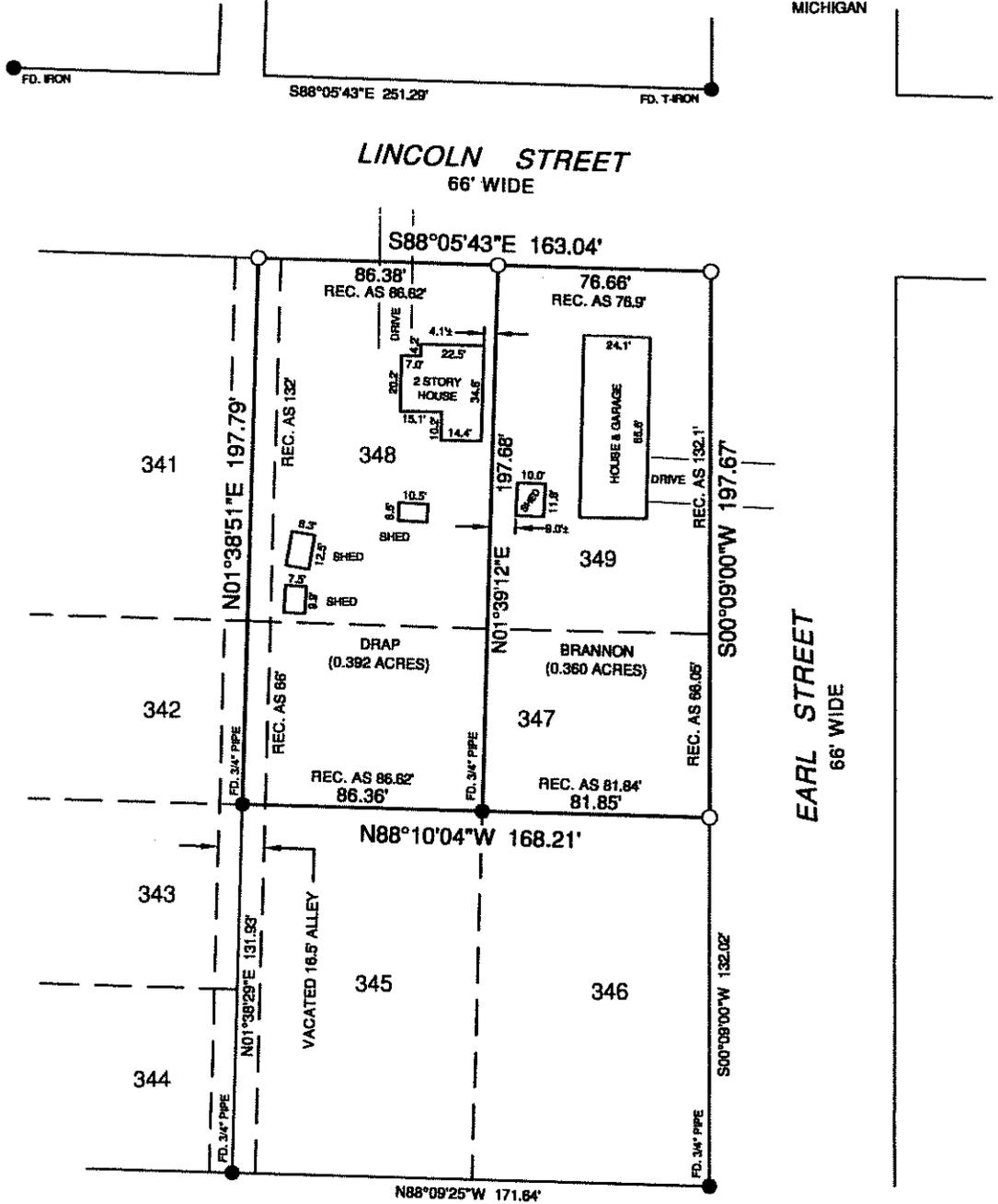
FOR: ROBERT DRAP
 418 E. LINCOLN STREET
 BOYNE CITY, MI 49712



SCALE 1" = 50'



LOTS 347, 348 & 349, BLOCK 22
 NICHOLL'S AND MORGAN'S
 THIRD ADD. TO SOUTH BOYNE
 CITY OF BOYNE CITY, CHARLEVOIX COUNTY
 MICHIGAN



JOHN E. FERGUSON P.S. 24595

I HEREBY CERTIFY that I have surveyed and mapped the property hereon delineated and that the ratio of position closure of the unadjusted field data exceeds 1:5000; and that it complies with P.A. 132, 1970.

- LEGEND:
1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
 2. BEARINGS ARE RELATED TO THE PLAT OF RECORD.
 3. 1/2" x 24" STEEL RODS WITH I.D. CAPS HAVE BEEN SET AT ALL POINTS MARKED WITH " O ".
 4. FOUND IRON STAKE FROM PREVIOUS SURVEY MARKED WITH " ● ", UNLESS OTHERWISE NOTED.

FERGUSON & CHAMBERLAIN ASSOCIATES, INC.
 PROFESSIONAL SURVEYORS
 103 W. UPRIGHT STREET, CHARLEVOIX, MICHIGAN 49720
 (231) 547-6892 - FAX (231) 547-0021
 EMAIL: info @ fcasurveying.com

FIELD: SP, MW	STAKED: SP, MW	DRAWN: DDH
JOB: SB-24212c.12	DATE: APRIL 19, 2012	

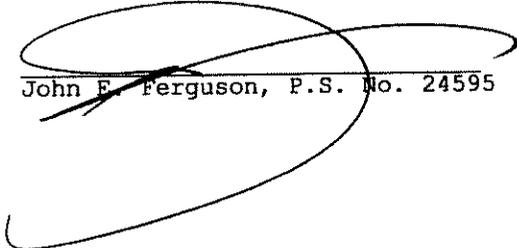
DESCRIPTIONS FOR: ROBERT DRAP
Job No. SB-24212c-12

LOT 349 & A PART OF LOT 347 (BRANNON):

In the City of Boyne City, Charlevoix County, Michigan, **BEGINNING** at a 1/2 inch rod at the Northeast corner of Lot 349, Block 22, NICHOLLS AND MORGAN'S THIRD ADDITION TO SOUTH BOYNE, according to the Plat thereof, recorded in the Office of the Register of Deeds for Charlevoix County, Michigan; thence along the West line of Earl Street, South 00°09'00" West 197.67 feet (recorded as 198.15 feet) to a 1/2 inch rod at the Southeast corner of Lot 347, Block 22; thence along the South line of said lot 347, North 88°10'04" West 81.85 feet (recorded as 81.84 feet) to a 3/4 inch pipe at the Northwest corner of Lot 346, Block 22 of said plat; thence along the West line of said lot 349 and it's Southerly prolongation, North 01°39'12" East 197.68 feet to a 1/2 inch rod at the Northwest corner of said lot 349; thence along the South line of Lincoln Street, South 88°05'43" East 76.66 feet (recorded as 76.9 feet) to the Point of Beginning; being Lot 349 and part of Lot 347, Block 22, Nicholls and Morgan's Third Addition to South Boyne and containing 0.360 acres.

LOT 348 & A PART OF LOT 347 (DRAP):

In the City of Boyne City, Charlevoix County, Michigan, Commencing at a 1/2 inch rod at the Northeast corner of Lot 349, Block 22, NICHOLLS AND MORGAN'S THIRD ADDITION TO SOUTH BOYNE, according to the Plat thereof, recorded in the Office of the Register of Deeds for Charlevoix County, Michigan; thence along the South line of Lincoln Street, North 88°05'43" West 76.66 feet (recorded as 76.9 feet) to a 1/2 inch rod at the Northeast corner of Lot 348, Block 22 of said plat; thence along the East line of said lot 348 and the Southerly prolongation thereof, South 01°39'12" West 197.68 feet to a 3/4 inch pipe at the Northwest corner of Lot 346, Block 22; thence along the South line of Lot 347, Block 22, North 88°10'04" West 86.36 feet to a 3/4 inch pipe in the centerline of a vacated alley; thence along said centerline, North 01°38'51" East 197.79 feet to a 1/2 inch rod on the South line of Lincoln Street; thence along said street line, South 88°05'43" East 86.38 feet to the Point of Beginning; being Lot 348 and part of Lot 347, Block 22, Nicholls and Morgan's Third Addition to South Boyne and containing 0.392 acres.


John E. Ferguson, P.S. No. 24595



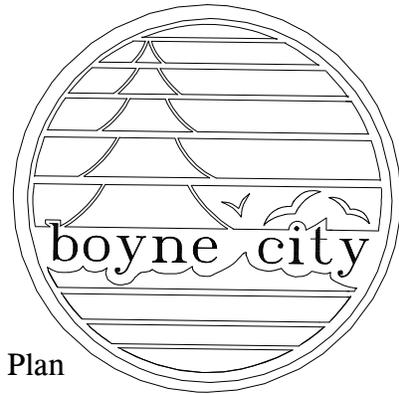
CITY OF BOYNE CITY

To: Chair Tom Neidhamer and fellow Planning Commissioners

From: Scott McPherson, Planning Director

Date: May 21, 2012

Subject: One Water Street Conditional Use/Development Plan



BACKGROUND

An application for conditional rezoning and development plan review has been submitted by Mansfield and Associates for the parcel located at 1 Water Street owned by Catt Land Investments LLC. The parcel is 83,200 square feet and is a wedge shaped corner lot with 299 feet of frontage on Front Street and 383 feet of frontage at the end of Water Street. The parcel has approximately 200 feet of frontage on Lake Charlevoix. The parcel is located in the Waterfront Marina District (WMD) and is adjacent to Central Business District (CBD) on the east, Community Service District (CSD) on the north and Multifamily Residential District (MFRD) on the south.

In 2009 a conditional use and development plan was approved for a mixed use development that included marina facilities, retail, restaurant, and 37 unit hotel condominium that included 20 single room units and 17 units with full kitchens and dining rooms. Since the 2009 approval the marina, retail, office and restaurant components of the project have been completed.

DISCUSSION

Proposed Uses-The proposed plan is to replace the approved 37 unit hotel and construct 13 detached resort cottage structures. The ground floor of the structures would primarily consist of motel units designed for short term transient occupancy and would have only a bedroom and bathroom. It is anticipated that 3 of the ground floor units will be used for commercial uses however, this could fluctuate depending on market demand. One unit would be dedicated as a bathroom and shower facility for marina users. The second and third floors would contain 15 two bedroom units intended to be used as vacation rentals that could be used for short term or long term occupancy. The applicant is applying for approval of the uses as principal permitted uses in the CBD as per section 10.20(J) and 10.20(M) which are as follows:

10.20(J)

Hotels, motels, bed and breakfast inns and bed and breakfast houses.

10.20(M)

Mixed-use buildings, with business, commercial, or service uses on the ground floor, and residential, office, or warehouse uses on upper floors, subject to the conditions of contained herein. Business and office uses may occupy a building used for residential uses provided that no

such business or office use may be located on the same floor as used for residential purposes, and no floor may be used for business or office use on a floor located above a floor used for residential purposes. Further, where there is mixed business/office and residential use in a building there shall be provided a separate, private pedestrian entranceway for the residential uses.

Motel (Motor Court): A series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

Viewshed – The previously approved plan is located in the Waterfront Marina District BCZO and Section 20.20 note(o) requires lake front properties in the WMD must have a minimum side yard setback of 30% of the corresponding lot width. The previously approved plan did not meet this requirement and a setback of 23% was approved by the Planning Commission as per the allowances of BCZO Section 20.20 note(e). The approved plan provided for 138 feet of water view across the parcel from Front Street. The viewshed provided by the approved site plan is



shown in the image below.

The proposed development plan will replace the single 3.5 story structure with 13 three story structures. Similar to the approved plan the buildings will be placed on the north property line adjacent to Water Street. The location of the buildings on the property line is permitted and is encouraged by the ordinance. A side yard setback of 33.3 feet from the south property line is proposed which would equal 16% of the corresponding lot width and will provide a lake view. The buildings on the proposed plan will have 8ft spacing between the walls of structures which will provide two other lake views from Front Street. The views are shown on the image below

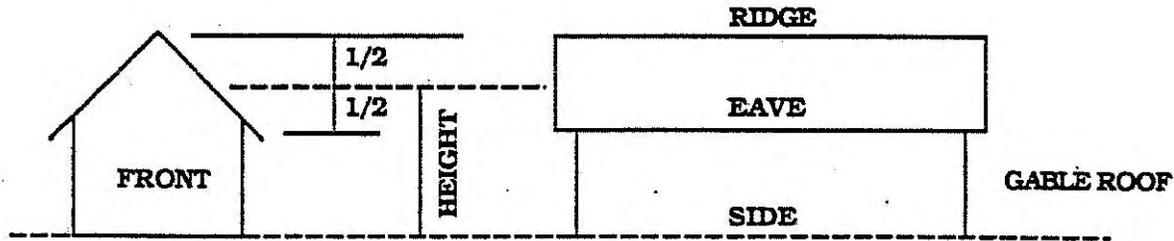
as viewshed 1, viewshed 2 and viewshed 3. Viewshed 1 would have a total of 35ft of view from Front Street, of which 15ft would be somewhat obstructed by the dumpster enclosure. Viewshed 2 would have 35 feet of view from Front Street with 7 feet obstructed. Viewshed 3 would provide unobstructed views from Front Street for 102 feet. Because the applicant is proposing a conditional rezoning to CBD, the 30% side yard requirement of BCZO 20.20 note(o) does not apply. While the Planning Commission is not required to make a finding in regards to the viewshed as it did with the previous application, it is totally appropriate to consider the changes in the viewshed in the context of this conditional rezoning request.



Building Height - The proposed project is comprised of basically two different building types. All the proposed buildings are 3 stories. The total height of the buildings as measured from the grade to the ridge is 37' and 40'. All the buildings will have 8/12 gable roofs and building heights as measured per the ordinance requirements would be 33 feet and 35 feet. In the CBD district the maximum building height is 45 feet or 3.5 stories. The proposed plan would be a reduction in the building height as per the approved plan that has a 3 ½ story building that measured 45' from the grade to the ridge with a building height of 37' 6" as per the ordinance standards. The approved buildings exceeded the 35 height limit in the WMD and received approval by the Planning Commission as per the allowances of BCZO Section 20.20 note(e).

Building height for buildings with gable roofs is measured as follows:

Building Height: The vertical distance measured from the natural grade, prior to any excavation of construction, to



the highest point of the surface for flat roofs; to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Parking

The submitted application has included parking calculations for the existing and the proposed

		Parking Calculations currently approved hotel concept		Parking Calculations proposed cottage motel concept	
Retail	1 per 250sf	2,500 square feet	10	2,500 square feet	10
Restaurant	1 per 100sf	3,800 square feet	38	3,800 square feet	38
Office	1 per 350sf	6,300 square feet	18	6,300 square feet	18
Hotel	1 per room	37 rooms	37	- rooms	-
	1 per employee	1 employee	1	1 employee	1
Marina	1.5 per slip	24 slips	36	24 slips	36
Motel	1 per unit	- units	-	29 units	29
		140 total		132 total	
		-20% -28 shared use credit		-20% -26.4 shared use credit	
		112 required		105.6 required	
		on-site spaces provided 98		on-site spaces provided 92	
		additional off-site spaces 14		additional off-site spaces 14	
		112 provided		108 provided	
		One Water St public spaces 23		One Water St public spaces 23	
		141 provided		135 provided	

uses. The uses as requested would require 132 parking spaces for existing developed portion of the project and the proposed changes. The parking calculations for the approved and proposed developments are shown below:

As with the previous approved plan the applicant is requesting that the Planning Commission approve a 20% reduction for collective use of parking spaces as provided by BCZO section 24.20(F) which is as follows:

Variance for Collective Uses. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap and there is an opportunity for a patron to visit more than one use, the Planning Commission may grant a reduction to the required number of spaces of up to twenty percent (20%) provided a signed agreement is provided by the property owners.

The submitted site plan shows a total of 106 parking spaces will be provided with 92 spaces located on site and 14 spaces that are located off site. The onsite spaces will be consist 16 paved spaces located on Front Street, 30 paved spaces in a parking lot, 7 spaces that will be reinforced turf parking and 39 paved spaces that will be located in the access drive, driveways and garages

of the resort cottages. The off site spaces are located on a parcel 126' away at 210 Front Street which is owned by Integrity Land Company and is currently occupied by the Boyne Arts Collective. Section 24.20(A) allows off site parking for developments as long as property is owned by the applicant and the spaces are within 300' feet of the proposed development. These spaces were also included in the previous approval and were given a deferment by the Planning Commission as provided by section 24.10(B)(3) which is as follows:.

Variance and Deferment. The Planning Commission may, without proof of unnecessary hardship, waive the requirements of this Article if the Planning Commission finds from the evidence presented that the intended use of a proposed building does not require parking or loading facilities to the degree specified herein. However, the Planning Commission shall require that adequate open areas be retained around such a building to permit development of the required parking or loading areas should the use of the building change at a later date. The site plan shall note the area where parking is being deferred, including dimensions and a dotted parking lot layout.

The deferment of the 14 spaces was approved with the condition that the Planning Commission was to review the demand for parking 1 year after the total buildout of the development and determine in if the spaces were needed.

As the conditional rezoning request would change the property from WMD to CBD the Planning Commission would now have the ability to consider a reduction of the parking requirements as per standards of Section 10.50 which state:

Parking and Loading. The Planning Commission shall determine if the number of off-street parking and loading/unloading spaces required per Article XXIV of this Ordinance shall be met, or if a lesser number spaces or no spaces are required due to the following: the availability of on-street parking spaces, off-site parking lots, or municipal parking lots; a finding that patrons will either walk to the site from nearby neighborhoods, or will park at other sites and visit several uses at one time; or the placement and configuration of existing buildings.

Design Criteria -Section 10.50 of the BCZO establishes the design standards for buildings located in the CBD district. A design pattern book with specific design requirement has been provided for review.

Process

The authority to approve a Conditional Zoning became effective 2004 and allows an owner of land to voluntarily offer a specific use and development of land as a condition to a rezoning of the land. The act allowing conditional rezoning in its entirety is as follows:

125.3405 Use and development of land as condition to rezoning.

Sec. 405.

(1) An owner of land may voluntarily offer in writing, and the local unit of government may approve, certain use and development of the land as a condition to a rezoning of the land or an amendment to a zoning map.

(2) In approving the conditions under subsection (1), the local unit of government may establish a time period during which the conditions apply to the land. Except for an extension under subsection (4), if the conditions are not satisfied within the time specified under this subsection, the land shall revert to its former zoning classification.

(3) The local government shall not add to or alter the conditions approved under subsection (1) during the time period specified under subsection (2) of this section.

(4) The time period specified under subsection (2) may be extended upon the application of the landowner and approval of the local unit of government.

(5) A local unit of government shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer under subsection (1) shall not otherwise affect a landowner's rights under this act, the ordinances of the local unit of government, or any other laws of this state

A conditional rezoning is a zoning map amendment and is processed in accordance with the Michigan Zoning Enabling Act and the Boyne City Zoning Ordinance Section 2.40 Amendment Procedures. It is important to remember that the Planning Commission is under no obligation to consider or approve the request for conditional rezoning irregardless if the proposed plan meets all zoning criteria. This is a voluntary process for both the City and the applicant. A public hearing in front of the Planning Commission has been scheduled and noticed for May 21, 2012.

The Planning Commission may recommend approval of the proposed conditional rezoning, the Commission can recommend denial of the request, or the Planning Commission may postpone taking action on the application to some future specified date. The City cannot however add or alter any conditions if the plan is approved. If the request is recommended for approval, it is suggested that the planning commission stipulate that if the conditional rezoning is approved by the City Commission, final development plan approval must be obtained by the Planning Commission.

As the proposed request is for a change in a mapped district the Planning Commission should review the criteria of section 2.50(C) and use it as a guide to make its recommendation.

- . C. For amendment requests to change, create, extend or reduce a mapped zoning district, the Planning Commission and City Commission shall use the following as a guide:
1. The proposed zoning district is more appropriate than any other zoning district, or more appropriate than adding the desired use as a conditional land use in the existing zoning district.
 2. The property cannot be reasonably used as zoned, and the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under current zoning at the time of purchase or at the time of securing legal control of the property.
 3. The proposed zone change is supported by and consistent with the goals, policies and future land use map of the adopted City Comprehensive Plan, including any sub-area or corridor studies. If conditions have changed since the Comprehensive Plan was adopted, as determined by the Planning Commission, the consistency with recent development trends in the area shall be considered.
 4. The proposed zone change is compatible with the established land use pattern, surrounding uses, and surrounding zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values, and is consistent with the needs of the community.
 5. All the potential uses allowed in the proposed zoning district are compatible with the site's physical, geological, hydrological and other environmental features.
 6. The change would not severely impact traffic, public facilities, utilities, and the natural characteristics of the area, or significantly change population density, and would not compromise the health, safety, and welfare of the City. The Planning Commission may require a general impact assessment in accordance with the requirements of this Ordinance if it determines the proposed zoning change could have a negative impact upon traffic, public facilities, utilities, natural characteristics, populations density, or other concerns. A traffic impact study in accordance with the requirements of this Ordinance shall be required if the proposed rezoning district permits uses that could generate one hundred (100) or more directional trips during the peak hour, or at least

one thousand (1,000) trips per day more than the majority of the uses that could be developed under current zoning.

7. The rezoning would constitute and create an isolated and unplanned “spot zone” granting a special privilege to one landowner not available to others.
8. The change of present district boundaries is consistent in relation to existing uses, and construction on the site will be able to meet the dimensional regulations for the proposed zoning district listed in the Schedule of Regulations.
9. There has been a change of conditions in the area supporting the proposed rezoning.
10. Adequate sites are neither properly zoned nor available elsewhere to accommodate the proposed uses permitted in the requested zoning district.
11. There was a mistake in the original zoning classification.
12. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.

RECOMMENDATION

Review request for conditional rezoning and make recommendation to approve with stipulation that final site plan approval must be received from Planning Commission prior to construction.

Application for
Conditional Re-Zoning
One Water Street Resort Cottages
A Catt Development Project

Submitted to:

City of Boyne City
Scott McPherson, AICP Planning/Zoning Director
319 N. Lake Street
Boyne City, MI 49712



Developer:



Prepared by:

Mansfield & Associates
Land Use Consultants

1212 Veterans Drive
Traverse City, MI 49684
p 231.946.9310
f 231.946.8926
i www.maaeps.com

Project Partners:

IA TRAVERSE ARCHITECTURAL GROUP, L.L.C.
1212 Veterans Drive
Traverse City, MI 49684
231-946-9940 • F 231-946-9945

Integrity
CONSTRUCTION SERVICES

May 4, 2012

Scott McPherson, AICP
City of Boyne City, Planning/Zoning Director
319 N. Lake Street
Boyne City, MI 49712

**Re: Proposed Conditional Rezoning Offer
One Water Street –updated application packet**

Dear Scott,

The enclosed documents have been revised based on discussion following the April 16, 2012 Planning Commission meeting where the offer for Conditional Rezoning of the One Water Street parcel was introduced.

The old application packets can be recycled and replaced with these complete and updated packets.

Updates to the site plan include joining the two southwestern most cottages to create a duplex (*resulting in 13 structures proposed*). This was done to increase the setback of structures from the southern parcel boundary in order to expand the view corridor through to the lake along the southern property line. Additional shared-use parking was added to the interior of site. Additional information provided also includes, a 'pattern book' or 'architectural menu' of potential architectural elements, colors, and configurations of the individual structures. A letter from Northwestern Bank explains the current state of financing available for new construction projects.

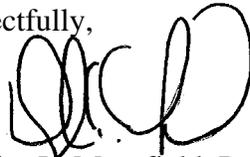
the following documents are included in this packet:

- this Cover Letter
- Rezoning and Site Plan Review Applications
- A Rezoning Exhibit, showing surrounding land use and ownership
- Draft Conditional Rezoning Agreement
- Resort Cottage Preliminary Site Plan (*color*)
- Engineered Site Plan
- Engineering Dimensioning Plan
- Parking Plan
- View Shed Plan
- Architectural Elevations and Floorplans

- Project Fact Sheet
- response to Section 2.40 Amendment Procedures
- response to Article II Section 2.70 Conditional Uses in Districts
- explanation of financing from Northwestern Bank
- Land Use Maps Exhibits
- Project Site Air Photo and Phasing Exhibit
- Proposed Architectural Elevation Exhibit
- Historic and Modern Resort Cottage Exhibit
- approved Hotel Concept vs. proposed Cottage Concept graphic comparison

Please feel free to contact me at (231) 946-9310 *office*, or (231) 218-5560 *cell*, should you have any questions, or require additional information.

Respectfully,



Douglas L. Mansfield, President
Mansfield & Associates, Inc.

April 2, 2012

Scott McPherson, AICP
City of Boyne City, Planning/Zoning Director
319 N. Lake Street
Boyne City, MI 49712

Re: Proposed Conditional Rezoning Offer
One Water Street

Dear Scott,

Per our recent discussions, I am requesting to be placed on the agenda for the next regular Planning Commission meeting, which I understand to be on April 16, 2012, to formally introduce an Offer for Conditional Rezoning.

As you know, the One Water Street parcel currently holds a City Land Use Permit for two structures, one two-storey (completed) mixed-use storefront building housing Café Santé, commercial and office uses, the other (yet to be constructed) four-story hotel-condominium, and a (completed) marina pier. Only two of the currently approved uses (marina and restaurant) on the One Water Street site are principal permitted uses within the Waterfront Marina District. The existing and proposed mixed-uses on the site more accurately reflect a Central Business District zoning. Rezoning the parcel from WMD to CBD will more accurately reflect that actual existing and proposed land use on the parcel.

The One Water Street parcel is bordered by a City park to the north, commercial uses to the east, residential uses to the south, and Lake Charlevoix to the west. The Master Plan designates this area for uses consistent with the Downtown Core designation. Catt Development is offering to Conditionally Rezone the One Water Street parcel from WMD Waterfront Marina District to CBD Central Business District with Conditions for the purpose of permitting, constructing and operating a mixed-use Resort Cottage development consisting of 15 cottages to replace the currently approved hotel-condominium building. Each Resort Cottage will be sustainable onto itself in terms of economic viability including ground floor leasable space for complementary and compatible uses. The project will be conveyed through a condominium with provisions for maintenance, operations, and restrictions providing both long term and transient occupancies, with leasing handled by an off-site, in-town manager. The structures will be protected by individual NFPA 13R fire suppression systems, and served with extensions of municipal sanitary sewer and water systems, private roads and other public and private utilities. (see attached Site Plan and Architectural Designs).

The primary reason for requesting a conditional rezoning of the One Water Street parcel is that

today's financial climate makes it virtually impossible to obtain financing for large, multi-unit residential and lodging developments. Financing is limited for both the initial construction of the project, and also for the sale (mortgages) of the individual condominium units within the development. Financial institutions are more willing to finance both the construction and sale of individual units such as the proposed resort cottages. Secondly, the design team feels that the proposed resort cottage (motel) use will positively contribute to the character of One Water Street, as well as the City of Boyne City. Rather than continue the pattern of large condominium buildings lining the waterfront, the proposed clustered cottage development will provide an aesthetically pleasing human scale of structures, resulting in a pleasantly soft urban feel reminiscent of quaint motor courts of the past and taking architectural cues from the historic neighborhood homes of Boyne City. This project would provide a unique tourist lodging alternative along the waterfront in Boyne City.

Pursuant to this request, we are submitting the following documents:

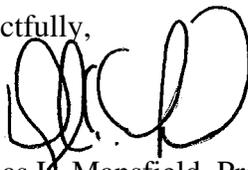
- this Cover Letter (18-8.5x11)
- Rezoning Application (18-8.5x11)
- Site Plan Review Application (18-8.5x11)
- A Rezoning Exhibit, showing surrounding land use and ownership (18-8.5x11)
- Draft Conditional Rezoning Agreement (18-8.5x11)
- Resort Cottage Preliminary Site Plan (1-24x36, 17-11x17)
- Engineering Dimensioning Plan (1-24x36, 17-11x17)
- Engineering Utility Plan (1-24x36, 17-11x17)
- Architectural Elevations and Floorplans (1-24x36, 17-11x17)

Due to the nature of this request and per our previous conversations, we have also attached:

- and a response to Section 2.40 Amendment Procedures (18-8.5x11)
- and a response to Article II Section 2.70 Conditional Uses in Districts (18-8.5x11)
- View Corridor Analysis Exhibit (1-24x36, 17-11x17)

We are confident that the success enjoyed by the first phase completed at One Water Street proves the level of quality and commitment the City can expect from Catt Development in the completion of the project. We look forward to working with the City to complete a successful project to the benefit of both the developer and the City. Please feel free to contact me at (231) 946-9310 *office*, or (231) 218-5560 *cell*, should you have any questions, or require additional information.

Respectfully,



Douglas J. Mansfield, President
Mansfield & Associates, Inc.



**BOYNE CITY
PLANNING COMMISSION**

REZONING APPLICATION
319 N. Lake Street (231) 582-0343
Boyne City, Michigan 49712
www.boynecity.com

➡ **Applicant Name:** Mansfield * Associates, Inc. - Doug Mansfield
Street Address: 1212 Veterans Dr.
City: Traverse City **State:** MI **Zip-Code:** 49684
Phone Number (s): (231) 946-9310 **E-mail:** doug@maaeprs.com

➡ **Property Owner's Name:** *(for all lots affected)* CATT Development - Glen Catt
Street Address: 829 W. Main St. Suite C
City: Gaylord **State:** MI **Zip-Code:** 49735
Phone Number (s): (989) 732-9722

➡ **Project Location:** **Street Address:** One Water Street
Property ID Number: 15-051-445-705-1131

I / We request: a rezoning of the partially completed One Water St. development
Current Zoning: WMD (waterfront marina) **Proposed Zoning:** CBD (central business) parcel
Propose Use: Motel (other mixed uses already existing)

I/we understand and agree, upon execution and submission of this application, that I/we agree to abide by all provisions of the City of Boyne City Zoning Ordinance as well as all procedures and policies of the City of Boyne City Planning Commission as those provisions, procedures, and policies relate to the handling and disposition of this application; that the all information submitted in support of this application is true and accurate to the best of my/our knowledge, and that a filing fee is due with this application.

DOUGLAS MANSFIELD
Applicant (Printed Name) **Signature** **Date** 3/30/12
 Glen Catt 3/26/2012
Property Owner(s) (Printed Name) **Signature** **Date**

This is to certify the required filing fee was received on _____ and documented with
Receipt Number _____ . This application is scheduled for public hearing on _____
Staff Initials _____

Please be advised that there may be deed restrictions limiting the use of your property. The Boyne City Planning Department does not investigate or enforce any such deed restrictions. Deed restrictions are generally enforced by local property owners or home owners associations. You may wish to future investigate any such deed restrictions before proceeding with this application. Furthermore, there may be permits required by state and federal agencies, and you may wish to further investigate these. The Planning Department does not assume any responsibility to ensure that the proper permits have been obtained.



**Boyne City
Planning Commission**

319 N. Lake Street
Boyne City, Michigan 49712-1188
(231) 582-0343
www.boynecity.com

**Site Plan Review Application
FULL PLAN REVIEW**

⇒ **Applicant Name:** Mansfield * Associates, Inc. - Doug Mansfield
Street Address: 1212 Veterans Dr.
City: Traverse City **State:** MI **Zip-Code:** 49684
Phone Number (s): (231) 946-9310 **E-mail:** doug.m@ma9eps.com

⇒ **Property Owner's Name:** CATT Development - Glen Catt
Street Address: 829 W. Main St. Suite C
City: Gaylord **State:** MI **Zip-Code:** 49735
Phone Number (s): (989) 732-9722

⇒ **Project Location:** Street Address: One Water Street
Property ID Number: 15-051-445-705-1131

I / We request: site plan review and land use permitting to complete the final component of the One Water St. mixed-use development.

As an illustration of this request, I/we have attached a site plan(s) of the premise drawn to scale showing the location of all existing and proposed structures, improvements, and uses on the property as well as any information required by ordinance.

I/we understand and agree, upon execution and submission of this application, that I/we agree to abide by all provisions of the City of Boyne City Zoning Ordinance as well as all procedures and policies of the City of Boyne City Planning Commission as those provisions, procedures, and policies relate to the handling and disposition of this application; that the above information is true and accurate to the best of my/our knowledge; and that a filing fee is due with this application.

DOUGLAS MANSFIELD
Applicant (Printed Name)

[Signature]

[Signature]
Signature

3/30/12
Date

Glen Catt
Signature

3/26/2012
Date

Property Owner (Printed Name)

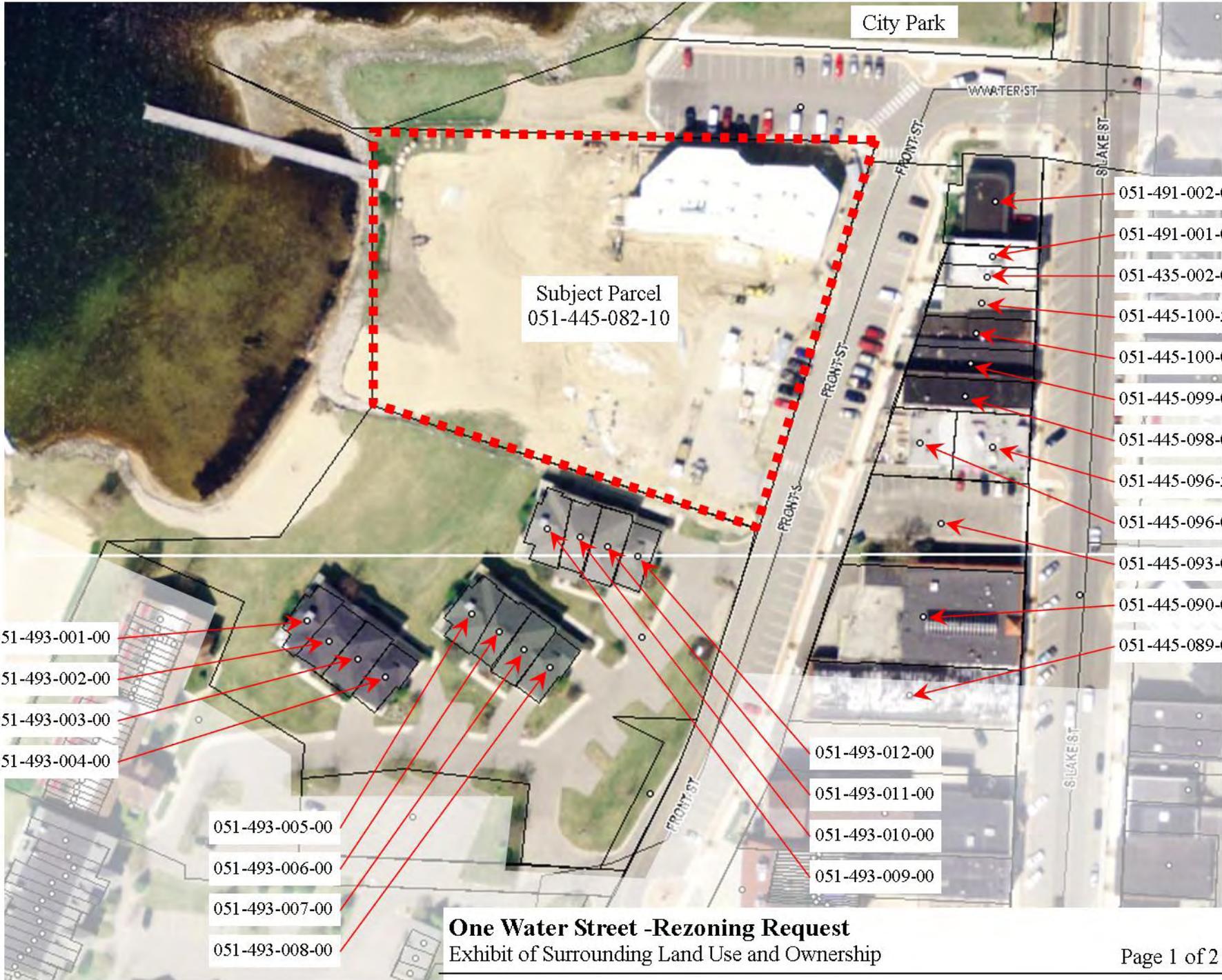
Signature

Date

Application and filing fee received _____

Receipt Number _____

Received by _____



One Water Street -Rezoning Request
Exhibit of Surrounding Land Use and Ownership

Zoned	Existing Use	Master Planned	Parcel	Property Address:	Owner Information:		
CBD	Commercial	Downtown Core	051-435-002-00	102 LAKE ST S	GABOS MICHAEL E TRUST 1/2 GABOS ANN L TRUST 1/2	123 W MICHIGAN AVE	BOYNE CITY, MI 49712
WMD	Commercial	Downtown Core	051-445-082-10	1 WATER ST	INTEGRITY LAND COMPANY	829 W MAIN ST, STE C	GAYLORD, MI 49735
CBD	Commercial	Downtown Core	051-445-089-00	210 FRONT ST	INTEGRITY LAND COMPANY	829 W MAIN ST, STE C	GAYLORD, MI 49735
CBD	Commercial	Downtown Core	051-445-090-00	202 A LAKE ST S	BOYNE HOLDINGS INC	PO BOX 622	PETOSKEY, MI 49770
CBD	Commercial	Downtown Core	051-445-093-00	LAKE ST	BOYNE HOLDINGS INC	PO BOX 622	PETOSKEY, MI 49770
CBD	Commercial	Downtown Core	051-445-096-00	116 B LAKE ST S	COLLINS DAVID M	116 S LAKE ST	BOYNE CITY, MI 49712
CBD	Commercial	Downtown Core	051-445-096-50	118 LAKE ST S	COLLINS DAVID M	116 S LAKE ST	BOYNE CITY, MI 49712
CBD	Commercial	Downtown Core	051-445-098-00	116 LAKE ST S	COLLINS DAVID M	116 S LAKE ST	BOYNE CITY, MI 49712
CBD	Commercial	Downtown Core	051-445-099-00	112 LAKE ST S	PAGA PROPERTIES LLC	112 S LAKE ST	BOYNE CITY, MI 49712
CBD	Commercial	Downtown Core	051-445-100-00	110 LAKE ST S	CJB PROPERTIES II LLC	565 W MITCHELL ST	PETOSKEY, MI 49770
CBD	Commercial	Downtown Core	051-445-100-50	108 LAKE ST S	UHRICK JOHN E TRUSTEE UHRICK JOHN E TRUST	8276 MERCER BLVD	CHARLEVOIX, MI 49720
CBD	Commercial	Downtown Core	051-491-001-00	104 LAKE ST S	CZERKES STEPHEN & CATHERINE CO-TTEE CZERKES STEPHEN & CATHERINE TRUST	01294 FOREST LANE	BOYNE CITY, MI 49712
CBD	Commercial	Downtown Core	051-491-002-00	106 LAKE ST S	DRAGGOO KEVIN L & LAURI J U	1619 DENNISON RD	EAST LANSING, MI 48823
MFRD	Commercial	Multiple Family	051-493-001-00	222 A FRONT ST			
MFRD	Commercial	Multiple Family	051-493-002-00	222 B FRONT ST			
MFRD	Commercial	Multiple Family	051-493-003-00	222 C FRONT ST	SCROGGIE DAVID E & DEBORAH L	625 ISLAND DR	WHITE LAKE, MI 48386
MFRD	Commercial	Multiple Family	051-493-004-00	222 D FRONT ST	PLAINE SUSAN N REV LVG TRUST	4398 FORESTVIEW DR	WEST BLOOMFIELD, MI 48322
MFRD	Commercial	Multiple Family	051-493-005-00	212 A FRONT ST	KERBAWY EVELYN T TRUSTEE KERBAWY EVELYN REVOC TRUST	212 FRONT ST APT 5	BOYNE CITY, MI 49712
MFRD	Commercial	Multiple Family	051-493-006-00	212 B FRONT ST	LEWIS LORIL TRUST	22470 SOUTHWYCK CT	NOVI, MI 48374
MFRD	Commercial	Multiple Family	051-493-007-00	212 C FRONT ST	DORAN THOMAS B & BARBARA L	303 OAK KNOLL LANE	CARO, MI 48723
MFRD	Commercial	Multiple Family	051-493-008-00	212 D FRONT ST	LUTZ MICHAEL D & KATHRYN W	552 MADISON ST	BIRMINGHAM, MI 48009
MFRD	Commercial	Multiple Family	051-493-009-00	202 A FRONT ST	STOWELL IRENE D LIVING TRUST	202 FRONT ST #9	BOYNE CITY, MI 49712
MFRD	Commercial	Multiple Family	051-493-010-00	202 B FRONT ST	FLOOD CLIFFORD T & ANNETTE E	402 SHORELINE DR	DEWITT, MI 48820
MFRD	Commercial	Multiple Family	051-493-011-00	202 C FRONT ST	KENNEDY JEFFREY R & COLLEEN R	22821 SPY GLASS HILL DR	SOUTH LYON, MI
MFRD	Commercial	Multiple Family	051-493-012-00	202 D FRONT ST	LOGINSKY MARIAN E TRUSTEE LOGINSKY MARIAN E LVG TRUST	540 HILLTOP LN	BIRMINGHAM, MI 48009

One Water Street -Rezoning Request
Exhibit of Surrounding Land Use and Ownership

SECTION 1 - TITLE

CONDITIONAL REZONING AGREEMENT

between

Catt Development, Glen Catt -President, 829 W. Main St. Suite C, Gaylord, MI 49735

(the applicant)

and the

City of Boyne City, Charlevoix County, Michigan

for the rezoning of property located at

One Water Street, Boyne City, MI. 49735

Property Identification Number 15-051-445-082-10

SECTION 2 - PROPERTY AND PARTIES

THIS CONDITIONAL REZONING AGREEMENT is made of this ____th day of _____ 2012, by Catt Development, Glen Catt -President, 829 W. Main St. Suite C, Gaylord, MI 49735 herein after referred to as the applicant being the property owner of certain property having the Property Identification Number 15-051-445-082-10 and the City of Boyne City, Charlevoix County, Michigan herein after referred to as the City of Boyne City.

SECTION 3 - REQUESTED ACTION

WHEREAS, The applicant being the owners of certain property located at One Water Street, Boyne City, MI. 49735 **Property Identification Number** 15-051-445-082-10 legally described on the attached Exhibit "A" which is incorporated herein by reference, have petitioned the City of Boyne City Planning Commission for the rezoning of this property from the Waterfront Marina District (WMD) Zoning to Central Business District (CBD) Classification with Conditions as set forth in the City of Boyne City Zoning Ordinance, effective May 23, 2001, as amended to date, for the purpose of permitting, constructing and operating a mixed-use cottage development consisting of 13 cottages, each sustainable onto itself in terms of economic viability including ground floor leasable space for complementary and compatible uses, protected by individual NFPA 13R fire suppression systems, conveyed through a condominium and with restrictions including the provision for both long term and transient occupancies, with leasing handled by an off-site, in-town manager, to be served with extensions of municipal sanitary sewer and water systems, private roads and other public and private utilities, all pursuant to federal, state and local rules and regulations as may be applicable and all pursuant to the preliminary plans and narratives attached herein and in such forsaking all other uses that may permitted by right, by special use permit, or by any other means in the CBD Zoning Classification.

SECTION 4- STATUTORY AUTHORITY

WHEREAS, the applicant has requested the conditional rezoning of the subject property to allow for the operation a mixed-use cottage development consisting of 13 cottages, each sustainable onto itself in terms of economic viability including ground floor leasable

space for complementary and compatible uses, protected by individual NFPA 13R fire suppression systems, conveyed through a condominium and with restrictions including the provision for both long term and transient occupancies, with leasing handled by an off-site, in-town manager, to be served with extensions of municipal sanitary sewer and water systems, private roads and other public and private utilities, all pursuant to federal, state and local rules and regulations as may be applicable and all pursuant to the preliminary plans and narratives attached herein and in such forsaking all other uses that may permitted by right, by special use permit, or by any other means in the CBD Zoning Classification by a contract that stipulates the terms of and conditions for use, of the property under the authority of Section 405 of the Michigan Zoning Enabling Act, P.A. 110 of 2006 (MCL125.404) and Article X of the City of Boyne City Zoning Ordinance, effective May 23, 2001, as amended to date.

SECTION 5 - TERMS AND CONDITIONS

NOW, THEREFORE, in consideration of the premises and rights reserved, herein, and in order to accomplish the forgoing purposes, the undersigned hereby agree:

1. To rezone the land as described in Exhibit “A” as attached hereto to CBD with Conditions for the purpose of permitting, constructing, operating and maintaining a mixed-use cottage development consisting of 13 cottages, each sustainable onto itself in terms of economic viability including ground floor leasable space for complementary and compatible uses, protected by individual NFPA 13R fire suppression systems, conveyed through a condominium and with restrictions including the provision for both long term and transient occupancies, with leasing handled by an off-site, in-town manager, to be served with extensions of municipal sanitary sewer and water systems, private roads and other public and private utilities, all pursuant to federal, state and local rules and regulations as may be applicable and all pursuant to the preliminary plans and narratives attached herein and in such forsaking all other uses that may permitted by right, by special use permit, or by any other means in the CBD Zoning Classification.
1. The subject property is deemed to be a *Conditional Rezoning*, that being a land use that will, if not undertaken within three (3) years of the date of adoption, revert to a use in conformance with the City of Boyne City Master Plan and Zoning Ordinance.
2. It is understood by all parties that this Zoning Agreement and the corresponding Conditional Rezoning Offer were proposed voluntarily by the landowner, and applicant, and that the City in its review and determination have relied upon the same.
3. This agreement shall be recognized as meeting the intentions and authorizations of all state and federal law an in its signature is valid.
4. The property identified in Exhibit “A” attached hereto shall be developed or used in a manner that conforms to the requirements of the CBD with Conditions District and the incorporated Zoning Agreement and specifically per the attached preliminary plan set.

5. That this Zoning Agreement shall be binding upon and inure to the benefit of the applicant and landowner and the City of Boyne City, and their respective heirs, successors, assigns receivers or transferees.

6. That if the rezoning becomes void under the Zoning Ordinance no development shall take place and no permits will be issued unless and until a new Zoning District classification for the property has been established or a new rezoning has been approved.

7. That each of the requirements and conditions in the Zoning Agreement are necessary and reasonably related and roughly proportional in nature and extent to the impact created by the uses or activities authorized in the Zoning Agreement.

8. That no part of the Zoning Agreement shall permit any activity, use, or condition that would otherwise be prohibited in the Zoning District to which the property is rezoned.

9. That the Condominium Master Deed will provide the conditions of the maintenance and operations standards and escrowed funds to sustain all common elements of the development.

10. That the plans submitted with and for the Conditional Rezoning offer and referenced herein are preliminary in nature and while it is the intent that they meet the rules and regulations that promulgate such a development they are subject to final review and permitting by several other agencies and in such subject to change.

11. That the intent of this development is it be constructed in phases of 3-units starting from the northwest corner of the site, with the pool amenity to be constructed at mid-term of complete build-out, and marina restroom and shower facilities to be located in a ground floor area of a cottage unit.

SECTION 7 - OTHER REPRESENTATIONS AND AGREEMENTS

7. This agreement constitutes the entire agreement between the parties with respect to the matter set forth herein, and there are no representations, warranties, covenants, or obligations except as set forth herein. This Agreement supersedes all prior contemporaneous agreements, understandings, negotiations statements and discussion, written or oral, of the parties hereto, relating to the matters contemplated by the Agreement.

SECTION 8 - VIOLATION AND ENFORCEMENT

8. The failure of any party to complain or enforce of any act or omission on the part of another party, no matter how long the same may continue, shall not be deemed to be an acquiescence or waiver by such party of any of its rights hereunder. No waiver by any party at any time, expressed or implied, or any breach of any provision of this Agreement shall be deemed a waiver of a breach of any other provision of this Agreement or a consent to any subsequent breach of the same or any other provision of this agreement. If any action by any party shall require the consent or approval of another party(ies), such

consent or approval of such action shall not be deemed a consent to or approval of any other provision of this agreement.

SECTION 9- GOVERNING LAW

9. This Agreement shall be governed by the laws of the State of Michigan.

SECTION 10 - DELIVERY OF NOTICES

10. Notice shall be deemed as given hereunder upon personal delivery to the addresses set forth below, or if properly addressed, one (1) day after depositing such notice, with postage prepaid, in a United States mailbox or one (1) day after depositing such notice in the custody of a nationally recognized overnight delivery service. Notice shall be deemed properly addressed if sent to the following address.

Applicant and Property Owner:

Catt Development, Glen Catt -President, 829 W. Main St. Suite C, Gaylord, MI 49735

SECTION 11 - SIGNATURE BY FACSIMILE

11. The parties agree that this Agreement may be executed by facsimile or in counterparts, and that all counterparts together, with or without facsimile signatures, shall constitute one integrated agreement and be deemed an original document.

Section 12 - Recording with Register of Deeds

12. This document or Affidavit or Memorandum giving notice of this document shall be recorded with the Charlevoix County and City of Boyne City Register of Deeds Office.

SECTION 13 - PLANNING COMMISSION REVIEW AND PUBLIC HEARING

CITY OF BOYNE CITY PLANNING COMMISSION REVIEW AND RECOMMENDATION

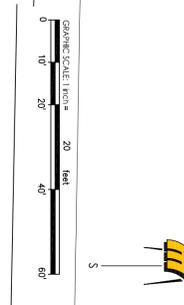
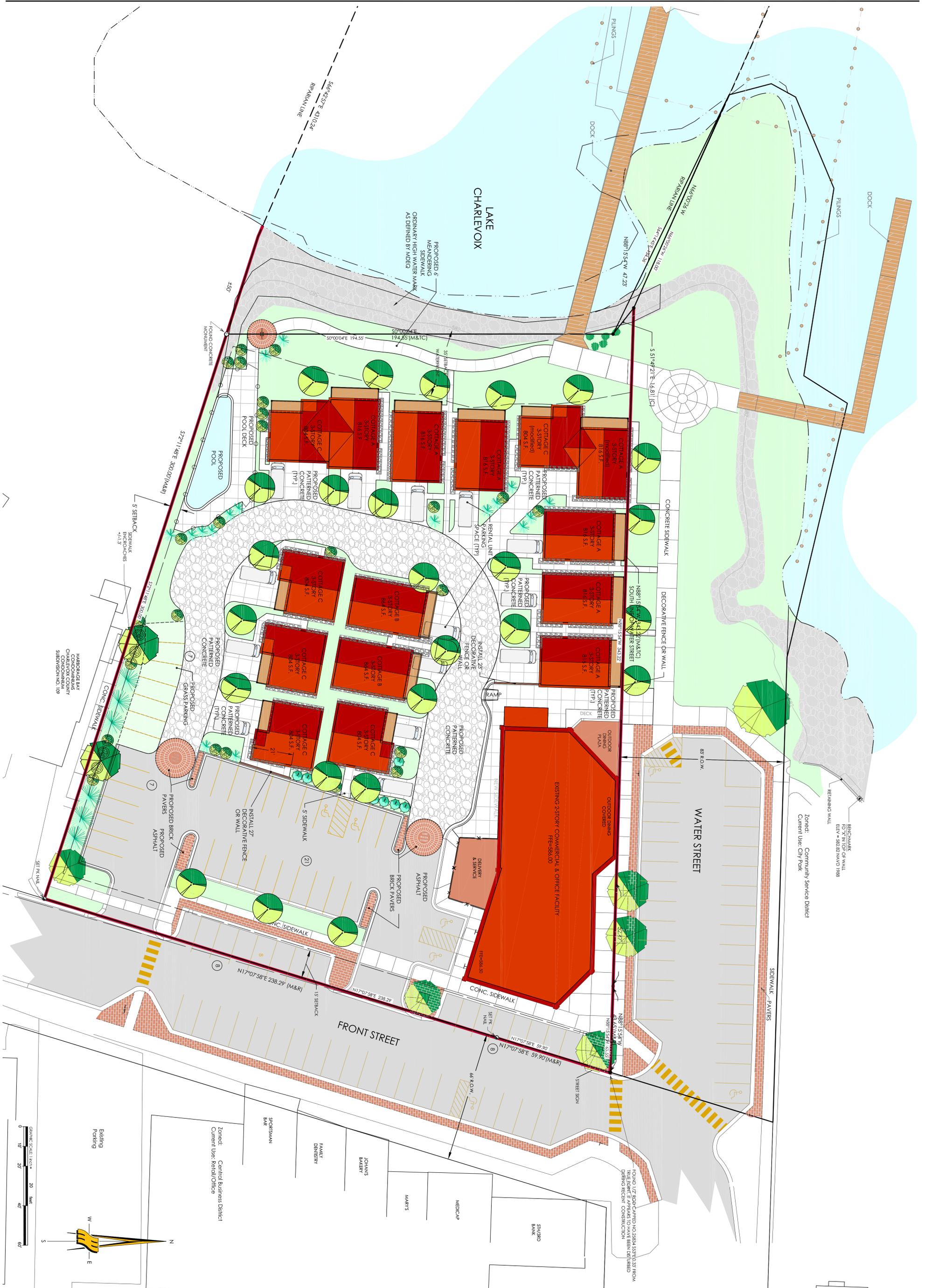
After proper public notice was given and a public hearing held on **add date of public hearing**, 2012 before the City of Boyne City Planning Commission, a motion was duly made and approved as recorded in the minutes of the Planning Commission meeting of the same date recommending the City of Boyne City Commissioners approve this Conditional Rezoning Agreement.

Chair

Secretary

SECTION 14 - SIGNATURE AND NOTARIZATION

IN WITNESS WHEREOF, the undersigned has executed this **CONDITIONAL REZONING AGREEMENT** for and on behalf of Catt Development on the date first above written.



DATE: 12010
 SHEET: 1 OF 1
 PROJECT: CATT DEVELOPMENT
 PRELIMINARY

Catt Development
One Water Street
 Site Plan
 Section 35, Town 33 North, Range 6 West
 City of Boyne City, Charlevoix County, Michigan

REV#	DATE	DES	DRN	CHK	DESC
0	1.20.12	dlm	mm	dlm	Original design
01	1.31.12	dlm	mm	dlm	Revisions per client
02	4.2.12	dlm	mm	dlm	Rezoning Application

Mansfield & Associates
 Land Use Consultants

Planners
 Civil Engineers
 Surveyors
 Testing Services

1212 Veterans Dr.
 Traverse City, MI 49684
 ph: 231-946-9310
 fax: 231-946-8926
 www.maeps.com
 email: info@maeps.com

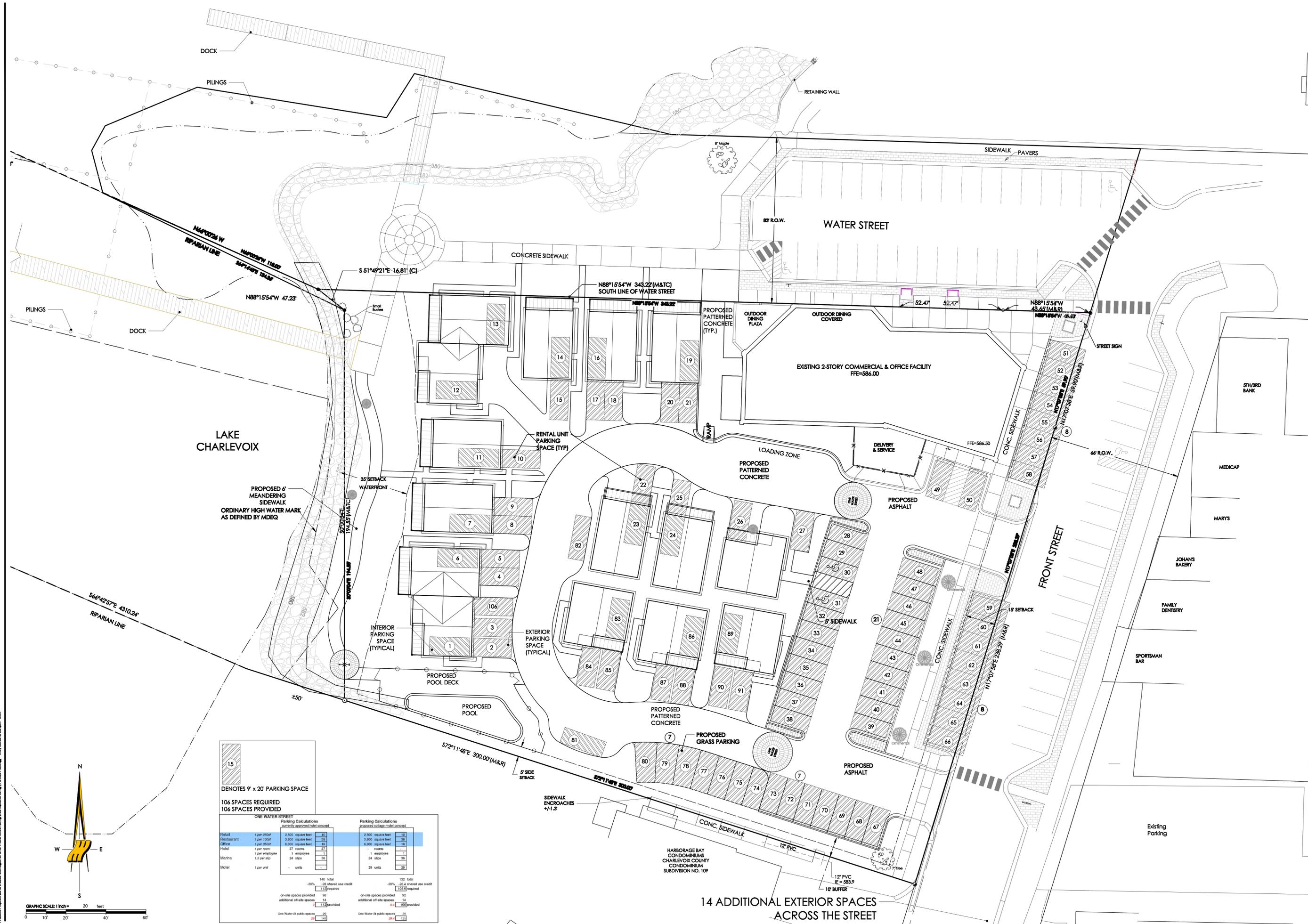


DATE: 12/10/10
 SCALE: 1/8" = 1'-0"
 SHEET: 4 OF 10

Catt Development
One Water Street
 Site Plan
 Section 35, Town 33 North, Range 6 West
 City of Boyne City, Charlevoix County, Michigan

REV#	DATE	DES	DRN	CHK	DESC
0	4.2.12	dlm	mm	dlm	Resubmission

Mansfield & Associates
 Land Use Consultants
 Planners
 Civil Engineers
 Surveyors
 Testing Services
 1212 Veterans Dr.
 Traverse City, MI 49684
 ph: 231-946-9310
 fax: 231-946-8926
 www.maeaps.com
 email: info@maeps.com



DENOTES 9' x 20' PARKING SPACE

106 SPACES REQUIRED
106 SPACES PROVIDED

ONE WATER STREET	Parking Calculations density approved hotel consent	Parking Calculations proposed outage hotel consent
Restaurant	7 per 2500sf 2,500 square feet 10	2,500 square feet 10
Restaurant	7 per 3000sf 3,000 square feet 10	3,000 square feet 10
Office	7 per 3500sf 6,300 square feet 10	6,300 square feet 10
Hotel	1 per room 27 rooms 27	27 rooms 27
Marina	1 per employee 1 employee 1	1 employee 1
Marina	1.5 per slip 24 slips 36	24 slips 36
Motel	7 per unit 29 units 203	29 units 203
	140 total -20% shared use credit 112 required	132 total -20% shared use credit 106 required
	on-site spaces provided: 96 additional off-site spaces: 14 110 provided	on-site spaces provided: 92 additional off-site spaces: 14 106 provided
	One Water St public spaces: 25 25 provided	One Water St public spaces: 25 25 provided

1212 Veterans Dr
Traverse City, MI 49684
ph: 231-946-9310
fax: 231-946-8926
www.mansfield.com
email: info@mansfield.com

Planners
Civil Engineers
Surveyors
Testing Services

Mansfield & Associates
Land Use Consultants

DATE: 04.21.12
TIME: 09:00 AM
BY: JMM
CHECKED: JMM
REVISIONS: 0

**Catt Development
One Water Street
Parking Plan**
Section 35, Town 33 North, Range 6 West
City of Boyne City, Charlevoix County, Michigan

PRELIMINARY

DATE: 04.21.12
TIME: 09:00 AM
BY: JMM
CHECKED: JMM
REVISIONS: 0

PROJECT NO: 12010

SHEET 1 OF 1



VIEW CORRIDOR ANALYSIS

The purpose of the viewshed requirement is to preserve approximately 30% of the lot width on the lake front properties as an unobstructed view corridor between the road frontage and the lake shore. While it is reasonable to correlate the view corridor to a corresponding setback, per the ordinance, this will not always produce a better come of vision. The ordinance revisors require the designer to strike perpendicular sections across the property, maintaining parallel and equal side yard setbacks of a total of 30% of the section width. However, view of the lake does not directly correlate to property lines. View corridor is a function of the relative orientation of the road, structures, and the lake shore. In this particular situation, the relative positioning of these elements conspires to create a view corridor that is actually worse when correlated to a property line setback (see example, top left, this sheet).

Fortunately, Boyne City has recognized the complexity of these situations and provided the Planning Commission with the authority to waive these setback standards where creativity in site layout can produce a design that preserves public views (Section 20.30g). It is our opinion that this is clearly a situation where strict application of setback requirement contained within section 20.30 does not provide any benefit to protecting a public viewshed, but would only serve as an unnecessary hardship to the developer. We have produced a site design that respects the public's interest in preserving lake view corridors by giving the best possible alignment for the come of vision and going the extra step of tying the view corridor of this site into preservation of a road and vista a block away (see Roy Street View Corridor Notes).

Calculated View Corridor, Per Strict Application of Ordinance
 The calculated viewshed dimensions are approximately 61' at the front (water side) property edge (205' x 0.30 = 61.5') and 90' at the right-of-way (298 x 0.30 = 89.4').

To put this into real-life perspective:

- A person driving in a car along Front Street at 15 mph would experience a view for **4.1 seconds**.
- A person walking along Front Street at 2 mph would experience the view for **30.5 seconds**.
- The length of frontage in which someone could experience a lake view along Front Street is 89.4 feet, or **30% of the total road frontage along the property line**.

Calculated View Corridor, Per Proposed Site Plan
 The proposed site plan allows for small views and "breathing room" between the buildings in two corridors as seen from Front Street. Additionally, by positioning the structures as such, a large view corridor on the southern edge of the property is gained.

View frontage along Front Street = 50 x 159' = 209'

- To put this into real-life perspective:
 - A person driving in a car along Front Street at 15 mph would experience a view for **9.5 seconds**.
 - A person walking along Front Street at 2 mph would experience the view for **71.25 seconds**.
 - The length of frontage in which someone could experience a lake view along Front Street is 209 feet, or **89% of the total road frontage along the property line**
 - Of the possible views to be enjoyed between the existing Condominiums to the south and the existing retail/restaurant building to the north, the proposed development allows a view of the lake for 209' of the possible 238 feet of traveled way along Front Street.

We are requesting that the Planning Commission waive the strict application of the viewshed setback requirement at the building section, and grant the variance as shown here.

Roy Street View Corridor Notes

1. Although there are no specific requirements for preserving view corridors of road ends, there has been community-wide discussion regarding the issue. The proposed redevelopment plan has placed the structures to avoid blocking the Roy Street corridor.
2. This has been proposed to offset community impacts that may be perceived by the strict application of the viewshed calculations as a setback requirement.
3. The existing Roy Street view corridor is currently limited by a residential structure to the south and a restaurant building to the north. The proposed structures do not impact this viewshed at all.
4. The current Roy Street view corridor provides a view of approximately 77' of Lake Charlevoix shoreline. The proposed Roy Street view corridor will maintain the existing 77' viewshed.

The currently proposed Resort Cottage site plan provides significantly more view opportunity than the approved Hotel Concept. (see the viewshed graphic to the left)

REV#	DATE	DES	DRN	CHK	DESC
0	4.2.12	H	H	dm	Resizing Submittal
1	5.4.12	H	H	dm	updated

Mansfield & Associates

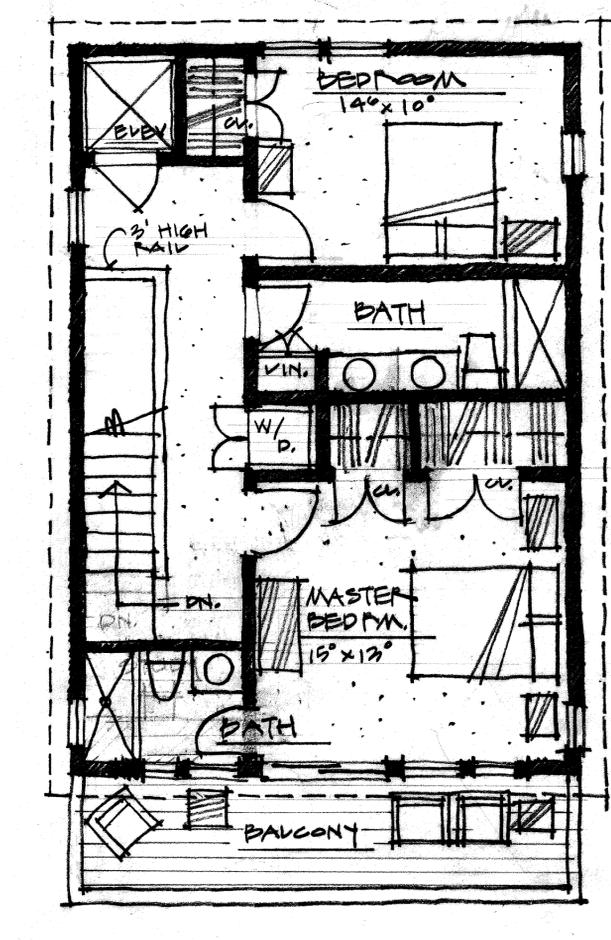
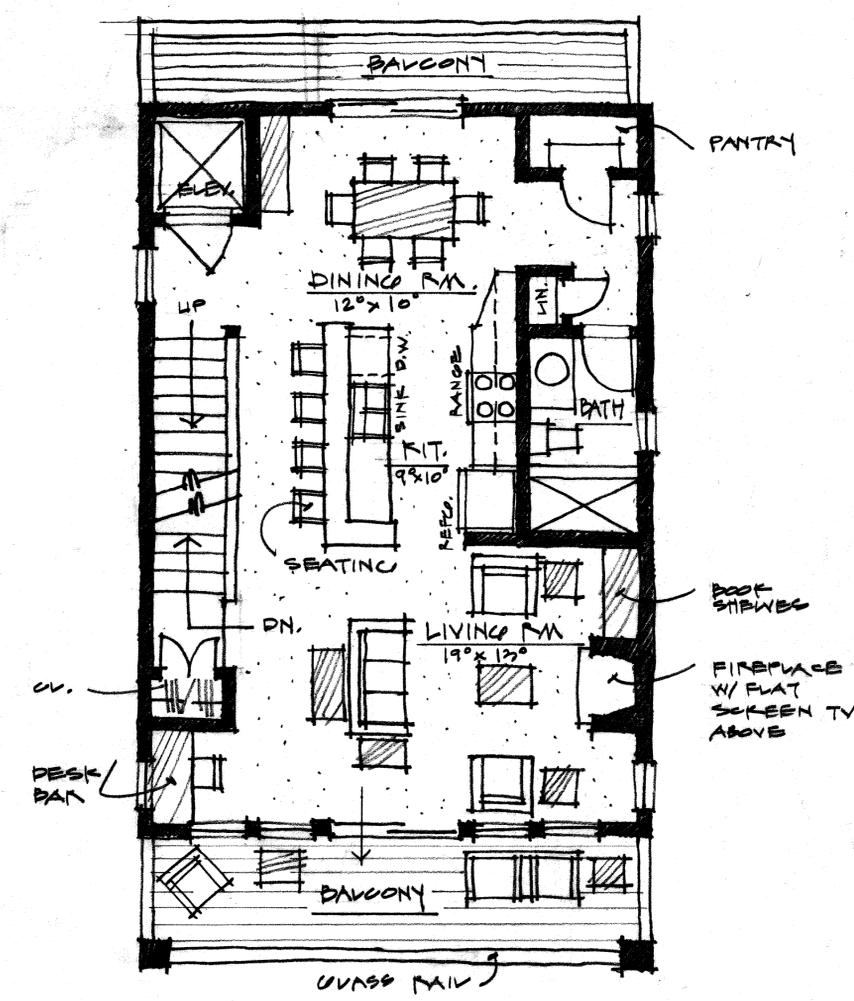
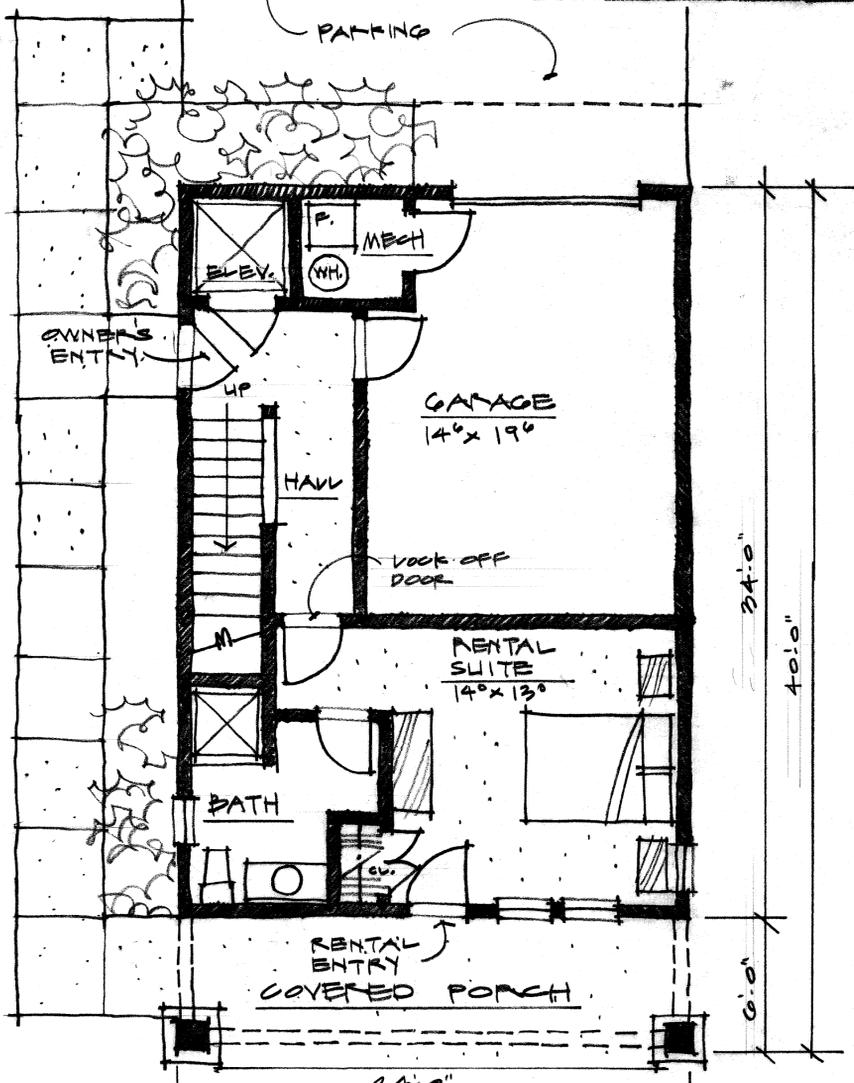
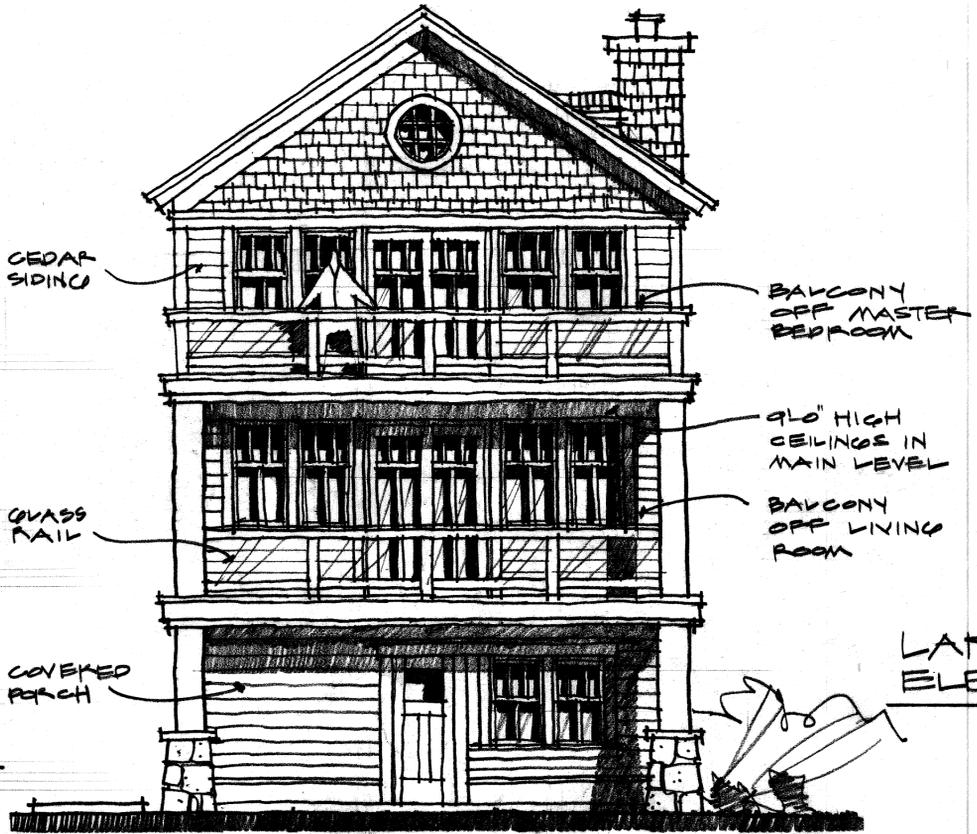
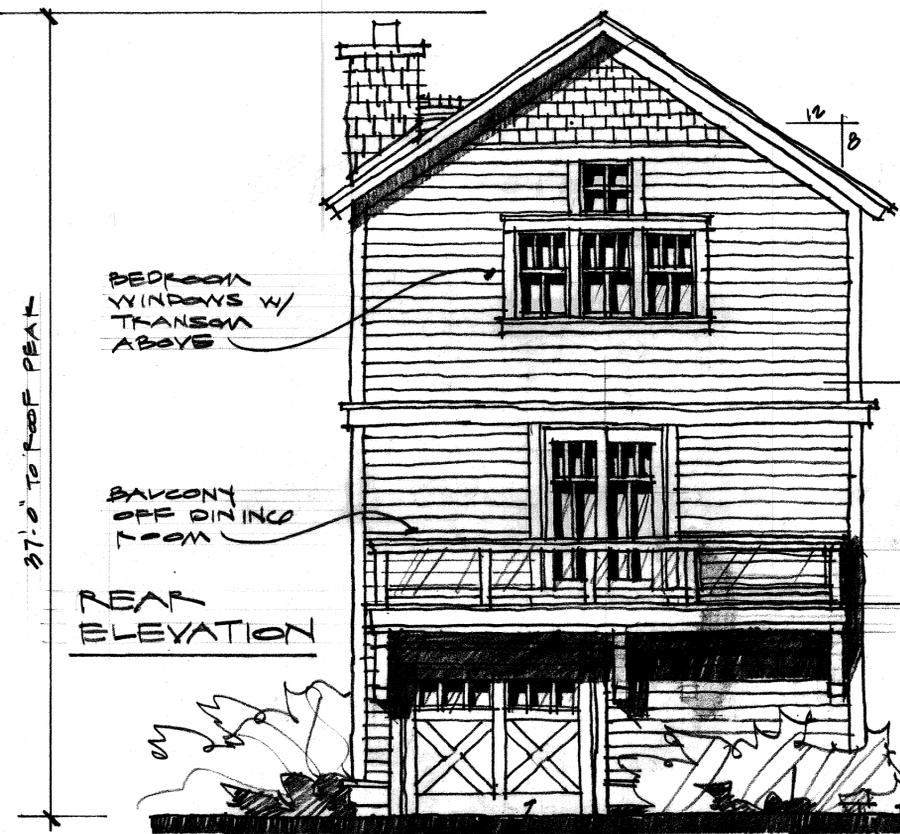
**Planners
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**Catt Development
One Water Street
View Shed Plan**

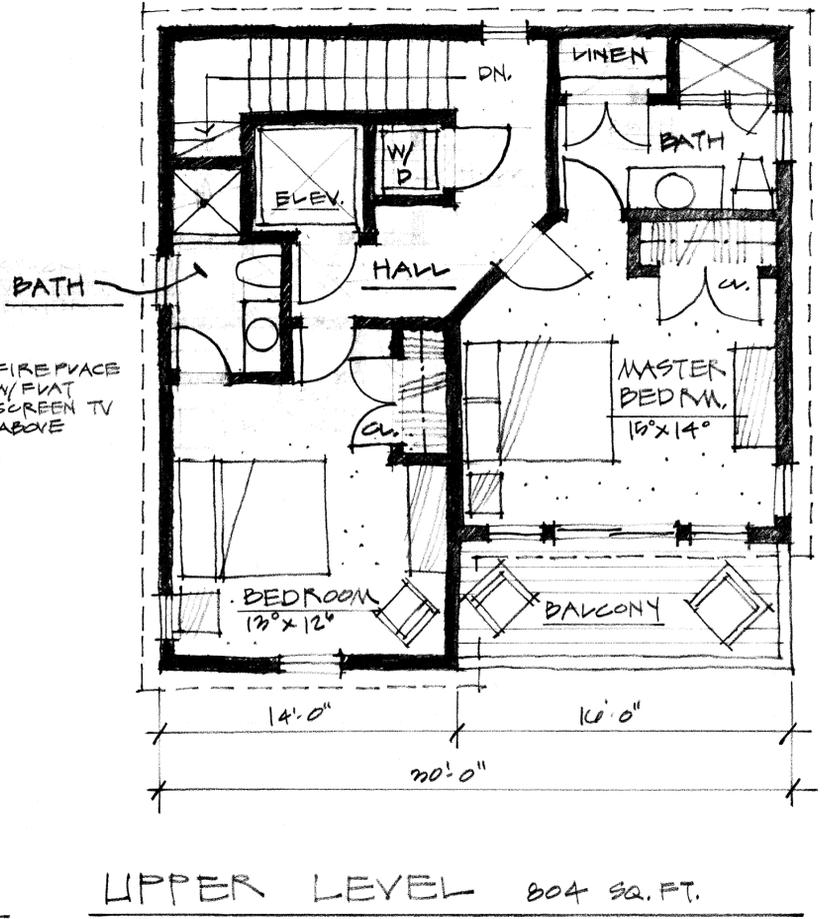
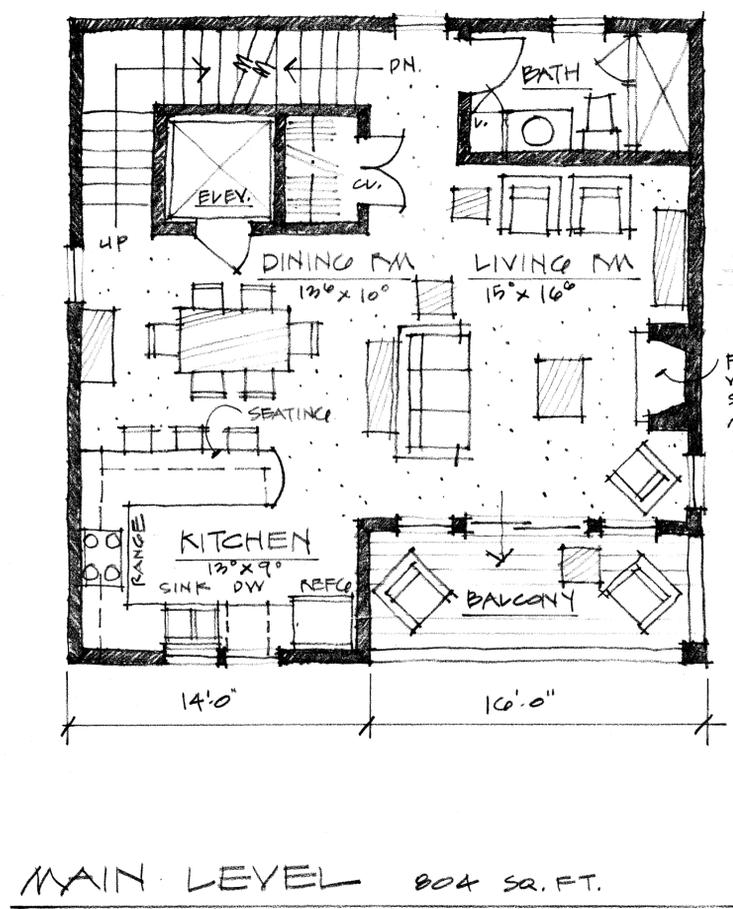
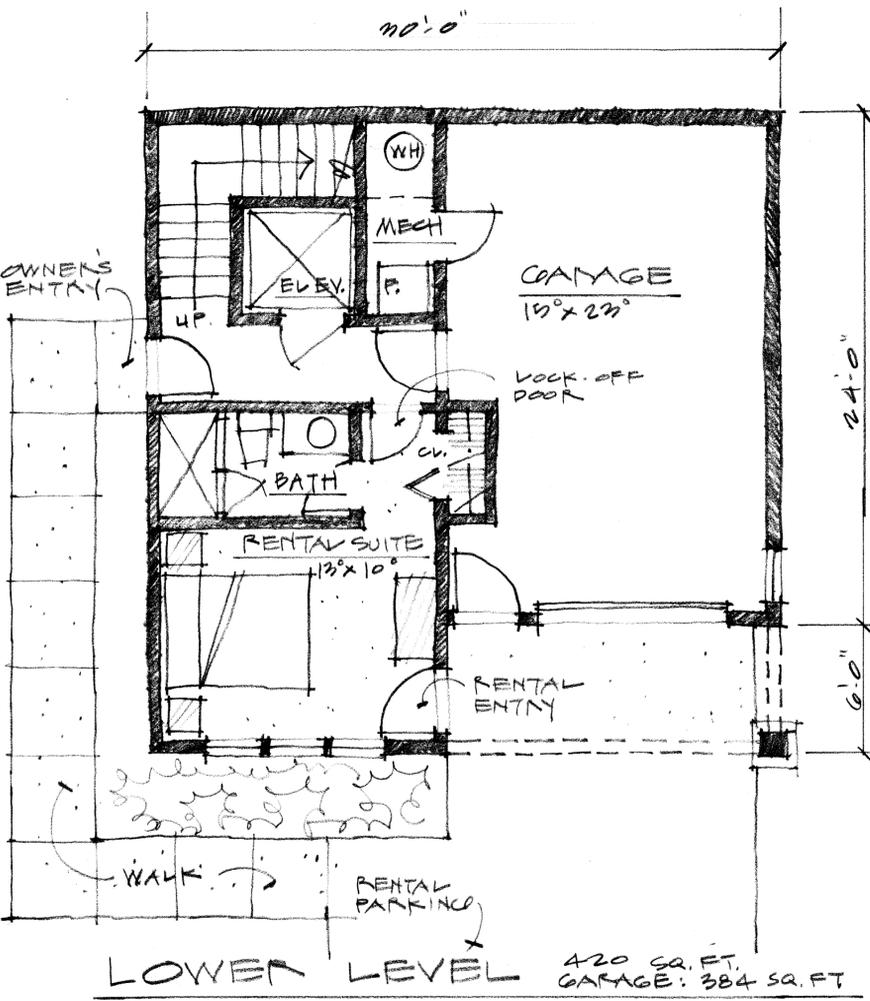
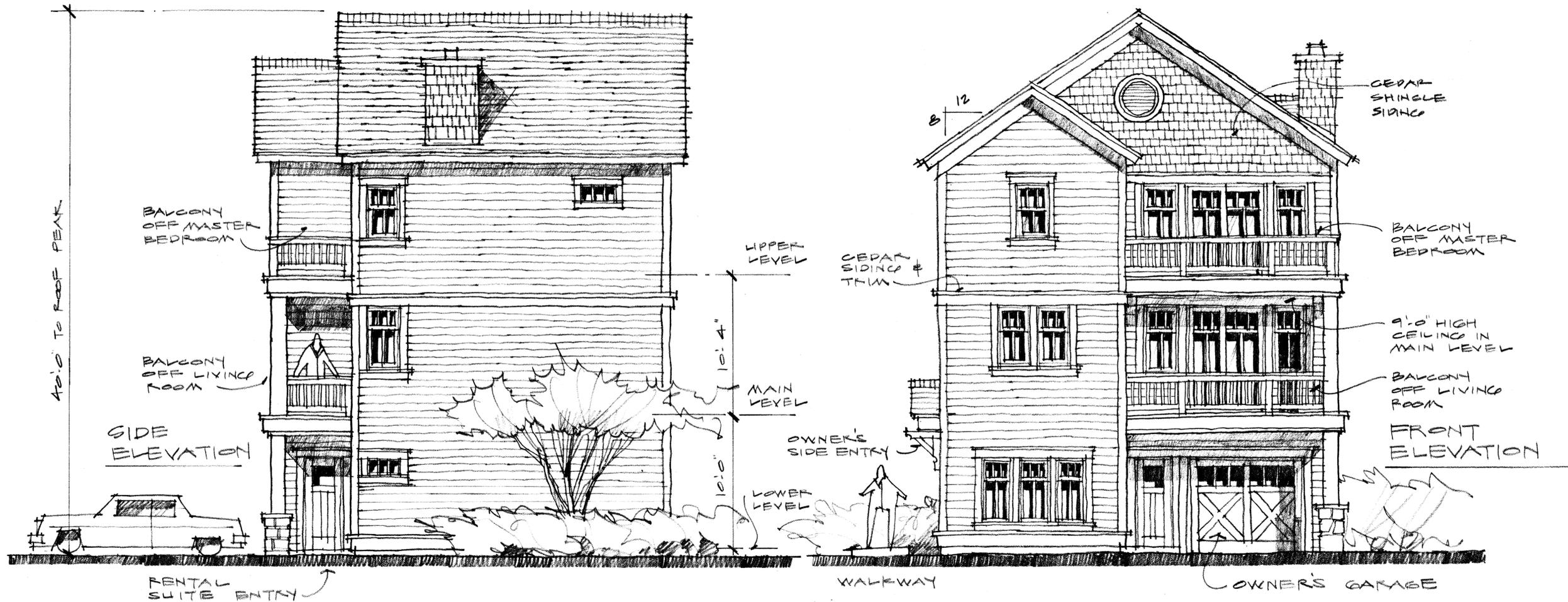
Section 35, Town 33 North, Range 4 West

PRELIMINARY
 12010
 SHT 1 OF



ONE WATER STREET DEVELOPMENT
 BOYNE CITY, MI
 GATT DEVELOPMENT
 UNIT A CONCEPT

TA TRAVERSE ARCHITECTURAL GROUP 7/12



ONE WATER STREET
DEVELOPMENT
BOYNE CITY, MI
CATT DEVELOPMENT
UNIT C CONCEPT

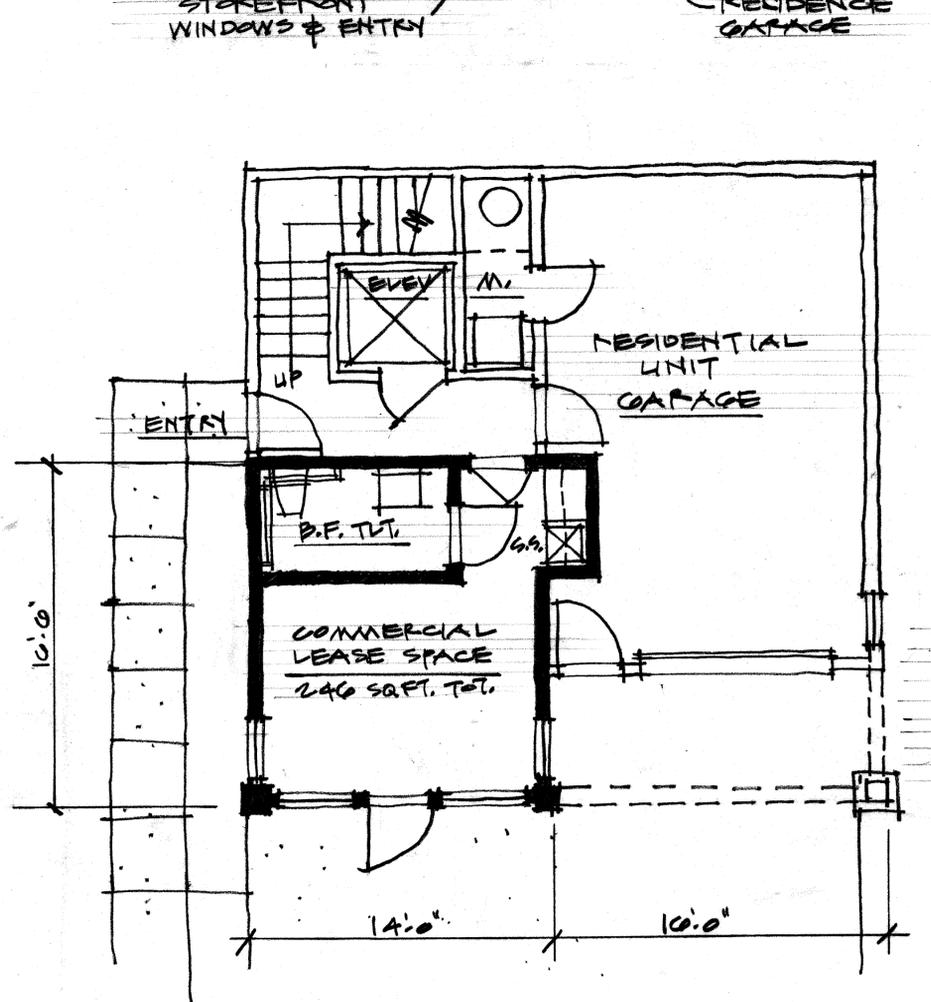
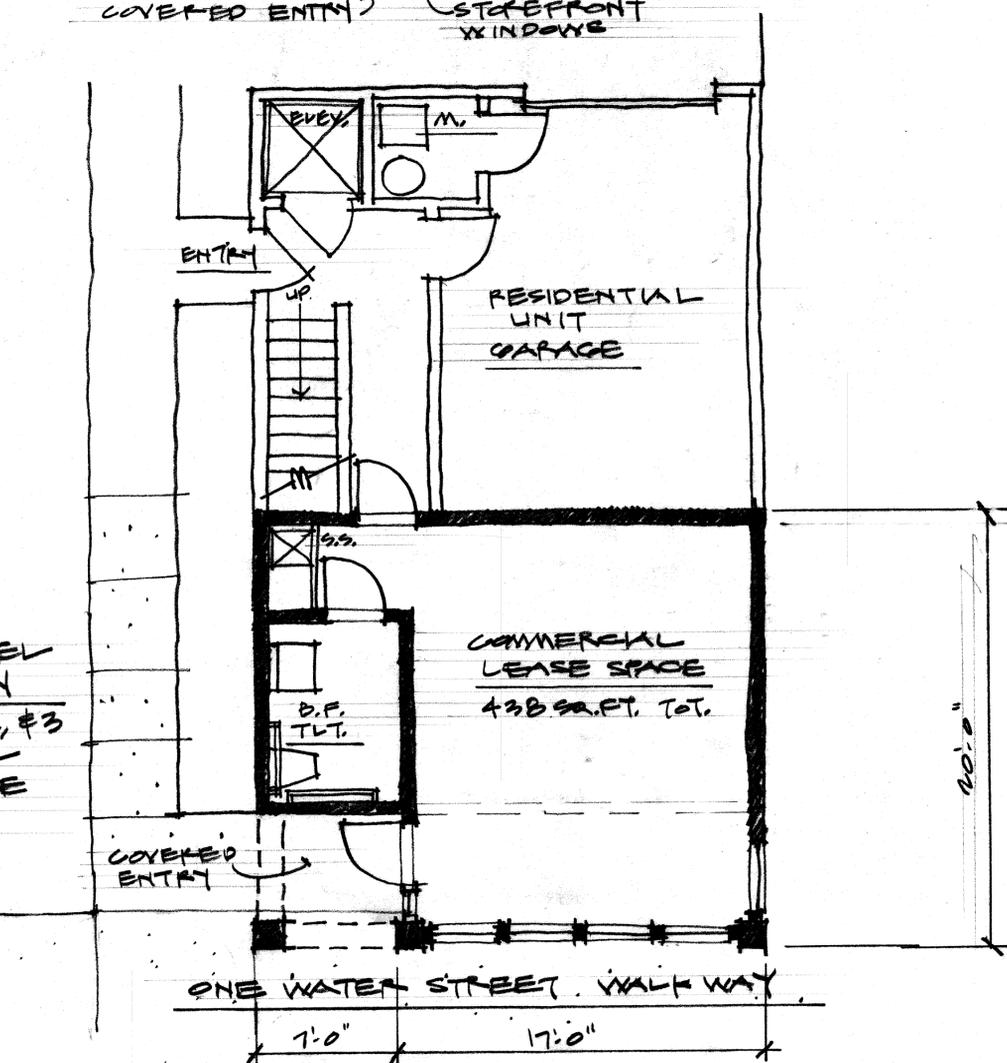
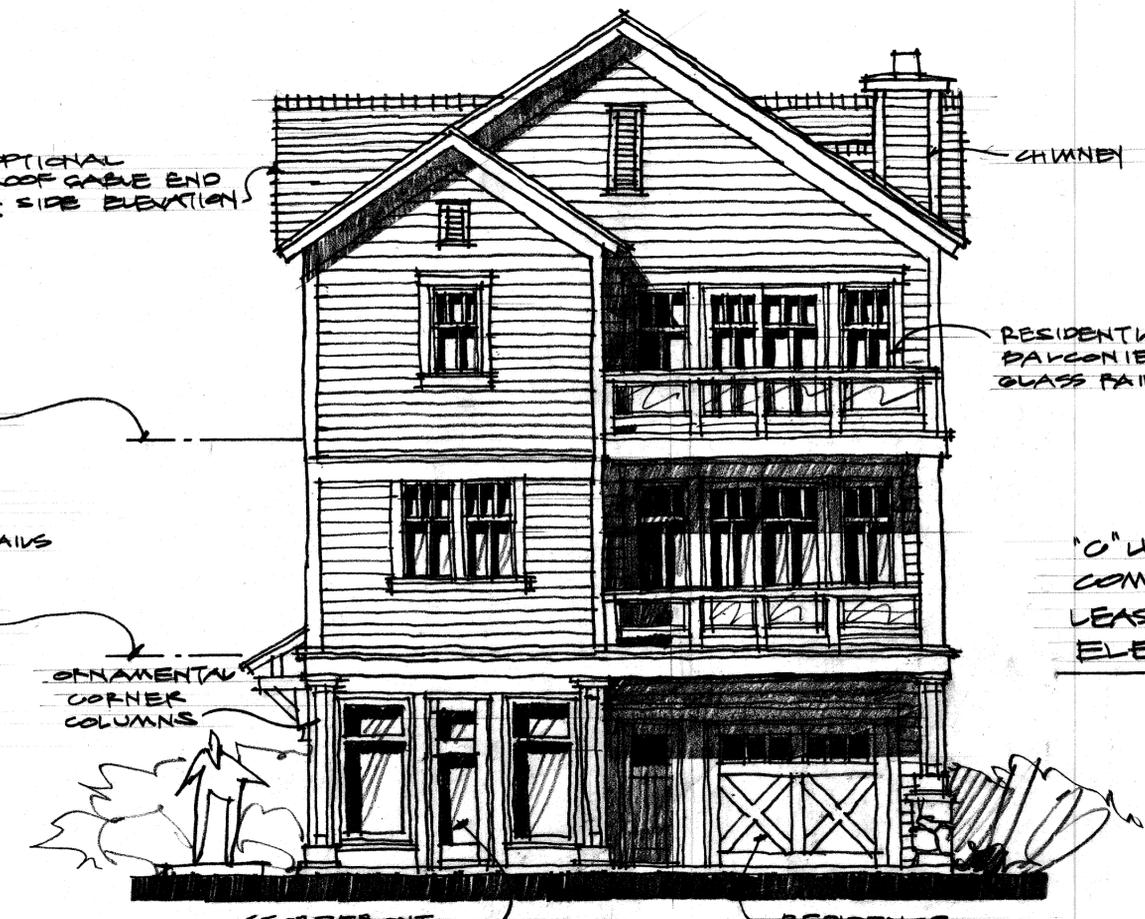
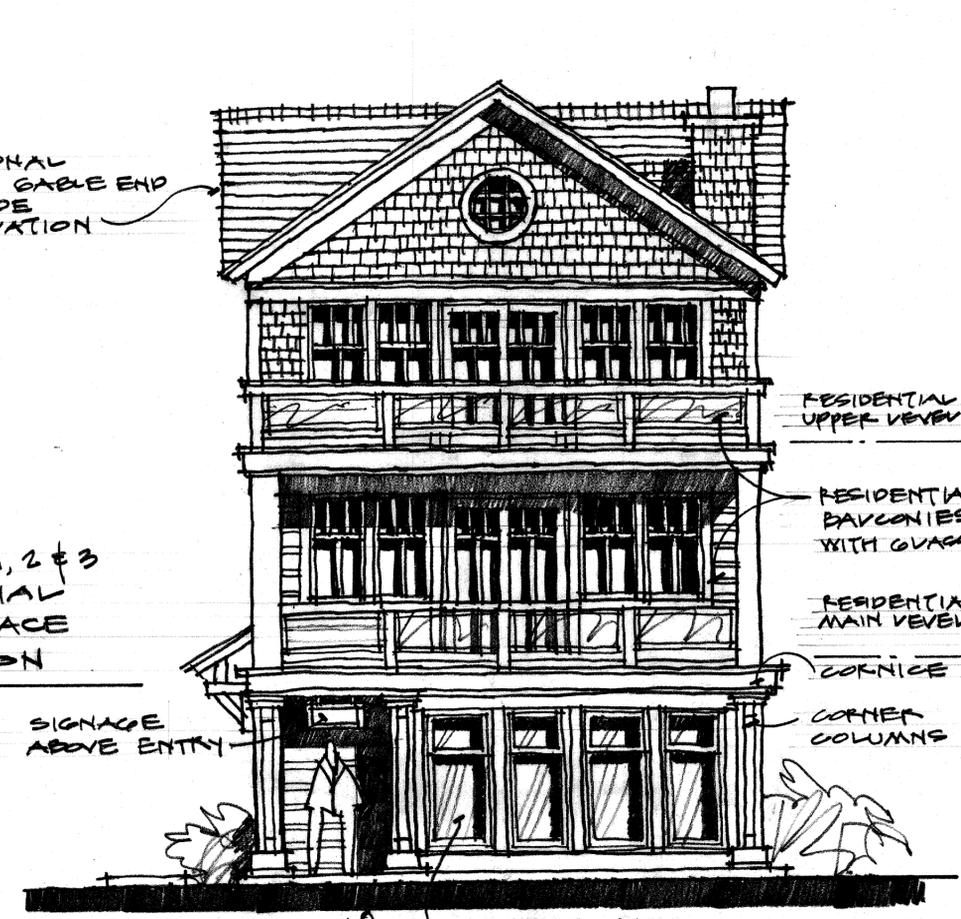
TAG TRAVERSE
ARCHITECTURAL
GROUP 3/12

OPTIONAL ROOF GABLE END @ SIDE ELEVATION

OPTIONAL ROOF GABLE END @ SIDE ELEVATION

"A" UNITS # 1, 2 & 3
COMMERCIAL LEASE SPACE
ELEVATION

"C" UNITS # 12 & 13
COMMERCIAL LEASE SPACE
ELEVATION

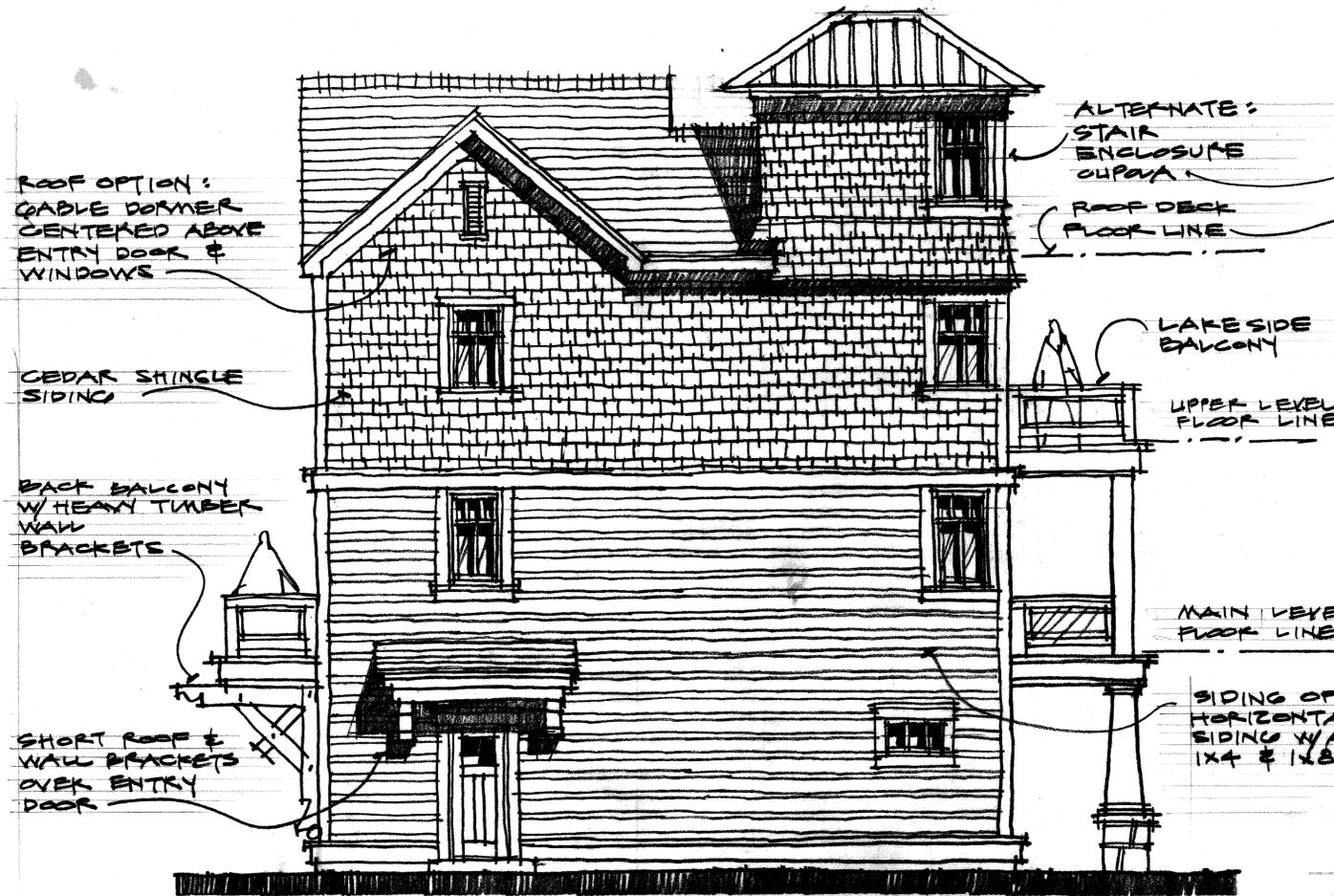


LOWER LEVEL FLOOR PLAN
"A" UNITS # 1, 2, & 3
COMMERCIAL LEASE SPACE

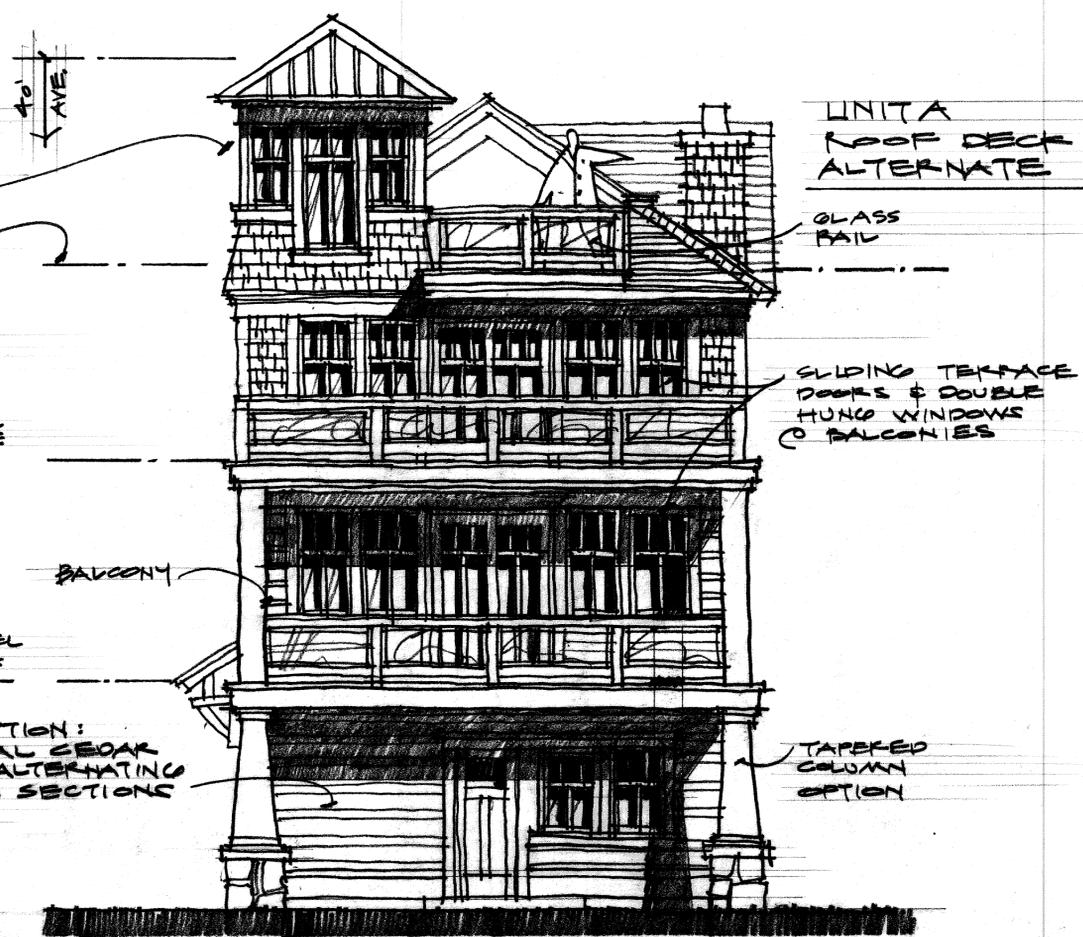
LOWER LEVEL FLOOR PLAN
"C" UNITS # 12 & 13
COMMERCIAL LEASE SPACE
ONE WATER STREET DEVELOPMENT
BOYNE CITY, MI
CATT DEVELOPMENT



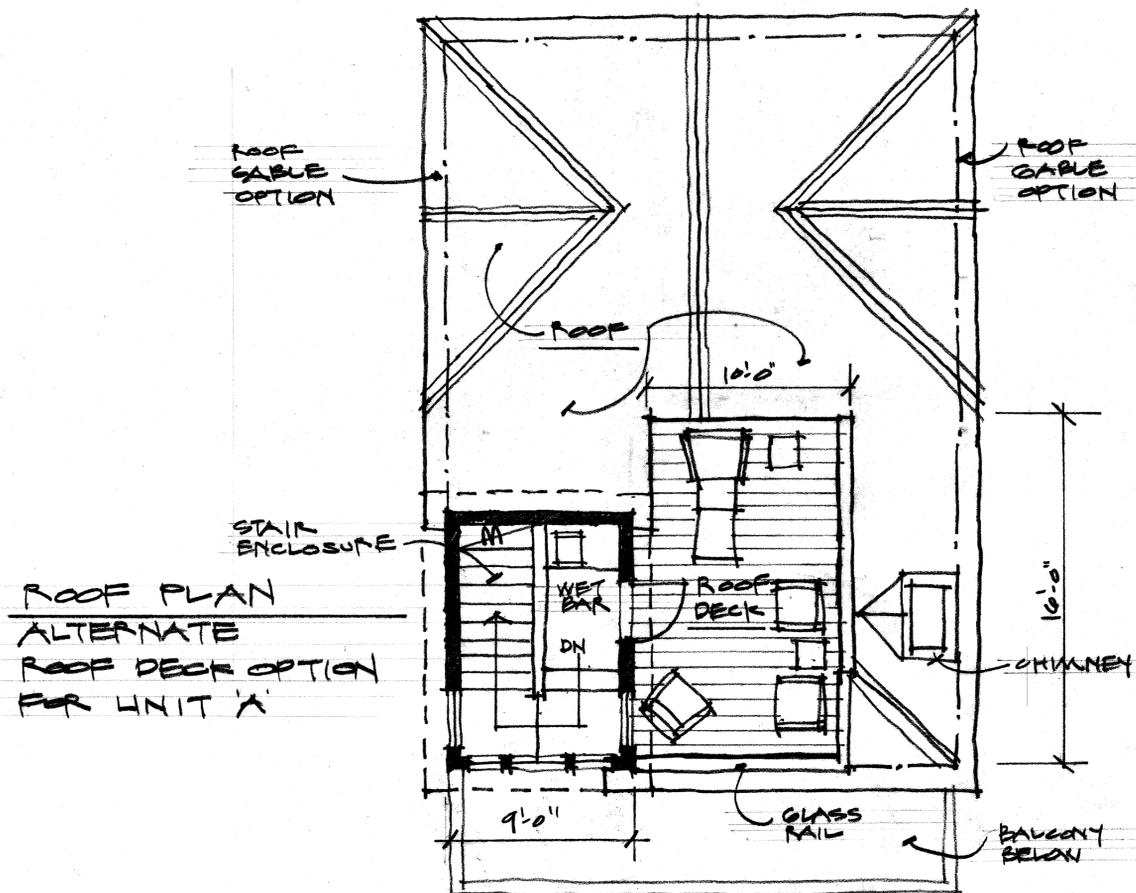
TRAVERSE ARCHITECTURAL GROUP 3/24/12



UNIT A ENTRY SIDE ELEVATION



UNIT A LAKE SIDE ELEVATION

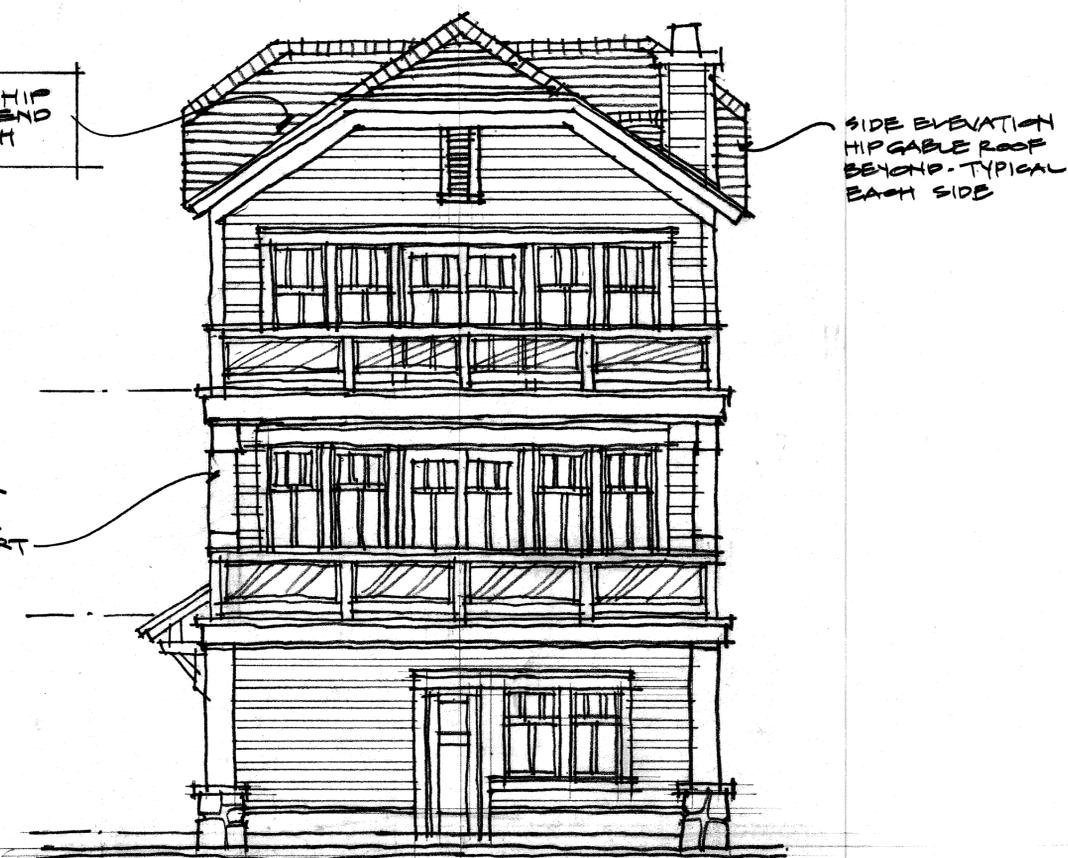


ROOF PLAN
ALTERNATE
ROOF DECK OPTION
FOR UNIT A

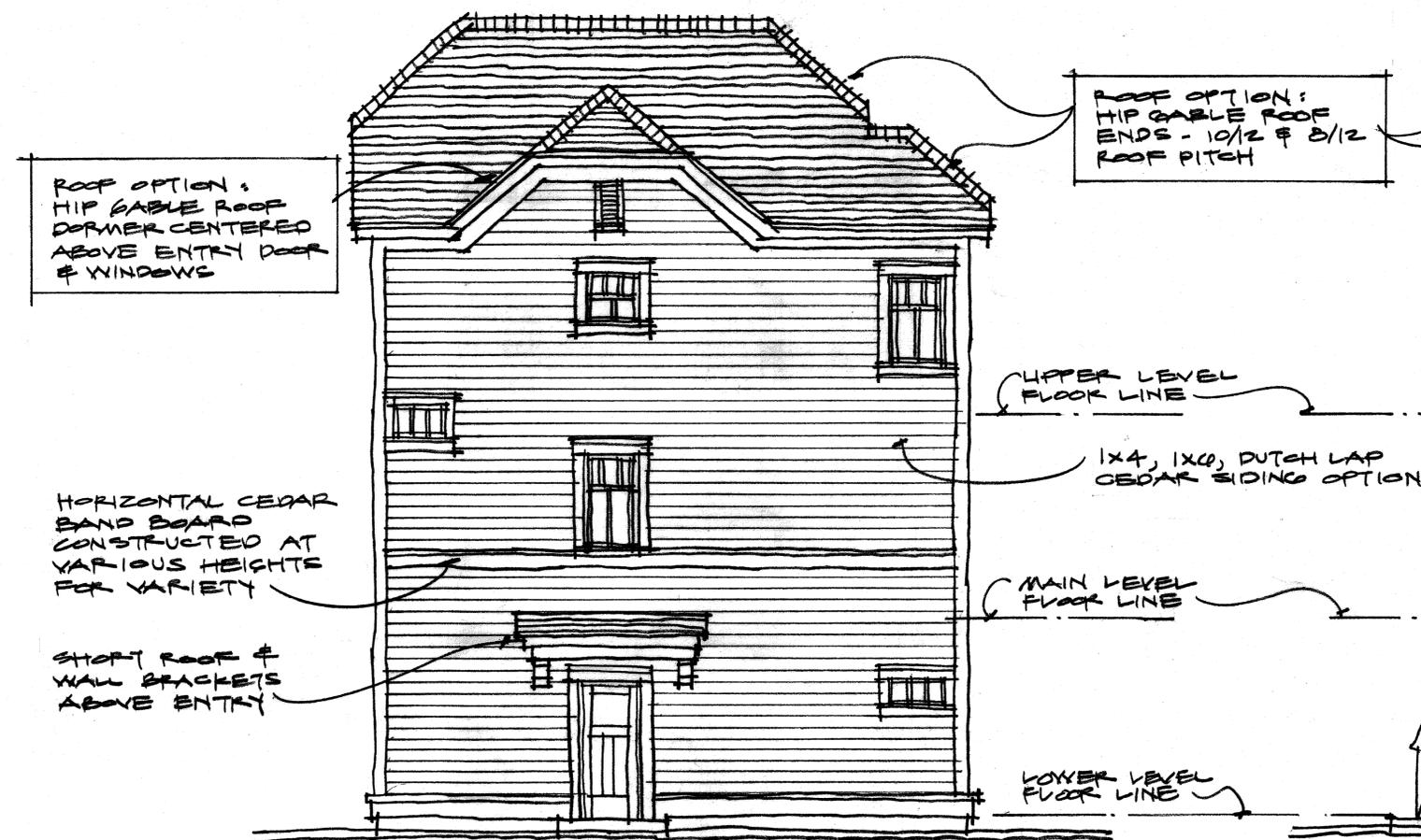
ONE WATER STREET
DEVELOPMENT
BOYNE CITY, MI
GATT DEVELOPMENT



UNIT A ENTRY SIDE ELEVATION



UNIT A LAKESIDE ELEVATION



UNIT C ENTRY SIDE ELEVATION



UNIT C FRONT ELEVATION

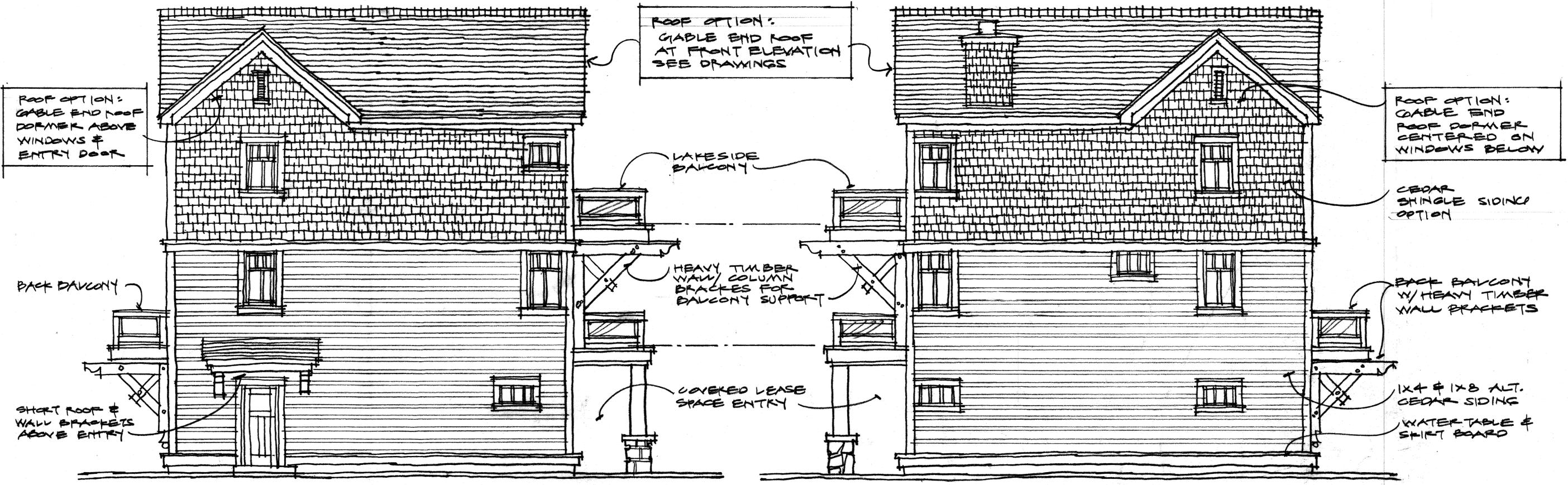
SIDE ELEVATION HIP GABLE ROOF BEYOND - TYPICAL EACH SIDE

SIDE ELEVATION HIP GABLE ROOF BEYOND - TYPICAL EACH SIDE

BALCONIES

ONE WATER STREET DEVELOPMENT
BOYNE CITY, MI
CATT DEVELOPMENT

 TRAVERSE ARCHITECTURAL GROUP 3/24/12



ROOF OPTION:
GABLE END ROOF
DORMER ABOVE
WINDOWS &
ENTRY DOOR

ROOF OPTION:
GABLE END ROOF
AT FRONT ELEVATION
SEE DRAWINGS

ROOF OPTION:
GABLE END
ROOF DORMER
CENTERED ON
WINDOWS BELOW

CEDAR
SHINGLE SIDING
OPTION

BACK BALCONY

LAKESIDE
BALCONY

BACK BALCONY
W/ HEAVY TIMBER
WALL BRACKETS

SHORT ROOF &
WALL BRACKETS
ABOVE ENTRY

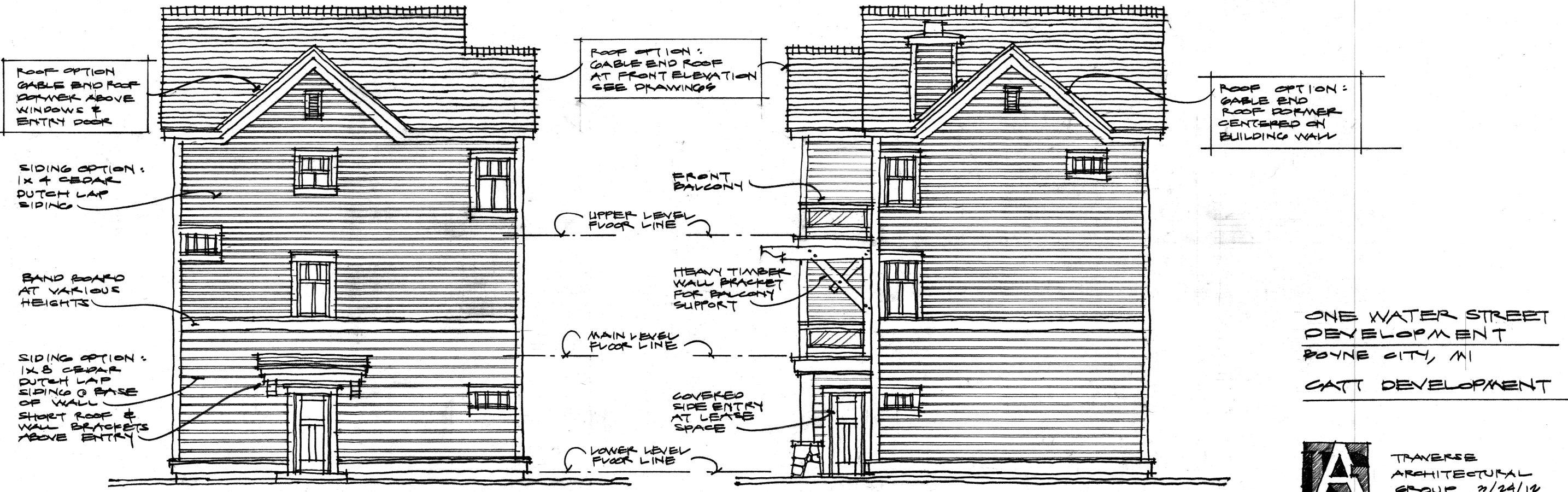
HEAVY TIMBER
WALL/ COLUMN
BRACKETS FOR
BALCONY SUPPORT

COVERED LEASE
SPACE ENTRY

1X4 & 1X8 ALT.
CEDAR SIDING
WATER TABLE &
SHIRT BOARD

UNIT A ENTRY/LEFT SIDE ELEVATION

UNIT A RIGHT SIDE ELEVATION



ROOF OPTION:
GABLE END ROOF
DORMER ABOVE
WINDOWS &
ENTRY DOOR

ROOF OPTION:
GABLE END ROOF
AT FRONT ELEVATION
SEE DRAWINGS

ROOF OPTION:
GABLE END
ROOF DORMER
CENTERED ON
BUILDING WALL

SIDING OPTION:
1X4 PROXIAL
OUTLET LAP
SIDING

FRONT
BALCONY

BAND BOARD
AT VARIOUS
HEIGHTS

UPPER LEVEL
FLOOR LINE

HEAVY TIMBER
WALL BRACKET
FOR BALCONY
SUPPORT

SIDING OPTION:
1X8 CEDAR
OUTLET LAP
SIDING @ BASE
OF WALL
SHORT ROOF &
WALL BRACKETS
ABOVE ENTRY

MAIN LEVEL
FLOOR LINE

COVERED
SIDE ENTRY
AT LEASE
SPACE

LOWER LEVEL
FLOOR LINE

ONE WATER STREET
DEVELOPMENT
BOYNE CITY, MI
CATT DEVELOPMENT

UNIT C ENTRY/LEFT SIDE ELEVATION

UNIT C RIGHT SIDE ELEVATION



TRAVERSE
ARCHITECTURAL
GROUP 7/24/12

FACT SHEET

Developer:

Catt Development
Glen Catt
829 W. Main St. Suite C
Gaylord, MI 49735
(989) 732-9722

Planning and Engineering:

Mansfield & Associates, Inc.
Doug Mansfield
1212 Veterans Drive
Traverse City, MI 49684
(231) 946-9310

Architect:

Traverse Architectural Group, LLC
Dave Spala
1222 Veterans Drive
Traverse City, MI, 49684
(231) 946-9940

General Contractor:

Integrity Construction Services
Ed Hunt
829 W. Main Street Suite C
Gaylord, MI 49735
(989) 705-1131

Site Location:

One Water Street
Boyne City, MI 49735

Tax ID:

15-051-445-082-10

Size:

1.91 acres

Zoning:

Currently zoned WMD
Zoned CBD prior to 2000
Master Planned as Downtown Core
Requesting zoning change back to CBD



One Water Street Phase I, Completed Multi-Use Building



One Water Street Phase I, Completed Pier and Boat Slips



One Water Street, Aerial View



Proposed Phase II, Completion of One Water Street

ARTICLE II
DISTRICT DESCRIPTIONS AND AMENDMENT PROCEDURES

Section 2.40 Amendment Procedures

C. *For amendment requests to change, create, extend or reduce a mapped zoning district, the Planning Commission and City Commission shall use the following as a guide:*

1. *The proposed zoning district is more appropriate than any other zoning district, or more appropriate than adding the desired use as a conditional land use in the existing zoning district.*

Around 2000-2001, this parcel was re-zoned from CBD to WMD. In order to pursue implementation of the currently proposed ‘Resort Cottage’ site plan submittal for the property, Catt Development is requesting the parcel zoning be reverted back to its original Central Business District designation. The chart below illustrates how the CBD zoning is more appropriate for both the current and proposed uses on the site.

**A Comparison of Allowable Land Uses
Waterfront Marina District / Central Business District**

- Principal Permitted Uses
- Conditional Uses

WMD	CBD		
<input checked="" type="checkbox"/>		private marina	existing pier
<input checked="" type="checkbox"/>		transient marina	existing pier
	<input checked="" type="checkbox"/>	quasi-public	proposed fishing pier
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	restaurant	existing Café Santé
<input type="checkbox"/>	<input checked="" type="checkbox"/>	mixed-use	existing structure
<input type="checkbox"/>	<input checked="" type="checkbox"/>	retail	existing ice cream shop
<input type="checkbox"/>	<input checked="" type="checkbox"/>	office	existing dental facility headquarters
<input type="checkbox"/>	<input checked="" type="checkbox"/>	hotel / motel	proposed resort cottages motel
	<input checked="" type="checkbox"/>	business	existing real-estate office

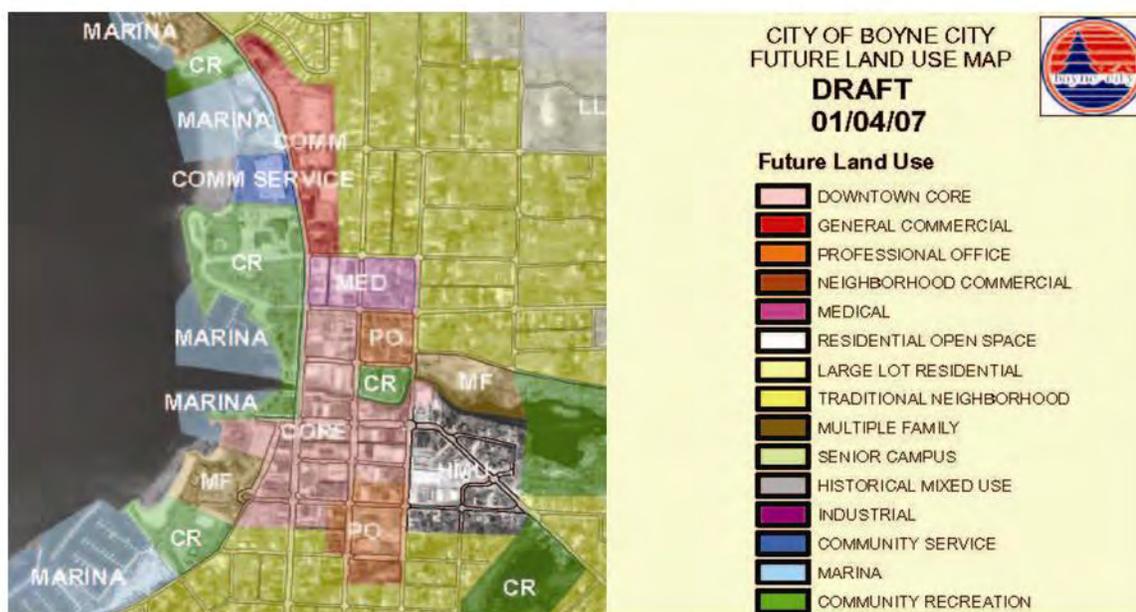
2. *The property cannot be reasonably used as zoned, and the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under current zoning at the time of purchase or at the time of securing legal control of the property.*

The current WMD zoning does not allow for a ‘resort cottage’ motel use. Obtaining financing for the currently approved hotel use (*or any other attached dwelling use*) is virtually impossible given the current state of the economy. (*please see the attached explanation of current financing criteria provided by Northwestern Bank*) The only reasonable option to finance the completion of this project is to construct individual

units. In addition to the benefit of more accessible financing options, the design team also feels that the scale of clustered individual units will provide a nice contrast to the large multi-family condominiums currently lining the lakefront, while still providing the user density to promote sustainability in the downtown core.

3. *The proposed zone change is supported by and consistent with the goals, policies and future land use map of the adopted City Comprehensive Plan, including any sub-area or corridor studies. If conditions have changed since the Comprehensive Plan was adopted, as determined by the Planning Commission, the consistency with recent development trends in the area shall be considered.*

“Nurturing Boyne City’s human scale, social character, and sense of place while encouraging future growth and development is the primary objective of the City through the implementation of this Plan.” —*Boyne City Master Plan*



The proposed Resort Cottages complement the intent of the Comprehensive Plan and will add a new and unique element to the Downtown Core. The design team feels that the scale of the proposed clustered individual motel cottage units will provide a nice contrast to the large multi-family condominiums currently lining the lakefront. The site plan provides an aesthetically interesting use of building, landscape, and paving materials, resulting in a pleasantly soft urban pedestrian scale.

4. *The proposed zone change is compatible with the established land use pattern, surrounding uses, and surrounding zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values, and is consistent with the needs of the community.*

The proposed zoning change is compatible with established land use patterns, surrounding uses, and surrounding zoning. The completed storefront commercial building is an extension of the downtown uses to the east, while the proposed resort cottage use is an extension of the existing lodging uses to the south. The completed multi-use building (containing Santé Restaurant, shops and offices), marina, and streetscape improvements are a great addition to the downtown area, extending the main street shopping district right down to the lakefront. The proposed resort cottages will complete the project, offering a new type of lodging option along the waterfront. The proposed cottages site plan (29-units) is slightly less dense than the previously approved hotel site plan (37-units), but the ratio of parking provided will remain similar. There are no environmental impacts to the site, as the site has been previously disturbed.

5. *All the potential uses allowed in the proposed zoning district are compatible with the site's physical, geological, hydrological and other environmental features.*

All of the potential uses within the CBD are compatible with the sites environmental features. The proposed cottage site plan complies with, and exceeds all setback requirements of waterfront property and the Central Business District. Building foundations will be engineered specifically for the soils along the lakefront.

6. *The change would not severely impact traffic, public facilities, utilities, and the natural characteristics of the area, or significantly change population density, and would not compromise the health, safety, and welfare of the City. The Planning Commission may require a general impact assessment in accordance with the requirements of this Ordinance if it determines the proposed zoning change could have a negative impact upon traffic, public facilities, utilities, natural characteristics, populations density, or other concerns. A traffic impact study in accordance with the requirements of this Ordinance shall be required if the proposed rezoning district permits uses that could generate one hundred (100) or more directional trips during the peak hour, or at least one thousand (1,000) trips per day more than the majority of the uses that could be developed under current zoning.*

The project site is less than two acres in size and is the last infill project along the lakefront in the core downtown area. The proposed resort cottage use is similar in use and density to the hotel use approved on the site by the Planning Commission in 2009. Although this project is small in size, and will not impact the local utilities, environment, traffic, etc., the design team is confident that this project will have a positive impact on the character of Boyne City's downtown area. Similar cottage developments have been very successful in other Michigan resort communities such as Crystal Mountain Resort (see attached exhibit photos) and Harbor Springs.

7. *The rezoning would constitute and create an isolated and unplanned "spot zone" granting a special privilege to one landowner not available to others.*

This request does not create a "spot zone." Similar and compatible lodging and commercial uses exist and/or are allowed within the surrounding downtown core area.

Section 2.70 Conditional Uses in Districts

E. Standards of Approval. For the purpose of this Ordinance these uses shall be known as conditional uses as set forth in the individual district and shall be allowed within that particular district subject to the development requirements for the district, provided the Planning Commission finds the conditional use affirmatively meets the following criteria deemed applicable in each case:

- 1. The conditional use will promote the use of land in a socially and economically desirable manner for persons who will use the proposed land use or activity, form landowners and residents who are adjacent thereto and for the City as a whole;*

The proposed clustered cottage development will provide an aesthetically pleasing human scale of structures, resulting in a pleasantly soft urban feel reminiscent of quaint motor courts of the past and taking architectural cues from the historic neighborhood homes of Boyne City. This project will provide a unique tourist lodging alternative along the waterfront in Boyne City. Each Resort Cottage will be sustainable onto itself in terms of economic viability including ground floor leasable space for complementary and compatible uses. The development will be conveyed through a condominium which will set standards of maintenance and operations. The City can be assured that the resort cottage development will be executed to the high degree of quality and commitment that is the standard of Catt Development projects.

- 2. The conditional use is compatible and in accordance with the goals, objectives and policies of the City's Comprehensive Plan;*

“Nurturing Boyne City’s human scale, social character, and sense of place while encouraging future growth and development is the primary objective of the City through the implementation of this Plan.” —*Boyne City Master Plan*

The design team feels that the scale of the proposed clustered individual motel cottage units will provide a nice contrast to the large multi-family condominiums currently lining the lakefront. The site plan provides an aesthetically interesting use of building, landscape, and paving materials, resulting in a pleasantly soft urban pedestrian scale.

- 3. The conditional use is necessary for the public convenience at that location;*

The conditional use of resort cottages will provide the public with the convenience of additional lodging alternatives within the downtown area. The freestanding structures each have their own garage, designated driveway parking spaces, a separate convertible commercial use area on the ground level, and a fully equipped extended stay suite on the second and third levels, with potential for a roof top patio.

- 4. The conditional use is compatible with adjacent uses of land, and can be constructed, operated and maintained so as to continue to be compatible with the existing or intended character of the general vicinity and so as not to change the essential*

character of the area in which it is proposed;

The proposed motel use is a principle permitted use within the CBD. The proposed use is similar in nature to the lodging uses directly adjacent to the south. Operation of the use will be monitored by off-site management located in Boyne City. The architectural style and elements of the cottages were inspired by Boyne City's historic neighborhoods. The resort cottage concept is a modern tribute to the lakefront cottage resorts of the past, honoring the character and heritage of Boyne City, and that nostalgic 'Up North' feeling.

5. *The conditional use shall be of such location, size and character, that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts;*

The design team feels that the cottage setting of the proposed structures will positively contribute to the character of Boyne City's downtown. The level of detail in the buildings, paving, landscape, the scale and massing of the buildings will create a human scale honoring the architectural heritage of Boyne City's historic neighborhoods.

6. *The conditional use is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;*

The proposed motel use is a principle permitted use within the CBD. The proposed use is similar in nature to the lodging uses directly adjacent to the south. Operation of the use will be monitored by off-site management located in Boyne City.

7. *The conditional use can be adequately served by public services and facilities without diminishing or adversely affecting public services and facilities to existing land uses in the area;*

The proposed motel use is 8 units less dense than the previously approved hotel and condominium use. Each freestanding unit will be individually served by public and private utilities, and will be equipped with fire suppression systems.

8. *The conditional use will not cause injury to the value of other property in the neighborhood in which it is to be located;*

The proposed motel and potential for complimentary compatible uses are a principal permitted use within the CBD. This lodging component would complete the One Water Street mixed-use development project initiated by Catt Development in 2009.

9. *The location and use and assembly of persons in connection with the proposed conditional use will not be hazardous to the district in which the use is located, hazardous to a specific use or life and property within the district, or be incongruous therewith or in conflict with the normal traffic of the district.*

The density and intensity of use proposed is appropriate to the CDB zoning district. The mixed-uses proposed at One Water Street will lend to the sustainability and vibrancy of Boyne City's downtown by offering a variety of services and activities contributing to the '24-hour life' of the downtown.

10. *The conditional use will protect the natural environment, help conserve natural resources and energy, and will not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to the natural environment, public health, safety or welfare by reason of excessive production of traffic, noise, smoke, odors or other such nuisance;*

The proposed use is appropriate to the Downtown Core area in both scale and density, and will not produce noise, smoke, odors or any other conditions that would be to the detriment of the environment or public welfare.

11. *The vehicular circulation for the proposed conditional use will be in the best interest of the public health, safety and welfare in relationship to egress/ingress to the site, vehicular turning movements related to street intersections and street gradient, site distance and potential hazards to the normal flow of traffic; and*

The proposed site plan will maintain the existing driveways as well as the 16 existing on-street parking spaces along Front Street and should therefore not impact vehicular circulation, turning movements, or ingress/egress onto public streets. Circulation within the site is designed to regulatory standards for dimensions and gradients.

Each individual structure has one garage parking space (14 spaces) and designated driveway parking spaces (25 spaces). Parking for the other shared uses at One Water Street is comprised of thirty-seven (37) parking spaces located within the site, sixteen (16) parking spaces along Front Street, and fourteen (14) parking spaces in a lot across the street owned by the developer. (see the parking plan for parking locations and required quantity calculations)

12. *The conditional use is within the provisions of uses requiring conditional use approval as set forth in the various zoning districts herein, is in harmony with the purposes and conforms to the applicable regulations of the zoning district in which it is to be located, and the proposed site layout is in compliance with the general standards of Article XIX, regarding site development and shall insure that:*

- a. *The use and associated activities on the property are so located as not to hinder the projected development of the adjacent properties or impair the existing uses of adjacent lands. This shall include all uses associated with the particular use such as parking, lighting, display signs, etc.*

The proposed uses at One Water Street have been designed in accordance to City of Boyne City, State and other applicable development standards. The proposed development is an infill of the last remaining vacant land in the

downtown core area. The uses proposed are similar and compatible with surrounding uses and will not impair existing uses of adjacent land. (See attached site plan)

- b. *Sufficient landscaping, fencing, walls and other means of buffering are provided to insure that operation of the use will not be objectionable to nearby uses or dwellings by reason of noise, fumes or flash of lights nor interfere with an adequate supply of light and air, nor increase the danger of fire or otherwise create the potential of endangering the public safety.*

The proposed uses at One Water Street have been designed in accordance to City of Boyne City, State and other applicable development standards. The uses proposed are similar and compatible with surrounding uses and will not impair existing uses of adjacent land. The structures will be protected by individual NFPA 13R fire suppression systems, and served with extensions of municipal sanitary sewer and water systems, private roads and other public and private utilities. (See attached site plan)

No conditional use approval shall be granted by the Planning Commission unless it finds the conditional use affirmatively meets the criteria listed herein which are deemed applicable in each case.



April 19, 2012

Wally Kidd
Kidd & Leavy Real Estate
325 E Lake St.
Petoskey, MI 49770

RE: Conventional financing on condo projects

Dear Wally,

I am writing as a follow up to our previous discussions regarding conventional financing on condominium projects. Conventional financing sources, particularly Fannie Mae and Freddie Mac, have placed some stringent requirements on the financing of attached condominiums. Fannie Mae and Freddie Mac recognize condo projects as either "attached" or "detached". They do not differentiate between the two by the amount of shared walled. If they share a wall, they are considered "attached".

Attached condominium projects have the most financing restrictions under conventional guidelines, particularly new projects. Following is a **partial** list of these restrictions:

- Hotel/condo projects are ineligible with no exceptions.
- New projects have a requirement for 70% presale of units for primary and second homes prior to being eligible for conventional financing.
- No entity, other than the developer, can own more than 10% of the units.
- All units in the subject legal phase and prior phases must be substantially complete. "substantially complete" means occupancy permit(s) have been issued .
- If all units are in one building, it is automatically considered 1 phase regardless of the condo documents.
- No more than 20% of the square footage can be used for commercial purpose.

This is by no means a complete list; however, this generally lays out some of the major hurdles when first looking at conventional financing in a new project.

Detached condominium projects have much less restrictive requirements when it comes to financing in a new project. They are considered more similarly to a single family dwelling. In Michigan we refer to units that are detached, and where the homeowner will actually own the land they set on, as site condos. For new projects the following are the basic restrictions:



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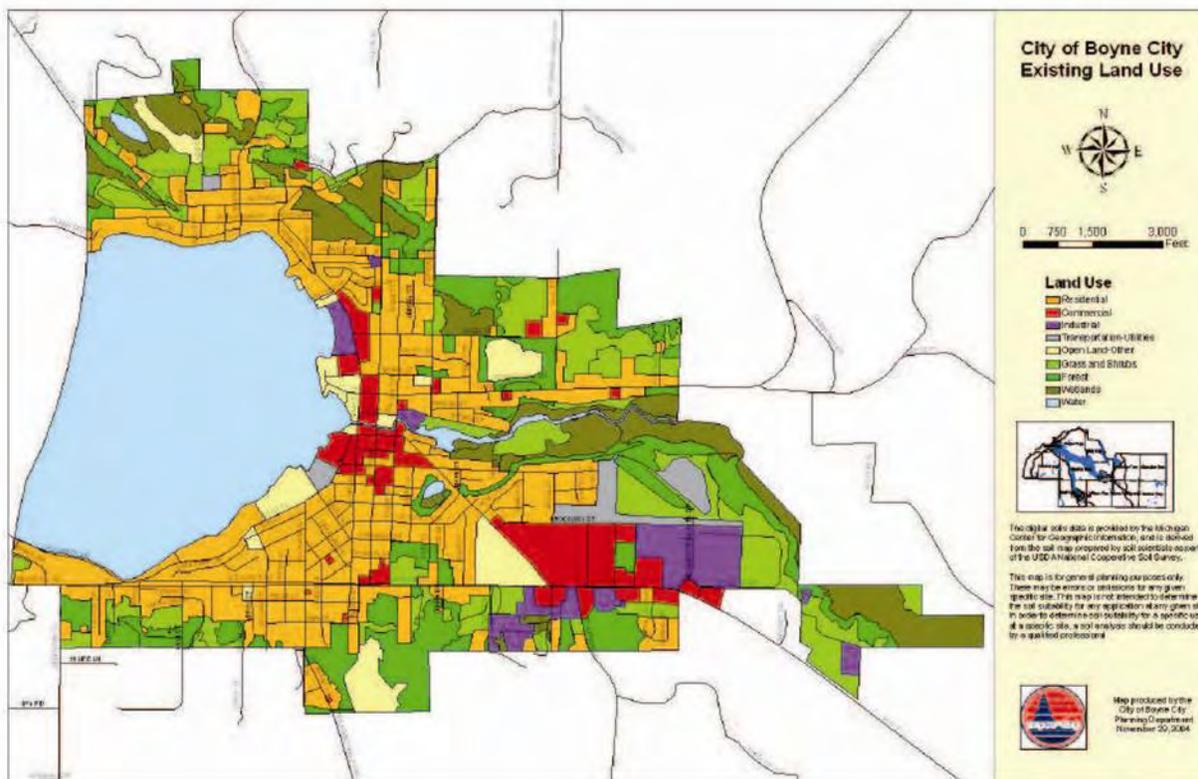
Condominium financing has gone thru some major changes in the last few years when it comes to conventional loan availability. I hope this helps explain some of the basic changes and differences than in years past. Please let me know if you have further questions.

Best Regards,

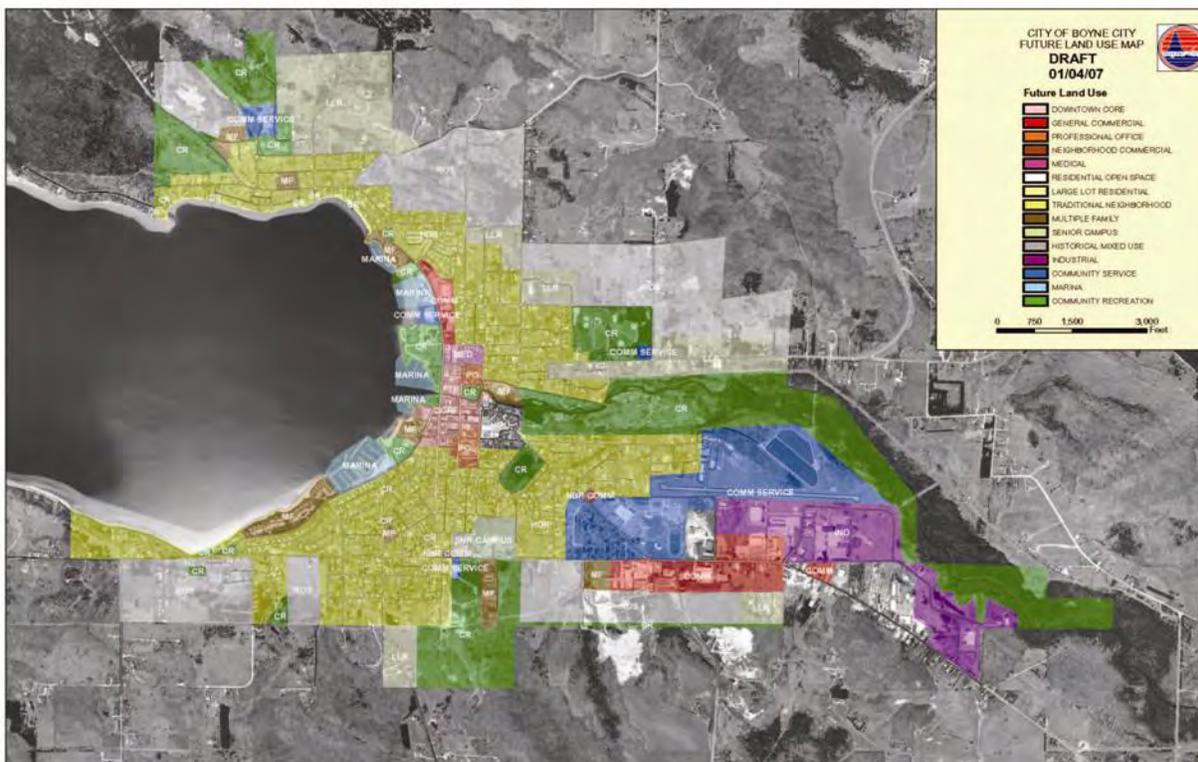
A handwritten signature in cursive script that reads 'Tracey M Grose'.

Tracey M Grose

Vice President/Mortgage Lending



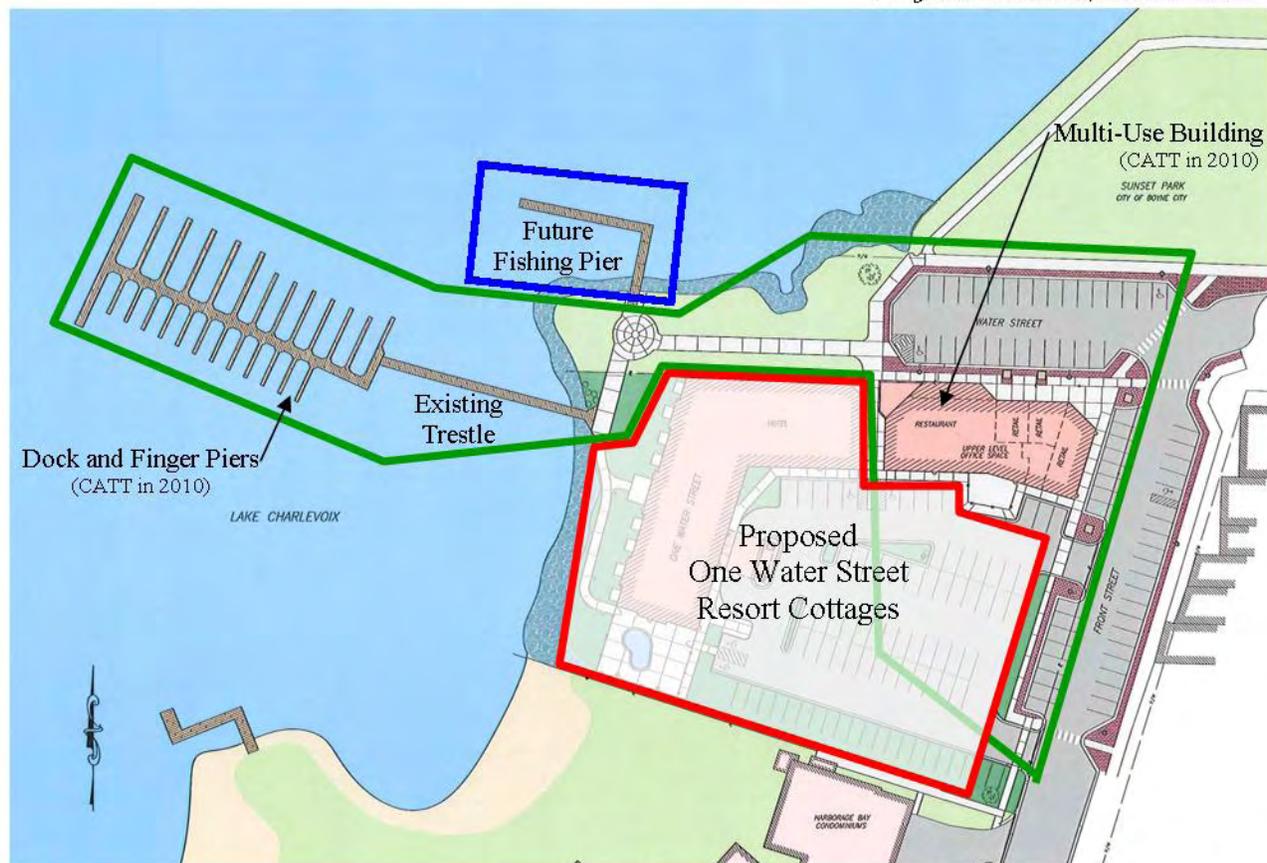
Existing Land Use Map



Future land Use Map



Project Location, Aerial View



One Water Street, Proposed Phase II Project Area

PROPOSED ARCHITECTURE

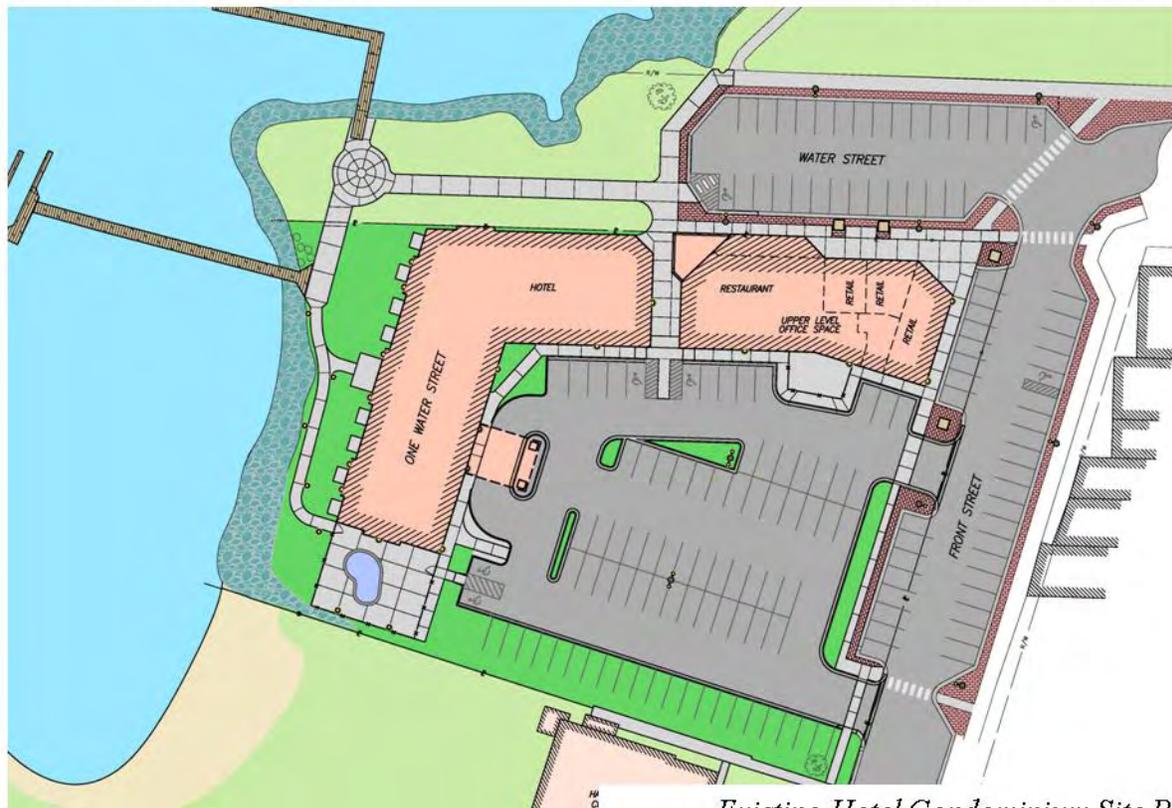




Historic Resort Cottages



Modern Resort Cottages



Existing Hotel Condominium Site Plan



Proposed Resort Cottage Site Plan

RESORT COTTAGES AT ONE WATER STREET

May 11, 2012 ☞ One Water Street Boyne City, MI 49735 ☞ Kidd & Leavy Real Estate ☞ Walter J. Kidd (231) 838-2700

DEVELOPMENT TEAM

Realtor:

Kidd & Leavy Real Estate
Walter J. Kidd
325 E. Lake Street
Petoskey, MI 49770
(231) 838-2700

Architect:

Traverse Architectural Group, LLC
David Spala
1222 Veterans Drive
Traverse City, MI, 49684
(231) 946-9940

General Contractor:

Integrity Construction Services
Ed Hunt
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Gaylord, MI 49735
(989) 705-1131

Developer:

Catt Development
Glen Catt
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Gaylord, MI 49735
(989) 732-9722

Planning and Engineering:

Mansfield & Associates, Inc.
Doug Mansfield
1212 Veterans Drive
Traverse City, MI 49684
(231) 946-9310

The One Water Street Resort Cottage Pattern Book has been prepared specifically for the One Water Street Resort Cottage development. This document is not suitable for use on other projects or other locations without the prior approval of Catt Development, Mansfield, Inc., and Traverse Architectural Group, L.L.C. Reproduction, in whole or in part, is prohibited.

RESORT COTTAGES at ONE WATER STREET

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RESORT COTTAGES at ONE WATER STREET

INTENT OF PATTERN BOOK

INTENT OF PATTERN BOOK:

This Pattern Book describes guidelines that have been established to help future residents, builders and developers create structures that reflect the architectural, site, and landscaping principles that will compliment each other within the entire development.

These guidelines are in compliance with the following municipal authorities development requirements executed on date.

list municipalities, pud #, permit # here

The regulations found within the One Water Street Resort Cottage Pattern Book are binding upon Catt Development, successor developers, their agents, and all future owners of properties within the One Water Street Resort Cottage project, including unit owners.

The intent of this Pattern Book is to provide guidelines for the One Water Street Resort Cottage Architectural Control Committee (RACC) to ensure consistent reviews of proposed structures, site plans and details for the development of the One Water Street Resort Cottage project.

These development guidelines are illustrative examples of the architectural controls for the project as referred to in the Declaration of Covenants, Conditions and Restrictions for the One Water Street Resort Cottage Project. All buildings illustrated in this Pattern Book are conceptual. Detailed designs must be prepared following these guidelines for each structure to obtain approval for construction.

This Pattern Book will also secure investments by requiring a level of quality and detail from beginning to the end of the development process.

DEVELOPMENT INTENT

DEVELOPMENT INTENT:

Create a new, unique, mixed-use neighborhood at the One Water Street Resort Cottage property in Boyne City, Michigan, following the design principals of Traditional and Modern Cottage Development patterns.

Take advantage of the natural features of the site and establish a well-planned mixed use neighborhood that is based on the opportunities and limitations of the site.

The Water Street Resort Cottage Project will be consistent with the existing community Master Plan, responsible to the natural features of the site, and it will be sustainable with its variety of proposed land uses.

Encourage the use of creative architectural and landscape detail.

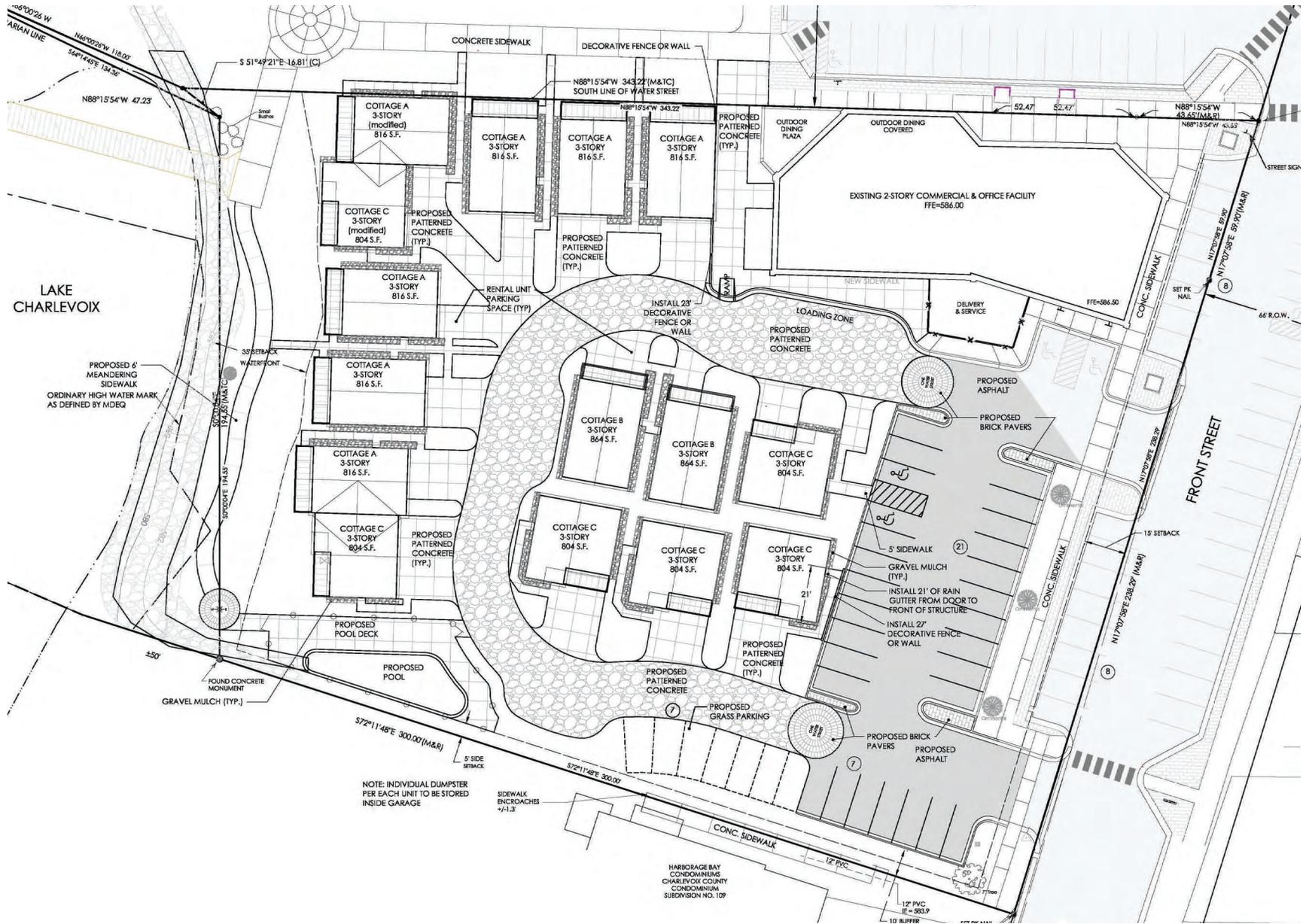
ANTI-MONOTONY CODE:

The intent of this code is to ensure sufficient variety in residential homes and commercial architecture to prevent monotony within the One Water Street Resort Cottage Development, and to foster the quality and character of construction traditionally found in the historic City of Boyne City. These guidelines are designed to provide freedom for homeowners to design homes that meet their needs and to encourage creativity.

Our goal is to achieve a creative mix of traditional architectural styles, color packages, and elevation themes within the community. The following guidelines are provided:

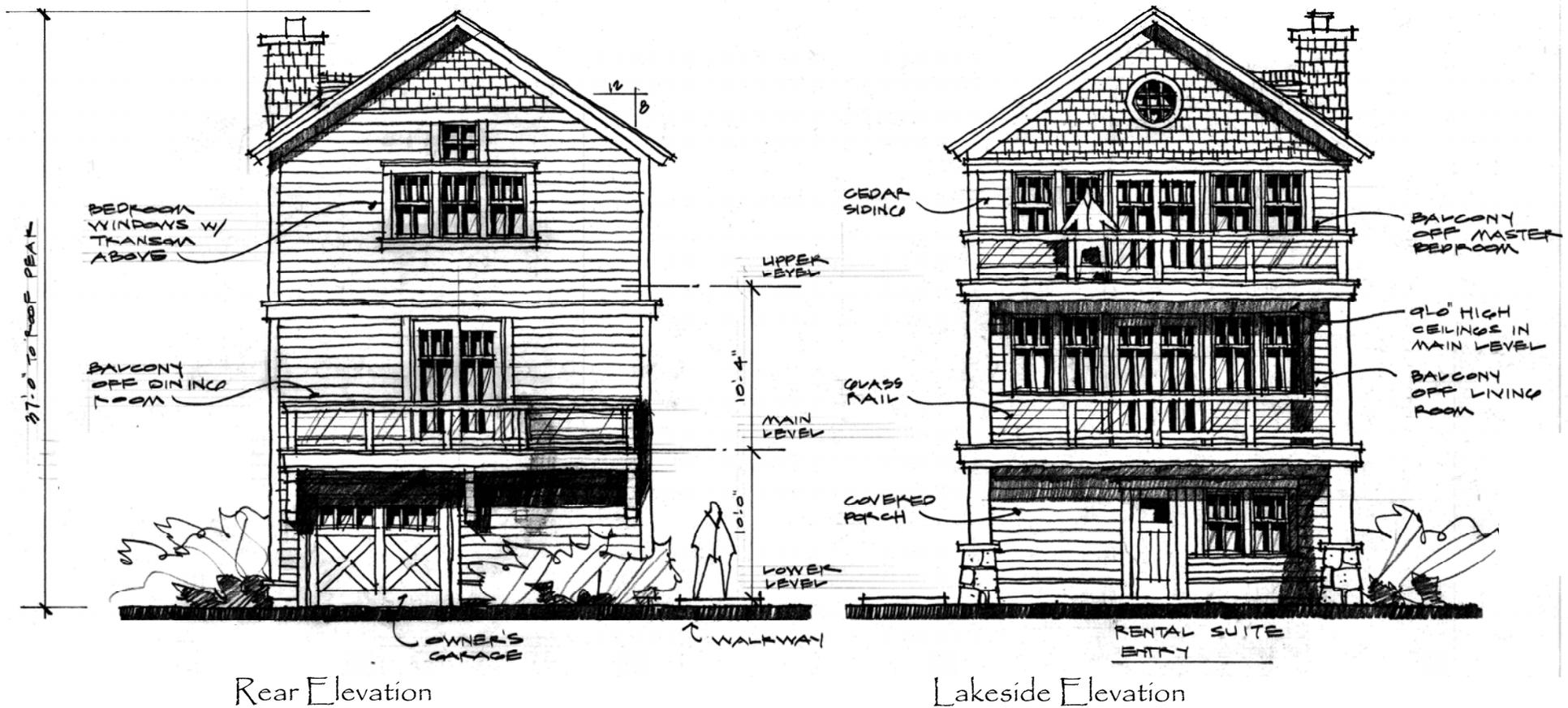
- The same elevations theme or color package cannot be built next to each other, or directly across from one another, or built back to back
- Optional roof designs and orientation shall be varied in relation to surrounding structures
- Rotation or orientation of floor plans shall vary in relation to surrounding structures
- Architectural details and features may vary in relation to surrounding structures. Utilize different details for the siding, column design and base materials at porches, heavy timber bracket detailing, and overall roof deck forms.

SITE PLAN



RESORT COTTAGES at ONE WATER STREET

TYPE-A-COTTAGE-ELEVATIONS

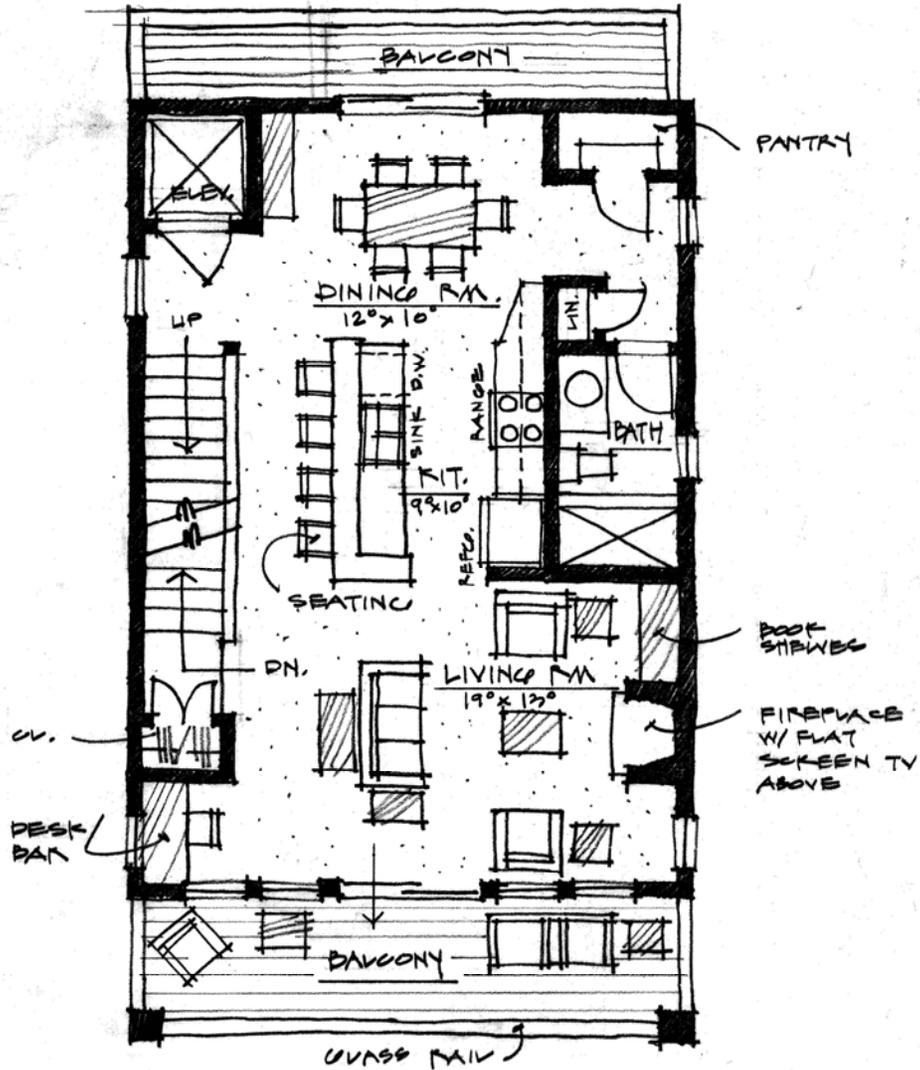


Rear Elevation

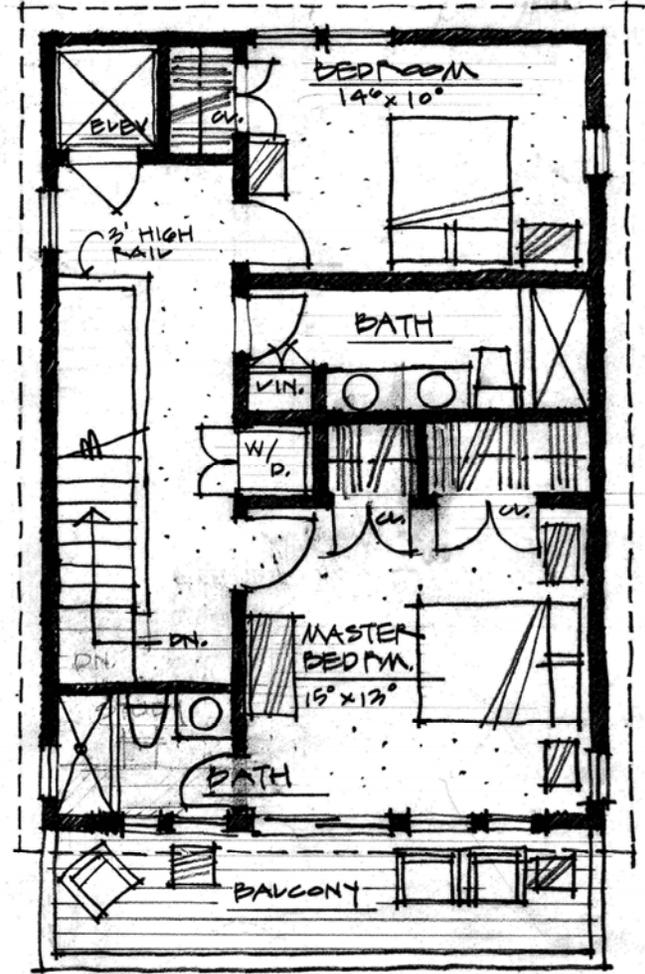
Lakeside Elevation

The architecture of the proposed cottage units are designed in the historic craftsman style period of the early twentieth century. Simple "Mission Style" detailing of roof edges, cornice, fascia, trim boards and siding, using natural honest materials of cedar and stone, convey the "on the beach" cottage theme. Gable roofs with round "porthole" windows and cedar shingle siding recalls the New England nautical style. Clean white cedar trim, with various siding materials and roof designs will provide alternative characteristics to each cottage unit. The double hung windows with traditional mutin bars, and rail and stile glass patio doors open up to the multi-level deck areas. Cedar railing systems with double strength glass inserts will provide unobstructed views of the lake, city, and countryside.

TYPE-A-COTTAGE-FLOOR PLANS



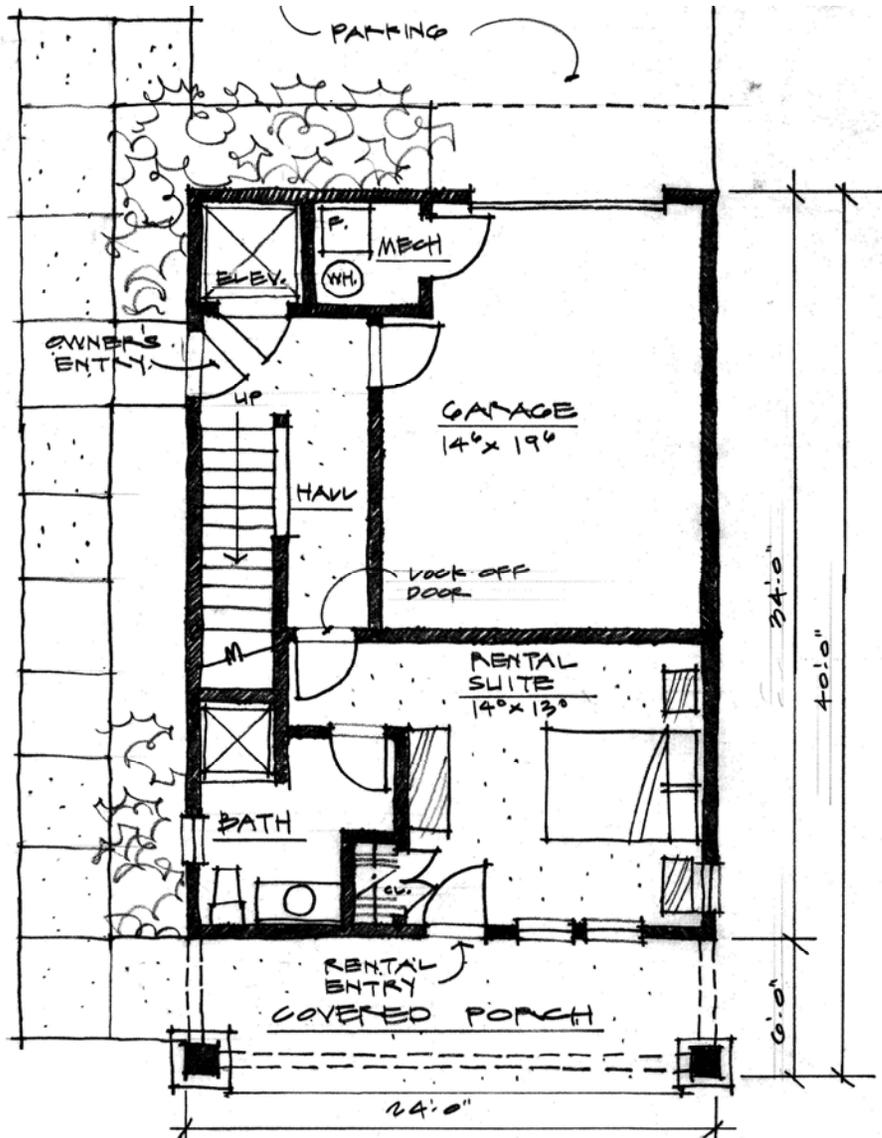
MAIN LEVEL 216 SQ. FT.



UPPER LEVEL 216 SQ. FT.

RESORT COTTAGES at ONE WATER STREET

UNIT -A- GROUND FLOOR OPTIONS



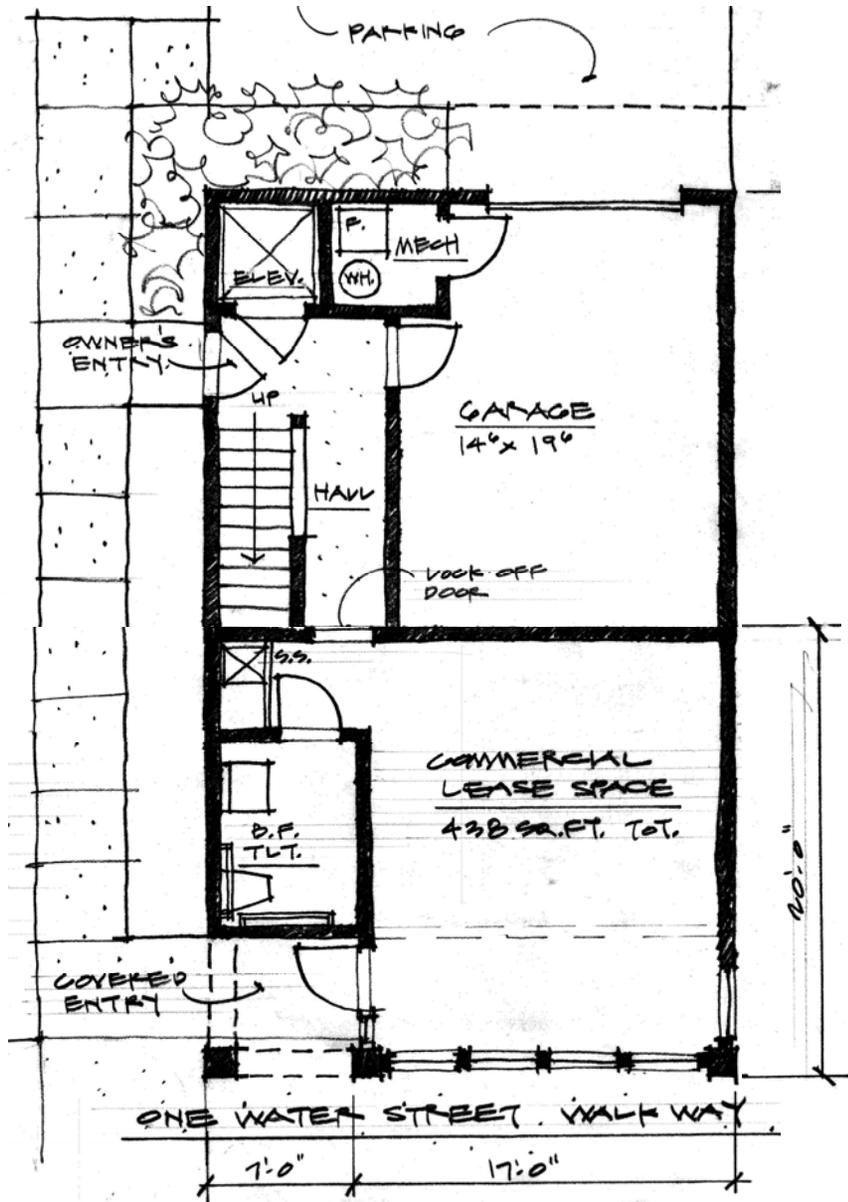
STANDARD GUEST RENTAL SUITE

- 336 square foot total
- 196 square foot room
- 72 square foot full bathroom w/ guest suite amenities
- Closet, rod & shelving unit
- 144 square foot covered outside patio
- Lock-off door to main unit
- Separate covered entry

POTENTIAL USES

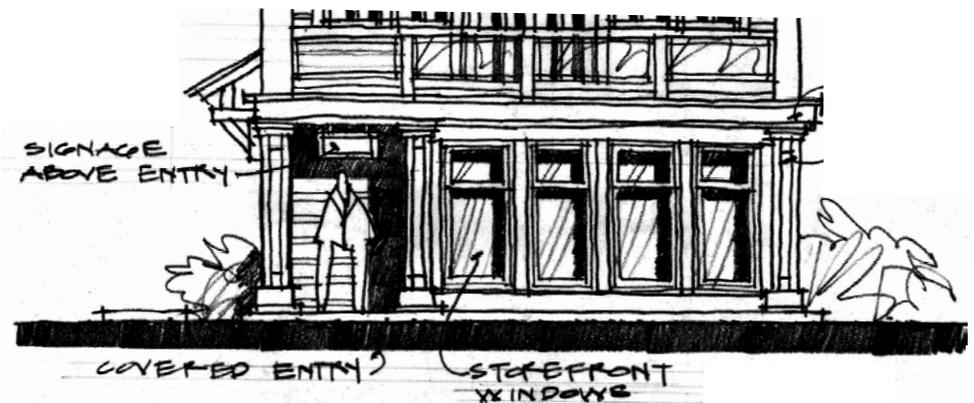
- A 3rd bedroom
- A 'motel' rental suite with private entrance
- A home office
- Storage
- Commercial lease space

UNIT-A- GROUND FLOOR OPTIONS

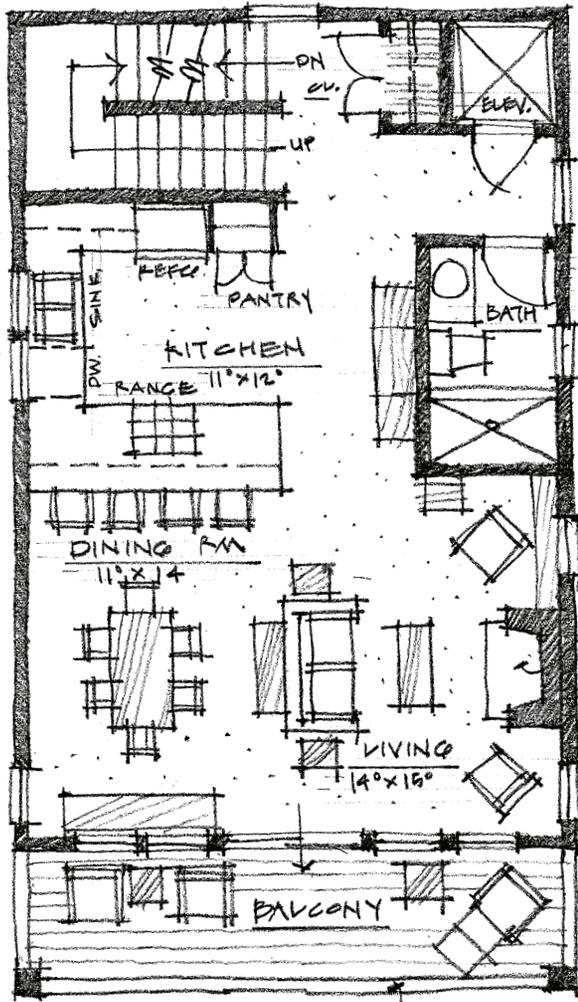


COMMERCIAL LEASE SPACE

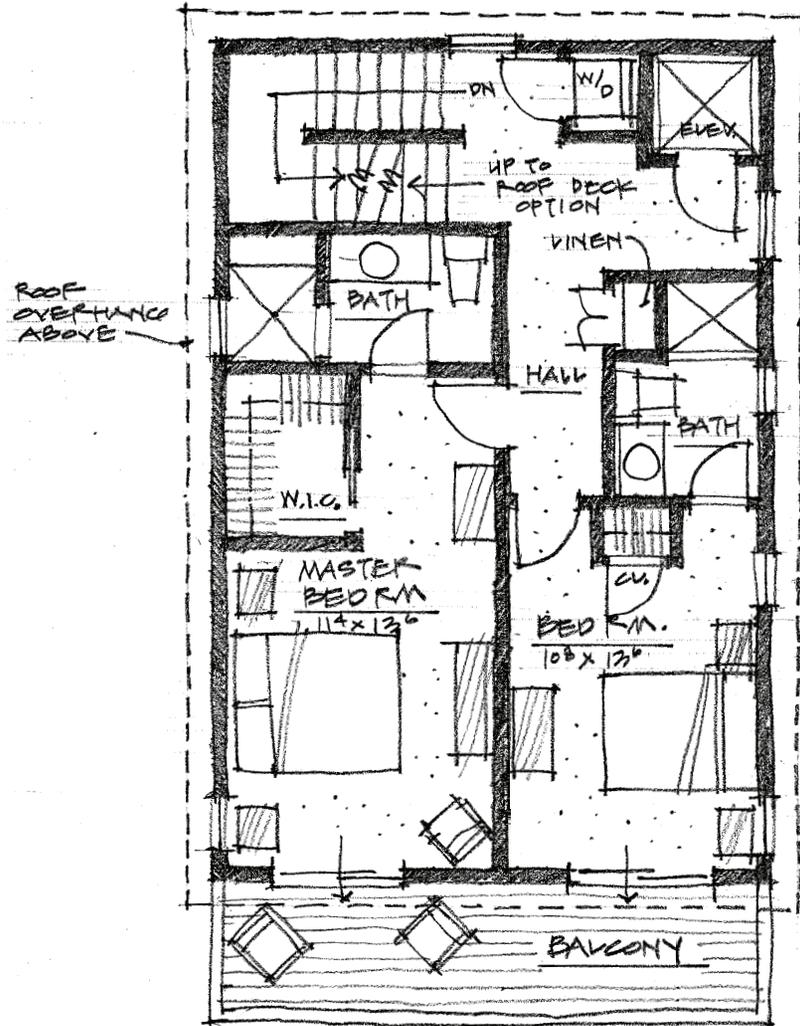
- Building frontage along the One Water Street pedestrian promenade with large display windows opening to street and views. Historic architectural detailing in ornamental corner columns with cap & base detailing to echo commercial storefront façade.
- Rail & stile glass entry doors with wall light sconces above.
- 438 square foot total.
- 340 square foot room.
- 60 square foot powder room, barrier free accessible.
- Kitchenette w/ bar sink.
- Lock-off to main unit.
- Covered side entry alcove with ceiling mounted signage above to focus on entry.



TYPE -B- COTTAGE -FLOOR PLANS

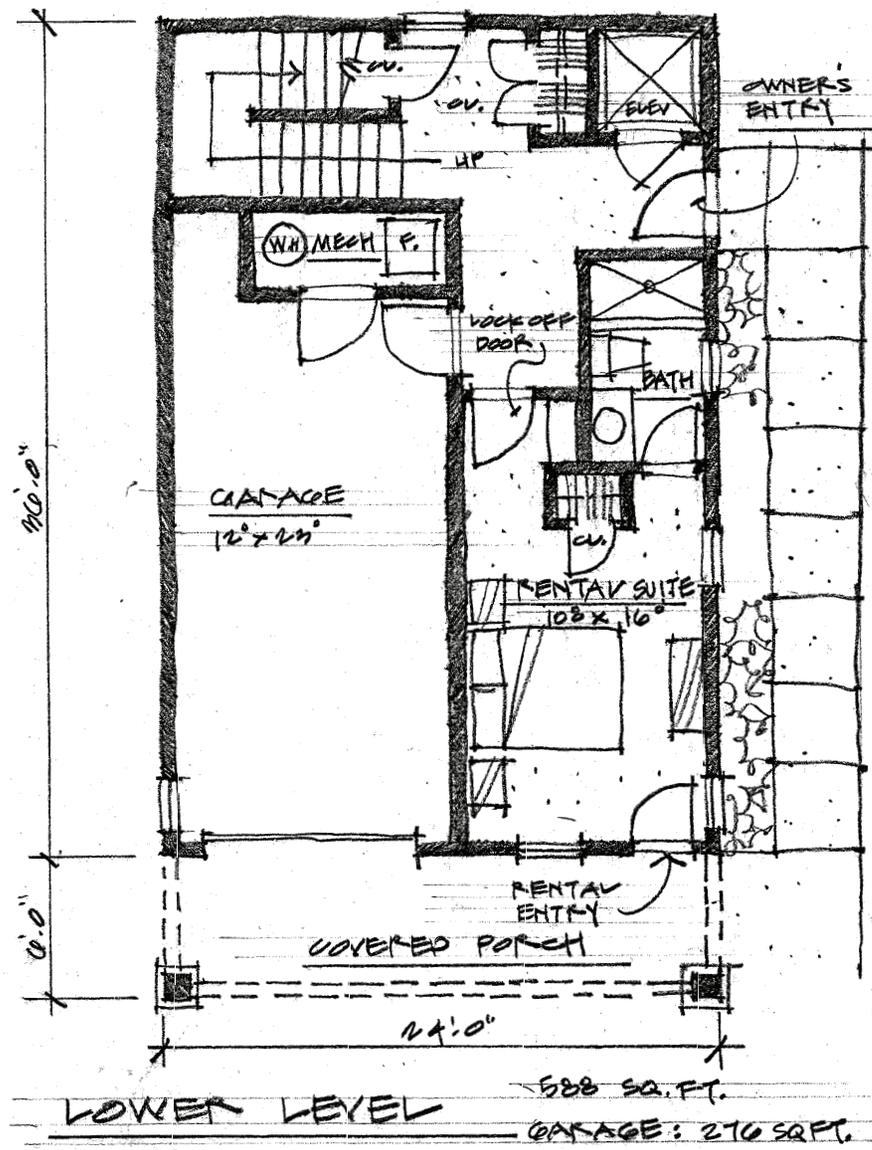


MAIN LEVEL 864 SQ.FT.



UPPER LEVEL 864 SQ.FT.

UNIT -B- GROUND FLOOR OPTIONS



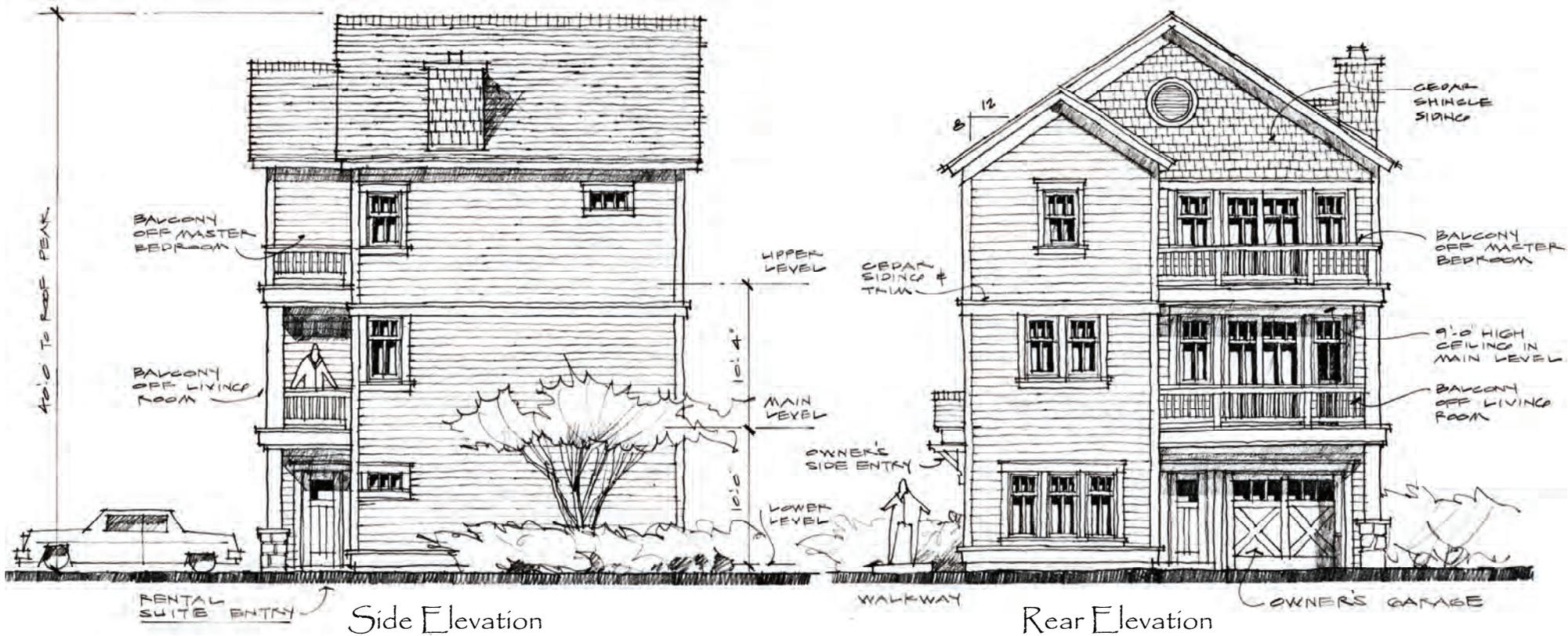
STANDARD GUEST RENTAL SUITE

- 256 square foot total
- 176 square foot room
- 54 square foot full bathroom w/ guest suite amenities
- Closet, rod & shelving unit
- 144 square foot covered outside patio
- Lock-off door to main unit
- Separate covered entry

POTENTIAL USES

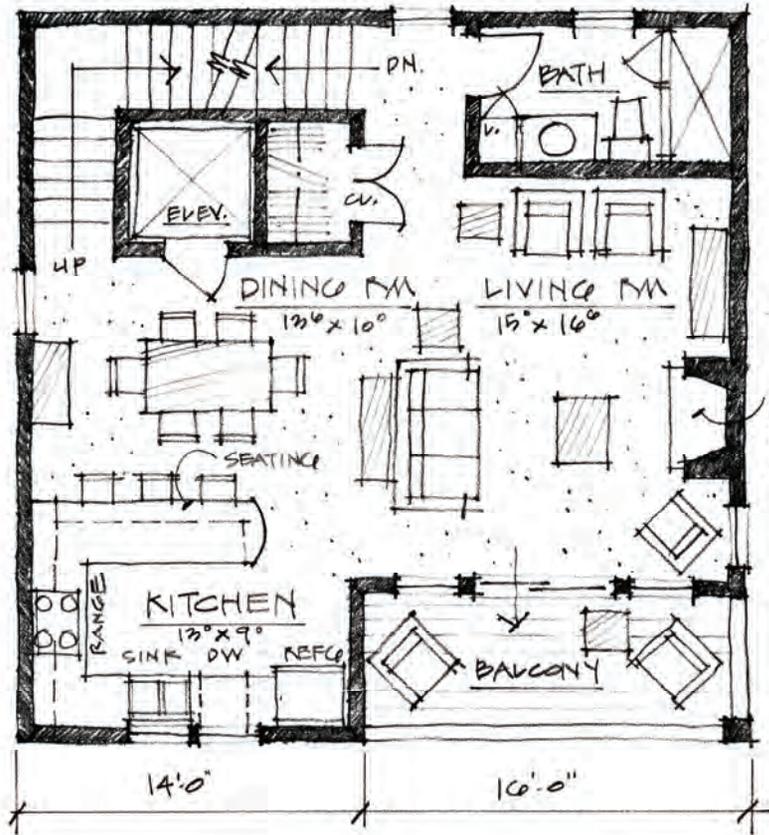
- A 3rd bedroom
- A 'motel' rental suite with private entrance
- A home office
- Storage
- Commercial lease space

TYPE -C- COTTAGE -ELEVATIONS

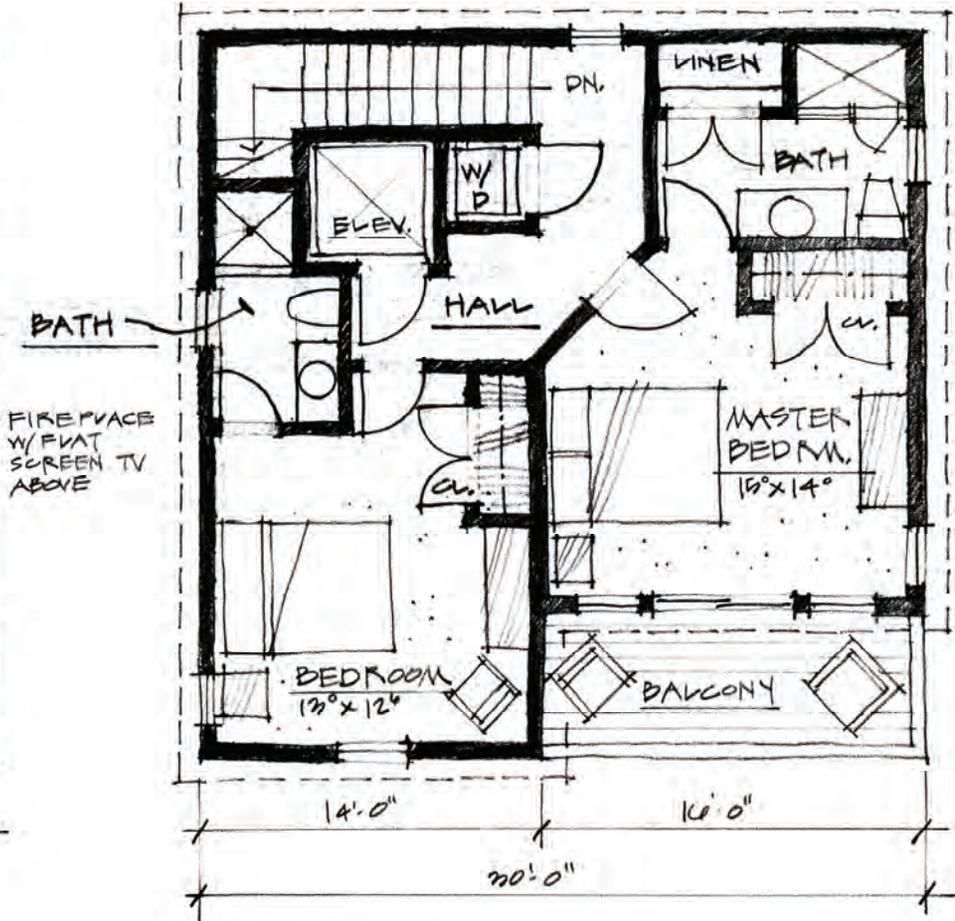


The architecture of the proposed cottage units are designed in the historic craftsman style period of the early twentieth century. Simple “Mission Style” detailing of roof edges, cornice, fascia, trim boards and siding, using natural honest materials of cedar and stone, convey the “on the beach” cottage theme. Gable roofs with round “porthole” windows and cedar shingle siding recalls the New England nautical style. Clean white cedar trim, with various siding materials and roof designs will provide alternative characteristics to each cottage unit. The double hung windows with traditional mutin bars, and rail and stile glass patio doors open up to the multi-level deck areas. Cedar railing systems with double strength glass inserts will provide unobstructed views of the lake, city, and countryside.

TYPE -C- COTTAGE -FLOOR PLANS



MAIN LEVEL 804 SQ. FT.



UPPER LEVEL 804 SQ. FT.

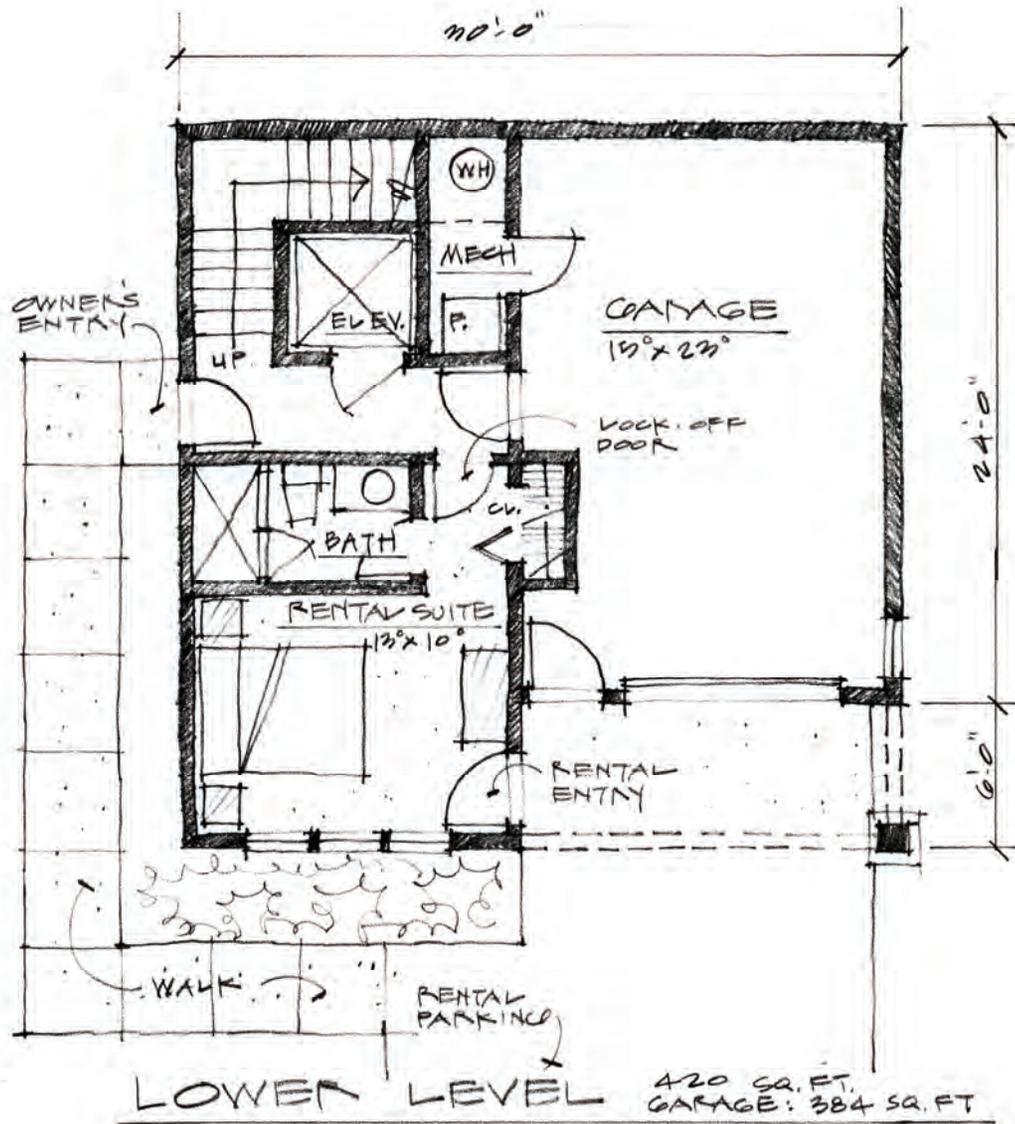
UNIT -C- GROUND FLOOR OPTIONS

STANDARD GUEST RENTAL SUITE

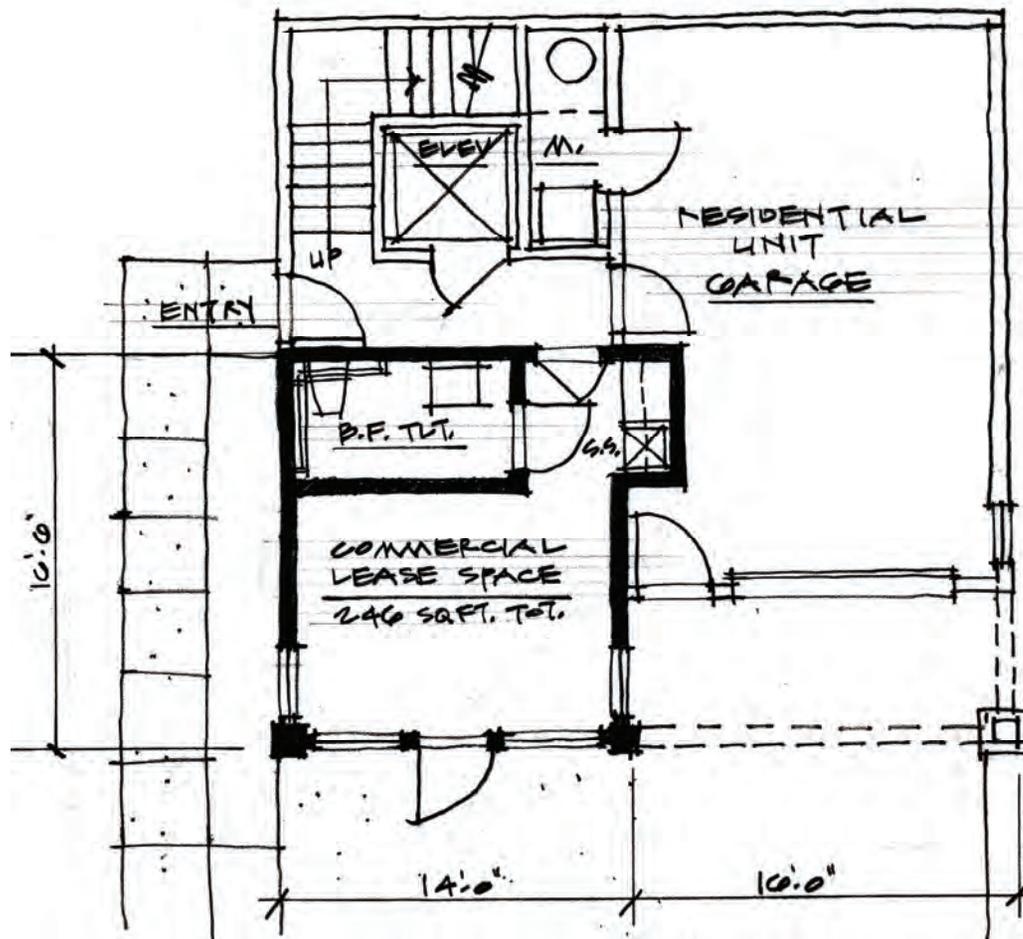
- Fully furnished 236 square foot rental suite with queen sized bed, end tables and dresser.
- 143 square foot room .
- 45 square foot full bathroom.
- Cottage style interiors.
- Flat screen TV.
- Hotel amenities with closet storage.
- Full tile bathroom.
- Solid surface counter tops .
- Individual rental suite with covered entry.

POTENTIAL USES

- A 3rd bedroom
- A 'motel' rental suite with private entrance
- A home office
- Storage
- Commercial lease space



UNIT -C- GROUND FLOOR OPTIONS



COMMERCIAL LEASE SPACE

- Positioned within the One Water Street Development adjacent to public parking areas with large display windows opening to street and views. Historic architectural detailing in ornamental corner columns with cap & base detailing to echo commercial storefront façade.
- Rail & stile glass entry doors with wall light sconces above.
- 246 square foot total
- 154 square foot room
- 60 square foot powder room, barrier free accessible. Kitchenette w/ bar sink.
- Lock-off to main unit
- Optional signage above or perpendicular to storefront with ornamental wall brackets.



RESORT COTTAGES at ONE WATER STREET

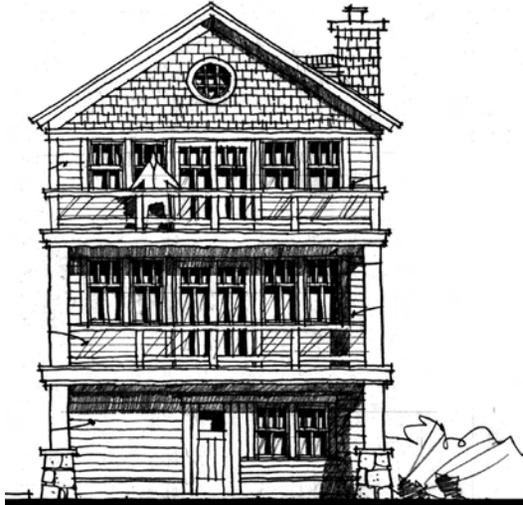
ARCHITECTURAL OPTIONS-ROOF FORM OPTIONS



Back View - Unit A



Front View - Unit A



Front View - Unit A



Front View - Unit A



Side View - Unit A

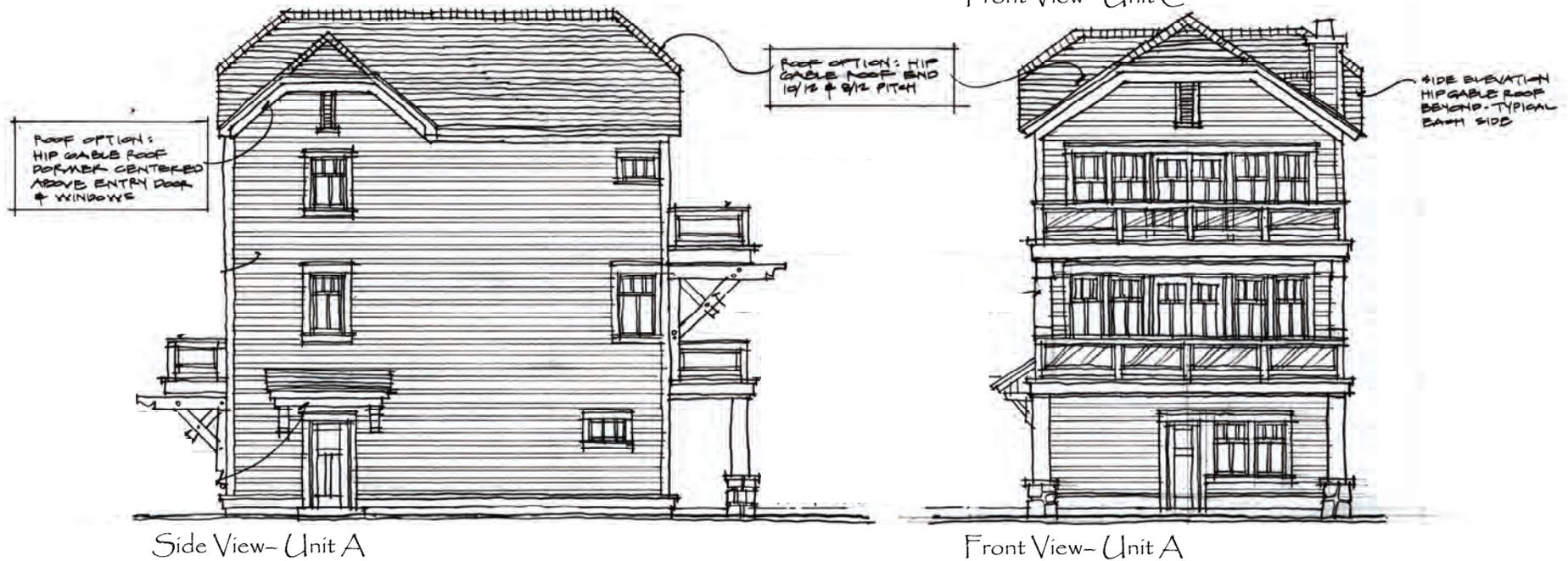
SIMPLE ROOF GABLE

- Major 8/12 gable end roof for simple, craftsman style architectural form.
- Simple metal drip & fascia roof edge with deep rake board band for a defined historical appearance.

SIDE ROOF GABLE ALTERNATE

- Major 8/12 gable end roof pitch with added 10/12 side wall gable end roof forms for added variety.
- Side gables are positioned central on entry below to divert rain and snow away from entry.
- Short roof positioned over entry with heavy timber wall brackets. Roof element defines entrance and provides protection in inclement weather.

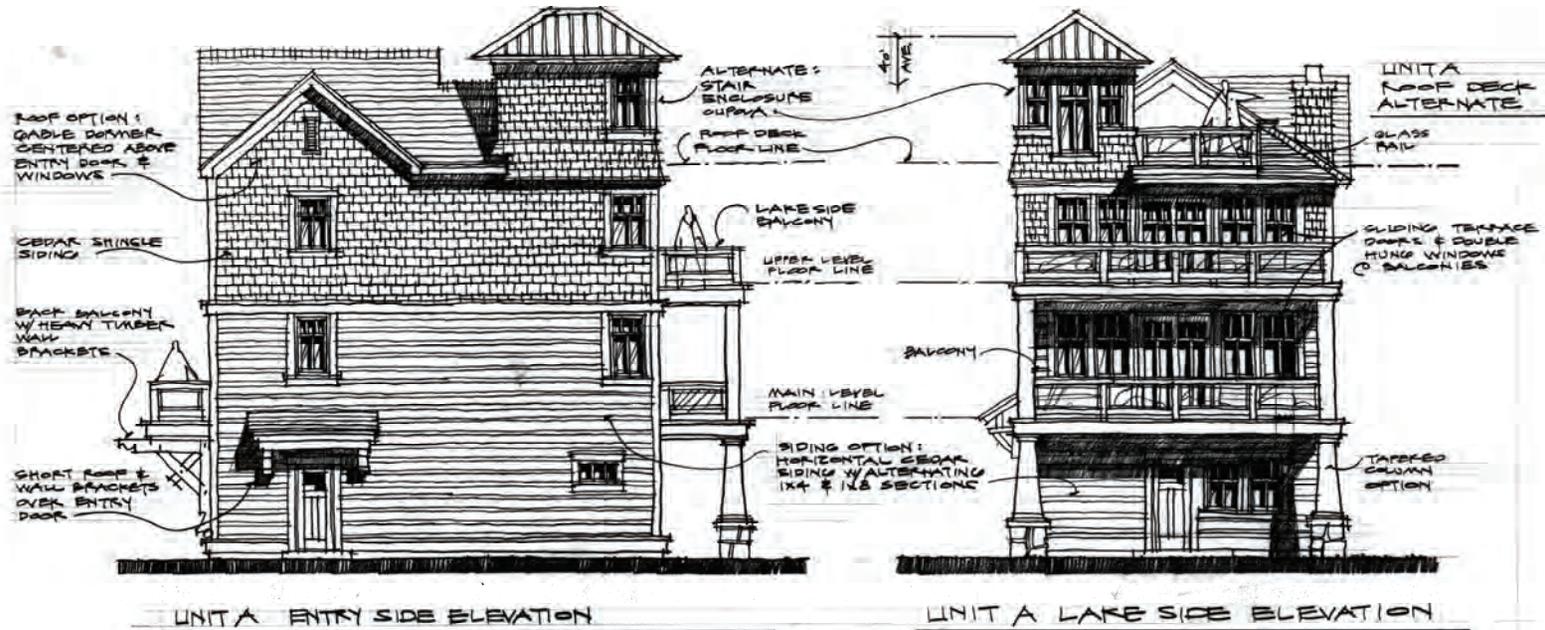
ARCHITECTURAL OPTIONS-ROOF FORM OPTIONS



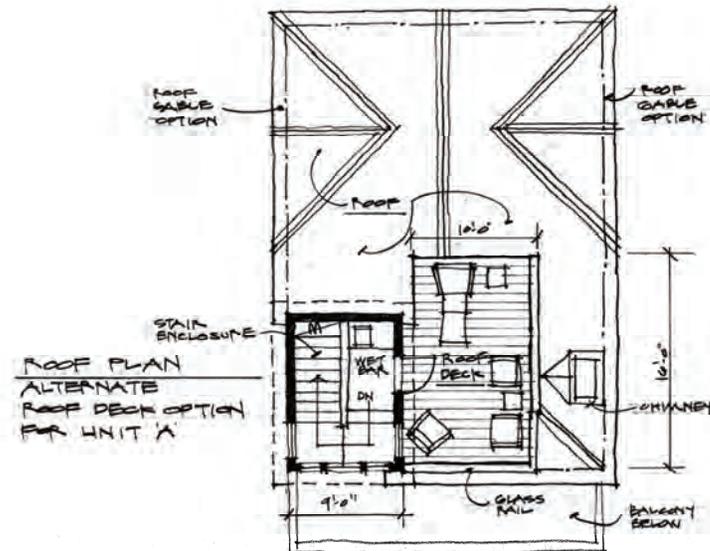
HIP GABLE ROOF ALTERNATE

- Major 8/12 hip gable end roof pitch with added 10/12 side wall hip gable end roof forms for added variety.
- Side hip gables are positioned central on entry below to divert rain and snow away from entry.
- Short roof positioned over entry with heavy timber wall brackets. Roof element defines entrance and provides protection in inclement weather.

ARCHITECTURAL OPTIONS - ROOF TOP DECK



- Alternate roof top deck designed to provide optimum views out to Lake Charlevoix, town and countryside. Designed into the existing roof form to lower building height.
- Stair enclosure creates metal roof cupola form reminiscent of lighthouse vernacular architecture. Traditional wood detailing of crown mold, band trim, & cedar shingle siding. Interior wet bar amenity.
- Deck railings of cedar with double strength glass inserts for unobstructed views. Composite roof deck over waterproof membrane and sub structure.



ARCHITECTURAL OPTIONS - SIDING & BANDING

A combination of siding materials used on the building elevation will reduce the height of the building and create a base to the earth. A strong horizontal trim band board between siding options, along with watertable and skirt board base, define the simple craftsman style character of the building.



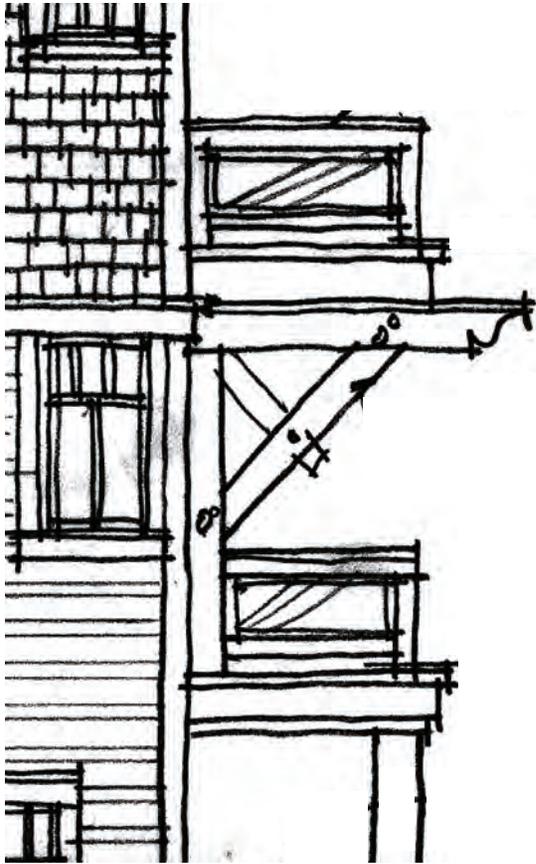
CEDAR SIDING ALTERNATES:

- A. 1x4 horizontal cedar bevel siding.
Combining with a 1x8 siding used below the band board as a defined base material.
- B. 1x4 dutch lap siding in character with historic homes in the area.

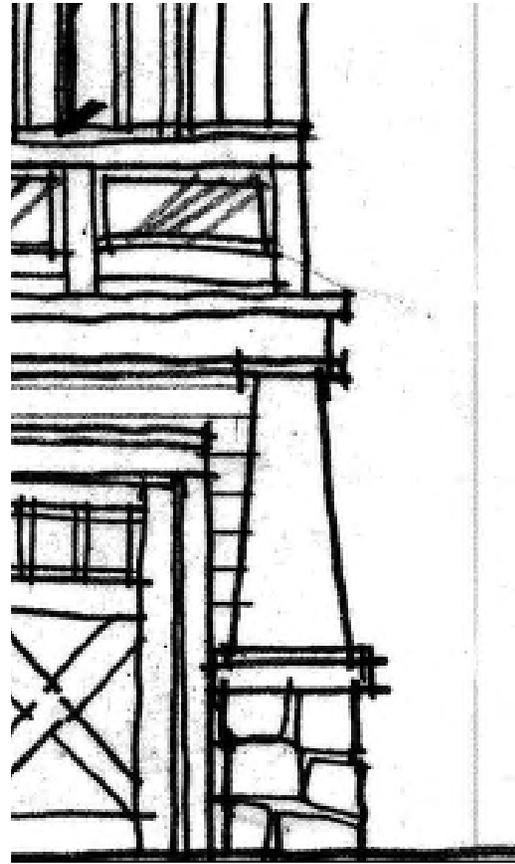
- C. A combination of alternating 1x4 and 1x8 horizontal cedar bevel siding to create a strong horizontal expression which will reduce the perceived height of the

Cedar shingle siding used at gable end roof forms as a "cap" material. Shingle siding echoes historic nautical structures of old.

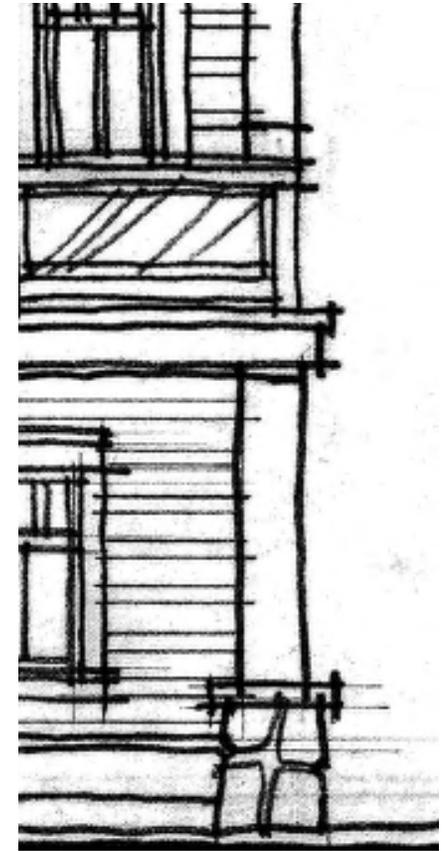
ARCHITECTURAL OPTIONS - DECK SUPPORTS



Heavy timber wall and column brackets used for balcony support will add variety of elements within the development. The brackets are reminiscent of timber era homes and barn structures. Nautical themes in boat construction are conveyed as well.

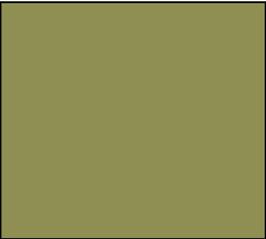


Ornamental tapered column alternate finished with cedar trim with cornice capital and 2x4 wood base trim. Base of column to be faced with stone veneer in a rubble stone pattern to echo historic buildings of Boyne City. Additional stone veneer wainscot along building base will be an alternate siding material as well.



Ornamental "straight" column blocked out to a 12"x12" dimension for added proportional depth and stability. Base of column to be faced with stone for a defined base material anchored to the earth.

ARCHITECTURAL OPTIONS-COLOR

<p>Option One</p>	<p>Siding: Cabot Stains; "Sea Gull Grey", Semi-Transparent Trim: Standard Semi-Gloss Paint: White Deck: Cabot Stains; "Cordovan Brown", Semi-Transparent</p>	
<p>Option Two</p>	<p>Siding: Cabot Stains; "Dry Sage", Semi-Transparent Trim: Standard Semi-Gloss Paint: White Deck: Cabot Stains; "Mahogany", Semi-Transparent</p>	
<p>Option Three</p>	<p>Siding: Cabot Stains; "Richmond Bisque", Semi-Transparent Trim: Standard Semi-Gloss Paint: White Deck: Cabot Stains; "Natural Cedartone", Semi-Transparent</p>	
<p>Option Four</p>	<p>Siding: Cabot Stains; "Spanish Moss", Semi-Transparent Trim: Standard Semi-Gloss Paint: White Deck: Cabot Stains; "New Pilgram Red", Semi-Transparent</p>	



To: Scott McPherson, Boyne City Planning Director
Boyne City Planning Commission

From: Hugh Conklin, Boyne City Main Street

Re: One Water Street Resort Cottages
Conditional Rezoning

Date: May 14, 2012

The Boyne City Main Street Board reviewed the plan for the One Water Street Resort Cottages at its May 3 board meeting. Glen Catt and Wally Kidd presented the plan for the second phase of the One Water Development and solicited the board for its comments.

Overall, the Main Street board was impressed and very supportive of the plan. Specifically, the board unanimously passed a motion to support the project and it encourages the planning commission to do the same.

Main Street board members feel this project will be a great addition to our downtown and a great asset for our community. With the overwhelming success of the first phase of the One Water Street development, the board is confident the resort cottage project, under the direction and management of the Catt Development team, will also be hugely successful for Boyne City.

The board is appreciative of the efforts of Mr. Catt to reach out to the community for input as he developed the plan for the resort cottages. Mr. Catt held numerous meetings with the community before officially submitting his plan and you can tell by the quality of the proposal he submitted, the community's comments were heard and incorporated into the plan you are now considering. This plan will provide a tremendous boost for our community. It will bring investment to Boyne City and will help maintain the momentum the community is currently experiencing.

The Main Street board strongly encourages the planning commission to approve the resort cottages plan for the second phase of the One Water Street development as presented.



April 19, 2012

Wally Kidd
Kidd & Leavy Real Estate
325 E Lake St.
Petoskey, MI 49770

RE: Conventional financing on condo projects

Dear Wally,

I am writing as a follow up to our previous discussions regarding conventional financing on condominium projects. Conventional financing sources, particularly Fannie Mae and Freddie Mac, have placed some stringent requirements on the financing of attached condominiums. Fannie Mae and Freddie Mac recognize condo projects as either "attached" or "detached". They do not differentiate between the two by the amount of shared walled. If they share a wall, they are considered "attached".

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Condominium financing has gone thru some major changes in the last few years when it comes to conventional loan availability. I hope this helps explain some of the basic changes and differences than in years past. Please let me know if you have further questions.

Best Regards,

A handwritten signature in cursive script that reads 'Tracey M Grose'.

Tracey M Grose

Vice President/Mortgage Lending