

**From:** Marc S. McKellar II <[msm@kuhnrogers.com](mailto:msm@kuhnrogers.com)>  
**Sent:** Thursday, September 21, 2023 8:49 AM  
**To:** Tom Grier <[tag@runningwise.com](mailto:tag@runningwise.com)>  
**Cc:** Kristyn Houle <[kristynhoule@hotmail.com](mailto:kristynhoule@hotmail.com)>  
**Subject:** Onekama

Tom,

I'm curious were you landed on the issue about the permit being "existing" and not expired. As you know the ordinance requires that the SUP be existing and not expired to allow for an amendment. For various reasons including that fact that I don't believe they ever supplied the requisite phasing plan and that they have not started on most of the work that was in the amended SUP, that it has expired. I think they could seek an amendment for work to rehabilitate within the resort that has already started, but that's it. Therefore, for all other work they would be required to submit a new SUP application. After review of the application again last night I think it's not complete, especially as it related to the site plan details for the phases which they seek to vest a right to now and for perpetuity. They cannot ask for and the PC cannot grant SUP approvals for uses now without the requisite site plan details. This importantly includes septic or sewer. Therefore, for various reasons I don't believe it properly before the PC.

I want to confirm that I can appear by Zoom and make comment, and that the entirety of the meeting be recorded via Zoom and made available to the public upon a FOIA request.

Best regards,

**Marc S. McKellar II**  
4033 Eastern Sky Drive  
Traverse City, MI 49684  
(231) 947-7900 Reception  
(231) 941-5154 Fax  
[msm@kuhnrogers.com](mailto:msm@kuhnrogers.com)



I am Libby Matthews Schleiffarth. I would urge the Planning Commission to take this opportunity to review the existing SUP in its entirety not only the amendments Windfall Landing is asking for. The existing SUP is out of date and needs to be rewritten. The Planning Commission should be working in the best interest of all citizens.

Here are a few examples:

- Katie Mehl's letter to Onekama Township Board dated August 8, 2022, states “ After thorough review of the SUP, it is my determination that until the Boat Barn is constructed, there should be nothing stored at the boat barn parcels.” She then quotes the Boat Barn at the Ballfield section of the existing SUP.
- I have to drive by the ballfield with its collection of boats, retaining wall sections, lifts and other equipment, every time I go to M-22. As a taxpayer and a resident, I want the Planning Commission to enforce the present conditions of the SUP.
- In Exhibit A, eight of the property identification numbers are not listed in the existing SUP. In Exhibit B, 41 property identification numbers are not listed in the existing SUP. Have all these missing identification numbers been added to WFL proposed amendments?
- I am concerned that 49 missing property identification numbers are “clerical mistakes”. Has the existing SUP been verified for other “clerical” mistakes and by whom?
- Existing SUP – Page 4: Should total number of residential condominiums be changed to 110 from 115 due to the request for reduction in hotel condo units and dollhouses?
- Existing SUP – Page 5: Delete I – reference to Culinary Institute – teaching facilities? It is my understanding this is no longer an option for WFL.
- Existing SUP – Page 5: Parking: Do these need to be adjusted to reflect changes as requested by WFL?
- Existing SUP – Page 13 – Seymour Street Driveway: What is measurement of present driveway? What is measurement of “reduce to be no larger than necessary to serve as an entry/exit Boat Barn”? Need to define measurements – or give parameters.
- Existing SUP – refers to Casino seating – no more than 150. What building are we referring to? Is the building presently referred to as the Casino going to be demolish and replaced? Renovated? Need definition of terms.
- Presently PPI condominium owners are not subject to the Township Short Term Rental Ordinance.
- According to PPI website, renters go through VRBO, AirBnB and other property management companies. Shouldn't Onekama Township treat PPI condo owners the same as other property owners renting their properties?
- Existing SUP does not state how often SUP will be reviewed for renewal. It has been six years. The situations and conditions of the PPI, township and world have changed in six years and will continue to change.
- New SUP or amendments to existing SUP should have timeline provision for review/renewal.
- David Rowe's letter of August 21, 2023 refers Phase I timeline: “Infrastructure approvals and installation, such as a municipal sewer system, three phase electric T1 internet,etc. This is subject to governmental approvals, which are beyond WFL's control” Need to delete “municipal sewer system”, as that is no longer an option with the defeat of the proposed TLISA system and the limited capacity the Village of Onekama's system is now facing.

These are a few examples of my concerns, as a lay person, taxpayer and resident. I am confident a professional with expertise would have even more.

Libby Matthews Schleiffarth

**Shelli Johnson**

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**From:** Michelle Ervin <erwin08@icloud.com>  
**Sent:** Thursday, September 21, 2023 4:47 PM  
**To:** Shelli Johnson; jmcmmom@aol.com  
**Subject:** Comments for tonights meeting regarding SUP from the Ervin's 8626 Bayview Road

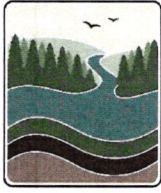
Dear Planning Commission,

Because Windfalls Landing is taking this opportunity to request amendments and make corrections, our hope is that the Planning Commission will please take this opportunity to:

1. **Consider that the 2017 SUP is expressly based on a municipal sewer system (TLSA) that is no longer an option and no alternative has been offered in this request to amend.** This piece is the foundation of ANY expansion and should be the paramount request for amendment, step one.
2. **Correct all errors and omissions then republish for public review.** Review all the past SUP's and the reporting that went with them, there are errors and omissions per Ms Schulz's 2017 Site Plan Review and in the Special Use Plan Review. From the currently posted Site Plans and documents posted on the Township website it appears that corrections/omissions by Ms Schulz are not all included to date.
3. **Clarify the phasing and timeline.** The phasing as stated is not clear; there are not enough details of the responsibilities or dates tied to the listed tasks. We do not believe that on a matter this important that the phrase, "etc." should be allowed. Clearer, measurable, specific phasing that is monitored and enforced will rebuild the trust of the public. The request for the phase three buildout to take 6 years AFTER the years it will take to complete phase one and two stunningly too long. Please quantify and clarify: "NOTE - Economic Conditions could affect start dates of Phase 3. Extension Approvals for Build Out will not be unreasonably withheld by the Planning Commission or Onekama Township."

We thank you all for the efforts you make on this very daunting and difficult task in representing the best outcome for the whole community.

Sincerely,  
Patrick & Michelle Ervin  
248-318-8568  
Carpe Diem



MANISTEE  
CONSERVATION  
DISTRICT

8840 Chippewa Highway  
Bear Lake, MI 49614  
231-889-9666  
manisteed@macd.org  
www.manisteed2.org

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September 19, 2023

Portage Lake Watershed Forever  
WQEM Committee

Dear Committee Members,

The Manistee Conservation District supports water quality through education, technical assistance, implementation, monitoring, collaboration, research, outreach, and funding. Technical Assistance provides voluntary participation to educate landowners and communities about water quality and best management practices (BMPs), provide guidance on BMP selection and implementation, collaborate with stakeholders, promote innovation, and help access funding for BMPs.

Below are two links to the Department of Environmental, Great Lakes, and Energy (EGLE) Streams and Lakes programs promoting natural shoreline landscaping. In addition to providing conservation resources, they offer a list of Certified Shoreline Professionals that can be contracted to provide designs and implementation of conservation practices using natural materials and bio-engineering practices to protect Michigan's inland lakes.

[Michigan Natural Shoreline Partnership](#)

[Michigan Inland Lakes Partnership](#)

If you have landowners that would like technical assistance and recommendations on how they can protect and improve water quality on their property, please have them contact the Manistee Conservation District to talk with a Conservation Technician. In addition to technical assistance, Conservation staff can connect landowners with Natural Resource Conservation Service Farm Bill programs that provide financial assistance to qualifying landowners for improved soil health, water and air quality, and other natural resource benefits.

*Sincerely,*

*Renee Mallison*

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*The mission of the Manistee Conservation District is to implement programs and provide services, including technical assistance, that foster an appreciation of the beauty and quality of the natural resources of Western and Northwestern Michigan to promote positive stewardship of the land, water, soil, and wildlife, and to serve the communities that depend on those natural resources.*

*The Manistee Conservation District does not discriminate against any person on the basis of age, race, religion, color, handicap, sex, physical condition, sexual orientation or national origin in participation in our programs, services and activities.*



*What we do here matters.*

September 21, 2023

Onkama Township Planning Commission  
Onkama Township, MI 49675

Dear Onkama Township Planning Commission,

The Water Quality and Environmental Monitoring Committee (WQEM) is a standing committee of the Portage Lake Watershed Forever. The mission of the Portage Lake Watershed Forever is to work with community partners to keep our streams, wetlands, and lake clean and healthy so they can be enjoyed for years to come. With this mission in mind, we offer community partners support in implementing best management practices for water quality within the watershed including wetlands and Portage Lake. The 2019 Watershed Plan includes goals such as Public Health: Ensure that participants in water-based recreation are not exposed to pathogens or toxic chemicals, and are not consuming water, wild fish or wildlife with contaminants in excess of advisories and, to protect the quality of water resources and other essential habitats in the watershed to maintain the integrity and functions of the aquatic ecosystem.

As the Onkama Township Planning Committee considers development adjacent to water features, we suggest that current best management practices for water quality are followed. The attached letter from the Manistee Conservation District offers specific assistance should the Committee wish to seek guidance on current Best Management Practices selection and implementation.

Sincerely,

The Water Quality and Environmental Management Committee, Portage Lake  
Watershed Forever

Michelle Ervin  
Alexis DeGabriele, Aquatic Biologist - Wetlands, LRBOI  
Renee Mallison, Executive Director Manistee Conservation District  
Zachary Prause, Aquatic Biologist, LRBOI  
Al Taylor

See Article 32- P.U.D.  
Setbacks quoted do not apply in P.U.D.

MEMBERS

KEVIN M. HIRZEL, ESQ.\*\*  
MATTHEW W. HERON, ESQ.\*  
KAYLEIGH B. LONG, ESQ.\*

OF COUNSEL

MICHAEL D. MCCULLOCH, ESQ.\*  
RICHARD M. TAUBMAN, ESQ.\*  
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**HIRZEL LAW**  
CONDOMINIUM & REAL ESTATE LAW

ATTORNEYS

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MELISSA D. FRANCIS, ESQ.\*  
MATTHEW D. LEVINE, ESQ.\*  
LIVIA KHEMMORO, ESQ.\*

Also- See 1007. B  
No Viewshed Protection

\*Licensed in Michigan Only

\*\*Licensed in Michigan and Illinois

<b>Chicago</b> 159 N Sangamon St., Ste. 200 Chicago, IL 60607	<b>Farmington</b> 37085 Grand River Ave, Ste. 200 Farmington, MI 48335	<b>Grand Rapids</b> 250 Monroe Ave. NW, Ste. 400 Grand Rapids, MI 49503	<b>Sterling Heights</b> 13425 19 Mile Rd., Ste. 300B Sterling Heights, MI 48313	<b>Traverse City</b> 1001 Bay St., Ste. E Traverse City, MI 49684
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Kayleigh B. Long, Esq.  
[klong@hirzellaw.com](mailto:klong@hirzellaw.com)

September 20, 2023

**VIA EMAIL ONLY**

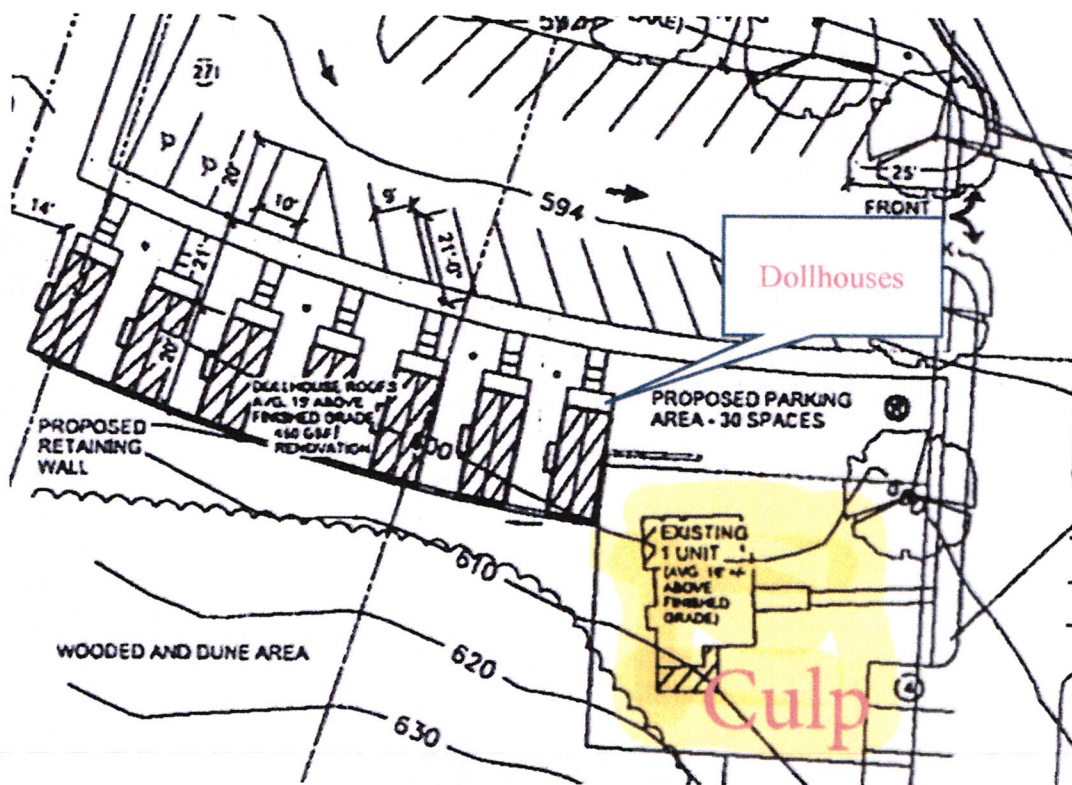
Onekama Township  
Planning Commission  
c/o Township Clerk  
[clerk@onekamatwp.org](mailto:clerk@onekamatwp.org)

**RE: SEPTEMBER 21, 2023 PUBLIC HEARING: AMENDMENT TO PORTAGE POINT INN SPECIAL USE PERMIT**

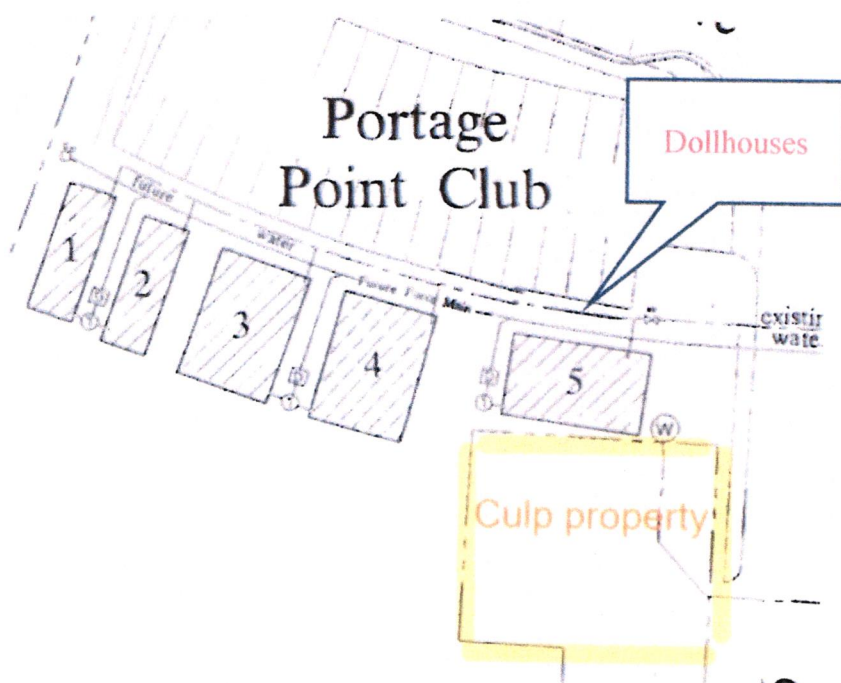
To the Onekama Township Planning Commission:

Our law firm represents Maureen Culp, the Trustee of the Vaughn and Maureen Culp Trust, which is the record owner of Unit 11 within the Portage Point Inn Condominiums. Ms. Culp's unit is located next to the land which is the subject of the commission's public hearing scheduled for September 21, 2023, and Ms. Culp has asked our office to contact you regarding her objections to and concerns regarding the proposed amendment to the Portage Point Inn Special Use Permit ("SUP").

First, Ms. Culp objects to Windfalls Landing, LLC's ("WFL") proposed doll house modification and amendment to the SUP. As this commission is aware, on August 21, 2023, WFL submitted a letter requesting an amendment to the already-amended SUP. The August 21, 2023 request includes, in pertinent part, a "modification of the doll house footprint and structures as shown on the submitted site plan." The SUP currently contemplates seven doll houses on 14 feet by 28 feet sites with the following footprint:



Currently, there are six non-conforming structures in place, and WFL's August 21, 2023 request proposes to combine some of these sites, resulting in two sites with the "standard Doll Houses" and three sites with new cottage units with the following footprint (no dimensions or elevations were provided):



Ms. Culp objects to this proposed modification and amendment on two different bases. Ms. Culp first objects to this proposed modification and amendment because it will place a new structure between her property and Portage Lake that has never previously been contemplated by the SUP and that will block her view of the lake. Ms. Culp reasonably relied on the SUP, and the already-approved locations of the doll houses, when purchasing her property, and WFL's proposed modification and amendment will substantially interfere with her intended use and enjoyment of her property. Furthermore, this commission, in its 2017 Findings of Fact underlying the SUP, already expressed that the design of the current doll houses reflects the character of Portage Point Inn, that modifications "will remain in the historic footprint," and any construction on new doll houses would be "of similar dimension to those currently located on the property."

Ms. Culp also objects to this proposed modification and amendment because it does not comply with the Onekama Township Zoning Ordinance. The land at issue is located in the Resort Residential – RR 3 Zoning District, the stated purpose of which "is to preserve the residential character and rural environment of properties near or along the north shore of Portage Lake and Lake Michigan by limiting residential units to three (3) per acre and requiring a minimum dwelling size, while at the same time, allowing certain special uses which are compatible with, and augment lakeshore or rural living." Section 4201 of the Onekama Township Zoning Ordinance. While Section 4203 of the Onekama Township Zoning Ordinance permits hotels and waterfront resort complexes (and their accessory uses) as special uses in this district, Section 4204 of the Onekama Township Zoning Ordinance also includes, in pertinent part, the following minimum regulations:

- A. Minimum parcel: Fifteen thousand (15,000) square feet.
- B. Minimum parcel width: One hundred (100) feet running along road frontage.
- C. Minimum setback, including all accessory buildings:
  - 1. Front: Twenty-five (25) feet from the road right-of-way or front property line, whichever is the greater distance.
  - 2. Rear: Twenty-five (25) feet.
  - 3. Side: Ten (10) feet.
- D. Minimum floor area: Eight hundred (800) square feet.
- E. Minimum dwelling width across any front, side length, or rear measurement: 20 feet.

WFL's August 21, 2023 proposed modification and amendment requests to relocate and consolidate a number of non-conforming sites to create three new sites, all of which do not meet the minimum regulations set out in Section 4204 of the Onekama Township Zoning Ordinance. While the original seven sites in the SUP were approved as non-conforming uses, Section 8003 of the Onekama Township Zoning Ordinance explains that any expansion or alteration of any non-conformity requires a variance from the Zoning Board of Appeals, which, to Ms. Culp's knowledge, has not been obtained. Overburdening this site with additional non-conforming structures also creates public safety concerns. The addition of Dollhouse 5, directly on the lot line of Ms. Culp's property, does not give occupants or public safety officials adequate access to the rear of the structure.



Second, Ms. Culp has a number of concerns regarding the transparency of the August 21, 2023 request and the proposed further development of Portage Point Inn that she desires this commission consider when reviewing WFL's August 21, 2023 request. For example, while WFL did submit a request to the SUP on August 21, 2023, it only did so in response to a July 25, 2023 letter from Planning and Zoning Administrator Jodie Lynch, noting that there appeared to be a violation of the SUP and an amendment was required "to properly represent the property and Waterfront Resort as it exists today and the future plans."

On July 7, 2023, WFL sold the doll house sites to a different entity, Portage Point Inn & Marina, LLC (which appears to be affiliated with WFL), recorded at Instrument No. 2023003517, and, on July 24, 2023, Portage Point Inn & Marina, LLC recorded a master deed with the Manistee County Register of Deeds at Instrument No. 2023003518, creating the Doll House Condominium with a condominium subdivision plan that reflects the footprint for which WFL is now requesting approval. For some reason, WFL's August 21, 2023 request does not notify this commission that WFL no longer owns this property and, furthermore, does not provide this commission with a copy of the documents that Portage Point Inn & Marina, LLC recorded to establish a condominium over and change the footprint of these sites. Instead, WFL only provided copies of the master deed for Portage Point Inn Condominiums (which does not include the doll house sites) and five of its amendments, neglecting to include a sixth amendment that was recorded in 2020 at Instrument No. 2020R001396.

For all the reasons stated above, Ms. Culp has significant concerns regarding WFL's August 21, 2023 proposed amendment to the SUP, particularly as it relates to the doll house sites. She further has significant concerns regarding the lack of transparency surrounding the request and the proposed further development of the area, including to property owners who live next to and will be impacted by the development. Therefore, Ms. Culp respectfully requests that the commission deny WFL's August 21, 2023 proposed amendment to the SUP, as submitted.

Ms. Culp will be attending the hearing on September 21, 2023 and will be happy to answer any questions the commission may have at that time.

Sincerely,

**HIRZEL LAW, PLC**



Kayleigh B. Long

cc: Maureen Culp

Public Comment  
9/21/23

**From:** Shelli Johnson clerk@onekamatwp.org  
**Subject:** FW: Portage Point Inn  
**Date:** September 20, 2023 at 12:05 PM  
**To:** ibfishwich@aol.com, Dave Wallace ddw.hft@gmail.com

**From:** Polly Brown <polly-brown@att.net>  
**Sent:** Wednesday, September 20, 2023 12:04 PM  
**To:** Shelli Johnson <clerk@onekamatwp.org>  
**Subject:** Portage Point Inn

Dear Sirs,

Please note that the Brown Family at 8791 Portage Point Road is against the proposed Marina Expansion as it will increase traffic on a road where the speed limit is not already observed.

Thank you.

Polly Brown  
[polly-brown@att.net](mailto:polly-brown@att.net)

September 8, 2023

Onkama Township Planning Commission  
PO Box 458  
Onkama, MI 49675

RE: Input on Proposed Amendments to the Portage Point Inn Special Use Permit

We are writing to provide our input on the proposal to amend the Special Use Permit for the Portage Point Inn for the public hearing during the September 21<sup>st</sup> Planning Commission meeting. Specific to the proposed amendments:

- We continue to be supportive of the plans to renovate the old hotel and other buildings and have no objections to the proposed changes.
  
- After 6 years of minimal action on the existing SUP, the timeline provided is inadequate.  
The developer had more than adequate time to pursue back-up options to the Two Lake Sewer project for a sanitary system solution for the project. The current proposed wording of Phase 1 suggests that it is a governmental responsibility to provide a sanitary solution when this is the developers responsibility, just as it would be an individual's responsibility if they were building a house.
  - There are at least 3 options we are aware of which have been under consideration – connecting to the Onkama Village sewer, building a new private system for PPI and other properties who choose to join at North Point Park which would involve a “land swap” with the Ballfield property or to build a septic system to support PPI at their property at the Ballfield.
  
  - The Planning Commission should demand a more specific timeline with milestones and specific dates for picking, permitting, and constructing either one of these options or some other solution.
  
- In addition, given any of this will take still more time than the 6 years which have already elapsed, the Planning Commission needs to include in any amendments to the SUP specific expectations for the maintenance and upkeep

of the existing property.

- Specifically, there should be clarity about what is and is not allowed to be stored on the Ballfield and how it is to be maintained.
  - There should also be clear expectations about the condition of buildings such as the Casino building which are still part of the proposed plan, but which appear to have significant issues and are an eyesore.
- The Planning Commission should make it clear that should adequate progress not be made on these issues the existing 2017 SUP will be rescinded and the SUP would revert to the original 2014 SUP.

Please note that this input is specific to the proposed amendment and that our lawsuit which objects to the creation of a working marina at the PPI property still needs to be settled. Our key issues remain the addition of a gas dock and boat haul-out at the PPI property on Portage Lake and the size of a Boat Barn which is 50 feet tall and nearly an acre in footprint and its use for light industrial work at the Ballfield or in any residential area. We remain open to discussions to resolve these issues and urge the Onekama Township Planning Commission and the Onekama Township Board to help to move this process forward.

Sincerely,

Concerned Citizens of Portage Lake

Cc: Kristyn J Houle; 1200 W. Eleventh St., Suite 110; Traverse City MI 49684

# Public Comment - 9/21/23

Date: July 20, 2023

To: Onekama Planning Commission

Re: Portage Point Boat Barn Proposal

1. When should Agenda be posted to allow residents time to determine if they should be present?
2. Next: Several times at board meetings elected officials have stated they have no plans to swap public land for private, What has changed?
3. Our understanding is the plan was to put the barn on property already owned by the Inn, but neighbors objected. So if neighbors of the public park object [ which they do ], then we should believe it will be planned for another location. Our concerns should be just as valid as the previous group of neighbors.
4. This goes against the master plan
5. This appears to be spot zoning-placing commercial, industrial buildings in a residential, resort area. Against local ordinances,
6. This will ruin the natural environment of the park. It will bring traffic, noise, pollution.
7. Nearby property values will be impacted.
8. Current property owned by the INN is in terrible condition and an eyesore-outbuildings and property at Portage Point Seymore looks like a landfill.
9. What prevents the township from exchanging or selling other public property when the money looks good?

Karen Eckert

Bayview

Sept. 20, 2023

Onekama Township  
Planning Commission

I am writing this letter on behalf of The Wiper Family Trust. Sandra Wiper, Donald Wiper, Sara Wiper Redocker and Scott Wiper are against of the proposed marina expansion at the Portage Point Inn. We would love to see the Portage Point Inn thrive as a hotel or condos, but not at the expense of Portage Lake and surrounding green space. Thus, The Wiper Family Trust does not support the expansion

of the existing marina,  
specifically the added  
boat slips, addition of  
gas tanks, boat hoists and  
boat storage barn at the  
ball field.

Sincerely,  
Sandra Wiper, ~~Sandra Wiper~~  
P.O. Box 434  
Elk Rapids, MI 49629  
(231) 409-9616

Parcel Number #  
11-425-020.00

Parcel Address  
7109 Ninth Street  
Onekama, MI  
49675