

**PENINSULA TOWNSHIP
SPECIAL MEETING
PLANNING COMMISSION
AGENDA**

13235 Center Road
Traverse City, MI 49686
August 22, 2016
7:00 PM
Township Hall

1. **Call to Order**
2. **Pledge**
3. **Roll Call**
4. **Approve Agenda**
5. **Brief Citizen Comments – for items not on the Agenda**
6. **Conflict of Interest**
7. **Consent Agenda**

Any member of the Board, staff, or the public may ask that any item on the Consent Agenda be removed and placed elsewhere on the agenda for full discussion.

- a. Correspondence (as provided)

8. Business

- a. SUP#127 – Vineyard Ridge (discussion and potential recommendation)
- b. Competing Land Use Permits – Draft Ordinance Language (discussion)

9. Citizen Comments

10. Board Comments

11. Adjournment

Peninsula Township has several portable hearing devices available for use during this meeting. If you would like to use one, please contact the Chairperson.

Michelle Reardon
Peninsula Township Director of Planning & Zoning

Posted: August 15, 2016

Peninsula Township Planning & Zoning Department
13235 Center Road
Traverse City, MI 49686

SPECIAL USE PERMIT
FINDINGS OF FACT

SUP #127, Vineyard Ridge (Planned Unit Development Condominium Subdivision)

July 18, 2016

PENINSULA TOWNSHIP PLANNING COMMISSION

DECISION AND ORDER

Applicant: Vineyard Ridge, LLC
Ken Schmidt, Owner
522 E. Front Street
Traverse City, MI 49686

Hearing Date: July 18, 2016

PROPERTY DESCRIPTION

Parcel ID#: 28-11-336-071-00 & 28-11-336-072-00

APPLICATION

The applicant is asking for review by the Peninsula Township Board for the development of a forty-seven (47) unit condominium subdivision planned unit development (PUD) within the Suburban Residential Single and Two-Family (R-1C) zoning district.

The Commission having considered the Application, a public hearing having been held on July 18, 2016 before the Planning Commission after giving due notice as required by law, the Board having heard the statements of the Applicant and agents, the Board after having considered letters submitted by members of the public and comments by members of the public, the Board having considered 15 Exhibits, and the Board having reached a decision on this matter, states as follows:

1. General Findings of Fact

1.1 Property Description-

- a. The Board finds that the subject parcel is located in Section 36 of the Township and has approximately 674 feet of road frontage on Center Road. (Exhibit 4)
- b. The Board finds the total acreage utilized for the Condominium Subdivision Planned Unit Development (PUD) measured at roughly 27.87 acres. (Exhibits 3, 4)

1.2 Action Request-

- a. The Board finds that the applicant is seeking site plan and special use permit approval to develop a Condominium Subdivision Planned Unit Development on site as permitted by Section 6.4.2 of the Peninsula Township Zoning Ordinance. (Exhibits 2, 3)
- b. The Board finds that the final site plan and special use permit are subject to the requirements of 8.1.3 - Basis of Determination and 8.3 - Planned Unit Developments of the Peninsula Township Zoning Ordinance. (Exhibit 2)

1.3 Zoning/Use-

- a. The Board finds that the proposed site is zoned R-1C, Suburban Residential Single and Two Family encompassing two (2) parcels; 28-11-336-071-00 which is considered conforming to local zoning and 28-11-336-072-00 which is considered legal non-conforming to local zoning. (Exhibits 2, 3, 4)
- b. The Board finds that the applicant is working with the local permitting agencies to obtain compliance for the site plan. (Exhibit 3)

1.4 Land Use Pattern- The Board finds the following land uses to be in existence on the date of this report adjacent to the proposed development.

- a. **North-** The land adjacent to the north of the subject properties are zoned R-1C, Suburban Residential Single and Two-Family and are residential in use. (Exhibits 1, 2, 5)
- b. **South-** The properties adjacent to the south are zoned R-1C, Suburban Residential Single and Two-Family and are residential in use. (Exhibits 1, 2, 5)
- c. **East-** The properties adjacent to the East are Pelizari Natural Area and other residential properties zoned R-1C, Suburban Single and Two-Family. (Exhibits 1, 2, 5)
- d. **West-** The properties adjacent to the west are zoned R-1C, Suburban Residential Single and Two-Family and are residential in use. (Exhibits 1, 2, 5)
- e. The Board finds that the future land use plan identifies the subject location as an area designated primarily for moderate residential use. The objectives of the moderate residential use category are to building densities of one dwelling unit per half acre which are serviced by public utilities. The eastern portion of the site is designated rural agricultural use. The objective of the rural agriculture use category is to preserve the important natural resources of the Township while allowing other limited uses which are deemed to be compatible with agricultural and open space uses. This area is also intended to serve as a buffer between the Agricultural Production and the Residential land use classifications. (Exhibits 1, 6)

- f. The Board finds that development of property as single family residential is a use by right in the R-1C, Suburban Single and Two-Family residential zoning district. (Exhibit 2)
- g. The Board finds that the applicant is subject to all local, state, and federal agencies, including but not limited to the Grand Traverse County Health Department, Soil Erosion, Construction Code, and Michigan Department of Transportation.

2. Specific Findings of Fact – Section 8.1.3 (Basis for Determinations)

2.1 General Standards- The Board shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that each use on the proposed location will:

- a. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.

FINDINGS WHICH WOULD RESULT IN THIS STANDARD BEING MET.

- i. **The Board finds that the proposed PUD is planned as a single-family residential development with 65% open space. (Exhibit 3)**
- ii. **The Board finds that the land surrounding the development is primarily single family residential with the exception of the east which abuts Pelizari Natural Area. (Exhibits 1, 2, 5)**
- iii. **The Board finds that under the master plan, chapter 3, Land Use and Zoning Map No.4 depicting existing land use, shows that the existing land use for the Vineyard Ridge property is residential regardless of the fact that the property is located in the R-1C Suburban Single and Two Family Zoning District. As such, the proposed PUD is harmonious and appropriate in appearance with the existing use and character of the vicinity. (Exhibits 1, 2)**
- iv. **The Board finds that the intent and purpose of the Suburban Single and Two Family District (R-1C) is to contain standards for the continued development of moderate density residential. The district includes existing moderate density residential developments as well as areas within which such development appears both likely and desirable. The Board finds that the Suburban Single and Two Family District (R-1C) provides additional standards for residential development and lakeshore drive areas and areas of high scenic value where more intensive development would deteriorate the peninsula environment and less intensive development is not essential to maintenance of the established environment. The Board finds that the proposed PUD provides for a 90 foot buffer zone along the property's boundary which will remain as an undeveloped setback and that the PUD itself by preserving 65% of the property,**

being 18.12 acres, as open space conforms with the intention of the district by decreasing the density which would otherwise be allowed in these districts should the property be developed in a manner otherwise allowed under the zoning ordinance. (Exhibits 1, 2, 3)

FINDINGS WHICH WOULD RESULT IN THIS STANDARD NOT BEING MET.

- i. The Board finds that the proposed development includes grading and development of steep slopes located on the property and as depicted on land map no. 6 of the Peninsula Township Master Plan. The Board further finds that the development of the steep slopes would require significant grading, particularly with the development of units along the eastern portion of Vineyard Hill Ct., lined up in a design which will change both the existing and intended character of the area in the vicinity as well as the essential character of the area surrounding this development. (Exhibits 1, 7)**

This standard HAS/HAS NOT been met.

- b. Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.**

FINDINGS WHICH WOULD RESULT IN THIS STANDARD BEING MET.

- i. The Board finds that the land surrounding the development is primarily single family residential with the exception of the east which abuts Pelizari Natural Area. (Exhibits 1, 2, 5)**
- ii. The Board finds that the development of the proposed PUD should not negatively impact adjacent neighbors. The applicant has designed the housing sites to complement the existing residential use pattern which incorporates 18.12 acres of the site in open space. (Exhibit 3)**
- iii. The Board finds that the PUD as submitted preserves open space, keeping 65% of the site undeveloped and preserved as common open space for the proposed project. The Board further finds that the lot locations, regardless of the slopes in the area, are located sufficiently within the interior of the property of the project site such that view sheds are sufficiently preserved from township public roads. The Board further finds that there is no evidence that the development would disturb existing or future uses of the land within the vicinity. The Board further finds that the preservation of the open space is a substantial improvement over other non-PUD development rights as provided in the Peninsula Township Zoning Ordinance which, in turn, benefits the properties within the immediate vicinity and the community as a whole. (Exhibits 1, 2, 3)**

FINDINGS WHICH WOULD RESULT IN THIS STANDARD NOT BEING MET.

- i. The Board finds that the location of residential units on the steep slopes area of the property and the required grading to develop these site condominium units and the road would not constitute a substantial improvement to the property in the immediate vicinity as such grading at the intensity proposed provides no improvements to other properties in the immediate vicinity or the community as a whole given the goal of preserving steep slopes within the township. (Exhibits 1, 3, 7)**

This standard HAS/HAS NOT been met.

- c. Be served adequately by essential facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.**

FINDINGS WHICH WOULD RESULT IN THIS STANDARD BEING MET.

- i. The Board finds that the proposed PUD will develop a private road built to the Peninsula Township private road standards to provide residential and adequate emergency access to forty-seven (47) residential units. This private road shall be reviewed and approved by the Township Engineer and Peninsula Fire Department. (Exhibits 2, 3, 8, 9, 10)**
- ii. The Board finds the development will be served by public sewer and water. These systems shall be constructed by the owner and reviewed by the Grand Traverse County Department of Public Works and the Township Engineer to ensure they are compliant with all applicable regulations. (Exhibits 3, 8, 11)**
- iii. The Board finds the development shall be compliant with the Peninsula Township Storm Water Ordinance. The plans shall be reviewed and approved by the Township Engineer prior to the issuance of the SUP. (Exhibits 3, 8)**
- iv. The Board finds that the County Sheriff has conducted a review of the submitted plans and offered comments. The Sheriff finds no issues with the proposed plan. (Exhibits 3, 12)**

FINDINGS WHICH WOULD RESULT IN THIS STANDARD NOT BEING MET.

- i. The Board finds that the plan is not in compliance with the International Fire Code as detailed in Chief Rittenhouse's letter (Exhibit 27)**

This standard HAS/HAS NOT been met.

- d. Not create excessive additional requirements at public cost for public facilities and services.**

FINDINGS WHICH WOULD RESULT IN THIS STANDARD BEING MET.

- i. **The Board finds that the applicant will be responsible for any improvements required as part of this proposal. (Exhibit 3)**
- ii. **The Board finds that the development as presented will not create excessive additional requirements at public cost for public facilities and services given that development of single family residential properties is allowed in the zoning districts in which the property is located. The Board further finds that the applicant will be incorporating adequate service roads within the development and there is otherwise no evidence of any excessive additional requirements at public cost for public facilities and services on the record. (Exhibits 3, 8)**

This standard HAS/HAS NOT been met.

- e. **Not involve use, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by fumes, glare or odors.**

FINDINGS WHICH WOULD RESULT IN THIS STANDARD BEING MET.

- i. **The Board finds that the proposed use of the site shall not involve any uses or activities which produce negative impacts upon the existing neighborhood via fumes, glare, noise or odors. (Exhibit 3)**
- ii. **The Board finds that the very nature of residential development is not the type that results in a use generating fumes, glare or odors. The Board further finds that there has been no evidence presented that the proposed development will result in negative activities or uses which would compromise the general welfare of township citizens as a result of fumes, glare or odors. (Exhibit 3)**

This standard HAS/HAS NOT been met.

2.2 Conditions and Safeguards- the Board may suggest such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of the Ordinance will be observed. The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted.

- a. **Address the access issues identified by the Peninsula Township Fire Department Chief.**
- b. **Proof of compliance with all Federal, State, County, Township and other governmental regulations relative to the establishment of a forty-seven (47) unit Condominium Subdivision Planned Unit Development shall be submitted to the Peninsula Township Planning & Zoning Department prior to issuance of the Special Use Permit.**
- c. **Remove the structures on the site plan that are not compliant with section 7.7 of the Ordinance.**
- d. **The proposed sign shall be dimensionally altered to be in compliance with 7.11 of the Ordinance.**

THE ABOVE FINDINGS ARE NOT REQUIRED AS THIS IS NOT A STANDARD, BUT RATHER AN ADVISORY STATEMENT. IF THE PLANNING COMMISSION RECOMMENDS APPROVAL OF THE PROJECT THERE CAN CERTAINLY BE CONDITIONS RELATED TO THE STANDARDS CONTAINED IN THE ZONING ORDINANCE WHICH WOULD APPLY TO THE PROJECT.

2.3 Specific Requirements- In reviewing an impact assessment and site plan, the Planning Commission and the Township Board shall consider the following standards:

- a. That the applicant may legally apply for site plan review.
 - i. **The Board finds that the applicant is the owner/operator of the petitioned property and may legally apply for said review process. (Exhibit 3)**

This standard HAS/HAS NOT been met.

- b. That all required information has been provided.
 - i. **The Board finds that the applicant has provided the required information as portrayed within the special use permit application and upon the provided site plans. (Exhibit 3)**
 - ii. **The Board finds that the applicant will be required to submit all necessary permits (i.e. soil erosion, health department, etc.) and has already submitted some of these permits all of which will need to be finalized and issued prior to the final approval of a Special Use Permit and PUD. (Exhibits 3, 7, 8, 9, 10, 11, 12, 13, 14, 15)**

This standard HAS/HAS NOT been met.

- c. That the proposed development conforms to all regulations of the zoning district in which it is located.

FINDINGS WHICH WOULD RESULT IN THIS STANDARD BEING MET.

- i. **The Board finds that the proposed PUD is planned as a single-family residential development with 65% open space. (Exhibit 3, 14)**
- ii. **The Board finds that each individual units will be subject to the land use permitting process to ensure all structures comply with the Special Use Permit and the requirements of the Ordinance. (Exhibits 2, 3, 7, 8)**
- iii. **The Board finds the proposed PUD shall be designed in accordance with section 8.3 of the Ordinance as discussed in section 3.2 of these findings. (Exhibits 2, 3)**

- iv. **The Board finds that the proposed PUD will develop a private road which shall be built to the Peninsula Township private road standards to provide residential and adequate emergency access to forty-seven (47) residential units. This private road shall be reviewed and approved by the Township Engineer and the Township Attorney. (Exhibits 2, 3, 8, 15)**
- v. **The Board finds that signs are regulated by section 7.11 of the Ordinance. Per this section the development is allowed to have one entrance way sign that is a maximum of nine (9) square feet in area, six (6') feet in height and setback fifteen (15) feet from the right-of-way. (Exhibits 1, 3)**
- vi. **The Board finds that the applicants sign located at the intersection of Vineyard Ridge Dr. and Center Rd. is shall be dimensionally altered to be in compliance with the Ordinance 7.11 of the Ordinance. (Exhibits 1, 3)**
- vii. **The Board finds that the proposed entrance wall and stone fence columns along Center Rd. shall be removed or relocated to meet the agricultural setback as required by section 7.7.1.1 (1) (a) of the Ordinance. (Exhibits 1, 3)**

This standard HAS/HAS NOT been met.

- d. **That the plan meets the requirements of Peninsula Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage and other public facilities and services.**
 - i. **The Board finds that a permit to construct the private road curb cut from the Michigan Department of Transportation shall be required to be submitted to the Peninsula Township Planning & Zoning Department prior to issuance of the SUP. Further the Board finds that in an email dated April 4, 2016, Jeremy Wiest from MDOT indicated that the location of the proposed private road meets MDOT requirements. (Exhibit 2, 3, 10)**
 - ii. **The Board finds that a permit to construct the private road curb cut and the water main connection from the Grand Traverse County Road Commission shall be required to be submitted to the Peninsula Township Planning & Zoning Department prior to issuance of the SUP. The GTCRC has reviewed the proposal and provided comments in a letter dated June 2, 2016. (Exhibit 2, 3, 9)**
 - iii. **The Board finds that approval to construct and connect the public water and sewer systems on site from the Grand Traverse County Department of Public Works shall be required to be submitted to the Peninsula Township Planning & Zoning Department prior to the issuance of the SUP. The DPW has provided initial review and approval for this proposal in an email dated June 2, 2016. (Exhibit 2, 3, 11)**

- iv. **The Board finds that at this time the Grand Traverse County Sheriff's Department has reviewed the submitted plans. In a letter dated April 21, 2016 that department has indicated they have no objections to the plan. (Exhibit 12)**
- v. **The Board finds that a soil erosion permit for a forty-seven (47) unit development shall be submitted to the Peninsula Township Planning & Zoning Department prior to issuance of the SUP. Conceptual approval has been granted at this time. Please see the letter dated June 3, 2016 from the Grand Traverse County Soil Erosion – Sedimentation Control Department for the specifics related to this review. (Exhibits 2, 3, 7)**
- vi. **The Board finds that the applicant shall submit a grading plan with sufficient details to evaluate the plan for protection of the steep slopes and vegetation present on site. (Exhibits 2, 3, 7, 8)**
- vii. **The Board finds that the initial storm water control review was completed by the Township Engineer. Based on comments in a letter dated June 8, 2016 the site plan shall be revised and resubmitted to show full compliance with the requirements of Storm Water Control Ordinance. (Exhibits 2, 3, 8, 26)**

FINDINGS WHICH WOULD RESULT IN THIS STANDARD NOT BEING MET.

- i. **The Board finds that The Board finds that the plan is not in compliance with the International Fire Code as detailed in Chief Rittenhouse's letter (Exhibit 27)**

This standard HAS/HAS NOT been met.

- e. That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.
 - i. **The Board finds that the applicant is cooperating with all of the appropriate governmental entities to complete the project. No distinct negative challenges have been brought forth from any of the applicable government agencies. All appropriate permits shall be received by the Township prior to the issuance of the SUP. (Exhibits 2, 3, 7, 8, 9, 10, 11, 12, 13, 15,24, 25)**

This standard HAS/HAS NOT been met.

- f. That natural resources will be preserved to a maximum feasible extent, and that areas to be left undisturbed during construction shall be so located on the site plan and at the site per se.

FINDINGS WHICH WOULD RESULT IN THIS STANDARD BEING MET.

- i. The Board finds that any form of development is going to cause some disturbance to the site. Regardless, given that development of the parcel is allowed under the Zoning Ordinance under the R-1C District, the PUD as proposed preserves as undeveloped area 18.12 acres as open space. As such, given the other options available for development under the zoning ordinance, the plan as presented and as developed, will leave areas undisturbed during construction and afterward as depicted on the site plan and at the site. (Exhibits 1, 2, 3)**

FINDINGS WHICH WOULD RESULT IN THIS STANDARD NOT BEING MET.

- i. The Board finds that regardless of the fact that the proposed development is a PUD, the development, as presented, has site condominium units as well as a portion of the road servicing them located in some of the steeper slope areas on the parcel. In addition, the Board finds that the plan calls for the removal of a substantial amount of trees in order to accommodate grading and earth work for the project. As such, the Board finds that the plan as presented does not preserve the natural resources on the property to the maximum feasible extent. (Exhibits 1, 2, 3, 7, 8)**

This standard HAS/HAS NOT been met.

- g. That the proposed development property respects flood ways and flood plains on or in the vicinity of the subject property.**
 - i. The Board finds that there are no flood ways or flood plains on or in the vicinity of the subject property. (Exhibit 3)**

This standard HAS/HAS NOT been met.

- h. That the soil conditions are suitable for excavation and site preparation, and that organic, wet or other soils which are not suitable for development will either be undisturbed or modified in an acceptable manner.**

FINDINGS WHICH WOULD RESULT IN THIS STANDARD BEING MET.

- i. The Board finds that a soil erosion permit for a forty-seven (47) unit development shall be submitted to the Peninsula Township Planning & Zoning Department prior to issuance of the SUP. Conceptual approval has been granted at this time. Please see the letter dated June 3, 2016 from the Grand Traverse County Soil Erosion – Sedimentation Control Department for the specifics related to this review. (Exhibits 2, 3, 7)**
- ii. The Board finds that the applicant shall submit a grading plan with sufficient details to evaluate the plan for protection of the steep slopes and vegetation present on site. (Exhibits 2, 3, 7, 8)**

- iii. **The Board finds that the required SESC permits shall be submitted to the Planning & Zoning Department prior to issuance of the SUP. (Exhibits 2, 3, 7, 8)**

This standard HAS/HAS NOT been met.

- i. That the proposed development will not cause soil erosion or sedimentation problems.
 - i. **The Board finds that a soil erosion permit for a forty-seven (47) unit development shall be submitted to the Peninsula Township Planning & Zoning Department prior to issuance of the SUP. Conceptual approval has been granted at this time. Please see the letter dated June 3, 2016 from the Grand Traverse County Soil Erosion – Sedimentation Control Department for the specifics related to this review. (Exhibits 2, 3, 7)**
 - ii. **The Board finds that the applicant shall submit a grading plan with sufficient details to evaluate the plan for protection of the steep slopes and vegetation present on site. (Exhibits 2, 3, 7, 8)**
 - iii. **The Board finds that the required SESC permits shall be submitted to the Planning & Zoning Department prior to issuance of the SUP. (Exhibit 2, 3, 7)**

This standard HAS/HAS NOT been met.

- j. That the drainage plan for the proposed development is adequate to handle anticipated storm-water runoff, and will not cause undue runoff onto neighboring property or overloading of water courses in the area.
 - i. **The Board finds that the applicant will be required to maintain all storm water runoff on site and that the initial storm water control review was completed by the Township Engineer. Based on comments in a letter dated June 8, 2016 the site plan shall be revised and resubmitted to show full compliance with the requirements of Storm Water Control Ordinance. (Exhibits 2, 3, 8, 26)**

This standard HAS/HAS NOT been met.

- k. That grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring properties.

FINDINGS WHICH WOULD RESULT IN THIS STANDARD BEING MET.

- i. **The Board finds that any form of development is going to cause some disturbance to the site. Regardless, given that development of the parcel is allowed under the Zoning Ordinance under the R-1C Zoning District, the PUD as proposed preserves as undeveloped area 18.12 acres as open space. As such, given the other options available for development, the plan as presented and as developed, will leave areas undisturbed during construction and afterward and shall be depicted on the site plan and at the site, per se. (Exhibits 1, 2, 3, 8, 14)**
- ii. **The Board finds that the development of the road appears to be reasonable in the context of the existing topography and existing drainage patterns. (Exhibit 2, 3, 8, 15)**
- iii. **The Board finds that the applicant shall submit a grading plan with sufficient details to evaluate the plan for protection of the steep slopes and vegetation present on site. (Exhibits 2, 3, 7, 8)**
- iv. **The Board finds that the request SESC permits shall be submitted to the Planning & Zoning Department prior to the issuance of the SUP. (Exhibit 2, 3, 7)**

FINDINGS WHICH WOULD RESULT IN THIS STANDARD NOT BEING MET.

- i. **The Board finds that regardless of the fact that the proposed development is a PUD, the development, as presented, has site condominium units as well as a portion of the road servicing them located in some of the steeper slope areas on the parcel. In addition, the Board finds that the plan calls for the removal of a significant portion of the tree cover on the property in order to accommodate grading and earth work for the project. As such, the Board finds that the plan as presented does not preserve the natural resources on the property to the maximum feasible extent. (Exhibits 1, 2, 3, 7, 8)**

This standard HAS/HAS NOT been met.

- i. **That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.**
 - i. **The Board finds that that air drainage is not anticipated to be effected per the increased usage of the site. (Exhibit 13)**

This standard HAS/HAS NOT been met.

- m. **That phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility service, drainage or erosion control.**
 - i. **The Board finds that the development of the site is to occur in three phases. The phasing plan has been reviewed by the appropriate agencies and the site shall be developed in accordance**

with the recommendations provided by the Township Engineer and the Soil Erosion Department. (Exhibit 2, 3, 7, 8, 11, 25, 26)

This standard HAS/HAS NOT been met.

- n. That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities.

FINDINGS WHICH WOULD RESULT IN THIS STANDARD BEING MET.

- i. **The Board finds that the proposed PUD will develop a private road built to the Peninsula Township private road standards to provide residential and adequate emergency access to forty-seven (47) residential units. This private road shall be reviewed and approved by the Township Engineer. (Exhibits 2, 3, 8, 15)**
- ii. **The Board finds the development will be served by public sewer and water. The proposed plans have been reviewed by the Township Engineer and the site shall be developed in compliance with the regulating standards as approved by the Township Engineer and DPW. (Exhibits 2, 3, 8, 11)**
- iii. **The Board finds that the initial storm water control review was completed by the Township Engineer. Based on comments in a letter dated June 8, 2016 the site plan shall be revised and resubmitted to show full compliance with the requirements of Storm Water Control Ordinance. (Exhibits 2, 3, 8, 26)**
- iv. **The Board finds that the County Sheriff has conducted a review of the submitted plans and offered comments. The Sheriff finds no issues with the proposed plan. (Exhibits 2, 3, 12)**

FINDINGS WHICH WOULD RESULT IN THIS STANDARD NOT BEING MET.

- i. **The Board finds that**

This standard HAS/HAS NOT been met.

- o. That landscaping, fences or walls may be required by the Board in pursuance of the objectives of this Ordinance.
 - i. **The Board finds that the site shall have the required landscaping per the Zoning Ordinance. Specifically, the residential units shall have street trees as required by section 6.9.3.5 of the Ordinance. The developer also proposes a 90' buffer along all property lines which is to be left in its natural vegetative state. (Exhibits 2, 3)**

This standard HAS/HAS NOT been met.

- p. That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.
 - i. **The Board finds there is one (1) parking area located at the northwest corner of Vineyard Ridge Dr. and Vineyard Hill Ct. to accommodate the community pool and pool house⁷ as required by section 7.6 of the Ordinance. These spaces shall be provided in compliance (i.e. smooth dustless surface with clearly delineated entrances) with the Ordinance. This layout will allow traffic to flow uninhibited within the site and will not impact traffic off-site. (Exhibits 2, 3)**

This standard HAS/HAS NOT been met.

- q. That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.
 - i. **The Board finds that there is no pedestrian infrastructure proposed as part of this development. (Exhibits 2, 3)**
 - ii. **The Board finds that the proposed PUD will develop a private road built to the Peninsula Township private road standards. This private road shall be reviewed and approved by the Township Engineer. (Exhibits 2, 3, 8, 15)**

FINDINGS WHICH WOULD RESULT IN THIS STANDARD NOT BEING MET.

- i. **The Board finds that**

This standard HAS/HAS NOT been met.

- r. That outdoor storage of garbage and refuse is contained, screened from view and located so as not to be a nuisance to the subject property or neighboring properties.

FINDINGS WHICH WOULD RESULT IN THIS STANDARD BEING MET.

- i. **The Board finds that there are no proposed refuse containers as part of the general proposal. Each unit will provide for individual garbage removal and shall be subject to Ordinance #43 Solid Waste of Peninsula Township. (Exhibit 3)**

This standard HAS/HAS NOT been met.

- s. That the proposed site is in accord with the spirit and purpose of this ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.

FINDINGS WHICH WOULD RESULT IN THIS STANDARD BEING MET.

- i. **The Board finds this property is subject to allow residential development under the Suburban Single and Two-Family (R-1C) zoning district. While the Board recognizes that development is going to cause disturbance to the land, the Board finds that the PUD as proposed preserves 18.12 acres as undeveloped open space. The Board further finds given that there are other options available for development which could be much more intensive, the plan as presented with the preservation of open space meets the objectives of land use planning under the zoning ordinance. (Exhibits 1, 2, 3, 14)**

FINDINGS WHICH WOULD RESULT IN THIS STANDARD NOT BEING MET.

- i. **The Board finds that regardless of the fact that the proposed development is a PUD, the development, as presented, has site condominium units as well as a portion of the road servicing them located in some of the steeper slope areas on the parcel. In addition, the Board finds that the plan calls for the removal of a substantial amount of trees on the property in order to accommodate grading and earth work for the project. The Board further finds that the development as presented is not in accord with the spirit and purpose of the zoning ordinance with respect to preservation of the natural landscapes and features of property in Peninsula Township sought in the zoning ordinance. (Exhibits 1, 2, 3, 7, 8, 26)**

This standard HAS/HAS NOT been met.

3. Specific Findings of Fact – Section 8.3 (Planned Unit Developments)

3.1 Objectives – The following objectives shall be considered in reviewing any application for a special use permit for planned unit development.

- a. To provide more desirable living environment by preserving the natural character of open fields, stand of trees, steep slopes, brooks, ponds, lake shore, hills, and similar natural assets.

FINDINGS WHICH WOULD RESULT IN THIS STANDARD BEING MET.

- i. **The Board finds that the preservation of 18.12 acres of open space will preserve the natural character of the area. While the Board is mindful that the development will result in some grading of slopes and removal of trees, given other development options under the zoning ordinance, the development as proposed provides for a desirable living environment for future purposes of units within the development both with respect to views and the**

preservation of the same from surrounding properties without significantly hindering viewsheds and having negative impacts upon the natural assets of the property. (Exhibits 1, 2, 3, 7, 8, 14, 25)

FINDINGS WHICH WOULD RESULT IN THIS STANDARD NOT BEING MET.

- i. The Board finds that the proposed open space is inclusive of areas that are traditionally utilized as side and rear yards in a residential development and are therefore not a substantial preservation of open space for common use. (Exhibit 2, 3)**
- ii. The Board finds that the development, as presented, has site condominium units as well as a portion of the road servicing them located in some of the steeper slope areas on the parcel. In addition, the Board finds that the plan calls for the removal of a substantial amount of trees on the property in order to accommodate grading and earth work for the project. The Board further finds that the development as presented is not in accord with the spirit and purpose of the zoning ordinance with respect to preservation of the natural landscapes and features of property in Peninsula Township sought in the zoning ordinance. (Exhibit 1, 2, 3, 7, 8)**

This standard HAS/HAS NOT been met.

- b. To provide open space options.**

FINDINGS WHICH WOULD RESULT IN THIS STANDARD BEING MET.

- i. The Board finds that a PUD application shall include provisions for Open Space as required by Section 8.3.6 of the Ordinance. Vineyard Ridge proposes to have 65% of the site be preserved as Open Space Dedicated for Private Use ((Section 8.6.3 (1)). The application indicates that there are 18.12 acres of the 27.87 acres (net acreage) site, or 65.02%, is dedicated to this Open Space. The Township Engineer has independently reviewed the acreage calculations and concurs. (Exhibits 2, 3, 14)**

FINDINGS WHICH WOULD RESULT IN THIS STANDARD NOT BEING MET.

- i. The Board finds that the proposed open space is inclusive of areas that are traditionally utilized as side and rear yards in a residential development and are therefore not a substantial preservation of open space for private use. (Exhibit 1, 2, 3)**

This standard HAS/HAS NOT been met.

- c. To encourage developers to use a more creative and imaginative approach in the development of residential areas.**

- i. **The Board finds that the zoning regulations contained in the zoning ordinance for zoning district R-1C provide a multitude of options for development at this site. Given the available options that the applicant has, the PUD does provide for the preservation of substantial open space, to wit; 18.12 net acres of undeveloped property. As such, the Board finds that when balancing market demands for desirable residential parcels in conjunction with the preservation of at least 65% of the property, the PUD as presented is a more creative and imaginative approach to the development of this parcel for residential purposes than what would otherwise be allowed under the Peninsula Township Zoning Ordinance. (Exhibits 1, 2, 3, 14)**

FINDINGS WHICH WOULD RESULT IN THIS STANDARD NOT BEING MET.

- i. **The Board finds that under section 6.5.A.1 of the zoning ordinance that the purpose behind planned unit development for residential districts is to allow the planned development of areas of the township where conventional development practices are suitable to the terrain. The Board finds that some of the more intensely developed portions of this development are located on the steep slope areas where the majority of the trees are located. The Board is mindful of the other forms of development that this property may be put to under the regulations in the zoning ordinance, but given that the proposal develops significant portions of the property with respect to terrain and natural environmental conditions the Board finds that the PUD is not an improvement over what is allowed with respect to conventional development in the R-1C zoning district. (Exhibits 1, 2, 3, 7, 8)**

This standard HAS/HAS NOT been met.

- d. To provide for more efficient and aesthetic use of open areas by allowing the developer to reduce development costs through the by-passing of natural obstacles in the residential project.

FINDINGS WHICH WOULD RESULT IN THIS STANDARD BEING MET.

- i. **The Board finds that the applicant's plans do preserve open space along Center Road which results in minimal aesthetic changes viewed along the road corridor resulting in an attractive development for residential housing. (Exhibit 3, 14)**

FINDINGS WHICH WOULD RESULT IN THIS STANDARD NOT BEING MET.

- i. **The Board finds that under section 6.5.A.1 of the zoning ordinance that the purpose behind planned unit development for residential districts is to allow the planned development of areas of the township where conventional development practices are suitable to the terrain. The Board finds that some of the more intensely developed portions of this development are located on the steep slope area where the majority of the trees are located. The Board is**

mindful of the other forms of development that this property may be put to under the regulations in the zoning ordinance, but given that the proposal develops significant portions of the property with respect to terrain and natural environmental conditions the Board finds that the PUD does not bypass natural obstacles, but rather develops these areas. (Exhibits 1, 2, 3, 7, 8)

This standard HAS/HAS NOT been met.

- e. To encourage variety in the physical development pattern of the Township by providing a mixture of housing types.
 - i. **The Board finds that Vineyard Ridge will be providing a low maintenance single family home design which will diversify the housing stock available in Peninsula Township. (Exhibit 3)**

This standard HAS/HAS NOT been met.

- f. To provide for the retention of farmland by locating the allowed number of housing units on the agricultural parcels of land in clusters which are suitable for residential use and keep the remaining agricultural land in production or fallow and available for production.
 - i. **The Board finds the parcel is subject to residential zoning, is currently vacant and not being utilized for farmland. The Board further finds that this development does not impact farmland utilized in the township directly adjacent to the development or within the vicinity of the development. The Board further finds that the 65% open space will remain and the developer is proposing the addition of 1.25 acres of vineyard within the open space. (Exhibits 1, 2, 3, 5, 6, 13, 14)**
 - ii. **The Board finds that the layout of the plan preserves 65% of the land for open space as confirmed by the Township Engineer. (Exhibits 3, 14)**

FINDINGS WHICH WOULD RESULT IN THIS STANDARD NOT BEING MET.

- i. **The Board finds that the proposed development does not effectively cluster the residential units and in fact the open space is inclusive of areas that are traditionally utilized as side and rear yards in a residential development. (Exhibits 1, 2, 3)**

This standard HAS/HAS NOT been met.

3.2 Qualifying Conditions – Any application for a special use permit shall meet the following conditions to qualify for consideration as a planned unit development.

- a. The planned unit development project shall not be less than twenty (20) acres in area, shall be under the control of one owner or group of owners, and shall be capable of being planned and developed as one integral unit. PROVIDED that the project acreage requirement may be reduced by the Township Board if the Board determines that the proposed use is a suitable and reasonable use of the land.

- i. **The Board finds that the proposed project is 27+ acres. (Exhibits 3, 4)**

This standard HAS/HAS NOT been met.

- b. The planned unit development project shall be located within a Residential or Agricultural District, or a combination of the above Districts. Individual planned unit developments may include land in more than one zone district in which event the total density of the project may equal but not exceed the combined total allowed density for each district calculated separately.

- i. **The Board finds that the proposed development includes forty-seven (47) units. This is one less than the allowable number of units should the property be developed outside of the PUD ordinance as determined by the underlying zoning district regulations. The Board further finds that the property is zoned R-1C. (Exhibits 2, 3)**

This standard HAS/HAS NOT been met.

- c. Water and waste disposal shall comply with the Township Master Plan and be approved by Grand Traverse County or State of Michigan requirements. It is recognized that joining water and sewer ventures with contiguous or nearby land owners may prove to be expedient.

- i. **The Board finds the development will be served by public sewer and water systems which have been through initial reviews and will be constructed in compliance with regulating standards as per Township Engineer and DPW comments. (Exhibits 1, 2, 3, 8, 11)**

This standard HAS/HAS NOT been met.

- d. The proposed density of the planned unit development shall be no greater than if the project were developed with the lot area requirements of the particular zone district or districts in which it is located subject to the provisions of Section 8.1 except as provided by Section 8.3.5 (1).

- i. **The Board finds that the proposed density of the site is no greater than if the project were developed with the lot area requirements within the R-1C zoning district. (Exhibits 2, 3)**
 - ii. **The Board finds that the density of the development is in compliance with Section 8.3.5 (1). The net acreage of the site is 27.87 acres. (Exhibits 2, 3, 4)**

This standard HAS/HAS NOT been met.

- e. Open space shall be provided according to Section 8.3.6.
 - i. **The Board finds that a PUD application shall include provisions for Open Space as required by Section 8.3.6 of the Ordinance. Vineyard Ridge proposes to have 65% of the site be preserved as Open Space Dedicated for Private Use ((Section 8.6.3 (1)). The application indicates that there are 18.12 acres of the 27.87 acres (net acreage) site, or 65.02%, is dedicated to this Open Space. The Township Engineer has independently reviewed the acreage calculations and concurs. (Exhibits 1, 2, 3, 14)**

This standard HAS/HAS NOT been met.

- f. For purposes of this Section 8.3, Opens Space does not include building envelopes, parking lots and roads (roadbed plus two (2) foot shoulders on each side).
 - i. **The Board finds that a PUD application shall include provisions for Open Space as required by Section 8.3.6 of the Ordinance. Vineyard Ridge proposes to have 65% of the site be preserved as Open Space Dedicated for Private Use ((Section 8.6.3 (1)). The application indicates that there are 18.12 acres of the 27.87 acres (net acreage) site, or 65.02%, is dedicated to this Open Space. The Township Engineer has independently reviewed the acreage calculations concurs. (Exhibits 1, 2, 3, 14)**

This standard HAS/HAS NOT been met.

- g. The proposed planned unit development shall meet all of the standards and requirements outlined in this Section 8.3 and also Section 8.1 and Article VII.
 - i. **The Board finds that the proposal meets Section 8.3 of the Ordinance in these findings and below. (Exhibits 2, 3)**
 - ii. **Section 8.3.4, PUD Uses that may be permitted: The Board finds that the applicant is proposing single family dwellings, open space in accord with Section 8.3.6, private subdivision recreational uses, and a sign. (Exhibits 2, 3)**
 - iii. **Section 8.3.5, PUD Lot Size Variation Procedure: The Board finds that proposal reduces the size of the forty-seven (47) units below the minimum lot size required by the underlying zoning according to the following calculations and within the allowances provided by the Ordinance as detailed here. The Site Acreage for density calculation is 27.87 acres less the**

fifteen (20) percent for the R-1C requirement and is equal to 22.3 acres. Per the underlying zoning district R-1C the minimum lot size is 20,000 square feet. Therefore the site will allow a maximum of 48 units to be developed. These units can be reduced in area below the minimum lot size required by the zone district in which the PUD development is located provided that the total number of units does not exceed that which is allowed by the underlying zoning. (Exhibits 2, 3)

- iv. The Board finds that the building envelopes are shown on the site plan and are not included as open space. These calculations have been confirmed by the Township Engineer. (Exhibits 2, 3, 14)
- v. The Board finds that the minimum lot area/building envelope is 6,005.15 square feet as indicated in the application. (Exhibit 3)
- vi. The Board finds that the maximum permissive building height for residential structures shall be 2.5 stories and not greater than 35 feet and accessory structures shall not exceed 15 feet. (Exhibit 2, 3)
- vii. Section 8.3.6, PUD Open Space: The Board finds that a PUD application shall include provisions for Open Space as required by Section 8.3.6 of the Ordinance. Vineyard Ridge proposes to have 65% of the site be preserved as Open Space Dedicated for Private Use ((Section 8.6.3 (1)). The application indicates that there are 18.12 acres of the 27.87 acres (net acreage) site, or 65.02%, is dedicated to this Open Space. The Township Engineer has independently reviewed the acreage calculations and concurs. (Exhibits 2, 3, 14)
- viii. Section 8.3.7, PUD Maximum Percentage of Lot Area covered by All Structures: The Board finds that the maximum percentage of lot area covered by all structures is proposed to be 13.10% of the net acreage of the site as permitted by this section. This reflects an average permitted lot coverage of 52% of the individual building envelopes. (Exhibits 2, 3)
- ix. Section 8.3.8, PUD Affidavit: The Board finds that the applicant shall record an affidavit with the register of deeds as required by this section of the Peninsula Township Zoning Ordinance. (Exhibit 3)
- x. The Board finds the Article VII of the Ordinance requires Vineyard Ridge to address the following items:

Section 7.1.2, Sanitation Requirements: The Board finds the development will be served by public sewer and water. These systems shall be constructed by the owner and reviewed by the Grand

Traverse County Department of Public Works and the Township Engineer to ensure they are compliant with all applicable regulations. (Exhibits 2, 3, 8, 11)

Section 7.2.5, Stormwater Detention: The Board finds that the initial storm water control review was completed by the Township Engineer. Based on comments in a letter dated June 8, 2016 the site plan shall be revised and resubmitted to show full compliance with the requirements of Storm Water Control Ordinance. (Exhibits 2, 3, 8)

Section 7.2.6, Supplemental Setbacks for Planned Unit Developments, Mobile Home Parks, and other Group Housing Developments: The Board finds that the site proposes a 90 foot buffer along the perimeter of the site which exceeds the buffer zone required by section 7.2.6 and this area shall be occupied by plant materials and appropriately landscaped. (Exhibits 2, 3)

Section 7.6, Off Street Parking and Loading Regulations: The Board finds that the proposal provides two (2) off street parking spaces for each dwelling unit as required by this section and an off street parking area for the community pool. The pool parking area shall be in compliance with the standards as found in Section 7.6 of the Ordinance; specifically 7.6.4 (2) (c) and (e). (Exhibits 2, 3)

Section 7.7, Developments Abutting Agricultural Lands: The Board finds that the proposed site plan shall be in compliance with the required 100 foot setback from agricultural lands found in section 7.7 of the Ordinance; specifically the stone entrance wall and stone fence columns shall be removed. (Exhibits 2, 3)

Section 7.10, Road Standards: The Board finds that the proposed PUD will develop a private road built to the Peninsula Township private road standards to provide residential and adequate emergency access to forty-seven (47) residential units. This private road shall be reviewed and developed according to the standards found in Section 7.10 of the Ordinance as per the Township Engineer comments in a letter dated June 8, 2016. (Exhibits 2, 3, 8, 15)

Section 7.11, Signs: The Board finds that signs are regulated by section 7.11 of the Ordinance. Per this section the development is allowed to have one entrance way sign that is a maximum of nine (9) square feet in area, six (6') feet in height and setback fifteen (15) feet from the right-of-way. (Exhibits 2, 3)

The Board finds that the applicants sign located at the intersection of Vineyard Ridge Dr. and Center Rd. is shall be dimensionally altered to be in compliance with the Ordinance 7.11 of the Ordinance. (Exhibits 2, 3)

Section 7.14, Exterior Lighting Regulations: The Board finds that the applicant is not proposing any street lighting as part of this petition. All exterior lighting on the residential units shall comply

with the standards set forth in this section at the time of application for a land use permit.
(Exhibits 2, 3)

This standard HAS/HAS NOT been met.

1. Peninsula Township Master Plan 2011
2. Peninsula Township Zoning Ordinance
3. Vineyard Ridge application dated April 18, 2016 submitted for Planning Commission 6/13/16
4. Grand Traverse County Tax Map No. 2811-3622
5. OMP RE LLC Zoning Map dated 05/10/2016
6. OMP RE LLC Future Land Use Map dated 07/12/2016
7. Letter from Harold Robbins, Grand Traverse County Soil Erosion Inspector dated June 3, 2016
8. Letter from Brian Boals, Gourdie-Fraser, dated June 8, 2016
9. Grand Traverse County Road Commission Conceptual Plan Review Checklist and comments dated June 2, 2016
10. Email from Jeremy Wiest, P.E., Michigan Department of Transportation dated April 4, 2016
11. Email from John Divozzo, Grand Traverse County Department of Public Works dated June 2, 2016
12. Letter from Lt. Chris Barsheff, Grand Traverse County Sheriff's Office dated April 21, 2016
13. Email from Erwin 'Duke' Elsner dated May 27, 2016
14. Vineyard Ridge Open Space Revision 2 Review Summary received June 13, 2016
15. Letter from Peter R. Wendling, Township Attorney dated June 14, 2016
16. Traffic Analysis provided by Mansfield Land Use Consultants dated August 3, 2016
17. Response to Tree Survey Request provided by Mansfield Land Use Consultants dated August 8, 2016
18. Letter and attachments from Ken Schmidt dated August 10, 2016
19. Draft Environmental Summary provided by Mansfield Land Use Associates received August 9, 2016
20. Letter from Dusty Christensen, LLA, Mansfield Land Use Consultants dated August 8, 2016
21. Vineyard Ridge Area Density Exhibit received August 9, 2016
22. Vineyard Ridge Use by Right Preliminary Site Plan dated July 18, 2016
23. Vineyard Ridge Typical Slope Stabilization for Individual Units dated August 2, 2016
24. Email from Jeremy Wiest, P.E. Michigan Department of Transportation dated August 9, 2016
25. Emails from Harold Robins, Grand Traverse County Soil Erosion Inspector received August 9, 2016
26. Email from Brian Boals, Gourdie Fraser, dated August 11, 2016
27. Letter from Chief Randy Rittenhouse, Peninsula Fire Department, dated August 5, 2016
28. Email from Dusty Christensen, Mansfield Land Use Associates, dated August 9, 2016

Vineyard Ridge - Application for PUD Special Use Permit

Traffic Analysis

August 3, 2016

The following traffic analysis is provided in response to a request made by the Peninsula Township Planning Commission at the July 18, 2016 Planning Commission meeting. The data used in the creation of this analysis is from the Institute of Transportation Engineers' (ITE) *Trip Generation Manual, 9th Edition*.

Of the defined uses in the ITE Trip Generation Manual, the proposed dwelling units in the Vineyard Ridge PUD most closely resemble the "Single-Family Detached Housing" use. Based on 355 studies of weekday traffic for single-family detached housing developments with a directional distribution of 50% entering and 50% exiting, the ITE identifies an average trip generation rate per dwelling unit of 9.52 vehicle trip ends per day with a standard deviation of 3.70 (see the attached ITE data sheet). Due to the fact that Vineyard Ridge is to be designed and marketed primarily for seniors and that the proposed condominium association will utilize single providers for services like trash collection and snow plowing, the full standard deviation value has been subtracted from the average trip end rate for use in the calculations found below, resulting in an estimated 5.82 vehicle trip ends per day, per unit for the development.

Existing ADT counts on Center Road (M-37) in the area of the proposed development are around 6,700, according to the Michigan Department of Transportation (MDOT). Please see the attached MDOT ADT map for additional information.

Vineyard Ridge ADT Calculations

Number of proposed single-family detached housing units:	47
Average vehicle trip ends per unit, per day:	5.82
Total average vehicle trip ends per day for the proposed development:	273.54

As seen above, and based on data for similar developments from the ITE Trip Generation Manual, 9th Edition, the proposed Vineyard Ridge development will likely result in an additional 273.54 vehicle trip ends per day on the public roads in Peninsula Township.

Single-Family Detached Housing (210)

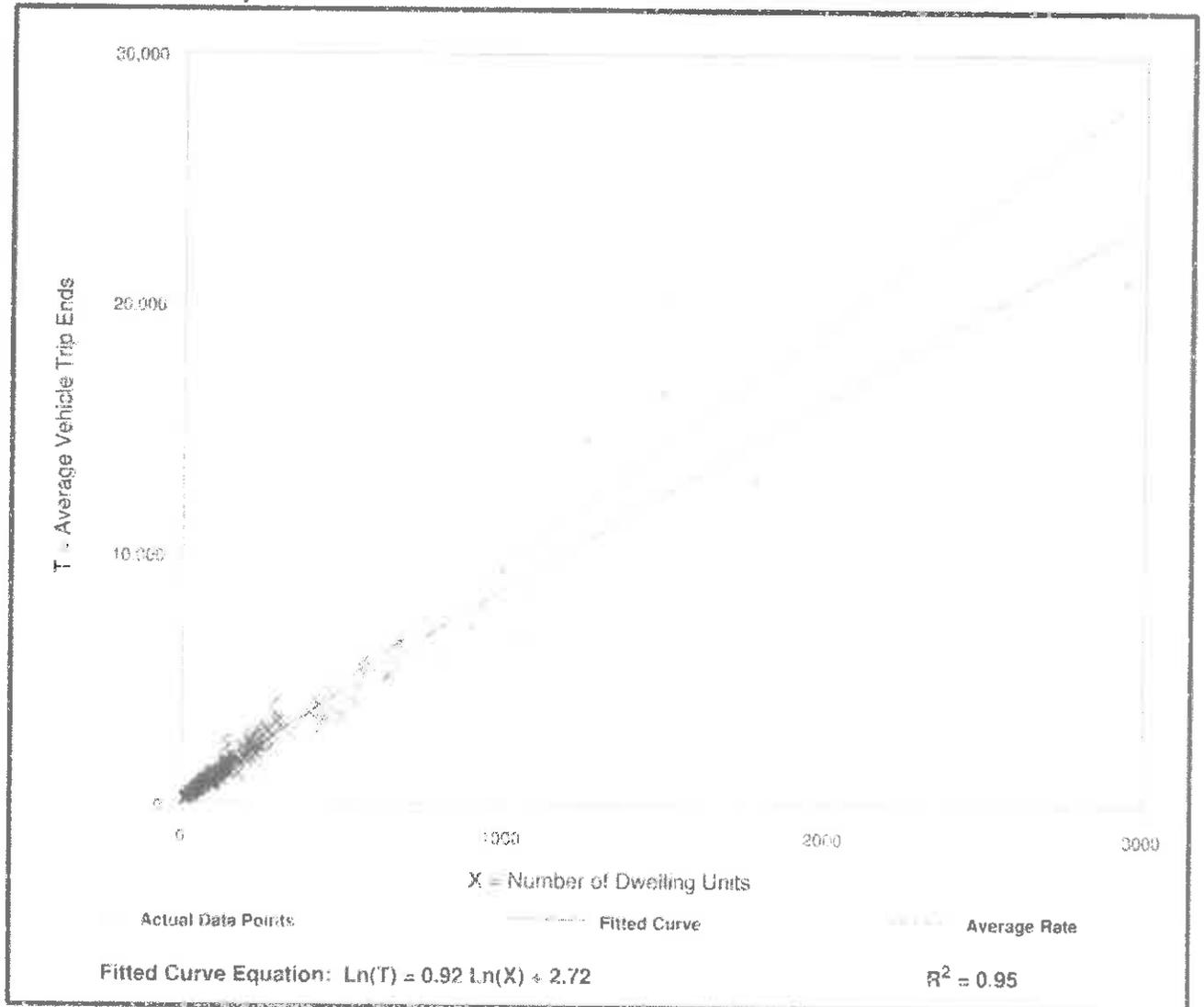
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Number of Studies: 355
Avg. Number of Dwelling Units: 198
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
9.52	4.31 - 21.85	3.70

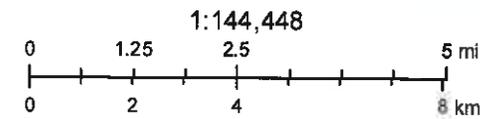
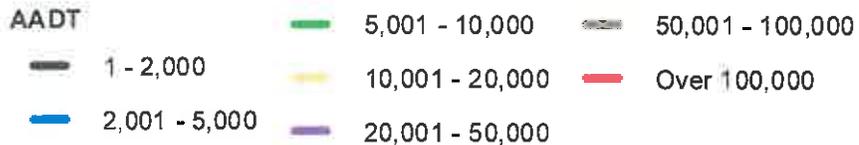
Data Plot and Equation



MDOT Traffic Volumes



August 4, 2016



Vineyard Ridge - Application for PUD Special Use Permit
Response to Tree Survey Request

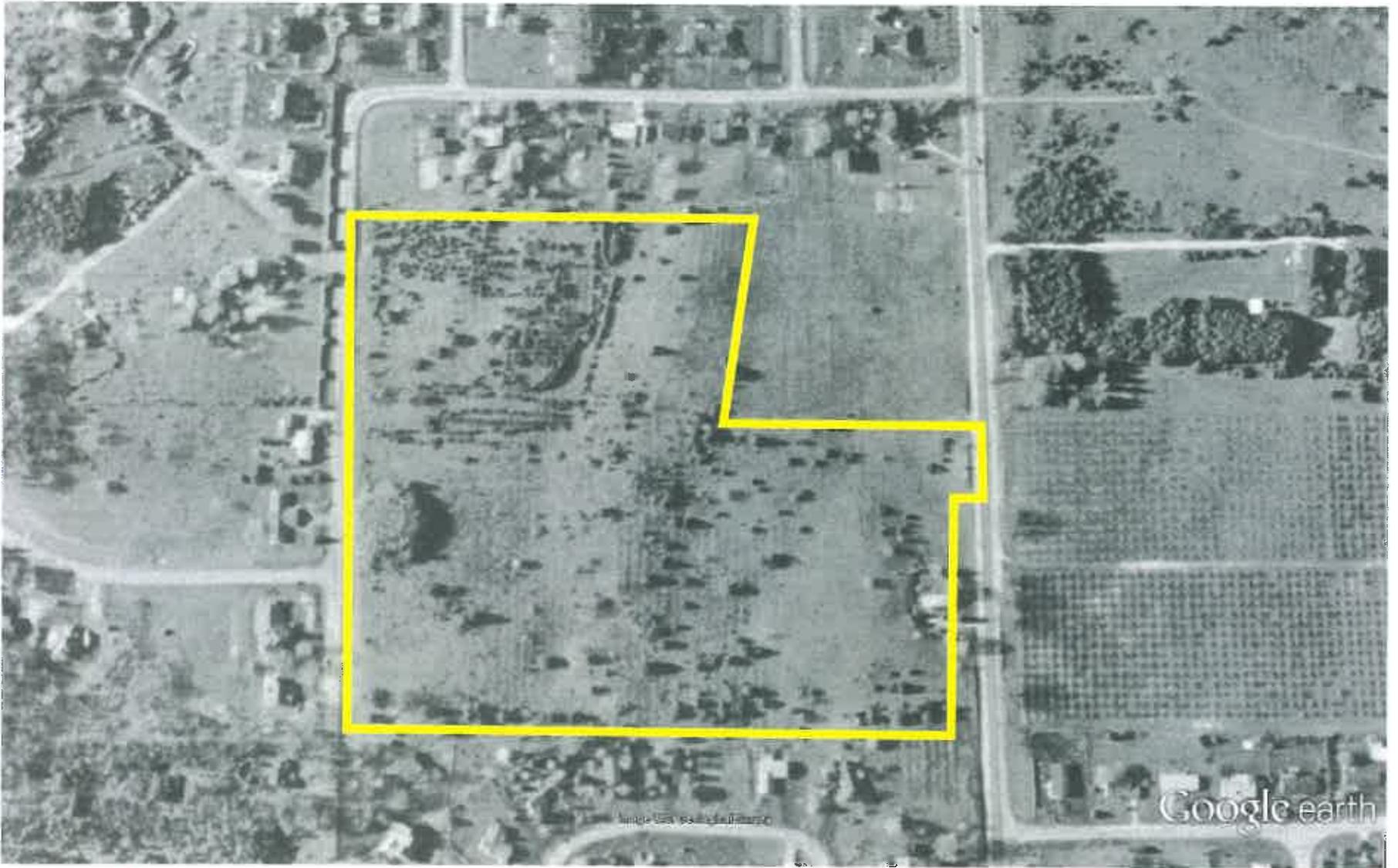
August 8, 2016

In lieu of providing the requested tree survey, we would like to reiterate points made during previous meetings, direct your attention to documents already provided, and provide additional information related to the existing vegetation on the Vineyard Ridge property. This information helps illustrate the character of proposed Vineyard Ridge PUD and the exceptional quality of the landscaping to be planted within the development.

As previously mentioned during Planning Commission meetings and site visits, the demolition plan (included in the Vineyard Ridge project binders) shows the proposed extent of the vegetation removal on site. In order to allow for the construction of the proposed roads and home sites, a large portion of the site's interior will be cleared. Significant portions of the existing wooded portions of the site are being preserved within the proposed 90' buffer around the perimeter of the property. This decision limits the impacts of the proposed homes on neighboring properties by providing a substantial visual and physical separation.

Existing vegetation on the project property is primarily early successional growth and planted pines. The site is an old farm site and new vegetation has developed only over recent years. The attached aerial photos from 1994, 1998, and 2005 illustrate how new the wooded portions of the site are. There is no "old growth" or significant woodland being removed as a part of this project. Due to these reasons, it was determined during the design process that the greatest benefit to the community and neighboring residents was the preservation of the 90' perimeter buffer on the site. As a result, the proposed home sites and resulting grading work were concentrated in the central portion of the site.

It is also proposed that street trees be planted alongside the proposed private roads and extensive landscaping be provided around each individual home. The site plans previously provided in the project binders show the locations of the proposed street trees. The previously provided landscape plans have also been attached here to illustrate the significant level of landscaping intended for the project.



Google earth

feet
meters

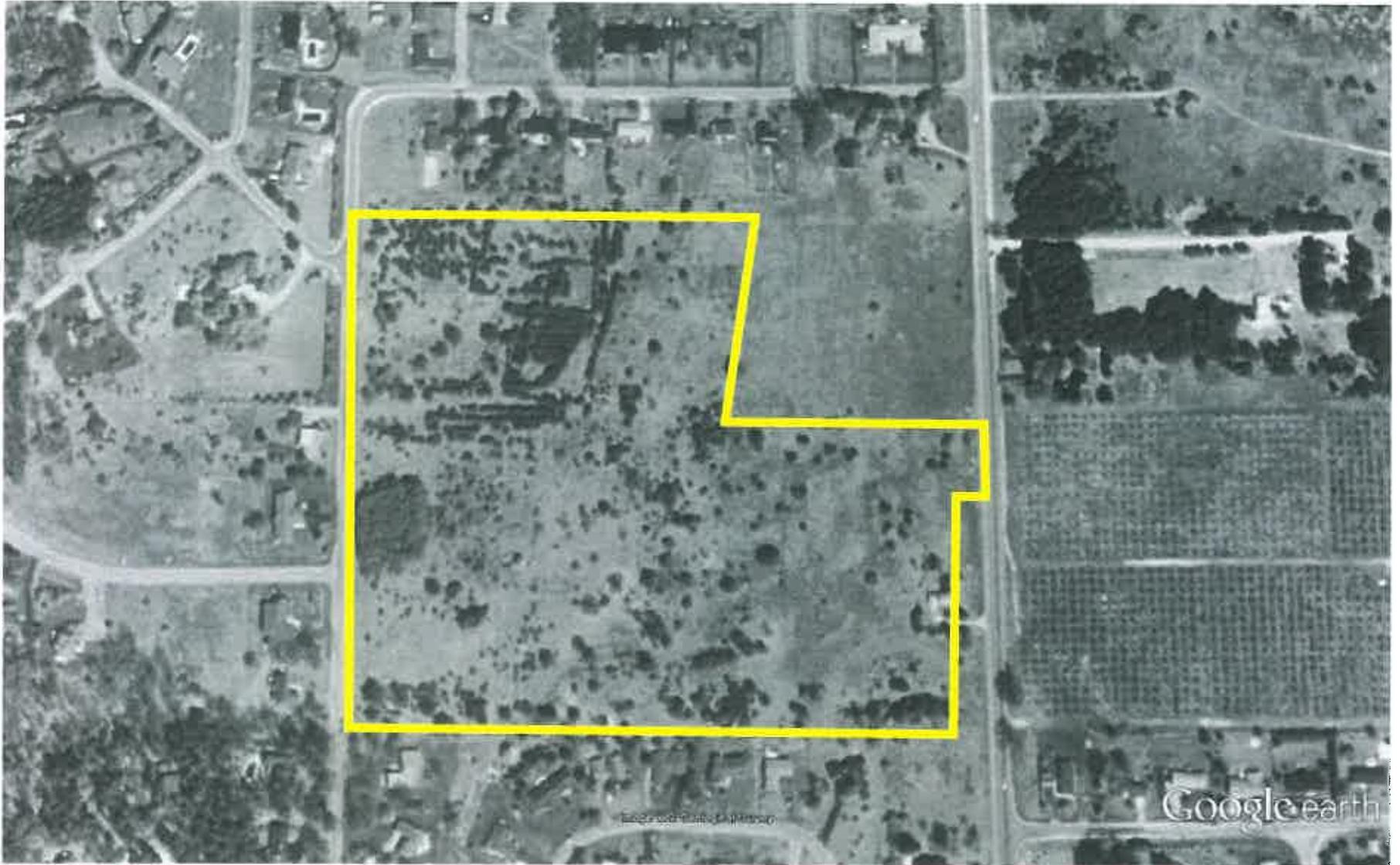
1000

500



Vineyard Ridge Parcel

May 1994



Google earth

feet
meters

1000

500



Vineyard Ridge Parcel

April 1998



Google earth

Google earth

feet
meters

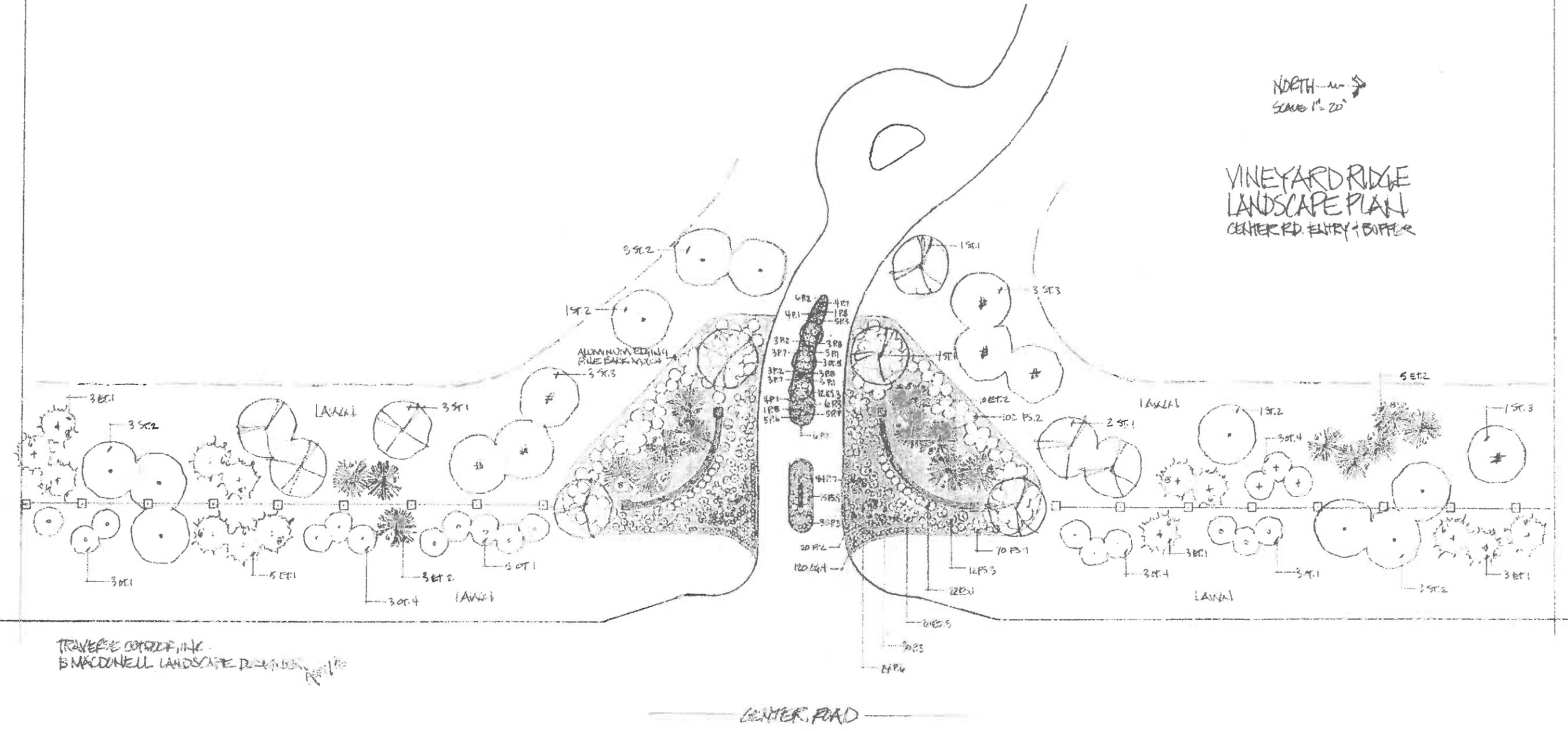


Vineyard Ridge Parcel

May 2005

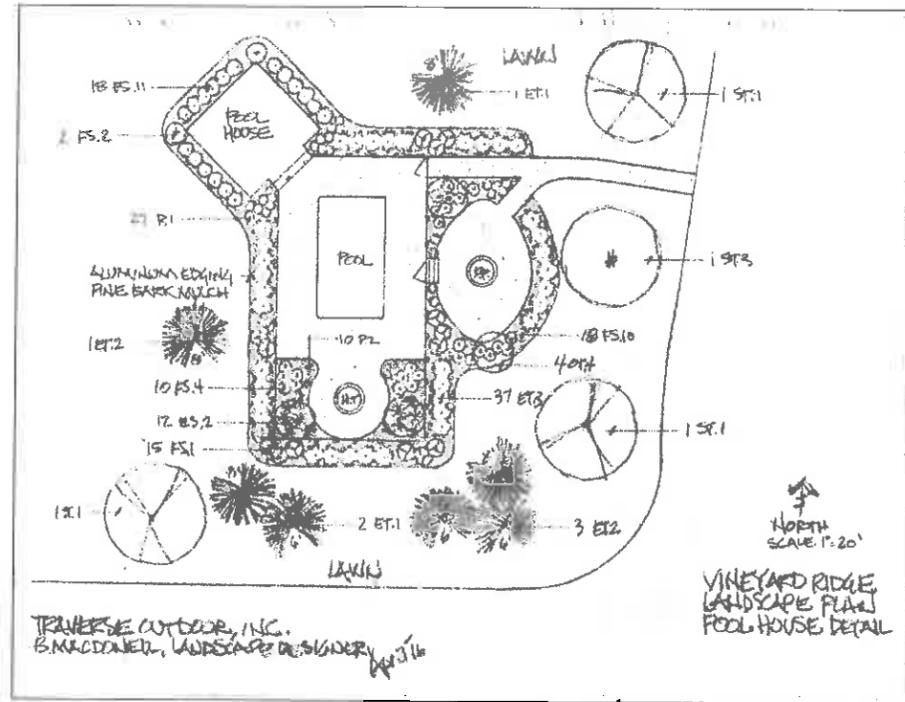
NORTH →
SCALE 1" = 20'

VINEYARD RIDGE LANDSCAPE PLAN CENTER RD. ENTRY & BUFFER

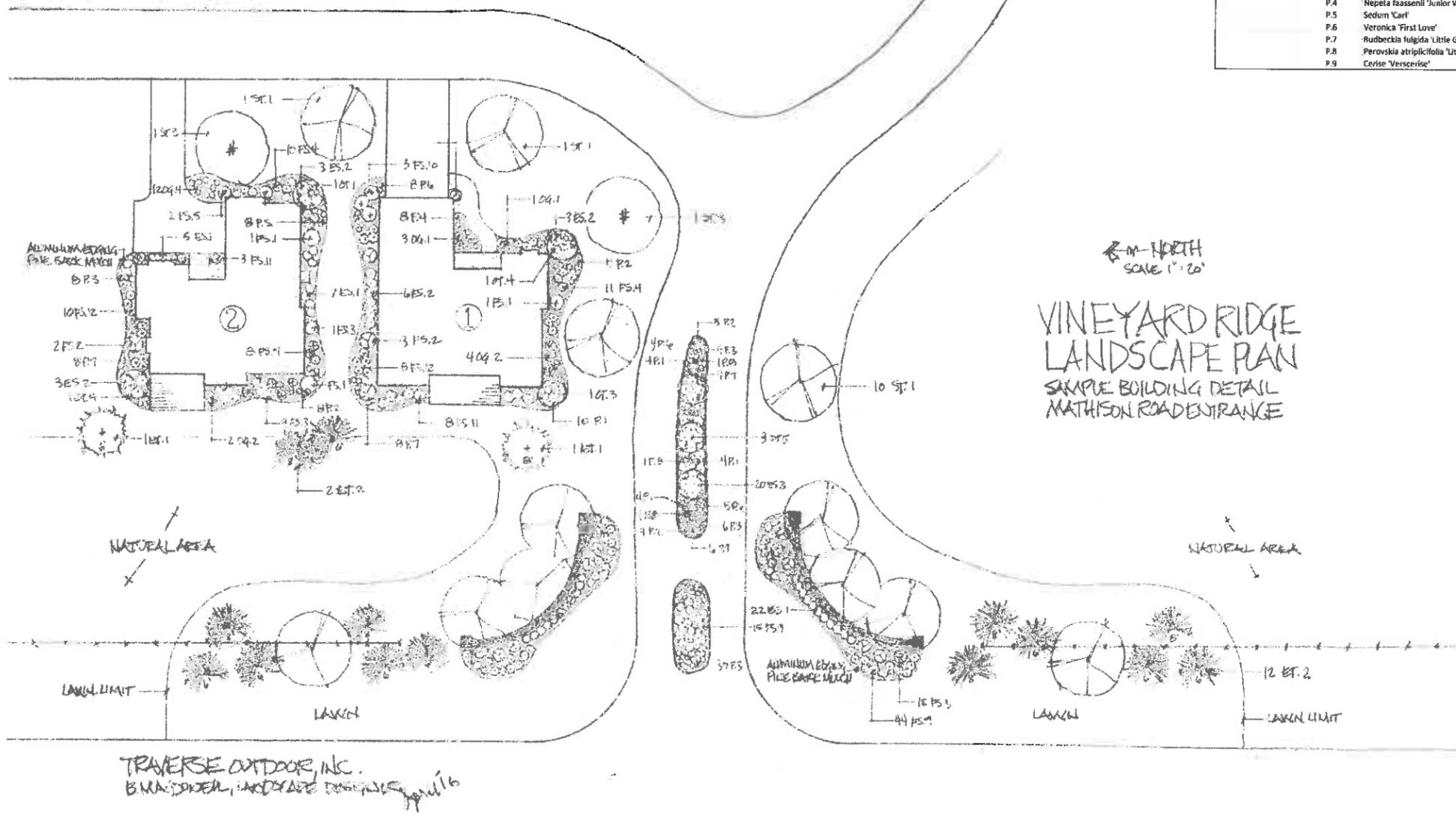


TRAVELER CORRIDOR, INC.
B. MACDONELL LANDSCAPE DESIGN

CENTER ROAD



VINEYARD RIDGE - PLANT LEGEND					
Category	Symbol	Botanical Name	Common Name	Size	
Shade Trees	ST.1	Acer rubrum 'October Glory'	October Glory Maple	2" caliper	
	ST.2	Acer saccharum 'Green Mountain'	Green Mountain Sugar Maple	2" caliper	
	ST.3	Tilia cordata 'Greenspire'	Greenspire Little Leaf Linden	2" caliper	
Evergreen Trees	ET.1	Pinus strobus	Eastern White Pine	6'	
	ET.1	Pinus strobus	Eastern White Pine	8'	
	ET.2	Picea abies	Norway Spruce	6'	
	ET.2	Picea abies	Norway Spruce	8'	
	ET.3	Thuja occidentalis	Dark Green Arborvitae	4'	
Evergreen Shrubs	ES.1	Buxus microphylla 'Winter Gem'	Winter Gem Boxwood	3 gallon	
	ES.2	Taxus x. media 'Tauntonii'	Taunton Yew	5 gallon	
	ES.3	Juniperus horizontalis 'Blue Chip'	Blue Chip Juniper	5 gallon	
Flowering Shrubs	FS.1	Syringa patula 'Miss Kim'	Miss Kim Lilac	5 gallon	
	FS.2	Viburnum plicatum f. tomentosum 'Marlesii'	Marlesii Viburnum	5 gallon	
	FS.3	Wiegela florida 'Alexandra'	Wine and Roses Weigela	5 gallon	
	FS.4	Wiegela florida 'Bokraspaw'	Spilled Wine Weigela	5 gallon	
	FS.5	Hydrangea macrophylla 'Bailmer'	Endless Summer Hydrangea	5 gallon	
	FS.6	Not Used			
	FS.7	Not Used			
	FS.8	Not Used			
	FS.9	Rosa 'Miesweddom'	Sweet Drift Rose	3 gallon	
	FS.10	Hydrangea arborescens 'Annabelle'	Annabelle Hydrangea	5 gallon	
	FS.11	Spiraea 'Anthony Waterer'	Anthony Waterer Spiraea	5 gallon	
	FS.12	Diervilla lonicera	Bush Honeysuckle	5 gallon	
Ornamental Trees	OT.1	Malus 'Sutyazan'	Sugar Tyme Crab Apple	1.5" caliper	
	OT.2	Not Used			
	OT.3	Cornus kousa 'Benthamida'	Kousa Dogwood	6-7'	
	OT.4	Malus 'Prairie Fire'	Prairie Fire Crabapple	1.5" caliper	
	OT.5	Syringa reticulata 'Ivory Silk'	Ivory Silk Lilac	1.5" caliper	
Ornamental Grasses	OG.1	Pennisetum orientale 'Karley Rose'	Karley Rose Fountain Grass	2 gallon	
	OG.2	Miscanthus sinensis 'Gracillimus'	Maiden Grass	2 gallon	
	OG.3	Not Used			
	OG.4	Festuca glauca 'Beyond Blue'	Beyond Blue Fescue	1 gallon	
Perennials	P.1	Hemerocallis 'Happy Returns'	Happy Returns Daylily	1 gallon	
	P.2	Leucanthemum x. superbum 'LaCrosse'	LaCrosse Shasta Daisy	1 gallon	
	P.3	Salvia nemorosa 'May Night'	May Night Salvia	1 gallon	
	P.4	Nepeta faassenii 'Junior Walker'	Junior Walker Nepeta	1 gallon	
	P.5	Sedum 'Carl'	Carl Stonecrop	1 gallon	
	P.6	Veronica 'First Love'	First Love Veronica	1 gallon	
	P.7	Rudbeckia fulgida 'Little Goldstar'	Little Goldstar Orange Coneflower	1 gallon	
	P.8	Perovskia atriplicifolia 'Little Spire'	Little Spire Russian Sage	1 gallon	
	P.9	Cerise 'Verserise'	Yunique Cerise Astilbe	1 gallon	



August 10, 2016

RE: Landscaping Vineyard Ridge

Here is my vision for exceptional landscaping for Vineyard Ridge. It is much greater than other existing developments on the Peninsula.

Included in this vision is the proposed entrance off Center Road including beautiful stone entry walls with routed logo sign with sandstone background that matches the stone color.

Size of sign including the background to be 9 square feet (21.5" by 59").

Very extensive landscaping at entrance.

Around each home 6 evergreen and shade trees and 40 evergreen and flowering shrubs.
50 perennials and grasses per home. All lawns hydro seeded and sprinkler system.
Aluminum or vinyl edging around bedded areas.

Again idea is to have 90' buffer around area but very very nice landscaping in home and pool area.

Also, of course, the small vineyard.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Schmidt". The signature is written in a cursive, flowing style.

Ken Schmidt





ENVIRONMENTAL SUMMARY

Vineyard Ridge
Center Rd., Peninsula Township
Grand Traverse County, MI

RECEIVED
AUG 09 2016
BY: *NR*

Vineyard Ridge is a residential development located on a parcel of property comprising of approximately 27 acres. The parcel is in Peninsula Township, Grand Traverse County, MI between Center Road and Mathieson Roads. An environmental assessment was completed on the property to identify the historical use of the property. The assessment was completed as part of due diligence process on behalf of the prior owners. The environmental due diligence process includes a Phase I Environmental Assessment dated December 23, 2009, a Phase II Environmental Assessment dated Dec 23, 2009, and a Baseline Environmental Assessment and Section 7A Compliance Analysis dated February 2010 all prepared by Otwell Mawby, P.C. These reports are available for review at your request. The purpose of this document is to summarize some of the findings of the above referenced reports.

Based upon a review of available information, portions of the property have historically been utilized for orchard operations, with the remaining portions of the property historically consisting of undeveloped naturally vegetated fields. Review of the historical aerial photographs for this property indicate that the subject property was utilized for orchard use from approximately 1938 through 1964. The orchard operations included cherries and apples. This use is common to many properties located in Peninsula Township and Northern Michigan. Current and historical farming practices includes the use of agrochemicals and fertilizers. Common agrochemicals used in the orchards on 1930s and into the 1970s included several that are persistent (slow to break down) and immobile in the soil column. These characteristics provide the possibility for residual agrochemicals to remain in near the surface soils.

Residual Agrochemicals

As a result of the potential for residual agrochemicals to remain on the property, soil sampling was completed. The results of the soil sampling identified several constituents that would be associated with historical agrochemical use.

The Michigan Department of Environmental Quality has published generic residential cleanup criteria (GRCC) for various potential exposure scenarios. As these criteria are generic they are

developed utilizing conservative assumptions Comparison of the sample results to the generic residential criteria indicated that all of the detected residual agrochemicals were below the criteria with the exception of arsenic. Arsenic is a common residual agrochemical and likely the result of historical use of lead arsenate, a common pesticide historically utilized in orchard areas across northern Michigan. To better understand the results, the following summary is provided discussing how the MDEQ calculates the generic criteria and describes some of the conservative exposure assumptions utilized in its development.

For the MDEQ generic criteria to be applicable the exposure to the soil must be repetitive and occur over a long period of time. A one-time exposure would not substantially increase the exposure risk associated with arsenic. It would take repeated dermal and ingestion exposures over an extended period of time in order for the generic criteria to be applicable.

The generic direct contact criteria was developed based upon very conservative exposure assumptions requiring dermal contact and ingestion over a 30 year period. The ingestion exposure frequency is 350 days per year, which assumes that soils are tracked into the home allowing for ingestion 350 days/year. The dermal exposure frequency utilized by the MDEQ is 245 days per year. This takes into account the period when snow covers the soils and the days when the soils are frozen. It requires direct skin to soil contact.

The MDEQ analysis does not assume that there is any cover over the soils, that the soil is exposed for direct dermal contact or potential tracking into the home. A yard area with vegetative covering, a house that covers a portions of the property, driveways and parking areas all would successfully mitigate any potential direct contact exposure in areas where these features exist. Additional technical support documentation for the development of the MDEQ's generic criteria can be obtained from the MDEQ as RRD Operational Memorandum #1, Attachment #6.

Proposed Development and Mitigation

The proposed Vineyard development includes extensive rework of the site to allow for residential development including grading, construction of roadways, parking and drive areas, homes and landscape vegetation around the perimeters of the homes. Each of these features would provide substantial mitigation for potential direct contact exposure to the impacted soil. In general if the soil cannot be dermally contacted, ingested or inhaled, then the direct contact exposure pathway is

not complete. Thus if the soil is effectively covered up there is limited potential for dermal contact, tracking into the home, ingestion, etc.

Additional Measures

There are additional measures that can be considered to provide a higher comfort level for reduction of potential exposures. These include additional sampling and testing around a specific home site. Statistical analysis to further evaluate additional data. Modification of the exposure scenarios to something that a perspective owner may feel is more reasonable than the conservative assumptions utilized by the State, (development of the site-specific or unit-specific criteria), provide additional soil covering in areas of high use, or mixing of the soil with un-impacted soil to reduce the Arsenic levels. Each of these measures would provide additional reduction in the direct contact potential above and beyond what the proposed development will provide.



Google



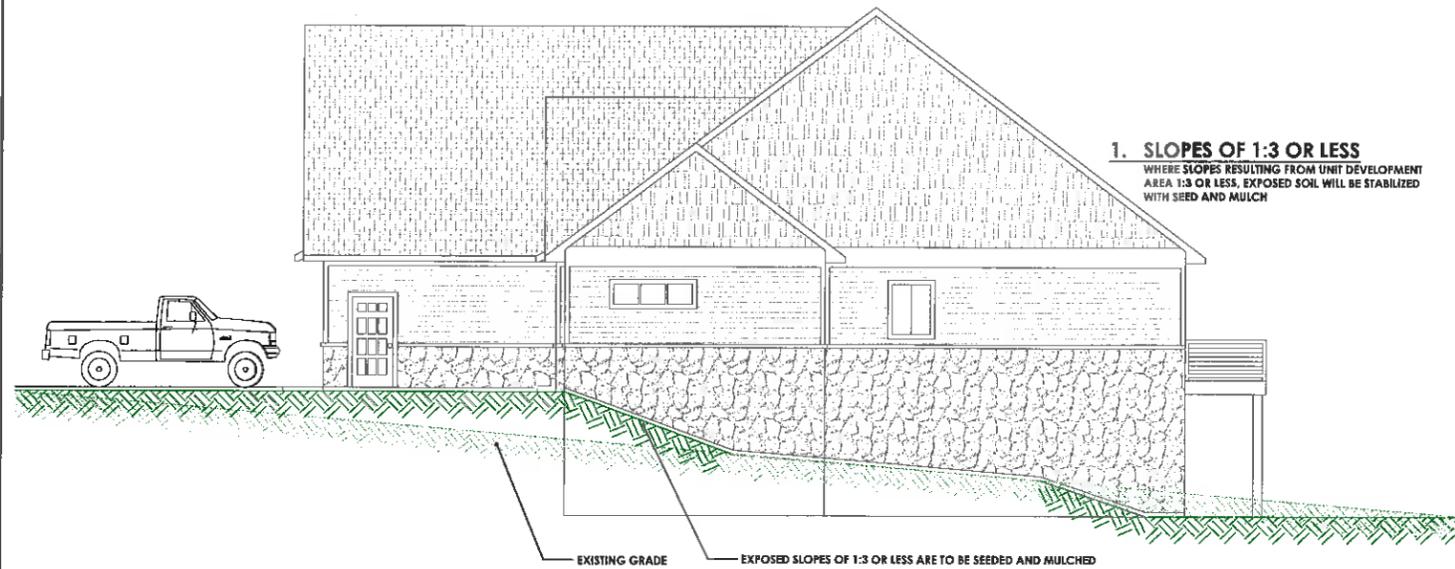
SHT 1 OF 1
 15119
 DATE: 16.08.15
 DRAWN BY: dmc
 CHECKED BY: dmc

Ken Schmidt
 Vineyard Ridge
 Area Density Exhibit
 Section 36, Town 28 North, Range 11 West
 Peninsular Township, Grand Traverse County, Michigan

REV	DATE	BY	CHK	DESCRIPTION
0	16/08/15	dmc	dmc	Original design

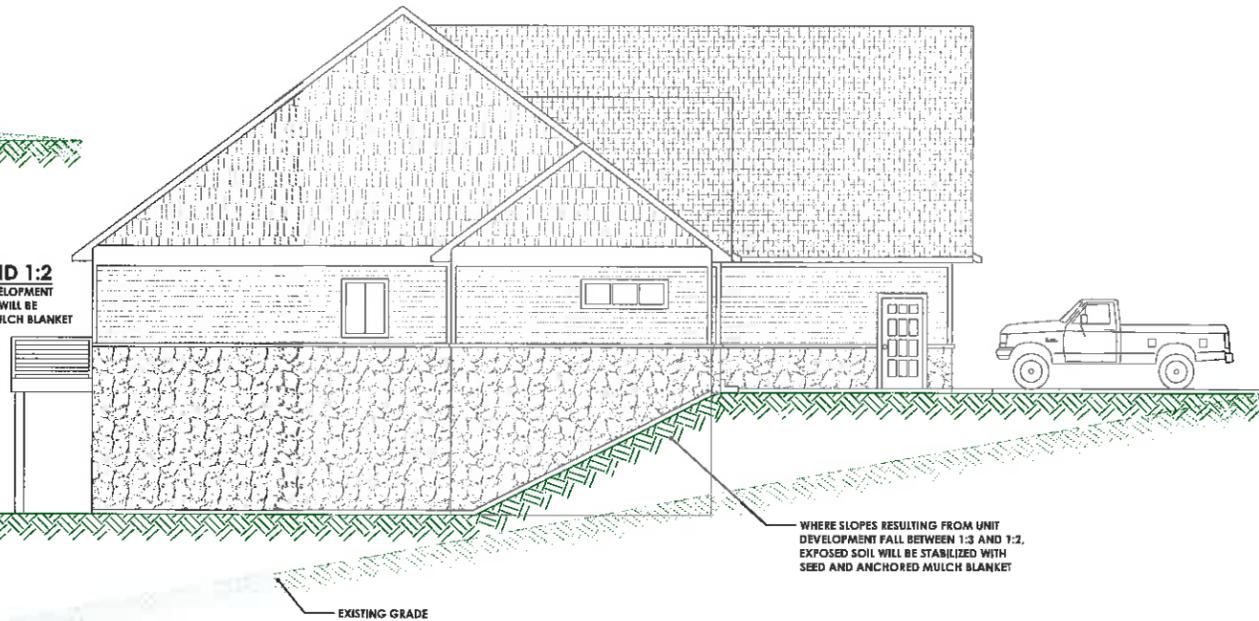
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 AUG 09 2015
 MR

Mansfield
 Land Use Consultants
 830 Cottageview Dr., Ste. 201
 Traverse City, MI 49685
 Phone: 231-946-9310
 www.mansfield.com
 info@mansfield.com



1. SLOPES OF 1:3 OR LESS
 WHERE SLOPES RESULTING FROM UNIT DEVELOPMENT
 AREA 1:3 OR LESS, EXPOSED SOIL WILL BE STABILIZED
 WITH SEED AND MULCH

EXISTING GRADE
 EXPOSED SLOPES OF 1:3 OR LESS ARE TO BE SEEDED AND MULCHED



2. SLOPES BETWEEN 1:3 AND 1:2
 WHERE SLOPES RESULTING FROM UNIT DEVELOPMENT
 FALL BETWEEN 1:3 AND 1:2, EXPOSED SOIL WILL BE
 STABILIZED WITH SEED AND ANCHORED MULCH BLANKET

WHERE SLOPES RESULTING FROM UNIT
 DEVELOPMENT FALL BETWEEN 1:3 AND 1:2,
 EXPOSED SOIL WILL BE STABILIZED WITH
 SEED AND ANCHORED MULCH BLANKET

WHERE SLOPES RESULTING FROM UNIT
 DEVELOPMENT FALL BETWEEN 1:3 AND 1:2,
 EXPOSED SOIL WILL BE STABILIZED WITH
 SEED AND ANCHORED MULCH BLANKET

EXISTING GRADE



3. TYPICAL SLOPE STABILIZATION FOR SLOPES OF 1:2 OR GREATER
 WHERE SLOPES RESULTING FROM UNIT DEVELOPMENT EXCEED 1:2, EMBANKMENT BOULDERS, SEEDING AND
 ANCHORED MULCH BLANKET WILL BE USED TO STABILIZE EXPOSED SOIL

BOULDER EMBANKMENTS TO BE USED TO TERRACE SLOPES
 EXPOSED SLOPES STEEPER THAN 1:3 TO BE STABILIZED WITH SEED AND ANCHORED MULCH BLANKET

EXISTING GRADE



- NOTES:**
1. THE GRADING OF EACH INDIVIDUAL UNIT WITHIN THE DEVELOPMENT WILL BE PLANNED, PERMITTED AND COMPLETED BASED ON THE DESIGN AND DESIRES OF THE INDIVIDUAL UNIT BUYER.
 2. EACH INDIVIDUAL UNIT IN THE PROPOSED DEVELOPMENT WILL REQUIRE A SOIL EROSION AND SEDIMENTATION CONTROL PERMIT DETERMINATION AND POSSIBLY A SOIL EROSION AND SEDIMENTATION CONTROL PERMIT PRIOR TO ANY SITE DISTURBANCE TAKING PLACE.
 3. ALL SOIL EROSION CONTROL MEASURES USED DURING THE DEVELOPMENT OF INDIVIDUAL UNITS SHALL COMPLY WITH THE STANDARDS OF THE GRAND TRAVERSE COUNTY S.E.S.C. DEPARTMENT

REV	DATE	BY	CHK	DESC
0	8/2/16	dmn	dmn	Original design

P:\Users\dmw\Documents\15119 Vineyard Ridge\15119 Vineyard Ridge.dwg (Plot) 8/2/16 10:00 AM

Michelle Reardon

From: Wiest, Jeremy (MDOT) <WiestJ@michigan.gov>
Sent: Tuesday, August 09, 2016 3:41 PM
To: Dusty Christensen; 'planner@peninsulatownship.com'
Subject: RE: Vineyard Ridge PUD
Attachments: MDOT Comments - 15119 plan07 24x36 Color (16-03-02).pdf

Dusty / Michelle,

We have reviewed the submitted traffic analysis and have no further comments beyond the comments that were set on March 4th 2016 (attached).

If there are any other questions please let us know.

Thanks!

Jeremy

Jeremy R. Wiest, P.E.

Permit Engineer

*Michigan Department of Transportation
Traverse City Transportation Service Center
2084 US-31 South, Suite B
Traverse City, MI 49685
Phone: 231-941-1986*

From: Dusty Christensen [<mailto:dusty@maaeps.com>]
Sent: Monday, August 08, 2016 2:07 PM
To: Wiest, Jeremy (MDOT) <WiestJ@michigan.gov>
Subject: Vineyard Ridge PUD

Good afternoon Jeremy,

We met with Michelle Reardon, Peninsula Township Planning Director, this morning. She reviewed the traffic analysis for the Vineyard Ridge PUD that we provided to you last Friday and indicated that she hoped any comments you may have would address the following.

Will the proposed development, and any traffic generated by the development, spur physical changes to M-37? Specifically, could you reiterate that MDOT has reviewed the proposed plans and is satisfied with the location and design of the proposed private road intersection with M-37.

Thank you,
Dusty

Dustin M. Christensen, LLA
Mansfield Land Use Consultants

Dusty Christensen

From: Harold Robins <hrobins@grandtraverse.org>
Sent: Thursday, August 04, 2016 11:40 AM
To: dusty@maaeps.com
Subject: Vineyard Ridge

RECEIVED
AUG 09 2016
BY: NR

Dusty:

The typical stabilization preliminary plan for the individual sites that you provided to me for comments, I approve what you have shown, it gives different stabilization options. I want to reaffirm too all parties involved that it was not my intent indicate that the sites were not build able , I only wanted to point out and inform all it may take more than just grade the site and plant grass to stabilize the site. Some of the sites may need permanent SESC Measures installed.
Questions, Please Call

--
Harold Robins
Soil Erosion Inspector
Grand Traverse County Soil Erosion
& Sediment Control Department
400 Boardman Ave.
Traverse City Mi. 49684
Ph. 231-995-6041

Dusty Christensen

From: Harold Robins <hrobins@grandtraverse.org>
Sent: Friday, August 05, 2016 9:39 AM
To: dusty@maaeps.com
Subject: Vineyard Ridge



Dusty:

I did not want to indicate that the sites were not suitable for building Homes.l sites, I just wanted to make all parties aware from my point of view that planting grass alone for lawns after the final grading is done my not be the only permanent SESC measures needed to stabilize the site.

The typical sections that you provided to me for comments are excellent examples of Permanent SESC measures that can be used along with Vegetation Establishment to stabilize the sites.

--

Harold Robins
Soil Erosion Inspector
Grand Traverse County Soil Erosion
& Sediment Control Department
400 Boardman Ave.
Traverse City Mi. 49684
Ph. 231-995-6041

Michelle Reardon

From: Brian Boals <brianb@gfa.tc>
Sent: Thursday, August 11, 2016 9:19 AM
To: Michelle Reardon
Subject: RE: Vineyard Ridge

Hi Michelle,

That attachment just contained typical cross-section details. However, I would like to see grading details on the plans similar to what we asked for and provided on The 81. Below is comment Item 5 of Grading and Paving in our June 8 review letter:

“Detailed grading and drainage pattern information needs to be provided on the plans for all building sites. In addition to finished floor elevations, spot elevations, slopes, and drainage direction arrows need to be provided for driveways, side yard/rear yard swales. Information needs to be provided to clearly show that surface drainage is handled in a controlled manner for positive drainage. “

We need the detailed grading information on the plans to provide an overall framework that individual building sites will need to conform so we know the sites function with respect to the proposed road, adjacent building sites, and drainage.

Let me know if any questions or you would like to discuss further.

Thanks,

Brian

From: Michelle Reardon [<mailto:planner@peninsulatownship.com>]
Sent: Wednesday, August 10, 2016 1:46 PM
To: Brian Boals <brianb@gfa.tc>
Subject: Vineyard Ridge

Brian,

Attached is what Mansfield has provided in response to our request: 4. Submit a grading plan to address the storm water and grading issues raised by both the Township Engineer and the SESC Department.

Is this sufficient to address your concerns?

Michelle Reardon

Director of Planning & Zoning
Peninsula Township
Ph. (231) 223-7314
Fax (231) 223-7117
planner@peninsulatownship.com

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Peninsula Township Fire Department

August 5, 2016

Michelle L. Reardon
 Director of Planning & Zoning
 13235 Center Road
 Traverse City, MI 49686
planner@peninsulatownship.com

RE: Vineyard Ridge Site review

Dear Michelle:

After reviewing the site plan for the above referenced project, I have one concern pertaining to access roads. Appendix D of the International Fire Code section D103.4 Dead Ends states:

“Dead-end fire apparatus access roads in excess of 150’ shall be provided with width and turnaround provisions in accordance with Table D103.4”

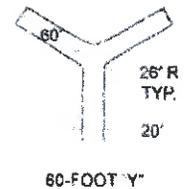
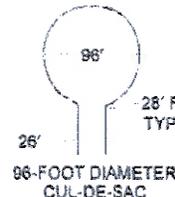
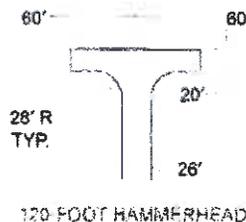
The plans dated 2.3.16 state that the connection to Mathison Road will not happen until Phase 2 is constructed, therefore does not meet the above mentioned standard. If the developer would like to submit plans for temporarily provisions to be constructed with phase 1, I would be happy to review for compliance at that time.

I have attached table D103.4 and the 3 allowed turnaround graphics for reference.

**TABLE D103.4
 REQUIREMENTS FOR DEAD-END
 FIRE APPARATUS ACCESS ROADS**

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot “Y” or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot “Y” or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750		Special approval required

For SI: 1 foot = 304.8 mm.



All other Fire Department standards appear to have been met. Please make me aware of any plan changes. If you have any questions or concerns feel free to contact me.


 Randy Rittenhouse Fire Chief
 Peninsula Township Fire Department

Michelle Reardon

From: Dusty Christensen <dusty@maaeps.com>
Sent: Tuesday, August 09, 2016 11:21 AM
To: Michelle Reardon
Cc: Doug Mansfield; Ken Schmidt; 'heintz pat'; 'Beia Terry'
Subject: Digital Copy - Additional Vineyard Ridge Information
Attachments: Slope Stabilization Review Email 1.pdf; Slope Stabilization Review Email 2.pdf

Michelle,

As requested, here is a link to download PDF copies of the materials that have been recently submitted for the Vineyard Ridge PUD. I have also attached the two emails that were provided to us by GT County Erosion Control Officer Harold Robins after his review of the typical slope stabilization plans.

https://www.dropbox.com/s/8o48x80cudau9hi/Vineyard%20Ridge_Additional%20Information%20-%20digital%20copy%20to%20upload.zip?dl=0

The following is a description of what has been submitted in response to the requests detailed in your July 20, 2016 email.

1. A traffic analysis for the Vineyard Ridge development based on current ITE data. This document has also been provided to MDOT and the Grand Traverse County Road Commission for their review. Comments from these agencies will be provided to you as they are received.
2. A draft environmental summary from Otwell Mawby that the developer intends to include in his disclosure packets to potential buyers. The document summarizes the environmental assessments of the property created for the property owners. Relevant MDEQ criteria and recommendations are noted in the summary. The condition of the Vineyard Ridge property is similar to that of most old orchard sites within the Township. The property owners and developer are aware of potential issues and intend to comply with MDEQ recommendations during construction and restoration.
3. As discussed during our August 8, 2016 meeting, the applicant will provide an escrow payment after receiving additional information regarding what the payment is covering.
4. It is impractical to provide site grading plans for individual lots within Vineyard Ridge prior to designs for these lots being completed. Choices made by individual home buyers could significantly change how each home site is developed. In lieu of a grading plan that may not reflect the final development of the project, we have provided a drawing that outlines the typical slope stabilization measures intended for use on individual home sites within the development. This document has been reviewed by the GT County SESC office and comments have been attached to this email. The Erosion Control Office is pleased with the proposed stabilization measures. SESC permit determinations will still be required for individual home sites within the development and SESC permits will be required for individual lots as determined by the SESC office.
5. In lieu of providing the requested tree survey, we would like to reiterate points made during previous meetings, direct your attention to documents already provided, and provide additional information related to the existing vegetation on the Vineyard Ridge property. We have provided a document that describes the intended removal of vegetation and proposed level of landscaping for the Vineyard Ridge project.
6. Revised sign drawings will be provided upon completion. All signs will comply with the standards of the Ordinance.
7. We have provided, along with a copy of the use by right plan, an Aerial Density Exhibit that shows the proposed Vineyard Ridge development in context with surrounding development on an aerial photograph. Please note that the proposed density and design of the Vineyard Ridge project closely resemble the existing residential development that surrounds the property. Additionally, the Peninsula Township Master Plan calls for residential

development of this density in this area of the Township to maximize utilization of the Township's infrastructure and provide housing opportunities near Traverse City.

8. We have provided a letter requesting further interpretation of the two Ordinance items noted in the July 20, 2016 email.

Please let us know if you have any questions or need any additional information.

Thank you,
Dusty

Dustin M. Christensen, LLA
Mansfield Land Use Consultants
830 Cottageview Drive, Suite 201
Traverse City, MI 49685
office: (231) 946-9310 ext. 1008
cell: (231) 360-7021

YOUNG, GRAHAM, ELSENHEIMER & WENDLING, P.C.

Attorneys at Law
104 E. Forest Home, P.O. Box 398
Bellaire, Michigan 49615
(231) 533-8635
Facsimile (231) 533-6225
www.upnorthlaw.com

Bryan E. Graham
Peter R. Wendling
Eugene W. Smith
Nicole E. Graham

James G. Young, *Of Counsel*

August 10, 2016

Via E-MAIL

Michelle Reardon, Planner
Planning Commission Members
Township Board Members
Peninsula Township
13235 Center Road
Traverse City, Michigan 49686

SUBJECT: Provision in the zoning ordinance to prohibit dual applications for permits whether under the zoning ordinance or under a police power ordinance which requires a review in compliance with the standards of the zoning ordinance

Dear Michelle, Planning Commission Members and Township Board Members:

As a request from the planning commission to provide language in the ordinance which would prohibit property owners, whether on their own or through their agents, to apply two competing permits, whether under the zoning ordinance or whether under other ordinances of the township which requires review in compliance with the zoning ordinance at any given time.

Attached is draft language which I suggest should also be looked at. The township can consult with McKenna Associates for proper placement in the ordinance. It seems that this provision would logically be placed in the general provisions under Article VI, perhaps around section 6.1.4 or under section 4.1 of the zoning ordinance or it could have its own section entitled "Order of processing permits for use of land."

Any parcel or parcels under the same ownership shall only be allowed to have one (1) application pending at any time for any permit for the use of any parcel or parcels which requires the application of the regulations under this Zoning Ordinance. For purposes of this provision, a single application that is pending would include, but not be limited to the following:

- A. A pending request for a land use permit.
- B. A pending request for a special use permit.
- C. A pending request for a special use permit utilizing the planned unit development (PUD) provisions of this Zoning Ordinance.
- D. A pending request for a variance or other action before the ZBA which directly impacts a parcel or multiple parcels under single ownership.
- E. A pending request under any other police power ordinance of this Township which requires as part of the process for a permit or action

Michelle Reardon, Planner
Planning Commission Members
Township Board Members
August 10, 2016
Page 2

taken under any such police power ordinance, a review of the provisions of this Zoning Ordinance to ensure compliance with all zoning regulations.

It may also be wise to amend the township's police power ordinances such as the Subdivision Control Ordinance and the Land Division Ordinance such that any applicant under those ordinances understands that to the extent that compliance with the zoning ordinance is required for a permit under those other ordinances, no other request applicable to the applicant's parcel or parcels will be processed until the request under those police power ordinances as well as the zoning ordinance has been administratively completed.

If you have any further questions, please do not hesitate to contact me directly.

Sincerely,

Peter R. Wendling

PRW/tac