

Neighborhood Overlay Section in the Proposed Zoning Document

Monnie Peters, 5/11/2016

Peninsula Township has three areas/neighborhoods (maybe more?) that were developed before zoning. At least one area, Neahtawanta, goes back 125 years, before the concept of vehicular traffic moving more than about 5-10 mph and has quite different setbacks and lot coverages (that vary from street to street) than the underlying R-1-B zoning.

Each of these three Peninsula areas is quite different from one another, and to write a single set of developmental standards would be hugely cumbersome if not impossible. The standards in question include more than in the proposed zoning ordinance, such as front and rear setbacks and off street parking. Thus Section C won't work as proposed.

Each neighborhood area should have a separate set of developmental regulations (Section C) that resolves the differences between the underlying zoning district and what is prevalent in the neighborhood. So Section C in the Ordinance now should propose and anticipate a process for working with a neighborhood to delineate the neighborhood boundaries and create appropriate developmental standards. The Neighborhood area and standards would be approved as an amendment to the zoning ordinance.

This would have the desired effect of creating appropriate standards for the different neighborhood zoning districts that would minimize the number of requests for variances before the ZBA.

Proposed sections A and B only need a bit of work, mostly editorial.

Proposal

Representatives of two or all three areas (and anyone else who is interested) should meet with Michelle and together edit the wording in A and B. They could create proposed wording for a new section C. Brit Eaton, current President of the Neahtawanta Resort Association, and I* from Neahtawanta will volunteer to be involved.

* Brit and I were involved with a multi-year, large community effort to create developmental standards before and during Dan Leonard's tenure. In a meeting before the Association membership, Dan surprisingly reversed course and said a replat had to come first, thus blowing up the process and destroying all the goodwill developed between members and the Township.

Michelle Reardon

From: Monnie Peters <mgpeters@acegroup.cc>
Sent: Monday, May 16, 2016 11:17 AM
To: Michelle Reardon
Subject: Fwd: FW: minutes (4/26/16) correction and proposal to TB and PC
Attachments: Joint Board minutes 4-26-16 clarification.docx; Using OHW Mark for Land Calculation.docx

----- Forwarded Message -----

Subject:FW: minutes (4/26/16) correction and proposal to TB and PC

Date:Mon, 9 May 2016 16:26:07 -0400

From:Monica Hoffman <clerk@peninsulatownship.com>

To:'Byron, Jill' <jillcbyron@gmail.com>, 'David Weatherholt' <treasurer@peninsulatownship.com>, Mark Avery <Bptems@gmail.com>, Monica Hoffman <clerk@peninsulatownship.com>, 'Penny Rosi' <psyr2@acegroup.cc>, 'Pete Correia' <supervisor@peninsulatownship.com>, Wendy Witkop <wlwitkop@gmail.com>, Alan Couture <ajc@runningwise.com>, Donna Hornberger <dsh_44@yahoo.com>, Isaiah Wunsch <wunsch104@gmail.com>, Laura Serocki <rocki1323@yahoo.com>, Leak Keith <keithleak@gmail.com>, Peters Monte <mgpeters@acegroup.cc>

CC:Claire Schoolmaster <zoning@peninsulatownship.com>, Michelle Reardon <planner@peninsulatownship.com>

HI all,

Please see attached.

Monica A. Hoffman, CMMC/CMC
Peninsula Township Clerk
13235 Center Road
Traverse City MI 49686
Phone - 231-223-7321
Fax - 231-223-7117

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

From: Monnie Peters [<mailto:mgpeters@acegroup.cc>]
Sent: Monday, May 09, 2016 4:24 PM
To: Michelle Reardon; Monica Hoffman
Subject: minutes (4/26/16) correction and proposal to TB and PC

Michelle and Monica,

I composed something similar this morning to send to you to pass out at the joint meeting of the TB and PC tonight. When the meeting got cancelled, I realized I needed to split the memo into two: one on the minutes to go to the TB today since they will approve the minutes tomorrow and the other memo to add an agenda item to the PC mtg next week. A third concern in the second memo: addressing Section 3.103(E) of the draft zoning ordinance I will bring up when we jointly next meet to discuss that section.

So I have two memos that should go to both Boards.

Thank you both, Monnie

To: Peninsula Township Town Board and Planning Commission

From: Monnie Peters

Date: Monday, May 9, 2016

Issue Clarification in the Minutes from Joint meeting of 4/26/16

Draft minutes from the 4/26 meeting note the issue of regulating to the water's edge, but do not reflect the fuller conversation that was occurring. This has raised concern from several residents who have spoken to me. To clarify the context of the discussion which may somewhat allay the fears of citizens, I propose the following changes (in red); I know my suggested additions were not actually said, but were implied. I believe this clarification is needed.

"D) Hoists Reardon Current zoning ordinances (but not land calculation) end at the Ordinary High Water, and she suggests that we end them at the water's edge so that the Township can address regulation of structures, e.g. hoists, docks etc. This zoning issue can be addressed by attorney.

"Consensus is that board would like to think on this topic."

To: Peninsula Township Town Board and Planning Commission

From: Monnie Peters

Date: Monday, May 9, 2016

Using OHW Mark for Land Calculation versus Section 3.103 (E) in proposed Zoning Ordinance Document and Land Use Calculation change

There is obvious confusion about Great Lakes shoreline measurement standards for land ownership, land calculation, and land uses (zoning). Section 3.103 (E) will create a confusion unless more is said to clarify the differences. There needs to be wording in the document that addresses differences between zoning, land use and land calculation.

In addition I propose that the Planning Commission start immediately at its next meeting (next Monday) to address the confusion in the land calculation issue to correct that and bring the current PUD standards and land use division standards into unity.

Background:

Land "ownership" is controlled by legal documents (deeds) and may say "to the water's edge", giving riparian rights to the owner. However, since recorded history in this area began (150 years plus ago), it has been clear that the "water's edge" is a moving target and will continue to be so. Because of this ever-moving target, there was developed one elevation level that would be a standard: the Ordinary High Water Mark (OHW mark or OHWM). The surveying profession among others has used this standard for a long time (75 years?) and marks this level on most (all?) surveys of land along the Great Lakes.

Peninsula Township is like no other Township in the State of Michigan. Peninsula Township, whose boundary is 96% (42 miles of 43.5miles total) along the waters of the Great Lakes needs to have a standard, fixed boundary (the OHWM) for all land calculation.

Proposal:

Let us **make the OHWM the boundary for all land calculations**. I am not a lawyer so the following language is only a discussion starter:

Regardless of the legal description of a waterfront property (on the Great Lakes), Peninsula Township measures those properties and can regulate as follows:

Ordinary High Water Mark: all parcels along the Great Lakes will be measured to the OHWM **for land calculation** and zoning purposes.

Water's edge: The township can regulate **uses** in the area below the OHWM to the water's edge (this area changes from year to year) as long as any regulation does not conflict with State and Federal regulations.

Assessments should not include the "below OHWM" land.

Michelle Reardon

From: Monnie Peters <mgpeters@acegroup.cc>
Sent: Monday, May 16, 2016 11:18 AM
To: Michelle Reardon
Subject: Fwd: FW: Master Plan review April 28th
Attachments: protect Buchan Blueberry and Ag designation.pdf; docs from Master plan protect Ag.pdf

----- Forwarded Message -----

Subject:FW: Master Plan review April 28th

Date:Wed, 4 May 2016 16:24:53 -0400

From:Monica Hoffman <clerk@peninsulatownship.com>

To:Curt Peterson <curtpete@gmail.com>

CC:Michelle Reardon <planner@peninsulatownship.com>, Claire Schoolmaster <zoning@peninsulatownship.com>, Alan Couture <ajc@runningwise.com>, Donna Hornberger <dsh_44@yahoo.com>, Isaiah Wunsch <wunsch104@gmail.com>, Laura Serocki <rocki1323@yahoo.com>, Leak Keith <keithleak@gmail.com>, Penny Rosi <psyr2@acegroup.cc>, Peters Monte <mgpeters@acegroup.cc>

Hi Curt,

Thank you for your email I have forwarded to the Planning Commission.

Monica A. Hoffman, CMMC/CMC

Peninsula Township Clerk

13235 Center Road

Traverse City MI 49686

Phone -- 231-223-7321

Fax -- 231-223-7117

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From: Curt Peterson [<mailto:curtpete@gmail.com>]
Sent: Wednesday, May 04, 2016 4:17 PM
To: planner@peninsulatownship.com; Elise; clerk@peninsulatownship.com
Subject: Master Plan review April 28th

Hi, Michelle, Claire, and Monica, Can you please forward this email and letter to the Planning Commission members. I do not see their addresses on the web site. Thanks

To:
Michelle Reardon
Claire Schoolmaster
Keith Leak
Al Couture
Donna Hornberger
Penny Rosi
Isaiah Wunsch
Laura Serocki
Monnie Peters

Please see the attached documents concerning the concerns I mentioned at last week's meeting.
Regards,

Curt Peterson
1356 Buchan Dr.
Traverse City, Mi.
49686

4-28-2016

To Planning Commission members and Michelle Reardon (Peninsula Twp. Planner)

Re: Master Plan Review 4-28-2016 for Twp. Citizens with Comments by Curt Peterson

Hi to all,

Thank you for hosting this meeting last week and future meetings to come. I had an opportunity to speak about the master plan and potential future changes to an area where we reside, in and around Old Mission Estates next door to the Buchan Blueberry Farm. I would like to re-iterate and offer in writing the concerns expressed last week. Also please see the attachments for further clarifications.

We held our annual Old Mission Estates HOA meeting last week and the primary reason was to get a consensus approval of establishing a Special Assessment District to address drainage concerns at Braemar and Peninsula Drive. At the meeting we were able to talk briefly of the pending zoning ordinance updates and master plan discussion. Just as a number of persons spoke at the meeting last week, in general, residents want to learn more.

We are seeing pressures on our area for increased development in our agricultural zoned designation with common area and adjacent areas also zoned agricultural that has us concerned and the current master plan is one of those pressures which will be addressed subsequently. I think our association does not want our neighborhood and surrounding area changed from AG to Residential in zoning or the way the future zoning map is shown in the master plan. I do not want increased density allowed or eventual, down the road paving of Nelson.

We have had a developer, I estimate who is the person selling two 10 to 20 acre lots on Nelson on the unimproved Nelson down the hill from Walt's, get in touch with our association to see if we would allow a paved entrance through our common land to a paved road that comes down the hill to Peninsula Dr. This was within the last 1.5 yrs. Our association declined. So this developer may be looking at other ways to have a paved entrance to the properties offered for sale. He/she could apply pressure to have Nelson paved through to Peninsula Dr., that we do not want. That is a concern because we do not want the traffic that we did not have when we bought our properties and to protect Ben and Julie Buchan's blueberry agricultural business and stay zoned as agricultural. This is most important. Please protect it from paving in the near and forever future.

Another pressure, as mentioned above, is the master plan that forecasts a change in zoning from **Agriculture** zoned for Buchan Blueberry Farm, Old Mission Estates, and property south of OME that includes acreage of an orchard (non producing) that comes up to Peninsula Dr., to **Residential** status. See

the attachement. The master plan does emphasize that goals are to preserve agricultural land. So let's not make this zoning change as agricultural activity is ongoing. I request considering changing the future map in the master plan back to AG for the areas mentioned above, and to approve a future zoning map that retains AG designation for areas mentioned.

While I do not speak for our association, I know that persons in our association do not want Nelson Rd. paved as the next east west road (the next one north of gray). There is already a footprint of a seasonal road which is plowed in the winter by a resident at the top of the hill past Walt's Antiques and the county/township has a right of way all the way from Center to Bluff on the other side. Ben Buchan has told me that paving Nelson through his blueberry farm would be really hurt his agri-business. He two years ago asked our association if we would support an abandonment of the Nelson two track from where it meets Snowfield (a paved road in Old Mission Estates) through his property, such that all Nelson traffic would shunt onto Snowfield from Center Road. Our association declined but we are in agreement with Ben/Julie in that we do not want Nelson paved ever. I want and am guessing our entire neighborhood want Ben and Julie to be our neighbors for a long time with fresh blueberries just a short walk away.

In summary there is no known reason for changing the areas shown in the attachments from Ag to Residential zoning, when in particular the master plan survey shows that respondents overwhelmingly want to retain agricultural areas. There is absolutely no verbiage in the master plan whatsoever that talks about changing these neighborhoods to residential zoning from Ag even though the future zoning map shows it. None- whatsoever. The Master Plan specifically says, "The result of these two (2) public surveys encouraged the preservation of agriculture, natural resources, and the rural character of the peninsula. Specifically, the 2006 opinion survey indicated that the majority of residents determined it is important for the future of Peninsula Township to preserve open space (84.5%), agriculture (84.5%), natural shoreline (81.0%), and to preserve the rural character of the peninsula (78.9%)." Please reverse this and help us protect Nelson Rd. from ever being developed into a major east west paved road in the many years to come. If you as township appointed and elected officials change our neighborhood zoning from Ag to Residential you will have been a catalyst for changing forever our rural characteristic to our detriment. Please change the master plan language and stop a zoning change to residential. Thanks for your consideration.

Regards,

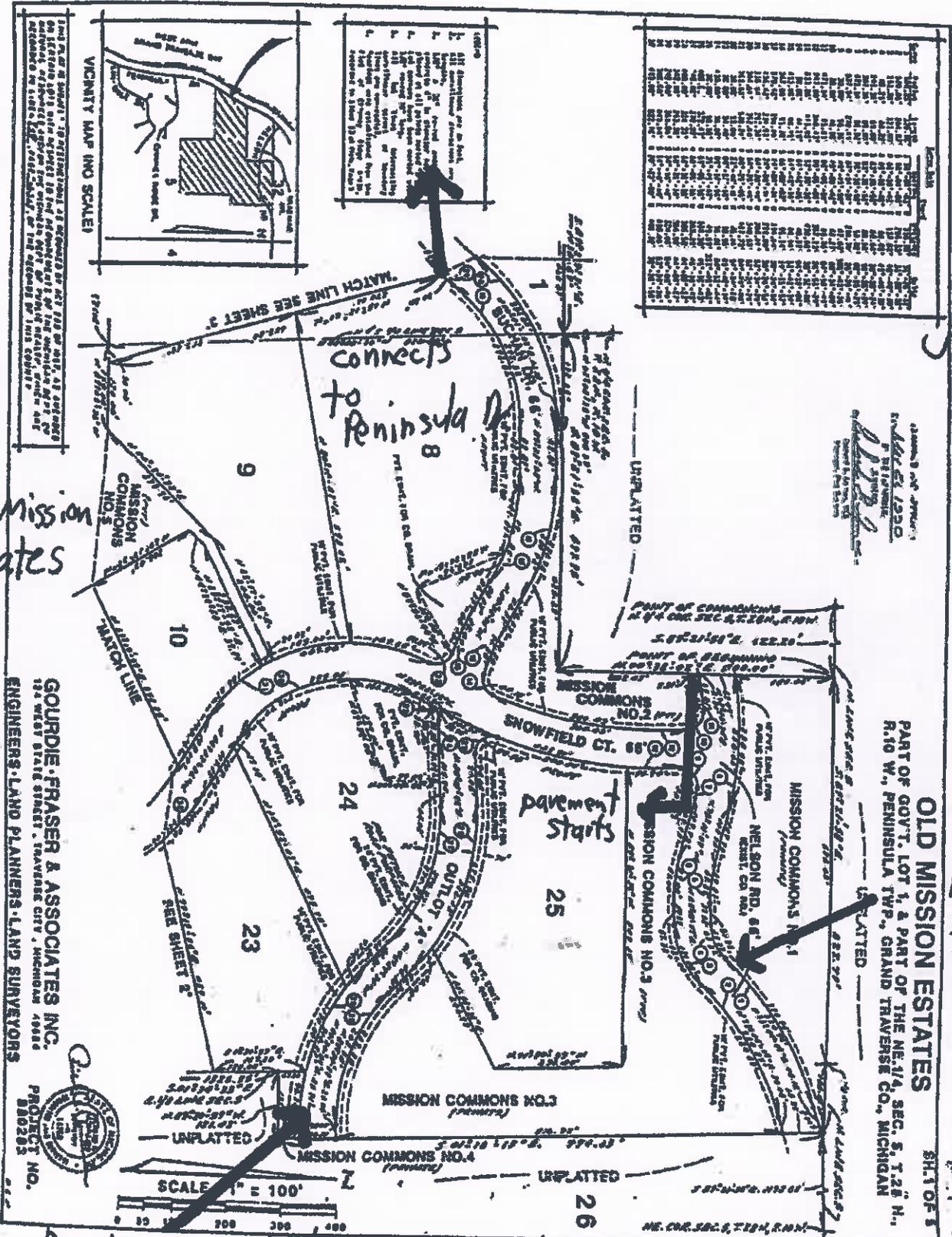
Curt Peterson

1356 Buchan Dr.

Traverse, City, 49686

curtpete@gmail.com

989-245-2758



Old Mission Estates

Nelson two track

Connects to Peninsula Dr

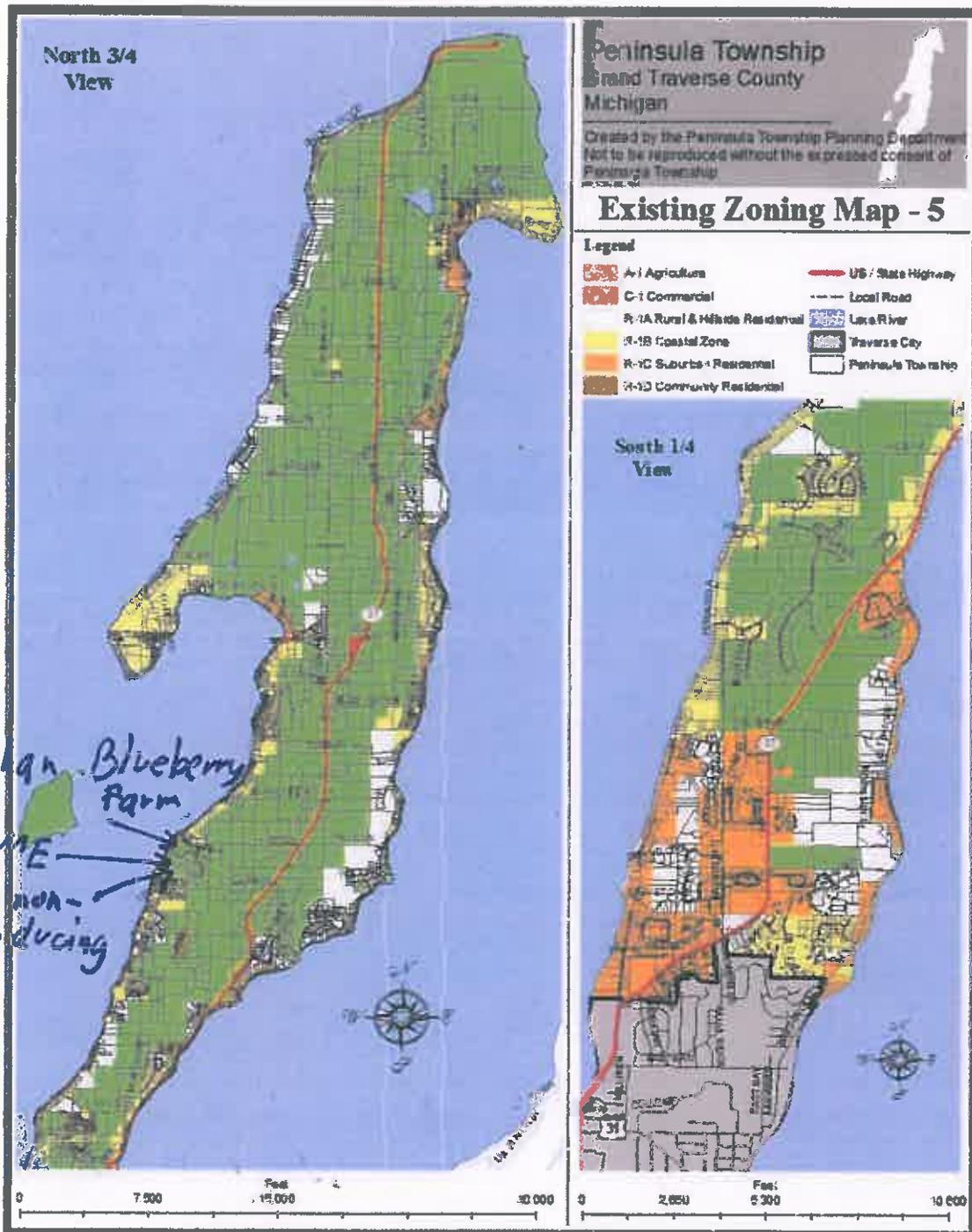
pavement starts

GOURDIE-FRASER & ASSOCIATES INC.
124 WEST STATE STREET, TRAVERSE CITY, MICHIGAN 49686
ENGINEERS-LAND PLANNERS-LAND SURVEYORS

PROJECT NO. 880283

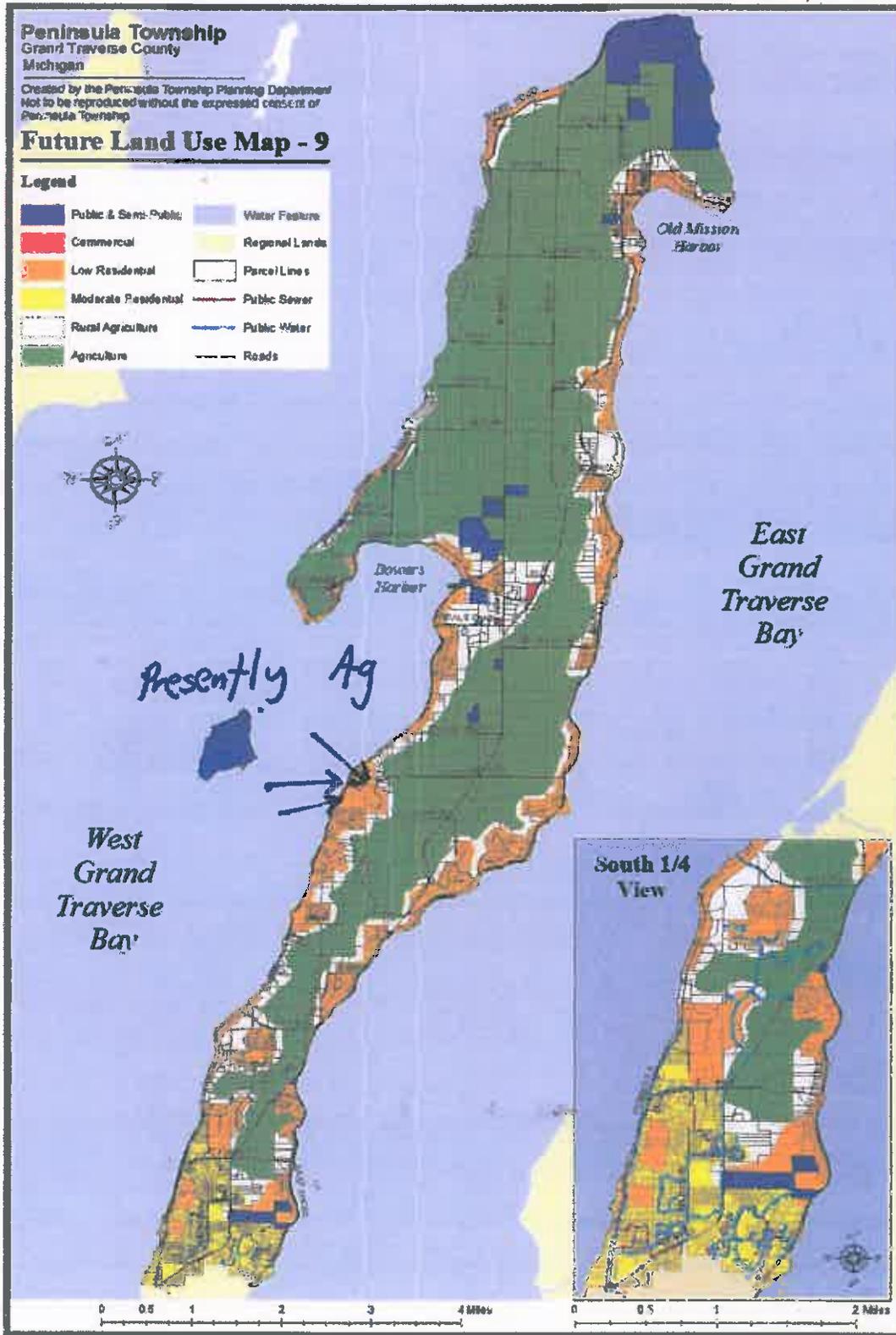
Developer wanted access through common HOA land to this paved road in Old Mission Estates

Chapter 3, Land Use & Zoning – Map #5



** The Zoning Map contained within this Master Plan is a copy of the original and should be used for general information only. Questions regarding specific parcels of land should be addressed by using the original map available in the Peninsula Township Clerk.*

Chapter 4, Future Land Use – Map #9



Chapter 4 – Future Land Use

Planning Overview

The future land use map reflects both existing and future land uses within the community. It provides guidance to the general citizens and elected local officials when land use decisions are made. To create such a map, the township gathered information and public opinions through several informational meetings, community work sessions and public surveys. Peninsula Township government was given a clear direction from its population for continued strong planning and zoning principles following the citizen opinion surveys from both 1990 and 2006.



Above: Future Land Use Map from 2003

The result of these two (2) public surveys encouraged the preservation of agriculture, natural resources, and the rural character of the peninsula. Specifically, the 2006 opinion survey indicated that the majority of residents determined it is important for the future of Peninsula Township to preserve open space (84.5%), agriculture (84.5%), natural shoreline (81.0%), and to preserve the rural character of the peninsula (78.9%). The land use classifications and policies reflects the citizenry's desires and are further explained within the Master Plan.

This updated portion of the Master Plan is intended to establish:

- a. **Overlay Districts:** To protect and preserve shorelines, historic sites, environmentally sensitive areas, and the character of certain sub-areas as requested by its residents.
- b. **Agricultural Production land use classification:** Areas where land use is encouraged to be permanently available for growing agricultural crops.
- c. **Rural Agricultural land use classification** to allow uses that are compatible and not in conflict with production agriculture. The uses in this district will be similar to those presently allowed in agriculturally zoned lands. (See Appendix D)
- d. **Consolidated Residential zoning districts** resulting from review and reevaluation of land uses.
- e. **Public & Semi-Public land use classification.**