PENINSULA TOWNSHIP

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Planning Commission Meeting
February 27, 2017
Township Hall
5:30 pm (Amended Time) - Regular Meeting Agenda

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 Commission, 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. Reports and Announcements
b. Correspondence (as provided)
   i. Clackamas County, Oregon, Marihuana Ordinance
c. Meeting Minutes
   i. January 23, 2017
   ii. Zoning Ordinance Rewrite Committee Notes 1/24/17, 1/30/17, 2/1/17, 2/6/17, 2/7/17

8. **Business**
   a. **5:30 pm working session**
      i. Zoning Ordinance/Master Plan Review

   b. **7:00 pm**
      i. Zoning Rewrite Working Committee Report
      ii. Master Plan Round Table Committee Report
      iii. 2016 Planning Commission Annual Report
      iv. Continuation of SUP #127 – Vineyard Ridge P.U.D.

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 Township Clerk.

Brian VanDenBrand
Peninsula Township Director of Planning & Zoning

Posted: February 13, 2017 at 2:30 pm

CORRESPONDENCE: SAMPLE MARIJUANA ORDINANCE

841 MARIJUANA PRODUCTION, PROCESSING, AND RETAILING

841.01 APPLICABILITY

Section 841 applies to:

A. Marijuana production in the AG/F, EFU, FF-10, RRFF-5, and TBR Districts;

B. Marijuana processing in the AG/F and EFU Districts; and

C. Marijuana retailing in the C-2, C-3, CC, NC, OC, PMU, RC, RCC, RCO, RTC, RTL, and SCMU Districts.

841.02 PROCEDURE

Marijuana production and marijuana retailing require review as Type I applications pursuant to Section 1307, *Procedures*. Marijuana processing requires review as a Type II application pursuant to Section 1307.

841.03 MARIJUANA PRODUCTION AND MARIJUANA PROCESSING

Marijuana production and marijuana processing shall be subject to the following standards and criteria:

A. Minimum Lot Size. A minimum lot size standard shall apply as follows:

1. In the FF-10 and RRFF-5 Districts, the subject property shall be a minimum of five acres, except that if the majority of abutting properties are equal to or greater than two acres, the subject property shall be a minimum of two acres. Abutting properties include properties that are contiguous to the subject property, as well as properties directly across any access drive, or private, public, or county road, provided the functional classification of the road is below that of a collector.

2. In the AG/F, EFU, and TBR Districts, the subject property shall be a minimum of two acres, except that if outdoor production is proposed, the subject property shall be a minimum of five acres. Outdoor production means producing marijuana:

   a. In an expanse of open or cleared ground; or

   b. In a greenhouse, hoop house, or similar non-rigid structure that does not utilize any artificial lighting on mature marijuana plants, including but not limited to electrical lighting sources. A mature marijuana plant is a marijuana plant that is flowering.

B. Minimum Yard Depth/Distance from Lot Lines. In the FF-10 and RRFF-5 Districts, the minimum front, rear, and side yard depths for any structure used for marijuana production shall be 50 feet. In the AG/F, EFU, and TBR Districts, outdoor production, as defined in Subsection 841.03(A)(2), shall be a minimum of 100 feet from all lot lines.

C. Indoor Production and Processing. In the FF-10 and RRFF-5 Districts, marijuana production shall be located entirely within one or more completely enclosed buildings. In the AG/F and EFU Districts, marijuana processing shall be located entirely within one or more completely enclosed buildings.

D. Maximum Building Floor Space. The following standards apply in the FF-10 and RRFF-5 Districts:

1. A maximum of 5,000 square feet of building floor space may be used for all activities associated with marijuana production on the subject property.

2. If only a portion of a building is authorized for use in marijuana production, a partition wall at least seven feet in height, or a height as required by the County Building Codes Division, whichever is greater, shall separate the marijuana production space from the remainder of the building. A partition wall may include a door, capable of being closed, for ingress and egress between the marijuana production space and the remainder of the building.

E. Access. The subject property shall have frontage on, and direct access from, a constructed public, county, or state road, or take access on an exclusive road or easement serving only the subject property. However, this standard will be waived if the property takes access via a private road or easement which also serves other properties and evidence is provided by the applicant, in the form of a petition, that all other property owners who have access rights to the private road or easement agree to allow the specific marijuana production or marijuana processing described in the application. Such evidence shall include any conditions stipulated in the agreement.

F. Lighting. Lighting shall be regulated as follows:

1. Light cast by light fixtures inside any building used for marijuana production or marijuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.

2. Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.

3. Light cast by exterior light fixtures other than marijuana grow lights (e.g., security lights, driveway lights) shall not be directed skyward and shall be directed within the boundaries of the subject property.

G. Odor. As used in Subsection 841.03(G), building means the building, or portion thereof, used for marijuana production or marijuana processing. However, Subsection 841.03(G) does not apply to a building approved as part of outdoor production pursuant to Subsection 841.03(A)(2)(b).

1. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.

2. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.

3. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.

4. Negative air pressure shall be maintained inside the building.

5. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

6. The filtration system shall be designed by a mechanical engineer licensed in the State of Oregon. The engineer shall stamp the design and certify that it complies with Subsection 841.03(G).

7. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required.

H. Noise. The applicant shall submit a noise study by an acoustic engineer licensed in the State of Oregon. The study shall demonstrate that generators as well as mechanical equipment used for heating, ventilating, air conditioning, or odor control will not produce sound that, when measured at any lot line of the subject property, exceeds 50 dB(A).

I. Security Cameras. If used, security cameras shall be directed to record only the subject property and may be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the Oregon Liquor Control Commission (OLCC) or registration requirements of the Oregon Health Authority (OHA).

J. Water. The applicant shall submit:

1. A water right permit or certificate number for the proposed marijuana production or marijuana processing;

2. A statement that water is supplied from a public or private water provider, along with the name and contact information of the water provider; or

3. Proof from the Oregon Water Resources Department that the water to be used for marijuana production or marijuana processing is from a source that does not require a water right.

K. Waste Management. Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA registrant.

L. Residency. In the FF-10 and RRFF-5 Districts, a minimum of one of the following shall reside in a dwelling unit on the subject property:

1. An owner of the subject property;

2. A holder of an OLCC license for marijuana production, provided that the license applies to the subject property; or

3. A person registered with the OHA as a person designated to produce marijuana by a registry identification cardholder, provided that the registration applies to the subject property.

M. Exceptions. Marijuana production or marijuana processing, provided such production or processing is done pursuant to registration with the OHA, is not required to comply with Subsections 841.03(F)(3) and (G) through (L), provided that the minimum front, rear, and side yard depths for any structure used for marijuana production or marijuana processing shall be 100 feet.

841.04 MARIJUANA RETAILING

Marijuana retailing shall be subject to the following standards and criteria:

A. Hours. A marijuana retailer may only sell to consumers between the hours of 10:00 a.m. and 9 p.m. and may only permit consumers to be present in the building space occupied by the marijuana retailer between the hours of 10:00 a.m. and 9 p.m.

B. Odor. As used in Subsection 841.04(B), building means the building, or portion thereof, used for marijuana retailing.

1. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.

2. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.

3. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.

4. Negative air pressure shall be maintained inside the building.

5. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

6. The filtration system shall be designed by a mechanical engineer licensed in the State of Oregon. The engineer shall stamp the design and certify that it complies with Subsection 841.04(B).

7. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required.

C. Window Service. The use shall not have a walk-up window or drive-thru window service.

D. Waste Management. Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA registrant.

E. Minors. No one under the age of 21 shall be permitted to be present in the building space occupied by the marijuana retailer, except as allowed by state law.

F. Co-Location of Related Activities and Uses. Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the marijuana retailer. In addition, marijuana retailing shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club.

G. Minimum Separation Distances. Minimum separation distances shall apply as follows:

1. The use shall be located a minimum of:

a. 2000 feet from a public elementary or secondary school for which attendance is compulsory under Oregon Revised Statutes 339.020, including any parking lot appurtenant thereto and any property used by the school; or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a), including any parking lot appurtenant thereto and any property used by the school;

b. 1500 feet from a public park, public playground, government-owned recreational use, public library, licensed treatment center, light rail transit station, or a multifamily dwelling owned by a public housing authority.

c. 500 feet from a licensed daycare facility or licensed preschool, including any parking lot appurtenant thereto and any property used by the daycare facility or preschool;

d. 100 feet from a residentially zoned property; however, this provision shall not apply if the subject property has street frontage on a principal interstate, principal expressway, principal arterial, or major arterial, as identified on Comprehensive Plan Map 5-4a, *Road Functional Classification Urban*, or 5-4b, *Road Functional Classification Rural*.

2. If the use is licensed by the Oregon Liquor Control Commission (OLCC) pursuant to Section 22, Chapter 1, Oregon Laws 2015, it shall be located a minimum of 1,000 feet from any other marijuana retailer so licensed by the OLCC.

3. If the use is registered with the Oregon Health Authority (OHA) pursuant to ORS 475.314, it shall be located a minimum of 1,000 feet from any other marijuana retailer so registered with the OHA.

4. For purposes of Subsection 841.04(G)(1), distance shall be measured from the lot line of the affected property (e.g., a school) to the closest point of the building space occupied by the marijuana retailer. For purposes of Subsections 841.04(G)(2) and (3), distance shall be measured from the closest point of the building space occupied by one marijuana retailer to the closest point of the building space occupied by the other marijuana retailer.

5. A change in use (including a zone change) to another property to a use identified in Subsection 841.04(G) after a complete Type I application for marijuana retailing has been filed shall not result in the marijuana retailer being in violation of Subsection 841.04(G).

6. Subsection 841.04(G) does not apply to any marijuana retailer that obtained full, unconditional approval of a registration from the OHA on or before March 31, 2015, that is operating in a building space where marijuana retailing activities approved by the OHA have been continuously occurring in that building space since May 31, 2014, except during the effective dates of the Medical Marijuana Facility Moratorium adopted pursuant to Clackamas County Ordinance 01-2014.

7. In case of a conflict under Subsection 841.04(G)(2) or (3), any person who has received approval of a Type I land use permit for marijuana retailing, shall be deemed to have established marijuana retailing at the approved location, so long as the marijuana retailer begins operation within one year of the date of the County's final decision on the Type I land use permit application. If more than one Type I application is in process with the County at one time, the County shall issue decisions in the order in which complete applications were filed.

841.05 APPROVAL PERIOD

A. Approval of a permit under Subsection 841.03 is valid for four years from the date of the final decision. If the County's final decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the approval shall be implemented, or the approval will become void.

1. Implemented means all major development permits shall be obtained and maintained for the approved marijuana production or marijuana processing, or if no major development permits are required to complete the development contemplated by the approved marijuana production or marijuana processing, implemented means all other necessary County development permits (e.g., grading permit, building permit for an accessory structure) shall be obtained and maintained. A major development permit is:

   a. A building permit for a new primary structure that was part of the approved development; or

   b. A permit issued by the County for parking lot or road improvements required by the approved development.

B. Approval of a permit under Subsection 841.04 is valid for one year from the date of the County's final decision. During this one-year period, the approval shall be implemented, or the approval will become void. Implemented means that the marijuana retailer has begun operation. Notwithstanding this one-year implementation period, a complete application for a marijuana retailing license shall be filed with the Oregon Liquor Control Commission, or a complete application for a medical marijuana dispensary registration shall be filed with the Oregon Health Authority, within three months of the date of the County's final decision, or the approval will become void.

[Added by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-254, 3/1/16]

PENINSULA TOWNSHIP
PLANNING COMMISSION MINUTES
13235 Center Road Traverse City, MI 49686 (Township Hall)
January 23, 2017 7:00 pm

Meeting called to order at 7:00 pm by **Couture.**

Welcome to two new members and to re-elected board members.

Present: Monnie Peters, Alan Couture, Laura Serocki, Donna Hornberger, Isaiah Wunsch, Susan Shipman, Marilyn Elliott

Also present: Gordon Hayward, Nicole Essad and Rachel Mavis (recording secretary).

Absent: none

Approve Agenda

Motion by Serocki / Peters to approve agenda. Motion passed unanimously.

Brief Citizen Comments

none

Conflict of Interest

Serocki - SUP #127
Wunsch: The surveyor with Mawby is his first cousin, so if there's any discussion around it he will step aside.

Consent Agenda

Peters: In the minutes from 1/4: page 2 - "Peters: they *(the master plan round table committee)* would like one more meeting to address some things." Also, "Gordon - Just an update… *Manigold and I* met with the attorney and the two applicants who were prospectively looking at a marihuana growers license on the peninsula."

Hornberger: same section - drop the word "prospectively" from that sentence. Also, use Gordon's last name if everyone else's last names are used. Further up on the page, drop "Peters: On the master plan…" to the line below. On page 5 of the 12/19 minutes, under board comments: "Peters: At our last meeting… I think it was in Peter *(Wendling's)* lap."

Motion by Hornberger / Wunsch to approve consent agenda and the minutes as amended. Motion passed unanimously.

Hayward: Under the announcements above - there's a marihuana workshop meeting on 2/21. There is a notice in your packet. If you're interested in going to that, let the office know. Hornberger, Peters, and Elliott are interested in going - as well as possibly Wunsch.

Report on zoning ordinance amendment from **Peters** will come later during meeting.

New Business

a. Nominating Committee Report

Serocki - A copy of the nominating slate is in the packet. Chair: Alan Couture, Vice Chair: Monnie Peters, Secretary: Donna Hornberger, ZBA Rep: Laura Serocki.

Wunsch: Is everyone who has been nominated willing to serve in the role in which they have been nominated? (Yes.)

Motion by Hornberger / Serocki to accept nominating committee's recommendation. Motion passed unanimously.

b. Election of Officers
c. Appointment of Zoning Board of Appeals Members
d. Public Hearing SUP #127 - Vineyard Ridge

Meeting closed and public hearing opened by **Couture**.

Motion by Wunsch / Serocki for Serocki to recuse herself for the public hearing on SUP #127. Motion passed unanimously.

Hayward: The main change in this application from earlier versions is the use of the option in the zoning ordinance for SUP. There are 4 options for meeting requirements of open space. First is private open space (65% open), which is how application came in. Now 10% is dedicated to township for public recreation purposes. That satisfies the open space requirements of the ordinance.

Dusty Christensen - Mansfield Land Use Consultants on behalf of Vineyard Ridge, LLC, and Ken Schmidt: Ken can't attend tonight, and sends apologies. Thanks to the township for their time and consideration of project. Vineyard Ridge project was originally submitted in April - lots of discussions and meetings since then to talk about the development. In light of the changes since October, they are returning to a public hearing tonight. He will go through a brief overview of the project and would ask that they recommend project to the town board tonight. They have collaborated with PC, township staff, and newly elected town board members to come up with a plan that works for everyone.

The property is a 27.87 acre parcel between Center and Mathison Road on the southern side of the peninsula. It is across from the Pelizzari natural area. It's zoned R1C with a minimum lot size allowed of 21,000 sq ft., which gives them a max of 60 units. 47 units are proposed. They are proposed along a meandering private road that runs from Center Road and ends on Mathison Road. They eliminated part of the road to eliminate cut-through traffic.

Additionally, there were discussions about the Center Road access point. After meeting with MDOT and township staff, they worked through those issues. MDOT and the GTC Road Commission are satisfied with access points onto main roads. Development will use existing infrastructures for water, sewer, etc. They have a preliminary design and cost estimate for this project. They have been working with Gourdie-Fraser and the township engineer and have those issues solved now as well.

PUDs within the township are required to provide a certain amount of open space within the project. They are proposing that 10% be dedicated. The trail easement (43 foot wide strip) is on the west, east, and south side. The township can build a trail at the time of their choosing on that easement. Providing this easement allows pedestrian

and bike traffic to have a dedicated future space. Those are the major changes that have happened over the months that this project has been discussed.

They have taken measures to provide separation between existing neighbors and the new development - there is a 90' vegetative buffer that they're preserving. This provides a distance buffer and visual buffer. They are also recommending small building envelopes, which will limits where structures can be. Plans are in accordance with the master plan. It's also in accordance with the zoning ordinance. The scale, layout, and density are similar to existing neighborhoods nearby, so it is complementary to existing developments in the township already. Plans are in accordance with regulatory agencies and their standards as well.

Given that they're in compliance with township standards and regulatory agency standards, and have worked well in collaboration with township, they'd like a recommendation of approval to the township board tonight. They had been hoping to break ground back in the fall of '16, but are now hoping to break ground this spring ('17). If approved, they'll go through the permitting process and then begin building as soon as possible. Thank you.

Mike Detmer - 7003 Leorie Drive: He is across the street to the west of part of the development. He and Dusty have talked, but to clarify for the record - the buffer that he's talking about begins with 33' on Mathison Rd., then 33' of right away, then 90' of buffer. There's 150' of buffer.
Dusty Christensen: There would be 33' from the center of Mathison, then the 90' buffer (total of 123').
Mike Detmer: The proposed trail is within that buffer?
Dusty Christensen: Yes, it's in the feet closest to the road.
Mike Detmer: When it comes to the enforcement of the open space - is that the responsibility of the homeowners? Or does the township have enforcement rights?
Dusty Christensen: Yes, the township has those rights. There is a dedicated easement.
Nicole Essad: What do you mean by enforcement?
Mike Detmer: My parents were a part of a development like this, and everybody decided they didn't need the green space and put up garages and gardens. No one was there to enforce it, because all of the homeowners decided to ignore the rule.
Nicole Essad: They will grant the township an easement, which gives the township a right to use that easement. If someone puts a building there, the township can enforce that.
Mike Detmer: Last time there was talk of a traffic study because of the additional traffic - did that go anywhere?
Gordon Hayward: It's in discussion with the Planning Commission and comes up regularly in our meetings.

Tom Elliott - 719 West Orchard Drive: He lives in the city, but owns some property near the development (northeast corner). If/when they decide to develop that piece, he wants to make sure the sewer and water will be available to them as well.
Dusty Christensen: Water - yes. There's an existing water line that runs the length of Center Road. They originally intended to put in sewer and pump, but now will be providing a gravity sewer line. They're bringing the sewer closer to that property. If they wanted to develop, they could bring the sewer to the same point and join in. If the project is approved, that will be available during the first phase of the development.

Public comment closed by **Couture**. Meeting is open to discussion by board.

Peters: She spent yesterday and today thinking about how she would imagine the 43' pathway. She worries about the south line. She knows they want to move on, but before she feels comfortable recommending to the town board that they accept this easement and property, she'd like to go back out there and walk the south line. She wonders if there's anyone else who would like to walk that particular line. (The other two lines are roadways.)

Hornberger: Why do you want to walk that?

Peters: She worries that if the township wanted to pave it, how steep would that incline be? Will it still be possible to push someone in a wheelchair? She's worried about the grade and the width. The developers want to give them 43' from the property edge. She doesn't think they will want to run the pathway right up against another development.

Dusty Christensen: Would you be more comfortable if we widened it out more than 43'? He understands her concern, but would like to think of a way to keep moving the project along.

Peters: She wouldn't be comfortable with him agreeing to do that without Ken's approval.

Dusty Christensen: Could they come back with a widened path that the staff could look at? or the township board. He'd look at existing grades and would look at the 10' trail and incorporate switchbacks if necessary. He'd try to lay that out and stay within the 43', but possibly widen the easement if necessary.

Shipman: She spent 5 years on the Park Commission, so she has spent a lot of time talking about public space and trails. In regards to the fence lines with entrance structures - where would a trail fit moving in and around those structures, in a fashion where the public feels welcome? If she turns to the standard, she reads that the characteristics of the open space land would be readily available and desirable… she sees that for residences further west. To have a trail built is a cost to the township. When she measures it out with benefits vs. cost, she sees it as a burden to the township. The township will ask where the money will come from. Is there enough of a benefit to the public to justify the expenditure? Those entrances are imposing - the fence lines are within that space. She also challenges on western side, talking about the 43' strip. The benefit is like having a sidewalk on the side of the road. Is there a strong argument for that being a special public benefit?

Dusty Christensen: This is an issue that came up with some newly elected township board members this fall - there was a desire on their part to provide a non-motorized way to travel along Center Road. This was a way to provide this specifically on Center Road. In relation to Mathison Road - it may be similar to a sidewalk. The same could happen along Center Road. That was part of what town board members wanted and that's what they were responding to. The intent was to have a means of transporting pedestrians, bicyclists, etc. off the roadway. The intent was that the north-south pedestrian route could possibly continue along Center Rd. in the future. The developers saw it as a way to provide public benefit. In regard to the Mathison Road fences - the fences are hip-high, two-rail fences, so they're fairly rural and agricultural in nature. On the Center Road side, they moved the fence line back. They've planned in landscape islands and curb openings so that pedestrian crosswalks could be added. In the construction drawings, there are curb openings drawn in. A trail can be built up to the back of the curb. There's a space for a crosswalk to be put in across the island. The township can use all 43' of the easement, so they can move that trail if necessary.

Nicole Essad: The township has that right. When the easement language is finalized, some of your concerns may be alleviated, but we're trying to finalize that language now.

Shipman: To me, this seems like more of an afterthought of the public. Looking at the draft easement language, who has responsibility when it comes to maintenance? If a tree falls from the easement into the development, who cleans that up? Those kinds of things are important to know.

Elliott: This document has some vineyards drawn in. Where are they? (*Christensen pointed out on map.)* They go right up to the easement. Having those vines so close to a public easement, it's assumed they'll have someone come and farm it. Is the spraying an issue? Also, where will equipment turn around?

Dusty Christensen: The one area specifically in the south - there is very little vegetation. The south ends of those roads can be bumped away from the easement to accommodate that concern.

Elliott: When you spray, how do you tell the public you're spraying?

Dusty Christensen: I don't know specifics, but I could imagine signage could be a part of that, alerting people that it's taking place and when it may be safe to walk by. When the trail is built, I'd assume there'd be signage as well.

Elliott: In the documents, it says that per the zoning, setback is 25' and the PUD it's 30'. Then the ledger says front setback is 25'. Is that meant to be 30'?

Dusty Christensen: The building envelopes are set so that the closest edge setback is 25'. The closest that the front building wall can be to the road right away is 25'.

Wunsch: From the standpoint of the proximity of the vineyards to the trail easement, it won't influence my decision one way or the other, but I think the developer should look at what liabilities they may incur - standpoint of spray drift and equipment risks. He also has questions feasibility-wise about the possibility of a trail along the south boundary. He's having a hard time conceptualizing how township would make use of that space as a trail.

Dusty Christensen: He hears those concerns and can look into that. Within that 90' buffer, there is space to look at that. He'd have to look into it further. He's certain something can be figured out.

Hornberger: What about the swimming pool? Parking?

Dusty Christensen: We are assuming that they will be walking / parking within internal roadways. There also may be rules set up to limit driving. The assumption is that they will walk /bike to the pool and not need parking.

Elliott: I would like to hear what our attorney has to say about the easement dedication documents.

Nicole Essad: Some of our concerns are about some of the general nature of what's in the documents - more liability on the township. It seems overly complicated for a simple easement for a trail. For an attorney it may be simple, but they want it to be simple enough that the township residents are able to understand it. The Planning Commission has brought up some concerns that she wanted to address as well, such as the fence in the easement.

Wunsch: As far as a timeline, can we schedule a special meeting? It would be wise to look at some of these issues and then it could move to the town board.

Elliott: I agree. If we do our work properly, it would mean that it would save time on the second step.

Couture: Am I hearing the request that we get another site visit and walk that south spot?

Nicole Essad: If the board doesn't want to make a decision tonight because they want more info, we can table the public hearing to a special meeting and then we might have to re-notice that. We don't know the time, place, and manner of when we'd hold the public hearing again. It could be tabled pending some of the resolutions. It would have to be another public hearing - if the plans change, the public might want more comments. You can table your decision and reopen the public hearing once you now when that will be.

Wunsch: Basically we'll get an assessment of the feasibility of using the public space, but if there are changes to the plan, we'd need to schedule another public hearing?

Nicole Essad: Yes and no. You'll have to have another public hearing because there are going to be some changes. You want the public to have another opportunity to speak for/against what's going on. You might have material changes to the site plan and to the application, but you might not. As I see it, you can table the public hearing and since you don't have the date and time set, you'll have to re-notice it. The easement language might be more definite as well by then. The findings of fact might change as well. It's a good idea to re-open that because a lot of your concerns revolve around that 10%.

Dusty Christensen: **Any** time you are able to make a site visit, I can be out there.

Hayward: Do you want to have a meeting as soon as we can meet the notice requirements? It's a 15 day notice that's required for a public hearing.

Nicole Essad: If you go out and do a site visit, stagger it so that there's no more than 2 or 3 at a time and there is no discussion. Take your notes, then bring it back to the meeting for discussion.

Wunsch: If we're in a public meeting, can we do the site visit, schedule a special meeting where we can ask questions, then have a public hearing at our next scheduled meeting? Would it be ok for us to go out and do the site visits in the morning, then have a special meeting in the afternoon, then have a public hearing at the next regular meeting?

Nicole Essad: That's up to Dusty as well. Would you prefer to have a special meeting or would you prefer to have it all at once? You could send questions to Gordon and have Gordon send questions to Dusty so that he can answer them.

Dusty Christensen: I would like to have the ability to get changes made to the drawings ahead of the public hearing. Whether it's hearing comments at the meeting or funneled through Gordon doesn't matter - a discussion would give him a better opportunity to modify drawings. He thinks Ken would be open to accommodating these concerns as best as he can. He'd like it to move as efficiently as possible.

Hayward: If the Planning Commission wanted to move their regular meeting in February to a different date, they could. It's currently the 27th.

Hornberger: When's the soonest we could have it?

Hayward: If you wanted to have it sooner than the next regularly scheduled meeting, that would be up to you. Dusty will need to check with Ken if Ken needs to pay for the special meeting. Also, he's happy to relay communication to Dusty.

Shipman: I see a real benefit to having you (Dusty) out there. With other work I've done, we have done site visits and posted them as public meetings.

Nicole Essad: There's always the concern about where the public will be, and for safety for the public. She wouldn't recommend that. If the Planning Commission members go out in 2s or 3s, they're not going to be discussing Planning Commission issues. They'll be taking their own notes for their own purposes. Dusty can walk with them, and if they had general questions, that would be ok, but there should be no discussion regarding the big merits without the public being there.

Dusty Christensen: When we did this earlier this year, we talked about where we were on the road and explained where the units were - I could do the same thing. Whatever works best for the board, I'll make myself available.

Peters: Nicole, should we choose a day later this week when Dusty could take us out there - 2, 2, and 2 - and then to you, Gordon, and Dusty, would it then be better to schedule an additional special hearing 15 days out to discuss our concerns?

Dusty Christensen doesn't want to schedule that without Ken's approval of the special meeting fee.

Peters: Would you prefer to do that work and then have us do a site visit afterwards?

Dusty Christensen: Even if I submit it, can we discuss it?

Nicole Essad: You could submit it to Gordon to give to the Planning Commission, but couldn't discuss at the site visits.

Hayward: What's the feasibility of putting a trail that can meet reasonable standards? That's the purpose of the site visit, right?

Nicole: Set up a site visit, and bring your questions together. The applicant may not want the extra cost of a special meeting. We could table this for the next regularly scheduled Planning Commission meeting. If we do have a special meeting, we could discuss the concerns.

Motion by Elliot / Peters to table this public meeting until the next regularly scheduled meeting.

Shipman: I would just like to add that I'd love to see some creativity in that easement and possible trail - can we get narrower, wider, something that's actually a public benefit?

Motion passed unanimously.

Hayward: I'd like to know when you'd like to schedule a site visit.

Hornberger: After everyone goes and walks it, if you have questions/issues/suggestions, give them to Gordon and he'll pass them on to Dusty.

Hayward: Do you want to schedule it now and coordinate who will go when?

Visits will begin on Wednesday at 12, 1, and 2 - Dusty will walk with each group. **Peters** and **Shipman** will go at noon, **Hornberger** and **Elliott** at 1, and **Wunsch** and **Couture** at 2.

Public meeting is re-opened. **Motion by Hornberger / Wunsch for Serocki to return.**

e. Zoning Rewrite Working Committee report

Peters: Alan (Couture), Laura (Serocki), Gordon (Hayward), and I have been meeting regularly. Thank you to everyone. Alan has been driving us to not use legalese as we do some wordsmithing. Laura is doing a fabulous job of keeping track of things. Gordon and Nancy Heller have been helpful in bringing history. Why have we done this in the past? Do we keep this or do we do something else? Having a document that has been repeatedly re-amended, we have language where there are multiple definitions of the same word. Alan has been sending new versions - it is

useful to do a search while we're there and make edits as we go. Laura has compiled a list of areas where the committee would like to come back to full Planning Commission and have discussion (8+ items). The committee doesn't want to wait until they're totally done going through each section to come back. It would be of some value to have a working session of the whole Planning Commission where some of the questions they have raised are addressed. Can that be a special meeting? Having the whole Planning Commission doing something sometime in the month of February would be useful.

Wunsch: How do you feel about doing a special meeting before the regularly scheduled town board meeting (at 5:30)? It could be an intro to the new town board on the zoning rewrite process. The town board could be invited as silent observers.

Hornberger: This doesn't sound like a town board overview - this is more of a nitty gritty issue.

Wunsch: It could be a good way to bring the town board up to speed with what's going on.

Peters: Our committee won't be done, but I was thinking it might be worth dealing with that set of 8-10 issues that Laura has.

Serocki: I don't think a 5:30 meeting would be enough time. Some of these are quite in depth.

Hornberger: Anything longer than 2 hours and you're going to lose people.

Nicole Essad: I think it's a good idea to bring the new town board up to speed with where the Planning Commission is at with the zoning rewrite. I don't think it's a good idea to get their "pulse." It's the PC's job to see where it wants to go and what it wants to do with the rewrite, then present it to the board. If the board has questions, they can then bring them back to the PC.

Wunsch: I thought that the way the old town board weighed in was good - giving us insights about where they'd run into trouble with some of the old ordinances.

Elliott: There were several joint meetings with the ZBA as well. Reading through the minutes, they're getting a lot of work done. I didn't see a lot of these issues being addressed. If you're saying as a trustee that you'd like to have some time together with this committee and the Planning Commission, and address some of these issues, that might be nice.

Wunsch: If we're going to do a joint meeting, something more informational / conceptual rather than trying to work through an issue.

Couture: We're identifying the issues that we're struggling with, but we're just the committee and would like to bring it to the Planning Commission as a whole. I like Nicole's suggestion that we bring it as more of an informative meeting. We're not ready for a joint planning session.

Nicole Essad: The Planning Commission can make a report to the township board on that.

Serocki: Do they get a copy of Alan's notes?

Hayward: What would be more beneficial is your list of issues that you want the Planning Commission to take some action on. Also, any kind of time table or suggestion on when we're going to be done.

Wunsch: If it would be more productive, I can give a more detailed report as an agenda item.

Nicole Essad: In the Planning Commission report, you could hit on some of the issues that are coming up as well as the timetable.
Peters: I see two things floating about. One is to have a discussion amongst ourselves and see how far we get through the list that Laura has made (in packet tonight). I also wonder about getting that on the agenda at the next town board meeting to bring a status report.

Nicole Essad: If you have a written report, ready to go, email it to Joanne or Rob and ask for it to be a separate item. Let Isaiah know and he can report on it to the township board. The Planning Commission can have a motion to write that report - I'd suggest that it be someone on the committee.

Peters will follow up on that. When would the board like a special meeting to begin grappling with these items? Should it be before the next Planning Commission meeting, or a totally separate night?

Hornberger: Can we do it at 5:30 before a 7:00 meeting and see how far we can get? Can we do it on the 27th at 5:30? **Motion by Hornberger / Peters to have a special meeting at 5:30 on February 27th to discuss the issues that the zoning ordinance subcommittee has brought forwards. Motion passed unanimously.**

Couture will send everyone updated versions of the committee notes so that everyone is up to speed.

Motion by Hornberger / Wunsch for Peters and Serocki to prepare a report for the next town board meeting. Motion passed unanimously.

f. Master Plan Round Table Committee report

Peters and **Wunsch** started on that committee. **Peters:** Isaiah, do you want to stay on that committee or shall I seek out someone else? (He'd be interested in helping with the ag questions, but would prefer to be replaced.)

Peters is now looking for a new committee member to add - they have had four meetings to date, and still need two more and one on wineries. She would like to have one or two other committee members - both **Elliott** and **Shipman** are interested in joining her on that. She'd like to find a time for a round table discussion on the odds and ends that haven't been discussed (mainly commercial) - what's in the master plan (action and goals). **Peters** will discuss possible times with **Shipman, Elliott,** and **Hayward** and get a time scheduled. She'd like **Wunsch** to come to the winery group meeting and would like that late in February. The wineries are less master plan issues and more zoning rewrite issues. There were two requests for the meeting to be held in the afternoon. She'd like to get in touch with some of the wineries and find out what would work.

g. Planning Commission Year-End report

Wunsch is still working on this. It will go on the February agenda.

h. Environmental Form

Hayward: The form in your packet is for your information only. We had talked about having the baseline environment and in the past we've used that form in the application materials. He'll talk to Nicole about whether or not they need something separate. The idea is that it's available to the applicant when they come in. For example, he had a realtor come in today and he was able to give them a copy of the baseline environmental assessment info. It has

worked well in the past and would be designed specifically to deal with arsenic, lead, and other hazardous materials that might be present on the site.

Peters: On page 2-4, what exactly is slumping steep slopes and sandy soil?

Hayward: In the master plan, slumping is where there's essentially a landslide.

Peters: Under that, in "g" - "unique natural features." I think that's a little amorphous.

Hayward: All of these will be tied to a section of the ordinance or a standard that they have to meet. This is more of an example than a proposal.

Peters: I wonder about trees. We don't have any sort of tree standard. We have begun to wrap our heads around slopes and wetlands, but we haven't addressed trees.

Hayward: If we are going to enforce that master plan concept, then we need to get measurable standards. This form is forcing us to look at those things as we review and how we present it. It creates problems when nobody knows how to meet the standards.

Peters: Can we throw trees on here at the moment?

Hayward: For example, if someone wants to save a tree, what are they going to do to save that tree? What's required by the applicant?

Peters: That's where unique natural features or vegetation is really amorphous.

Hayward: You could require an expert to make that decision for you.

Wunsch: You may want to look at potentially splitting historical orchard use / historical farmstead use. Farmland tends to have a different set of potential environmental issues than the concentrated chemical mixing areas.

i. Ordinance for Marihuana per act 281 of 2016 update meeting

Hayward: The main thing is that he wanted everyone aware of the meeting that was discussed earlier.

Citizen Comments

Nancy Heller - 3091 Blue Water Rd.: She understands the need, importance, and necessity for rules and regulations. Her concerns are that an applicant might look at all these rules and regulations and decide to do a use by right. The process is so involved, expensive, and time-consuming. Keep that thought in mind when you're making your requirements.

Board Comments

Shipman: She is part of the Bowers Harbor Expansion - there is a meeting coming up this Thursday. There is a public meeting (NOT hearing) for a second look at that plan on February 23rd at 7 pm (at township hall).

Serocki: Question for Gordon about the scenic heritage route - we always had a board member attend those meetings. There's one tomorrow (in the conference room) - do we need to have someone attend those meetings?

Hornberger volunteered to attend tomorrow and requested that it be put on the agenda in February to have a permanent representative.

Brian VanDenBrand: Happy to be here and excited to work with everyone!

Motion by Hornberger / Serocki to adjourn at 9:16 pm. Motion passed.

PENINSULA TOWNSHIP PLANNING COMMISSION
ZONING ORDINANCE COMMITTEE NOTES

January 24, 2017
Meeting called to order: 5:01 PM
Pledge
Roll Call: A. Couture, M. Peters, L. Serocki
Also present: M. Elliot, N. Heller, G Hayward
Agenda Approved
No Citizen Comment
No Conflict of Interest
No Consent Agenda
Agenda: Zoning Ordinance Review:
Section 3.06 (page 3-4) through Section 3.13 F (6) (page 3-18)
No Citizen Comment
No Board Comment
Meeting adjourned: 6:57 PM

January 30, 2017
Meeting called to order: 5:00 PM Meeting adjourned: 7:03 PM
Zoning Ordinance Review:
Sections 3.13, 3.14, and 13.15
Section 3.16 not reviewed at this time

February 1, 2017
Meeting called to order: 5:10 PM Meeting adjourned: 7:06 PM
Zoning Ordinance Review:
Section 3.15, 3.17, 4.01, 4.02, 4.03, and started 5.01

February 6, 2017
Meeting called to order: 4:58 PM Meeting adjourned: 7:12 PM
Zoning Ordinance Review:
Section 5.01 and 5.02 (through page 5-10)

February 7, 2017
Meeting called to order: 5:06 PM Meeting adjourned: 6:59 PM
Zoning Ordinance Review:
Section 5.02 through 6.07

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Planning Department Report No. 2017-01

Prepared:	February 21, 2017	Pages: 3
Meeting:	February 27, 2017 Planning Commission 5:30-7:00pm	Attachments: ☒
Subject:	Zoning Ordinance / Master Plan Update and Discussion	

Introduction:
The Zoning Ordinance Rewrite Committee has been meeting on a weekly basis to review the proposed zoning ordinance and is requesting feedback on various items below. Also attached to this report is a Master Plan Working Committee worksheet listing various concerns and discussion points.

Depending on time, the Planning Commission working session from 5:30 to 7:00 pm will cover as much of this material as possible.

Zoning Ordinance Discussion Points:
While the full slate of proposed changes will eventually be brought to the Planning Commission, the Committee is requesting discussion (and perhaps resolution) of the following specific discussion points from the Committee's latest draft, dated 2/17/17.

1. Guest Houses – allowed in residential zones. *Currently Section 6.2.2(b) | Proposed Section 6.14.*

   The proposed definition is: *Guest House: A second detached dwelling unit on the same lot as the principal lot as the principal dwelling, and under the same ownership.* (There is no current definition).

   The proposed standard for approval (Section 6.14) is: *A guest house detached from the dwelling shall not be permitted on the same lot with a single-family dwelling unless the lot has a width twice the normal width, and the guest house is so located as to be qualified as a single-family dwelling in its own right on one-half the width of the lot of the principal dwelling.*

   Discussion: The purpose of this section is to allow the construction of a second dwelling on a parcel, if the parcel could be subsequently be divided into two separate home sites in compliance with the zoning ordinance.

   Therefore, is it appropriate for these to remain "Guest Houses" or should we consider a different name such as "Secondary Houses?" Additionally, this could also help clarify the difference between a guest house and a guest unit, which are for rent.

2. Kennels definition; *Kennel: Any lot or premises used for the sale, boarding, training, transfer, or breeding of dogs, cats, or other household pets over the age of 6 months. Kennel shall also mean the keeping of 5 or more dogs, cats or other household pets over the age of 6 months.*

Discussion: Does this preclude someone from being a Pet Sitter if they had five or more animals? (It would appear to). Does the Planning Commission want to consider including Pet Sitters in the definition?

3. Zoning Administrator: The Zoning Ordinance names the Zoning Administrator throughout the document. Our staffing does not have someone titled "zoning administrator", and two or three people are needed to do the tasks.

   Description. A Zoning Administrator shall be appointed by and on such terms as shall be determined by the Township Board; provided that the Zoning Administrator shall not be a member of the Township Board, the Planning Commission, or the Board of Appeals. The Zoning Administrator and his or her assistants or deputies shall perform such duties as the Township Board may prescribe, in addition to any duties prescribed in this Ordinance. (Sentence on qualifications deleted). The Zoning Administrator shall be capable of fulfilling the duties set forth in this Ordinance. In case the Zoning Administrator has a conflict of interest in the administration or enforcement of this Ordinance, the Township Board shall designate some other person to carry out the duties for which the Zoning Administrator has a conflict of interest. Compensation for the Zoning Administrator shall be established by the Township Board.

4. Lot/ Depth of Lot/ Front of Lot/ Lot Line/ Width of Lot/ Minimum Width of Lot/Lot Coverage/ Lot Line Types/Front Lot Line/Rear Lot Line/ Side Lot Line /Lot Types/ Corner Lot/Flag Lot/Interior Lot/ Parcel/ Parcel Area/ Parcel Site/ Site/ and Site Area

   Propose changing all language in Zoning Ordinance from "Lot" to "Parcel" except for Lots in subdivisions. Should "Site" be used anywhere except "Site Plan"? There are a significant number of non-conforming lots in the Township (mostly dating back to before zoning), often two lots are needed to make a "parcel" that can be built on or renovated.

   Also, "Parcel" is used in the tax assessing data base and frequently the "parcel" contains two or more "lots".

5. Major Thoroughfare, Highway Road, Local Road, Local Access Road, Primary Road, Street, Street Line, Major arterial road

   Propose removing these words and definitions from Zoning Ordinance. Classify all roads as major road, road, or private road.

6. Ordinary High Water Mark (OHWM) (page 2-17)--Discussion needed on OHWM for water bodies other than Lake Michigan (second sentence in definition).

   Ordinary High Water Mark. For Lake Michigan, the Ordinary High Water Mark is a point 580.5 feet above sea level (International Great Lakes Datum 1985). For other water bodies, the Ordinary High Water Mark is the approximate location on the shore where physical markers such as vegetation indicate the ordinary high water mark or as determined by the State of Michigan or U.S. Government.

7. Unresolved District Boundaries (Article 3)--Needs a clearer statement, specifically in phrase "reasonable doubt". Another problem is the wording "more restrictive zone" especially between residential and agricultural zones. Propose the following: "If any land has not been included within a district on the zoning map, such land shall be in the AG agricultural district."

8. Topic for Discussion if time allows: Open Space in Article 5.01 Planned Unit Development. What structures (if any) or uses can occur in "open Space"? See 5.01 (D) (6) and 5.01 (E) (4) and 5.01 (H).

   Proposed Definition: **Open Space.** An area that is open to the sky. ~~exclusive of roads parking lots and building envelopes~~.

Master Plan Discussion Points:
Please see following pages.

Prepared by Brian VamDenBrand, Monnie Peters, Laura Serocki

WORK SESSION - MASTER PLAN

Peninsula Township Master Plan 2011 Goals and Actions

Implementation 2/20/2017 (fill-in by MGP)

Area of Concern

Goals **Actions** (note: Goals/actions are" shortened" from the Master Plan)

What is needed to do this action? Research	Zoning	Other	**Who?** TB, PC, P-Staff, O-staff	**Priority** High/Med/Low
Environmentally Sensitive Area Overlay p 22				
Protect Wetland Areas				
Identify wetland areas and create an overlay map			different maps by jurisdiction; Fed, DNR,DEQ	high
			Staff (Claire) did a lot in the mapping area, also some from McKenna	
Establish minimum setbacks for wetlands			ZO rewrite (25 ft)	PC
Develop requirements for vegetative buffers			Look for materials from others first	PC w engineer?
Protect Steep Slopes and Ridgelines				high
Establish definitions			Work w Township engineer	
Identify areas and create overlay map			Staff (Claire) got data from county?, then create map	
Establish minimum standards and setbacks			not in ZO rewrite (?)	PC
Establish/promote land mgmt practices to conserve and protect these areas				High
Promote/implement Low Impact Development (LID) in new development areas			create a "Homeowner's Guide to best practices"	
			Create committee (largely citizen volunteers)	
Develop Educational opportunities for best practices			not addressed	
			What about environmental issues of chemicals from old Farming Operations?	
			ENFORCEMENT an issue	manpower, resources,
Shoreline Overlay p 23				
Establish and Promote land mgmt practices to conserve/promote shoreline				High
Establish protection criteria/define shoreline overlay area			created in ZO rewrite	
			more needed?	
Protect shoreline habitats by minimizing artificial shoreline above OHW mark			not addressed	
Develop requirements for vegetative buffers			not addressed	
Adopt ordinances and policies to eliminate invasives			Have Phragmites ordinance, successful program	
			What about other invasives?	
Adopt regulations/policies requiring best land mgmt			Some in ZO rewrite	
Adopt education materials/ regulations for shoreline development /(re-dev)				
Protect wildlife habitat along shoreline			not addressed	
Map and monitor all storm drains and water courses			Find out what available from CountyRoad Com and State DOT	Medium
			Learn more about trees preventing erosion on roads	

PAGE 2 - Area of Concern Goals Actions	What is needed to do this action? Research Zoning Other	Who? TB, PC, P-Staff, O-staff	Priority High/Med/Low
Historic Overlay p 24			Med-low
Identify and preserve historic structures/locations			
Identify specific structures and areas			
Establish Historic Preservation Committee for structures and materials	*see also 5th goal under Residenial - Historic neighborhood overlays*		
Establish historic districts w guidelines and stds	(True Historic Districts not wanted)		
Encourage preservation of historic structures	Park Board has done lighthouse Peter Dougherty House and Society		
Research farms for Centennial Farm Status		Use MSU extension interns?	
Agricultural Production and Land Use pp 26-27			
Preserve 9000 acres of prime/unique/contiguous farmland	Strong support, especially for PDR program		
Continue PDR program	Maybe do another millage before the expiration of the current one		High/med
Encourage clustering of new residential developments	Need more encouragement/ordinance - not saving land features currently		
Promote utilization of best land mgmt practices	GAAMPs does part, is it enough for land mgmt? Also MAEAP from Conservation Distrit		
Develop refined Agricultural Preservation Zoning District and regs	Group unsure about two "Ag" zoning districts, not enough details for understanding		
Retain and attract growers and agricultural entrepreneurs			med
Encourage growers to produce, process, market ag products	Farmers Market? Questioned viability esp with strong market in TC successful roadside stands		
Establish Ag Development Plan w MSU Land Policy Inst	Price of land major issue; is good farmland held by non-farmers? Meeting happened several years ago; no follow up		
Include AG in capital planning (roads, power)	traffic/parking issues esp on Fall weekends		
Raise local profile by communicating ag development, production, to all stakeholders			
Ensure complementary harmonious existence between res and ag zones			
Establish monitoring schedule to enforce ordinance existing/new SUPs	Need to identify problems and then enforce, also better monitoring PDR		
Remove non-ag related uses from existing ag zone	Need to identify problems first		
Rural Agricultural Land Use Goals/Actions p 28			med/low?
Establish the Rural Ag Zoning District	Group unsure about two "Ag" zoning districts, not enough details for understanding		
Identify and verify parcels within Rural Ag District			
Retain current ag density calculation for new development			
Develop permitted uses in Rural Ag District			
Adopt a zoning ordinance that defines stds for Rural Ag District			

PAGE 3 - Area of Concern Goals Actions	What is needed to do this action? Research Zoning Other	Who? TB, PC, P-Staff, O-staff	Priority High/Med/Low
Residential Land Use Goals/Actions p 30-31			
Reevaluate the Residential Zoning Districts			
Identify/verify parcels in each residential district	Continue mapping by Planning/zoning Dept.	staff	
Develop permitted/special uses in each residential district	General agreement that the 4 current residential zoning districts remain		
Adopt zoning ordinance that defines stds in each district	Shoreline Overlay in zoning rewrite covers much in R-1-B		High
Plan development to preserve prime Ag land, natural resources, unique character	discussion of residential in Ag zone	PC part of Ag issues	
Discourage rezoning to higher density zoning districts			
Guide development w conservation development techniques	More work needed to look at natural features, slopes, soil types		
Adopt planning tools to direct development away from wetlands, slopes, etc	More work needed, clearer stds, esp PUD trees, amount of grading, retention of current natural features what incentives are there for preserving more features?	PC study group?	High
Preserve single family character of various residential neighborhoods			
Prevent rentals of less than 30 days	This is being broken, part of AirB&B discussion?	PC with TB input	High
Encourage cooperation w other govt agencies to monitor home-base businesses			
Enforce and improve noise ordinance	Improvement, needs continued enforcement		
Enforce and improve junk ordinance	Improvement, needs continued enforcement		
Provide Senior housing housing opportunities	nothing discussed in this area		
Consider ordinance provision for independent, assisted living, etc units			
Consider possible mixed use village centers at Mapleton and Old Mission			
Preserve neighborhoods w unique characteristics w historical overlay district			
Establish guidelines for potential community overlay designation	Neighborhood Overlay District as in Zoning Rewrite ZO creates a process and method to set up Neighborhood Overlay		Med-low
Create Neighborhood Pattern Book to establish guidelines	create "Architectural vernacular guideline", fair amt of work done by citizen(s) Use MSU extension interns?	citizen volunteers	
Address non-conforming parcels w/out increasing density			
Reconsider "Village Center" w/in Township	Little interest		
Designate potential areas that could support village center			
Host community mtgs to gather input			
Create action plan if future land use practices deem one necessary			

PAGE 4 - Area of Concern Goals Actions	What is needed to do this action? Research Zoning Other	Who? TB, PC, P-Staff, O-staff	Priority High/Med/Low
Commercial and Neighborhood Service Goals/Actions			
Plan commercial enterprises to provide needed servic p 33			
Investigate mixed-use village centers	Not a high priority, "keep on the table"		Low
Consider village centers at Old Mission and Mapleton			
Consider support of Ag tourism and Agribusiness thru events etc			
Develop Ag econ tools for promotion of Ag industry	see above under AG		
Continue communication efforts in Ag commun to turn things into zoning			
Encourage Ag festivals, Farmers mkts			
Industrial Land use Goals/Actions			
Ensure current Industrial activities are compatible w e p 34			
Establish guidelines for environmental impact study for applicants	Environmental issues repeatedly brought up		Med
Expand the radius of neighborhood notification			
Public and Semi-public Land Use goals/Actions			
Establish Public and Semi-public Zoning District pp 37-39			Low
Identify/verify parcels w/in district	Mapping needed		
Adopt stds for district			
Create Capital Improve Plan for Twnsp services/facilities	CIP plan to be done	TB, Treasurer	Very High
Provide parks,trails, rec facilities to serve all citizens	Discussion at Nov 9 mtg		
Continue to maintain/improve twnsp parks	Being done until Park Commission	Park Com	
Explore appropriate locations to expand parks, water access, rec facilities	Addition of Pelizari, BH addition and DNR site at Old Mission		
Develop future trails to link to other regional trails	Continued interest in more trails, esp north-south trail		Med
Maintain/encourage communication between Planning Com and Parks Com			
Maintain integrity of roads to encourage traffic to move safely, smoothly	Future land use will impact Center Road; need to investigate that interaction		
Maintain Center Rd as arterial providing free flowing w no stops/signals	need to get statistics on Center Road, much discussion on increased traffic		High
Establish access mgmt plan along roadways	more statistics from County Road Commission?		
		TB take lead	
Continue to document road conditions for road projects			High
	Study trees along roads prevent erosion versus safety		
Encourage street design to provide efficient traffic in neighborhoods			
Develop additional scenic turnouts and encourage preservation of scenic vistas	Center Road has become Scenic Roadway		
		TB take lead?	
Encourage secondary access in new developments			

PAGE 5 - Area of Concern Goals Actions	What is needed to do this action? Research Zoning Other	Who? TB, PC, P-Staff, O-staff	Priority High/Med/Low
Encourage access to public transportation	Unrealistic to have dedicated BATA route.		low
Research feasibility of BATA fixed route			
Provide pedestrian movement in high density and in commercial areas			
Provide system for bike traffic w/out conflicting w vehicles	Better shoulders on Peninsula Drive		
Require plan for internal pedestrian movement to adjacent subdivisions	also study pedestrian and bicycle safety		Med/High
Keep lakeshore road ends open for ped access, etc	Learn about "Complete Streets"		
Provide efficient Township Services			
Develop Capital Improvement Plan (state mandate)		PC with TB	Very High
Continue police protection			
Use existing facilities in many ways to benefit community			
Investigate need for additional or updated fire station			
Maintain township library	yes		
Develop relationships w neighboring govts for partnering to reduce costs, etc			
Assure availability of Electricity and natural gas			
Work w companies to create comprehensive future services			
Install electric underground in new developments; bury existing if possible	New developments are mostly underground, but existing? Stronger language in MP		
Consider alternative energy sources while maintaining character			
Enhance communications within Township			
Expand public information on Township web site	Continual need to improve website		medium-high
Continue to distribute newsletter	done		
Encourage communication w other governmental entities			
Evaluate need for future water and sewer districts	largely done, water and sewer lines to Wilson Road		low
Adopt rules so all central systems conform to fed/state/local requirements			
Maintain water/sewer agreements with TC			
Encourage homeowners to hook-up to public sewer systems			
Adopt measures to ensure continued use of good septic systems	some work has been done in this area		medium
Develop plan for individual septic sys maintainance and inspection			
Adopt regs to bring all sewage disposal sys up to current stds	Look at Long Lake Ordinance?		
Encourage residents to correct deficient sys/consider common/cluster systems	more education esp for shoreline residents		
Work w GT DPW to provide collection of septage and holding tank waste			
Provide convenient, economical solid waste disposal	Mostly Complete		
maintain transfer station and do curb-side pickup			
Consider additional recycling drop-off areas	not needed with curbside recycling		
Consider ways to reduce number and frequency of solid waste trucks			
Provide locations for lawn and woody material waste to be deposited	only action not completed in this goal		Low?

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Planning Department Report No. 2017-02

Prepared:	February 21, 2017	Pages: 3
Meeting:	February 27, 2017 Planning Commission	Attachments: ☐
Subject:	2016 Planning Commission Annual Report	

Introduction: The Peninsula Township Planning Commission is a legally mandated body defined broadly in state law and more narrowly by township ordinance. The PC is appointed by the Township Board, and serves to catalyze new policy initiatives and provide oversight of certain planning activities.

The 2016 Planning Commission consisted of the following members:
Keith (Lanny) Leak: Chair
Al Couture: Vice Chair
Donna Hornberger: Secretary
Penny Rosi: TB Representative
Laura Serocki: Member
Monnie Peters: Member
Isaiah Wunsch: Member & ZBA Representative

Meetings of the Full Planning Commission: The full PC met for 19 special and regular meetings during 2016. In Peninsula Township, the Planning Commission is responsible for reviewing projects not permitted as a use by right, as well as for policy development.

Projects under review included ongoing and new SUP application reviews for residential developments and the conversion of a new use by right winery to a Winery-Chateau. At least two of the ongoing residential projects under review by the Planning Commission will carry in to 2017.

Zoning Ordinance Rewrite
In addition to its project review function, the Planning Commission also conducted extensive work on a Zoning Ordinance rewrite in 2016. With assistance from McKenna and Associates, the Planning Commission is near completion of a structural overhaul of the current zoning ordinance. During the process of the zoning ordinance rewrite, a number of policy questions were raised. Because Peninsula Township's Master Plan is up for a five-year review, the Planning Commission chose to delay action on substantive policy issues until public input has been received relative to some of the issues under consideration.

Eight special joint meetings were held in 2016 with the Township Board to facilitate the PC's work with McKenna and Associates on the ZO rewrite. These joint meetings constituted about half of the special meetings dedicated to the rewrite of the ZO. Toward the end of 2016, the PC chose to separate structural "housekeeping" issues from substantive policy changes in order to achieve the goal of streamlining the ZO without making any major policy changes.

The Zoning Ordinance Rewrite is being handled by a subcommittee made up of Monnie Peters, Laura Serocki, and Al Couture. The subcommittee met several times at the end of 2016 and has been meeting regularly in 2017 to complete the final working draft of the Zoning Ordinance rewrite. The subcommittee is working on issues of wording and structure, and will propose both a ZO to recommend to the Township Board, as well as a list of policy areas to explore more thoroughly on an individual basis in the coming years.

Master Plan Review:
The PC has not emphasized the Master Plan or its implementation in the past two or three years. As the PC began its revisions to the Zoning Ordinance, it became increasingly clear that more work was needed to bridge various gaps between the broad strategic initiatives called for in the Master Plan and the narrower, legally binding policies set forth in the Zoning Ordinance. The PC chose to begin a scheduled review of the Master Plan in 2016, with the hope that the Master Plan review would be able to respond to the various policy questions raised by the Zoning Ordinance revisions.

A subcommittee was formed to conduct the state-mandated 5-year review of the Township Master Plan. The initial community meeting and subsequent PC discussions led to a consensus that the current Master Plan is generally sound and needs only minor changes. The subcommittee held two public meetings and to date has developed updated demographic data and a structural framework for prioritizing the implementation of action items called for in the current Master Plan.

On September 13th, the Township Board informally accepted the recommendations in discussion and specifically authorized the mapping upgrades. The recommended dollar amount of $2800 for that activity was not formally authorized. Formalizing the decision around these action items with a vote at the TB level will allow the PC to move forward in 2017.

The Master Plan Implementation Subcommittee met three times in 2016 to determine "who", "what", "how" is needed to implement the actions called for in the current Master Plan. We anticipate additional meetings in the spring/winter of 2017 to resolve remaining questions of implementation and to try to foster a more consistent adherence to and recognition of the Master Plan.

Plan of Work for 2017
2017 should bring completion of the Zoning Ordinance rewrite, as well as continued work on the Master Plan. Proposed amendments to the Master Plan include:

1. Resolve Future Land Use map with current conflicts
2. Upgrade maps to digital and improve township GIS capabilities.
3. Plan, budget and prepare for a professional survey of the Township citizens to have results for use for PDR decisions, Master Plan Review in 2021, and possibly other uses.

We hope to make policy decisions with the assistance of robust public input, and always welcome the insights of township officials and staff as we grapple with challenging policy questions.

Action Requested:
The following motion would be appropriate if the Planning Commission is prepared to accept and forward the 2016 Annual Report to the Township Board (with amendments as noted, if necessary):

THAT the 2016 Planning Commission Annual Report, as contained in Planning Department Report No. 2017-02, BE ACCEPTED and forwarded to the Peninsula Township Board as required by Section 19(2) of the Michigan Planning Enabling Act.

PENINSULA TOWNSHIP

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Planning Department Report No. 2017-03

Prepared:	February 21, 2017	Pages: 3
Meeting:	February 27, 2017 Planning Commission	Attachments: ☒
Subject:	SUP #127 – Vineyard Ridge Planned Unit Development	
Parcel No(s):	11-336-071-00, 11-336-071-00	
Owner:	OMP RE, LLC	
Applicant:	Vineyard Ridge, LLC	
Agent:	Mansfield Land Use Consultants	

Subject Property:
The subject property is located on Center Road, just south of Mathison Road and across from the Pelizzari Natural Area (*see map on page 3*).

Purpose of Application:
The application requests approval of a 47-unit residential Planned Unit Development. PUDs may be permitted by Special Use Permit in the Suburban Residential Single Family and Two-Family (R-1C) zoning district.

Staff Comment:
A public hearing on this application was held on January 23, 2017. Following public comment and Commission discussion, the application was tabled to allow Commissioners to visit the site. The focus of the site visit was to review the proposed 10% open space / trail easement area. Questions and comments regarding the open space were then provided to the applicant, and they are also attached to this report. On February 21, 2017, the applicant submitted a response (*see attached*) detailing how these concerns may be addressed.

The latest discussion has focused on the feasibility and actual public benefit of the proposed easement. More specifically, concerns have been expressed about fences and walls placed within the easement, challenging topography, and the location of the easement relative to adjoining properties.

At this point, the exact location of a future trail is still unknown, but the applicant has indicated willingness to work with the Township to adjust the final location of the easement. Staff has reached out to Grand Traverse Conservation District and Land Conservancy staff in hopes of narrowing down a feasible design.

In order to keep the application moving forward, the Planning Commission may consider recommending approval of the project to the Township Board with conditions. One of these conditions may include designating a subcommittee of the Planning Commission to work with the applicant, staff, and knowledgeable trail builders to finalize the easement language and easement legal description prior to Township Board action.

Proposed Easement:
As of this writing, Staff is still waiting on the revised easement language from the applicant's attorney. When received, Staff will update the Planning Commission's packet on the Township website.

Recommendation:
In the event that the Planning Commission is prepared to move the project forward with conditions, Staff and the Township Attorney have prepared a Finding of Fact document, which must be reviewed and approved prior to any recommendation. These findings are attached.

The following separate motions are offered for consideration:

(Motion) THAT the Findings of Fact for Special Use Permit No. 127, Vineyard Ridge Planned Unit Development Condominium Subdivision BE ADOPTED. *(Motion to be made following review, modification as necessary, and acceptance of draft document).*

(Motion) THAT the application for Special Use Permit No. 127, Vineyard Ridge Planned Unit Development Condominium Subdivision be recommended for approval to the Township Board, based upon the adopted findings of fact and subject to the following conditions:

1. The applicant shall work with a designated subcommittee of the Planning Commission to finalize the open space easement location and easement language prior to approval by the Township Board.
2. Proof of Compliance with all Federal, State, County, Township and other governmental regulations relative to the establishment of a Condominium Subdivision Planned Unit Development shall be submitted to the Peninsula Township Planning and Zoning Department prior to issuance of the Special Use Permit.
3. Requirement of a Performance Bond or other enforceable appropriate financial mechanism to ensure the construction and long term maintenance of the private as planned in accordance with SUP #127 based upon the recommendation of the Township Engineer and Accountant as required by statute.
4. All signs shall be complaint with Section7.11 of the Ordinance.
5. Review of Master Deed and Bylaws and site plan by Township Attorney to ensure compliance with these conditions and the SUP/PUD.

If the Planning Commission is not yet prepared to recommend approval of the project subject to conditions, then the above motions would be premature and direction to the applicant would be appropriate.

Attachments:
Applicant response to PC concerns dated February 21, 2017
Draft Findings of Fact for Application SUP No.127, Vineyard Ridge

Proposed "Vineyard Ridge" PUD

NOT A SURVEY. To be used for reference purposes only. This map was prepared by the Peninsula Township Planning and Zoning Department. Peninsula Township does not warrant that the information contained herein is current or error/omission free.

Legend
Parcel 2016

0 600 1,200 Feet

PENINSULA TOWNSHIP
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www.peninsulatownship.com

Peninsula Township Planning Department: 2/21/2017
Document Path: Z:\GIS\2017\Basemap_2017.mxd

Mansfield
Land Use Consultants

February 21, 2017

Brian VanDenBrand
Director of Planning& Zoning
Peninsula Township
13235 Center Road
Traverse City, MI 49686

Dear Brian,

Following the last Planning Commission meeting, I had the opportunity to walk the Vineyard Ridge site with members of the Planning Commission and Township staff to look at the areas where the proposed trail easements are located. After receiving comments from the Planning Commissioners and meeting with you, we are working on ways to alleviate their concerns, including the following:

- Modifying the proposed easement location and shape so that the proposed fences and walls are no longer within the easement, eliminating the conflict of these elements preventing use of the easement area. Access to the easement area will still be provided by maintaining its connection to the public right-of-way.
- Modifying the shape and size of the easement to allow for the future trail to cross the proposed private road behind the proposed walls and to provide the opportunity for a trail route in the southeast corner of the site that utilizes natural topography to gently climb the grade instead of forcing a steep climb along the south property line.
- Working with the Township's attorney to modify the easement language to address any remaining issues.

Some additional questions came up during this process as well and the following points are provided in an attempt to answer them:

- The developer intends to address the encroachments that were noted following the approval of the project.
- The proposed landscaping for the project remains the same as in previous versions of the submission. The same landscape plans that were provided before were included in the new binder (tab 7) as well. It is intended that each home site be significantly landscaped with shrubs and trees. Proposed roads are to be lined with street trees and the two private road entrances will be significantly landscaped as well.

Thank you for your further review of the Vineyard Ridge project. Should you have any questions please feel free to contact me.

Sincerely,

Dusty Christensen, LLA

830 Cottageview Drive -Suite 201
P.O. Box 4015 Traverse City, MI 49685

p 231.946.9310
f 231.946.8926

Brian VanDenBrand

From: Susie Shipman <shipman.parks@gmail.com>
Sent: Monday, January 30, 2017 11:44 AM
To: Gordon Hayward
Subject: comments regarding Vineyard Ridge
Attachments: vineyard ridge highlighted.pdf

Good morning,

Please pass along the following comments regarding the Vineyard Ridge development proposal based on observations from the site visit last week:

The current layout of the proposed 10% open space for public use does not qualify as "readily available to and desirable for the use intended" in several ways:

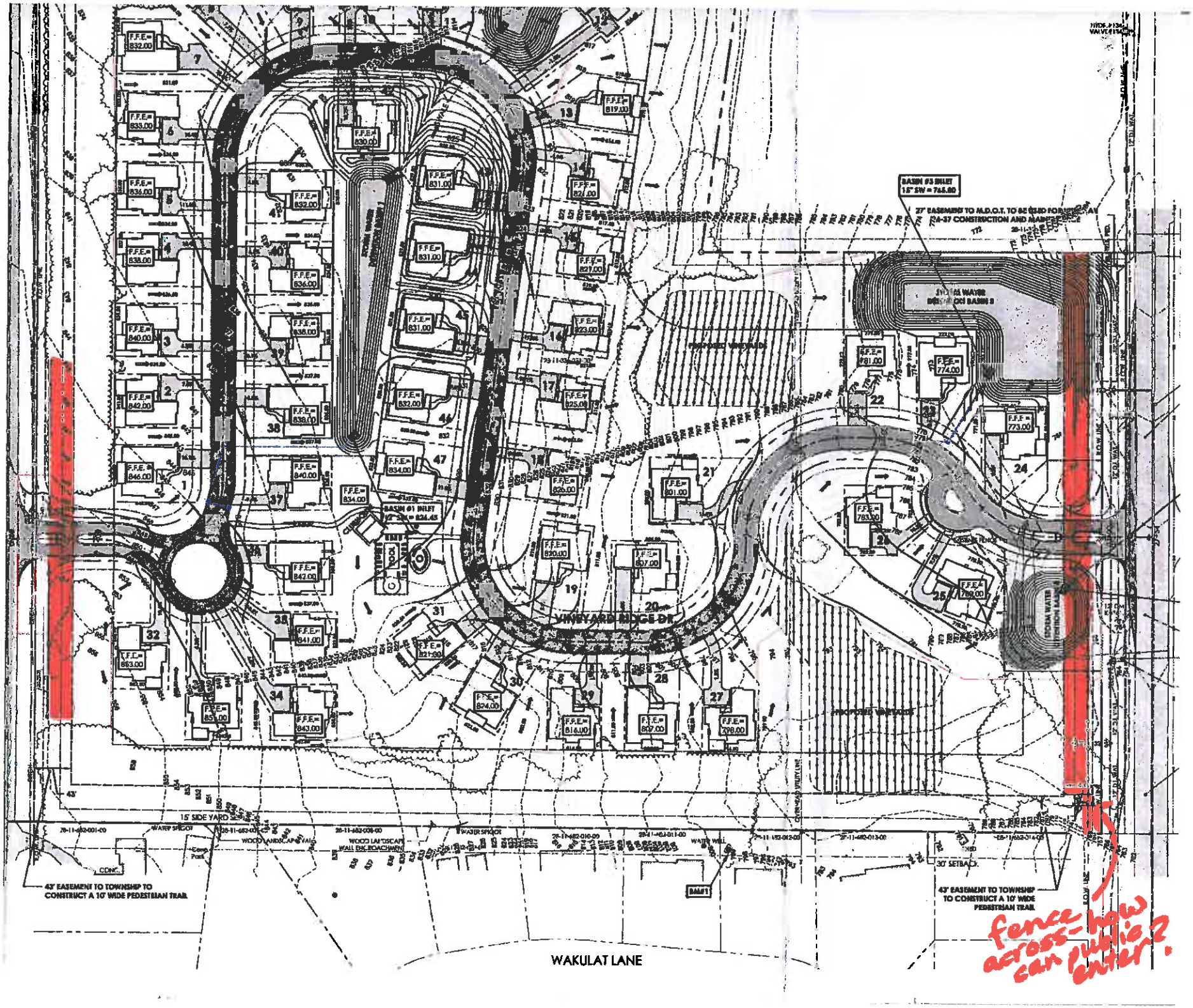
1) The site visit confirmed that the highlighted portions shown on the attached plan (areas behind the development fence) would not be "available" for the public benefit in either a tangible (the fence blocks and/or directly interferes with public use) or intangible (the public is not going to feel welcome to go behind the development fence to 'enjoy' that public space) fashion. Based on my observations, I don't believe the highlighted areas qualify as either available or desirable. Across the 43 feet where highlighted, only perhaps one third (Dusty quoted ~12 feet on the outside of the planned fence during the planning commission meeting) would realistically be usable by the public.

2) I observed that at the southeast corner, the planned development fence would extend across the proposed 43-foot wide easement. This would make public access impossible.

3) I observed there is inadequate space for trail construction to be feasible within the 43 feet proposed along the south boundary. In addition, because the available area is so constricted, I anticipate there would be undue expense to the township to construct a usable trail in the proposed 43-foot wide strip.
--Consideration of the 15 foot side yard (and several significant observed encroachments) severely limits the usable space in this proposed easement.
--A trail that has public benefit would be able to follow a logical and thoughtful path along the topography but the width limitations of the easement would prevent best practices trail construction.
--In some areas (SE corner), a trail would be better suited to follow the gradual incline of the existing topography that is north of the proposed 43-foot wide strip, but within the 90-foot buffer, rather that head straight up a steep slope.

4) Proposed easement language specifies "the Trail shall not interfere with nor obstruct any signs, landscaping or improvements of the Condominium" but the plan indicates development fencing throughout much of the proposed easement area. The combination of an easement for which public benefit is the sole purpose with a development fence running through much of that easement, coupled with a directive that there can be no interference with said fence (or landscaping near fence), presents an unrealistic/ill-advised burden for the township. The site visit confirmed my view that a fence running through the easement would create a barrier to public benefit and a burden to the township.

5) I observed that there may be potential for meaningful public benefit through thoughtful and creative reconsideration of a 10% area easement.


VINEYARD RIDGE DR
WAKULAT LANE
43' EASEMENT TO TOWNSHIP TO CONSTRUCT A 10' WIDE PEDESTRIAN TRAIL
43' EASEMENT TO TOWNSHIP TO CONSTRUCT A 10' WIDE PEDESTRIAN TRAIL
30' SETBACK
15' SIDE YARD
BASIN #3 INLET
BASIN #1 INLET
PROPOSED VINEYARDS
fence-how across-how can public enter?

Observations from the walk and some questions about the full Vineyard Ridge submission.

Monnie Peters 1/30/17

Observations from walk:

* multiple and serious encroachments by multiple Walkulat neighbors.

* closeness of Walkulat neighbors to property line. I feel as though even if the encroachments went away, the path should be much further away and thus the easement in this area should be wider.

* grade is a problem on the east end of the south border

* Grapes on south side: need to move these away from the possible easement to allow farm machinery turn around.

* on the east and west sides, we need to know where the fencing and walls at the entrances are exactly, and how a pathway moves by them. Is the fence inside of the easement?

* there is a significant swale next to Center Road. What is the grading plan there? We would not want to have to spend lots of $$ to be able to put a path in

New Plan v Previous Plan

The PC spent a lot of time last summer going over the details of Vineyard Ridge and asking questions. One was about the number of large/street trees that would be planted, especially since they are taking out lots of trees on over 50% (maybe as much as 80%?) of the property. I see nothing about landscaping around the homes in the new notebook. The PC needs to know exactly what is part of this submission. Is it only what is in the new notebook? Or are some of the issues we discussed last summer still part of the submission.

We will also need Nicole (our lawyer) to weigh in on the easement and its language. It is obviously unacceptable in the format it was in last week.

What standards does this Open Space have to meet? 8.3.6 (2) says … "The open space shall be dedicated to the Township … provided that the Township Board makes the following determinations:

(a) … not in conflict with the Master Plan of Peninsula Township (MGP: OK on this standard)
(b) The access to and the characteristics of the open space is such that it will ***be readily available to and desirable for the use intended."*** (MGP: what are the standards here … obviously not well defined, but it does provide something … is this "desirable"??)

Brian VanDenBrand

From: Donna Hornberger <dsh_44@yahoo.com>
Sent: Tuesday, January 31, 2017 1:50 PM
To: Brian VanDenBrand
Subject: Re: Comment on Vineyard Ridge

My concern is still the fence on Center Road and its proximity to the easement given to the Township. Too close? An obstacle if and when a path is created?

Sent from my iPad

On Jan 31, 2017, at 1:41 PM, Brian VanDenBrand <planner@peninsulatownship.com> wrote:

> Hello Planning Commission members,
>
> As a reminder, if you wish to provide comment to Dusty after your site walk last week, please get it to me as soon as possible, preferably by the end of the week. I've received two notes so far.
>
> P.S. In order to maintain Open Meetings Act compliance, please do not "reply all" to this email.
>
> Thanks,

Brian VanDenBrand
Peninsula Township Director of Planning & Zoning
13235 Center Road
Traverse City MI 49686
phone - 231-223-7314
fax - 231-223-7117
planner@peninsulatownship.com

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Brian VanDenBrand

From: Marilyn Elliott <marilyn3@me.com>
Sent: Tuesday, January 31, 2017 2:02 PM
To: Brian VanDenBrand
Subject: Re: Comment on Vineyard Ridge

Hello Gordon,

My major concern is the fence inside the easement and the width of the easement on that east line. Since this would/could be the first approval of this usage of the 10% easement, the dedication documents must be carefully crafted.

There are several encroachments on the south line.

Dusty was cooperative and able to address many of my questions. I'm looking forward to reviewing an updated Grant of Easement document.

Marilyn Elliott

Sent from my iPad

On Jan 31, 2017, at 1:41 PM, Brian VanDenBrand <planner@peninsulatownship.com> wrote:

> Hello Planning Commission members,
>
> As a reminder, if you wish to provide comment to Dusty after your site walk last week, please get it to me as soon as possible, preferably by the end of the week. I've received two notes so far.
>
> P.S. In order to maintain Open Meetings Act compliance, please do not "reply all" to this email.
>
> Thanks,
>
> ***Brian VanDenBrand***
> *Peninsula Township Director of Planning & Zoning*
> *13235 Center Road*
> *Traverse City MI 49686*
> *phone - 231-223-7314*
> *fax - 231-223-7117*
> *planner@peninsulatownship.com*
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Peninsula Township Planning Commission

DRAFT FINDINGS FOR SPECIAL USE PERMIT # 127 VINEYARD RIDGE
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)
MEETING DATE 2-27 -2017

PENINSULA TOWNSHIP PLANNING COMMISSION

DECISION AND ORDER

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

Hearing Date: February 27, 2017

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 Planning Commission 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 January 23, 2017 before the Planning Commission after giving due notice as required by law, the Commission having heard the statements of the Applicant and agents, the Commission after having considered letters submitted by members of the public and comments by members of the public, having considered numerous, and having reached a decision on this matter, states as follows:

1. General Findings of Fact

1.1 Property Description

a. The Commission 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 3)
b. The Commission finds the total acreage utilized for the Condominium Subdivision Planned Unit Development (PUD) measured at 27.87 acres. (Exhibit 3)

1.2 Action Request

a. The Commission 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. (Exhibit 1)

b. The Commission 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 1)

1.3 Zoning/Use

a. The Commission 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. (Exhibit 1)

1.4 Land Use Pattern-

a. The Commission finds the following land uses to be in existence on the date of this report adjacent to the proposed development.

(1) **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)

(2) **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)

(3) **East**- The properties adjacent to the East are Pelizzari Natural Area and other residential properties zoned R-1C, Suburban Single and Two-Family. (Exhibits 1, 2)

(4) **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)

b.. The Commission 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 1)

c. The Commission 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.

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

Section 8.1.3
(1) General Standards- The Commission 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.

(1) The Commission finds that the land surrounding the development is primarily single family residential with the exception of the east which abuts Pelizzari Natural Area zoned A-1. (Exhibit 2)

(2) The Commission finds that the Zoning Ordinance Section 6.4.1 the intent and purpose of the Suburban Residential District (R-1C) is to encourage medium density residential development associated with areas proximate to Traverse City. Such development shall fall within the logical service pattern of the Regional Wastewater Treatment System, whether or not serviced by that system.

(3) The Commission finds that the proposed PUD is planned as a single-family residential development with 10% open space dedicated for public use (Being Section 8.3.6 OPEN SPACE subsection (2) OPEN SPACE DEDICATED FOR PUBLIC USE); a RESIDENTIAL PLANNED UNIT DEVELOPMENT with a minimum of 10% of the net acreage dedicated to the Township for park or recreational purposes by the project owner or owners provided that the Township Board makes the following determinations: (Exhibit 1)

a. The location and extent of said land is not in conflict with the Master Plan of Peninsula Township.
i. The Commission Finds that a Master Plan Goal (Ch. 4 - Future Land Use – Public & Semi-Public Land Use Goals and Actions) reads as follows: Provide a variety of parks, trails, recreational facilities and programs to serve all groups of citizens. (Exhibit 2)

b. The access to and the characteristics of the open space land is such that it will be readily available to and desirable for the use intended.

i. The Commission finds the land will be used for a public trail system along Mathison road on the west; Center road on the east and a connection between the two along the south line. The property will be dedicated to the township for a future public trail in a forty three foot wide dedicated parcel. (Exhibit 3)

ii. The Commission finds that the property dedicated for a future public trail will increase ability of the owners to enjoy the recreational opportunity of hiking and exercising. (Exhibit 3 - Site Plan)

iii. The Commission finds that the proposed PUD provides for a 90 foot buffer zone along the property's boundary which will remain as an undeveloped setback except for the forty-three foot wide dedicated parcel above. (Exhibits 1, 2, 3)

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.

(1) The Commission finds that the land surrounding the development is primarily single family detached residential with the exception of the Pelizzari Natural Area. (Exhibit 1)

(2) The Commission finds that the development of the proposed PUD would have a positive impact because of their opportunity to use a public trail. The applicant has designed the housing sites to complement the existing residential use pattern in the area. (Exhibit 2)

(3) The Commission finds that the PUD as submitted includes a 90 foot buffer around the boundary of the property and is provided with public sewer and water. The Commission further finds that there is no evidence that the development would disturb existing or future uses of the land within the vicinity. The Commission further finds that the project is a substantial improvement over 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) (Exhibit 3)

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.

(1) The Commission 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 the forty-seven (47) residential units. This private road shall be reviewed by the Township Engineer for compliance with Section 7.10 standards. (Exhibits 1, 3, 4)

(2) The Commission 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 prior to the issuance of the SUP. (Exhibits 1, 2, 3, 4)

(3) The Commission 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 1, 3, 4, 5)

(4) The Commission 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. (Exhibit 3)

This standard HAS/HAS NOT been met.

(d) Not create excessive additional requirements at public cost for public facilities and services.

(1) The Commission finds that the applicant will be responsible for any improvements required as part of this proposal. (Exhibit 3)

(2) The Commission 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. (Exhibits 1, 2, 3, 4, 5)

(3) The public water and sewage disposal systems are managed by the County Department of Public Works and costs are paid by users. (Exhibit 4)

(4) The roads in the Development are private roads and are maintained by the Condominium Unit owners (Exhibits 1, 2)

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.

(1) The Commission finds that the residential 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)

(2) The Condominium Documents include provisions for the Association to regulate uses such as burning leaves or brush that might result in fumes, glare or odors. (Exhibit 3)

This standard HAS/HAS NOT been met.

Section 8.1.3
(2) Conditions and Safeguards- the Commission 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) Review of the project by the Peninsula Fire 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 existing residential structure on Parcel 28-11-336-072-00.

(d) The signs shall be reviewed by staff to assure they meet lighting standards of the Zoning 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.

Section 8.1.3
(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.
(1) The Commission finds that the applicant is the owner/operator of the petitioned property and may legally apply for site plan review. (Exhibit 3)

This standard HAS/HAS NOT been met.

(b) That all required information has been provided.

(1) The Commission 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)

(2) The Commission 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)

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.

(1) The Commission finds that the proposed PUD is planned as a single-family residential development with 10% open space dedicated for public use (Exhibit 3)

(2) The Commission 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)

(3) The Commission 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)

(4) The Commission finds that the proposed PUD will develop a private road which shall be built to the Peninsula Township private road standards of Section 7.10 to provide residential and adequate access to forty-seven (47) residential units. This private road shall be reviewed by the Township Engineer for compliance with the above Section 7.10 standards. (Exhibits 1, 3, 4)

(5) The Commission finds that signs are regulated by section 7.11.3 (17) Signs approved in association with a Special Use Permit. In approving a Special Use Permit, the Township Commission may approve any or all signs allowed in this Ordinance provided that the approved signs: (a) Are related to an approved use in the Special Use Permit; (b) the design, size, setback and lighting are shown on a scale drawing; and (c) the number and location of all signs are reasonably necessary to meet the intent of this Ordinance. In compliance with the ruling in *Reed v Town of Gilbert*, ___US___; 135 S Ct 2218; 192 L Ed 2d 236 (2015). (Exhibit 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.

(1) The Commission 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 Commission 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 3)

(2) The Commission 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 August 24, 2016. (Exhibit 3)

(3) The Commission 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 3)

(4) The Commission 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 3)

(5) The Commission 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 June 3, 2016 and email August 5, 2016. (Exhibits 3, 4)

(6) The Commission 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 3, 5)

(7) The Commission finds that the initial storm water control review was completed by the Township Engineer. (Exhibits 3, 5)

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.

(1) The Commission 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 3, 4)

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.

(1) The Commission finds that any form of development is going to cause some disturbance to the site. Given that development of the parcel is allowed under the Zoning Ordinance under the R-1C District, the PUD as proposed preserves a 90 foot buffer around the development preserving a significant number of the older hardwood trees. 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. (Exhibit 3)

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.

(1) The Commission 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.

(1) The Commission 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 (Exhibits 3, 4, 5)

(2) The Commission finds that the applicant has submitted a grading plan with sufficient details to evaluate the plan for protection of the steep slopes and vegetation present on site. (Exhibits 3, 4, 5)

(3) The Commission finds that the required SESC permits shall be submitted to the Planning & Zoning Department prior to issuance of the SUP. (Exhibits 1, 3)

This standard HAS/HAS NOT been met.

(i) That the proposed development will not cause soil erosion or sedimentation problems.

(1) The Commission 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. (Exhibits 3, 4)

(2) The Commission finds that the applicant has submitted a grading plan with sufficient details to evaluate the plan for protection of the steep slopes and vegetation present on site. (Exhibits 3, 4)

(3) The Commission finds that the required SESC permits shall be submitted to the Planning & Zoning Department prior to issuance of the SUP. (Exhibit 1, 3, 4)

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.

(1) The Commission 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... (Exhibits 3, 4)

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.

(1) The Commission finds that 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. (Exhibit 3)

(2) The Commission finds that the development of the road is reasonable in the context of the existing topography and existing drainage patterns. (Exhibit 3, 4)

(3) The Commission finds that the applicant has submitted a grading plan with sufficient details to evaluate the plan for protection of the steep slopes and vegetation present on site. (Exhibits 3, 4)

(4) The Commission finds that the request SESC permits shall be submitted to the Planning & Zoning Department prior to the issuance of the SUP. (Exhibit 1, 3)

This standard HAS/HAS NOT been met.

(l) That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.

(1) The Commission finds that the air drainage is not anticipated to be effected per the increased usage of the site. (Exhibit 2)

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.

(1) The Commission finds that the water, sewer, roads, drainage and grading of each phase can stand on their own. (Exhibit 1, 3, 4)

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.

(1) The Commission 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 by the Township Engineer. (Exhibits 1, 3, 4)

(2) The Commission 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 reviewed by the Township Engineer and DPW. (Exhibits 3, 4)

(3) The Commission finds that the County Sheriff has conducted a review of the submitted plans and offered comments. (Exhibit 3)

This standard HAS/HAS NOT been met.

(o) That landscaping, fences or walls may be required by the Commission in pursuance of the objectives of this Ordinance.

(1) The Commission 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 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.

(1) The Commission finds that the parking will be provided for each residential unit and no other parking areas are provided. (Exhibit 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.

(1) The Commission finds that there is no pedestrian infrastructure proposed as part of this development. (Exhibits 3)

(2) The Commission 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 3, 4)

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.

(1) The Commission 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.

(1) The Commission finds this property is allowed a residential development under the Suburban Single and Two-Family (R-1C) zoning district. The development is being developed as a Planned Unit Development with the open space option of 10 % of the property dedicated for public use. (Exhibits 2, 3)

This standard HAS/HAS NOT been met.

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

Section 8.3.2 Objectives – The following objectives shall be considered in reviewing any application for a special use permit for planned unit development.

(1) 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.

a) The Commission finds this property is allowed a residential development under the Suburban Single and Two-Family (R-1C) zoning district. The development is being developed as a Planned Unit Development with the open space option of 10 % of the property dedicated for public use. (Exhibits 2, 3)

This standard HAS/HAS NOT been met.

(2) To provide open space options.

a) The Commission finds that a PUD application shall include provisions for Open Space as required by Section 8.3.6 of the Ordinance. Vineyard Ridge proposes 10% open space dedicated for public use. Section 8.3.6 open space subsection (2) open space dedicated for public use; a residential planned unit development with a minimum of 10% of the net acreage dedicated to the Township. That open space land shall be dedicated to the Township for park or recreational purposes by the project owner or owners provided that the Township Board makes the following determinations: (a) the location and extent of said land is not in conflict with the Master Plan of Peninsula Township. (b) The access to and the characteristics of the open space land is such that it will be readily available to and desirable for the use intended.

b) The Commission finds the open space will be used for a public trail system along Mathison Road on the north; Center Road on the east and a connection between the two along the south line. The property will be available for the township to construct a future public trail in a forty two (43) foot wide dedicated parcel. (Exhibit 3).

This standard HAS/HAS NOT been met.

(3) To encourage developers to use a more creative and imaginative approach in the development of residential areas.

a) The Commission finds that when balancing market demands for desirable residential parcels in conjunction with the dedicated 10% of land for public use, 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)

This standard HAS/HAS NOT been met.

(4) 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.

a) The Commission finds that the applicant's plans provide a ninety (90) foot buffer of existing trees along the southerly and westerly borders of the project. Houses are proposed to take advantage of the steep slopes in the center of the project by using walkout basements instead of major regrading of the sloped (Exhibit 3, 4)

This standard HAS/HAS NOT been met.

(5) To encourage variety in the physical development pattern of the Township by providing a mixture of housing types.

a) The Commission 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.

(6) 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.

a) The Commission finds the parcel is subject to residential zoning, is currently vacant and not being utilized for farmland. The Commission 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. (Exhibit 3)

This standard HAS/HAS NOT been met.

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

(1) 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.

a) The Commission finds that the proposed project is 27.87 acres. (Exhibits 3)

This standard HAS/HAS NOT been met.

(2) 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.

a) The Commission further finds that the property is zoned R-1C. (Exhibits 1, 3)

This standard HAS/HAS NOT been met.

(3) 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.

a) The Commission 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, 3)

This standard HAS/HAS NOT been met.

(4) 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).

a) The Commission 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 1, 3)

b) The Commission 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)

This standard HAS/HAS NOT been met.

(5) Open space shall be provided according to Section 8.3.6.

a) The Commission finds that the PUD application includes provisions for 10% of the land to be dedicated for public use for a future public trail as provided by Section 8.3.6 Open Space. (Exhibits 1, 3)

This standard HAS/HAS NOT been met.

(6) 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).

a) The Commission finds that the PUD application includes provisions for 10% of the land to be dedicated for public use for a future public trail as provided by Section 8.3.6 Open Space. (Exhibits 1, 3)

This standard HAS/HAS NOT been met.

(7) 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.

a) The Commission finds that the proposal meets Section 8.3 of the Ordinance in these findings and below. (Exhibits 1, 3)

Section 8.3.4, PUD Uses that may be permitted: The Commission finds that the applicant is proposing single family dwellings, in accord with Section 8.3.6. (Exhibits 1, 3)

Section 8.3.5, PUD Lot Size Variation Procedure: The Commission 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.

(1) 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

(2) 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 1, 3)

(3) The Commission 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 1, 3)

(4) The Commission finds that the minimum lot area/building envelope is 6,005.15 square feet as indicated in the application. (Exhibit 3)

(5) The Commission 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 1, 3)

Section 8.3.6, PUD Open Space: The Commission finds that a PUD application shall include provisions for Open Space as required by Section 8.3.6 of the Ordinance. The Commission finds that the proposed PUD with a minimum of 10% of the net acreage dedicated to the Township for park or recreational purposes by the project owner or owners (Being Section 8.3.6 (2) OPEN SPACE DEDICATED FOR PUBLIC USE). (Exhibit 1)

a) The Commission finds that the location and extent of said land is not in conflict with the Master Plan of Peninsula Township.

b) The Commission finds that access to and the characteristics of the open space land are such that it will be readily available to and desirable for the use intended.

c) The Commission finds that the proposed PUD provides for a 90 foot buffer zone along the property's boundary which will remain as an undeveloped setback including within a forty three (43) foot wide dedicated easement for public use. (Exhibits 1, 3)

Section 8.3.7, PUD Maximum Percentage of Lot Area covered by All Structures: Maximum permitted by Section 8.3.7 is 15%.

(1) The Commission 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. (Exhibits 1, 3)

Section 8.3.8, PUD Affidavit: The Commission 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)

Article VII of the Ordinance requires Vineyard Ridge to address the following items:

Section 7.1.2, Sanitation Requirements: The Commission 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 1, 3)

(1) Section 7.2.5, Stormwater Detention: The Commission finds that the initial storm water control review was completed by the Township Engineer. (Exhibit 3)

(2) Section 7.2.6, Supplemental Setbacks for Planned Unit Developments, Mobile Home Parks, and other Group Housing Developments: The Commission 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 and includes dedicated land for public recreational purposes. (Exhibits 3)

(3) Section 7.6, Off Street Parking and Loading Regulations: The Commission finds that the proposal provides two (2) off street parking spaces for each dwelling unit as required by this section.

(4) Section 7.7, Developments Abutting Agricultural Lands: The Commission finds, that the proposed site plan offers a 90 foot buffer and no accessory uses, buildings or structures within 100 feet of agriculturally zoned property. (Exhibit 1,

(5) Section 7.10, Road Standards: The Commission 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 (Exhibits 1, 3)

(6) Section 7.11, Signs: The Commission finds that signs are regulated by section 7.11.3 (17) of the Ordinance. The Commission finds that the signs are related to an approved use in the Special Use permit; that the design, size, setback and lighting are shown on a scale drawing, and the number and location of all signs is reasonably necessary to meet the intent of this ordinance. In compliance with the ruling in *Reed v Town of Gilbert*, ___US___; 135 S Ct 2218; 192 L Ed 2d 236 (2015).

(7) Section 7.14, Exterior Lighting Regulations: The Commission 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 1, 3)

This standard HAS/HAS NOT been met.

EXHIBITS

1. Peninsula Township Zoning Ordinance
2. Peninsula Township Master Plan
3. Mansfield Application Folder dated 1/9/17
4. Vineyard Ridge Project Review dated 1/3/17
5. Otwell Mawby Geo technical P.C. dated 1/9/17