PENINSULA TOWNSHIP

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PENINSULA TOWNSHIP
PLANNING COMMISSION AGENDA
March 21, 2022
7:00 p.m.

1. **Call to Order**
2. **Pledge**
3. **Roll Call**
4. **Approve Agenda**
5. **Brief Citizen Comments (For Agenda Items Only)**
6. **Conflict of Interest**
7. **Consent Agenda**
    a. Approval of Meeting Minutes: Planning Commission Regular Meeting February 28, 2022
8. **Reports and Updates**
    a. Citizens' Agricultural Advisory Committee (Cram)
    b. Master Plan Draft Update (Cram)
    c. PDR Ordinance Re-write (Cram)
    d. Bella Vue SUP #137 (Cram)
9. **Business**
    a. Special Use Permit (SUP) – Peninsula Shores Planned Unit Development (PUD) #123 Amendment #3 – Findings of Fact and Conditions
10. **Public Comments**
11. **Other Matters or Comments by Planning Commission Members**
12. **Adjournment**

Peninsula Township has several portable hearing devices available for audience members. If you would like to use one, please ask the clerk.

Minutes

Planning Commission Minutes
February 28, 2022
Beth Chan, Recording Secretary

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PENINSULA TOWNSHIP PLANNING COMMISSION MEETING MINUTES
February 28, 2022, 7:00 p.m.

1. **Call to Order:** 7:00 p.m. by Shipman
2. **Pledge**
3. **Roll Call:**
   Present: Shipman, Hall, Dloski, Alexander, Couture, Hornberger, excused: Wunsch, also present: Planner-Jenn Cram, Zoning Director-Christina Deeren, Attorney Meihn via phone, and Recording Secretary-Beth Chan

4. **Approve Agenda:**
   Moved by Hornberger to approve agenda as presented, seconded by Couture
   approved by consensus

5. **Brief Citizen Comments (for agenda items only):** None

6. **Conflict of Interest:** None

7. **Consent Agenda:**
   a. Approval of Meeting Minutes: Planning Commission Regular Meeting, January 24, 2022
   Moved by Dloski to approve consent agenda, as presented, seconded by Couture
   approved by consensus

8. **Reports and Update:**

Cram: the Citizen's Agricultural Advisory Committee meets on the second and fourth Thursdays, the next meeting is March 10, 2022. We will look at the agricultural sections of the zoning ordinance in preparation to make a recommendation to the planning commission. The last meeting was focused on farm markets and the next meeting will focus on comparing the winery-chateau ordinance to farm processing. The March 24th meeting will have a representative from Michigan Right to Farm to talk about the GAAMPS for farm markets.
Hall: supports the discussion of the right to farm impacts on the zoning ordinance, it supersedes ordinances that are inconsistent with the right to farm statute and the GAAMPS.
Cram: we are looking at the Michigan Zoning Enabling Act and the Michigan Right to Farm Act.a. Peninsula Township Purchase of Development Rights (PDR) Ordinance #23, Amendment #3 Re-write-Introduction
Cram: the PDR study group has been meeting since January looking at updates to the existing PDR Ordinance. The purpose is to make it consistent with the Michigan Zoning Enabling Act and make the ordinance more contemporary. Ginny Coulter and Susan Tarczon are here to present a summary of the proposed changes. This is on the agenda for the joint planning commission and township board meeting on March 14, 2022. The changes have been reviewed by the township assessor and the treasurer's office and comments have been received that have not been addressed in this draft. Additional modifications are expected to address their comments.

Ginny Coulter: gave an introduction and cited past experiences working with PDR issues and on the planning commission as a chairperson. Joined the PDR study group to update and revise the PDR ordinance. The committee followed guidance from the second vision statement from the proposed updates to the Township Master Plan "to continue to implement any and all steps that reduce build-out potential including the renewal of the PDR program." Gave a timeline and history of recent PDR activity from the fall of 2017-present. Summarized staff and citizen involvement in the PDR study group. Plans are to have the finalized document on the March 14th agenda for the joint meeting with the Planning Commission and Township Board.
Susan Tarczon: We have over 6,000 preserved acres, 34 percent of Peninsula Township is protected. There are approximately 4,000 acres left with interested property owners and we would like to further preserve more acreage; that is why we are pursuing a millage.
Hall: How many acres are subject to PDR versus a conservation easement granted to the conservancy?
Tarczon: 17,859 total acres, regional parkland is 1,192 acres, seven percent; the conservancy is 159 acres, Peninsula Township is 167 acres, Grand Traverse County is 201 acres, and the State of Michigan is 666 acres which is parkland. 4,800 acres are protected through private easements.
John Wunsch: the conservancy holds about 400 of the 4,000 acres, approximately ten percent.
Coulter: Summarized the significant revisions that are proposed: encouraging the use of more federal and state programs and closely aligning the township programs to take advantage of matching funds, streamlining the selection process to make the program more time-sensitive, modifying the scoring so it is less subjective and prioritizes large parcels and the use of matching funds, providing a set-aside that could be used to purchase retained development rights that are unused under conservation easements, strengthening the integrity of the program for the long haul by providing more guidance for appraisals and expanding the professional assistance that is required for managing the program, including a review of all amendment requests, and proposing a budget increase for the legal defense fund. Referred to the summary of revisions in the packet and pointed out the biggest changes in the sections found in the packet.
Hall: Will the committee meet before the public hearing on March 14th, can planning members attend?
Cram: yes
Dloski: asked for clarification of Section 4, paragraph 1, "when the township purchases development rights, the property should remain substantially undeveloped."
John Wunsch: the language for the easements restricts it to farm use only and does not include the winery-chateau use currently because of the cross over to commercial.
Dloski: if I sold the development rights, I could not sell the property to a winery chateau?
Wunsch: it is yet to be determined.
Cram: written comments will be taken until noon on March 14, 2022.

b. Special Use Permit (SUP)-Peninsula Shores Planned Unit Development (PUD) #123 Amendment #3-Updates from Introduction and Continuation of Public Hearing.

Cram: Special Use Permit (SUP)-Peninsula Shores Planned Unit Development (PUD) #123 Amendment #3 was introduced at the planning commission meeting on December 20, 2021, and the first public hearing was held on January 24, 2022, and tabled to this meeting. The applicant has provided a complete application, answered questions, and provided additional material. Reviewed a PowerPoint presentation to summarize Peninsula Shores PUD #123. Reviewed the four modifications: relocate unit one from the south end of the development along Boursaw road to the north end of the development, remove parcel A from the SUP, modify a sanitary easement on unit six, and adjust lot lines of units thirty-eight through forty-one. Explained an aerial view provided by the applicant. The grading plan was

followed. The zoning for the property is R1-A and R1-B coastal zone. The total acreage is approximately 82.63 acres and the total open space proposed with the third amendment is 54.2 acres, meeting the open space requirement of 65 percent. The open space calculations will be reviewed again. Summarized the history of the original SUP and amendments; documents found in the packet. The proposal to relocate Site 1 was discussed in the past; brought forth again with information that was provided by the applicant. Utilizing the existing Michigan Land Division Act, the potential on this property with over 81 acres could have resulted in a 55-unit development with no open space requirement. The resulting project that was approved was 41 units and 65 percent open space, with 115 feet of shoreline preserved with vegetation, which resulted in a better project having gone through the PUD process. The original approved grading plan was presented. The approved grading plan was compared with the current aerial images. Staff has also discussed the project with the township engineer, Gourdie-Fraser, to assure that the grading plan and the work that was done on site today are consistent with the approved grading plan. This grading plan was developed after the final findings, facts, and conditions from January of 2018. The grading was monitored by Gourdie-Fraser for compliance. In addition, land use permits were issued for individual sites. Air monitoring was conducted during overall site grading with no indication of off-site contamination. It is assumed that any proposed changes to residential site development will still comply with the thorough analysis that was done for soils and air.

Kyle O'Grady, 416 Michigan Avenue, representing Peninsula Shores: the development plans went through thorough scrutiny for a subdivision. We followed and met conditions, and monitored the air.

Cram: a packet addition was published this afternoon that includes a letter from a previous property owner when this was originally being considered, as well as one new e-mail that was received over the weekend. Also included are the findings of fact and conditions and minutes from the January 23, 2018 Township Board meeting. Staff believes the requested amendment meets the standards within the zoning ordinance for an amendment and the spirit of the original approval and recommends that staff move forward with the detailed findings of fact and conditions.

Meihn: legal counsel concurs with staff.

Dloski: for proposed unit one, will the septic and the tank be located within the building envelope?

O'Grady: it will be located inside of the lot lines.

Dloski: asks for clarification

Deeren: clarifies township and county guidelines for septic placement does not have to be within the building envelope.

Moved by Hall to close the regular planning commission meeting and open the public hearing, seconded by Hornberger **approved by consensus**

Craig Haddix, 4150 Trevor Road: the ordinance states that an SUP shall constitute the land use authorization for the property; I disagree with what Jenn is talking about as to what can be done on this property. My understanding is that under the current ordinance, there is no right to put a house here. I would like for legal counsel to address that section of the ordinance. The application states, the proposed lot will be serviced by an individual sanitary system. That means there will be even more excavation and dirt moved. I believe this will increase the amount of contaminated soil that blows onto the neighboring properties. It is claimed that under our approach, no house could be built next to another house. That is false, the "not disturbing" standard is not found, in other words than the sections of the ordinance; thus, the literal reading of it will not prevent a house from being built and other situations. We are saying that once a developer agrees to designate open space in return for other benefits under an SUP, the developer cannot later turn around and build a house on that open space if it disturbs the use of neighboring properties. We think that it is good public policy, but most importantly, that's what the ordinance says. It was suggested that the view from our house is the only issue under

Section 8.1.3. The application fails to address the other disturbances mentioned by neighboring owners. It ignores the fact that the ordinance language is not limited to the house but applies to interference with the uses of the rest of the property. It ignores the fact that the cul-de-sac by the proposed house is common property used by all owners of Smokey Hollow Estates. Further, my written comments recite information about the lead and arsenic contamination on the Peninsula Shores property. This proposed house would be much closer to our house and the cul-de-sac than any other construction on the development. This contamination is yet one more reason why the amendment will be hazardous and disturbing to the neighbors. We also find it very telling that Mr. Quandt is silent on how this proposed relocation of a house would be a substantial improvement to the property in the immediate vicinity as required under 8.1.3. Mr. Quandt's statement that various objections and arguments were raised before and rejected by the courts and township is highly misleading. Neither the township nor the courts have addressed the issue of relocating a house within this development onto this property that is currently designated as open space. Mr. Quandt states his client has agreed to plant trees to address our concerns. Our reaction is that even if you put lipstick on the pig, it's still a pig. If the developer believes that planting some trees for screening solves the problems with having a house instead of open space, then he can solve his concerns of the current lot one by planting screening there. We firmly believe that under the plain language of the ordinance, and as a matter of law, the conversion of open space by our property to a residential lot cannot be approved. As such, there was no reason to meet with the developer to discuss screening or other issues. Thank you for your consideration.

Dloski: During this meeting and in previous meetings you have alluded to the fact that the developer received benefits. What specific benefits did the developer receive?

Haddox: was talking about the benefits the developer received for the SUP including being able to have much narrower lots than the ordinance otherwise would have allowed. He was able to get many more lots in the prime locations. Explained the placement.

Dloski: He received that benefit because he did not build in the open space to the north?

Haddox: when you do an SUP it is a combination of things and they look at everything that is in there and whether it benefits the neighboring properties. In this situation, it is not like they are all tied in to each other but to get those approvals; he agreed that that would be an open space. He put that in his site plan and I assumed he would agree that what they filed was what they were committed to doing. The minimal impact was a factor in the approval.

Scott Howard, Oleson, Bzdok and Howard, 420 Front Street, representing the Lewis Family and their cottage: the PUD and SUP approval process is effectively a covenant by the developer to do certain things. It's a promise to say that in exchange for (what Craig was just talking about these narrower and better home sites) we're going to do some other stuff on our property, including preserving certain open space. The ordinance is clear that you are to look to the unique features of that open space when you're evaluating whether or not the PUD is appropriate in the first place and some of those important features are wetlands, streams, coastal areas, but also these uninterrupted areas of open space. What you have at that corner is a block of that open space. Now, an issue that we've discussed a lot in the past, but I do want to recall is that the open space calculation that the developer is using in this circumstance is, you take the space for the residential lots, you take the roads, and you subtract just that area from the overall development site and everything else is open space. I think the ordinance is pretty clear. You are supposed to look at special characteristics of open space when you're evaluating what is open space. What you have in that corner is sort of a block of open space that helps to do a couple of things. If you're going to have open space, you don't want to segment it; you want corridors of open space. So that's a positive to keep a larger area. The other component of that is that you see throughout the application and the discussion and the materials there is a discussion of trees along the perimeter of the site to be preserved to act as a buffer to the development. That open space is designed

for a couple of reasons: one is to keep the sort of corridor and two is to act as the buffer. That is important (obviously) to folks like Craig and Megan Haddox, whose informed decisions were based on the proposal; how are they going to react to that? Are they going to come here and oppose it? Or are they going to say, you know what, we can live with this particular development, we may not love it, but hey, the open space is right next to our place. There's a buffer of trees that are preserving our place, we're okay with this. This is the bait and switch, right? You haven't objected to it in the first place. Then all of the sudden the development is coming right next to you, and it is segmenting the open space, and it is taking away the value that was part of the bargain in the first place. So it's appropriate to come before you and say this is important to us. It was really important to us in our decision not to take active opposition to the project in the first place, but we don't want the promise that the developer made to change. There are lawsuits over it. There are 400 pages in your packet, as a result of this particular development; it was a big deal and a long process. As a result of that, it resulted in the approved development in a particular configuration, and now that's changing. That's why it's so important to my clients. It relates specifically to what your ordinance asks you to evaluate. I appreciate the hard work that your staff has put in and legal counsel, but the reality of it is, this is not their call. This is your call as the planning commission. You're the ones that need to take a look at section 8.1.3(1)(a) and determine whether or not the development is "designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing intended character of the general vicinity and will not change the essential character of the area in which it is proposed." You also have to take a look at 8.1.3(1)(b). That requires that the change will not be "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." So that's the question you need to ask yourself, is this a substantial increase in value to the neighboring property owners? So that's the standard that you adopted in your zoning ordinance and that's the standard that you need, the lens that you need to look at this particular project. Lastly, I talked to you about trees a lot and my letter to you from the 22nd of January goes into more detail. I think a picture is worth a thousand words in that regard. When you take a look at what was put on those maps and the approved plans, throughout the process and where those trees were supposed to be, and where they're not, in my opinion, then I think that it is apparent that you're not maintaining the requirement of the ordinance which also requires that the developer preserve natural features to the greatest extent possible. Those existing tree areas were designated to remain, they're not there. They are not in the pictures. I think that you all need to take an independent look at this. And I think when you do that, the right call is to say no to this particular amendment.

Mark Nadolski, 10 McKinley Road, speaking as the president of Protect the Peninsula: the PDR open space has the same purpose as the open space in the development, for visuals and for keeping peace among the neighbors.

Cram: first thing that I would like to just point out is that there is a difference between land use and the zoning of the property. A PUD approval via the special use permit process does not change the underlying zoning. The zoning is still R1-A and R1-B, which allows for residential uses. To get the 41 sites in that location, they provided 65 percent open space, which is a requirement of the zoning ordinance, the zoning ordinance does not say where that 65 percent needs to be located or how. The zoning ordinance further says that the open space that is provided is private open space, and is for the benefit of the development. Thus, it is internal to the project. To be clear, the 65 percent of open space to meet the requirement of the PUD designates how that area will be used, but it does not change the zoning. SUPs and PUDs are amended from time to time and as such the applicant must follow the appropriate process and must meet the standards in the zoning ordinance.

Haddox: maybe we're quibbling about zoning, but the ordinance says that the SUP shall constitute the land use authorization of the property. That's how it can be used. The SUP governs that and the SUP

says this land is open space. So I'm not sure even if it is still classified on your records as residential property, I'm not sure how that's relevant.
Cram: the zoning has not changed as a result of the PUD/SUP being approved. The applicant can apply for an amendment. They're asking for an amendment as to the use of the land and where the residential uses are located and where the open spaces will be.
Haddox: we agree it's currently open space and it cannot be used for residential.
Cram: it is currently approved as an open space. That is the use of the land there. The underlying zoning is still the R1-A and R1-B which would allow for residential uses. The applicant is requesting an amendment that must meet the standards of the zoning ordinance.
Haddox: We agree. The other thing I would say about your comments on the open space is when this development was sold to the community the developer said this plan would be better for the neighboring properties. The township also found that the viewsheds would not be diminished to such an extent that the standards were not met; the township looked at that also. I guess I would say that even though the ordinance, says the open space is set aside for the use of the development, I would say that open space is also intended for the benefit of the adjoining property owners and the community as a whole.
Cram: correct, I believe the applicant is considering that with their amendment and as you know as a project is developed you tend to learn things and they are requesting an amendment. We will review that amendment with the zoning ordinance standards.
Armen Shanafelt, 7402 East Shore Road: once open space has been defined, it's like that's it, and is that where we're at? Is open space always subject to modification going forward? Raising this point, my experience is with open spaces- you buy a house with open space behind you on purpose because it's designated that way in perpetuity.
Cram: in this case, open space is a requirement of the PUD. To be approved, they had to provide 65 percent of private open space specific to this development. It is in perpetuity as long as the project is developed according to the approval, and no amendments come forward; then yes, it would continue to function as open space. Open space that has a conservation easement or is held as public land is different than private open space designated in a PUD. This is still private property owned by the applicant. Again, they can request an amendment and it is our job to make sure that it meets the standards of the zoning ordinance.
Meihn: the other question he's asking, is once open space is established, will it be there in perpetuity in the designated location, and that's not necessarily true. The standard of 65 percent applies to the entire PUD, but open space can move from one place to another as long as the overall percentage required by the PUD is maintained. That's how it's different than a conservation easement or some other form of open space protection under the law.
Shanafelt: I guess the question ultimately narrows down to is, does it still meet the ordinance requirement and all that in totality? Does it improve the neighborhood overall as well as adjacent neighbors? A very complex problem.

Moved by Dloski to close the public hearing and open the regular meeting, seconded by Hall.
approved by consensus

Dloski: would respectfully ask the staff when they're doing their findings of fact for the next meeting to address the township's zoning ordinance definition of open space which excludes building envelopes.
Alexander: I have some questions; I think it was asked to talk about substantial improvement at our last meeting.

Couture: No, that part is found in the minutes. Section 8.1.3 (1) what exactly does the language "disturbing to existing or future uses in the same general vicinity..." mean?
Meihn: I am prepared to address that.
Cram: going back through the findings of fact and conditions, it was noted that, for residential development, you have to consider that there will be some disturbance, such as putting in a well or on-site septic system. This is anticipated with residential development and a substantial disturbance would be defined as disturbance from a use that is more intensive than residential such as industrial or commercial uses adjacent to residential uses.
Couture: it says disturbing to existing uses and will be a substantial improvement to the community. right?
Meihn: I understand what both of you are saying, will give one analogy, and then move into your other comments and then get to this. But there's a similar type of problem when you talk about PDR land and you talk about the restrictions on PDR land, not to disturb the property in any way, shape, or form. But merely walking could be considered as a disturbance in some aspects. There are some cases that I have researched for you.
Alexander: one of the things that was discussed and that was supposed to be a focus was looking at where lot number one is going to be moved, it would not be in the interior of the development. That was one concern that we have; talking about the viewshed from the land and water, is also a concern being raised with the relocation of lot number one. When talking about the open space, I was reading the ordinance regarding open space and it talks about the open space that is dedicated for private use and that it's owned by the homeowner's association. In looking at where the proposed lot one is going to go and then where it is now, having that big piece of open space I think is more conducive for use, so they move a house up here. Now, the open space in that chunk of open space, then somebody's yard is right there. It talks about recreational use: such as what kind of recreational uses the people in this subdivision can have. I believe that you talked about lot one, were you going to move that back from that, you were going to be planting and beautifying it. Asked for clarification.
O'Grady: I don't recall any specific conversation.
Meihn: I just want to make sure you're not assuming that open space is an entitlement to a landowner to recreate on the physical property of open space.
Alexander: if owned by the HOA and says that for the sole use and enjoyment in present and future for those homeowners. Was there something about sewer and or sanitary landfill that needed to be addressed? Then it says, it's going to be served by individual septic and sewer if it's moved.
O'Grady: both locations
Couture: regarding 8.1.3 (1)(b) of the zoning ordinance is a key component, it requires us to find the proposed amendment "will not be disturbing to existing or future uses in the same general vicinity and will be a substantial improvement of property in the immediate vicinity and to the community as a whole." What does that mean?
Meihn: The word disturbing is an unfortunate word here because the case law and other district courts across the state of Michigan have looked at similar types of statutes, but the word disturbing wasn't used, it was a disruptive engagement or disruptive of what the intended use is. The word disturbing is a problem in terms of a definitional phrase. Look at the cardinal rule of interpretation of a statute. As you know, you try use English for reading and understanding if you can. My interpretation of what that means is that it requires something more than what is ordinarily happening or done in a residential district and residential area. When you look at the word benefit, which is the other disturbing word for me, and our ordinance, the benefit is looked at in many aspects. The benefit to adjacent properties for some people would be having another home that is nearby in terms of value: kids, engagement with residents being in close, proximity, etc. Others that live on the peninsula look at the benefit or value of

having more space, unobstructed views, more quietness, and those kinds of things. So the word benefit is a discretionary term and the previous term with plain reading, all these under the cardinal principles of law and under case law. If you are engaging in an activity that is expected in a residential area, then that is not going to invalidate our law or our ordinance. Then the benefit would be the one that you'd have to look at to determine if it is a benefit to the residential project as a whole, not necessarily to the person who is," burdened by it." When you move one lot from one area to the other, (obviously) you're benefiting the people around the area where the lot was to go and you are burdening, the people or person, where the lot is being placed and what that property owner values. Typically the legislature, the courts, and zoning boards have found that does result in a benefit for that community. That is how those were typically interpreted and that is how these words (I believe) would be interpreted by Judge Power or any other circuit judge. I do agree with you, those two words make it very difficult for yourselves and a lawyer to understand how to measure against those words and those standards.

Couture: how would this amendment bestow a substantial improvement to property in the immediate vicinity and to the community as a whole? I fail to understand how changing these lots around will be a substantial improvement for the property in the immediate vicinity, which would include the neighbors and to the community as a whole, which I would think would mean the whole peninsula township community, as I read it.

Cram: we will be discussing this in detail in the findings of fact and conditions. One benefit is that access to the shore is being removed as a result of this amendment, which benefits the two lots on either side of it.

Couture: asking for more of a legal interpretation.

Miehn: Allen is trying to have an understanding of what is the baseline that he gets to compare or has to compare. The answer to the question of the substantial benefit to the community is usually defined as that residential community, not Peninsula Township as a whole; the immediate residents are those that, are impacted or not impacted, in the relief of the burden. When you have a situation where it is, either zero-sum or when you have a situation where there is movement. Is there a benefit to relieving the burden on the shoreline? That's when you're able to answer that question. But you do have to find that there is that substantial benefit to the immediate resident and to that community as a whole.

Couture: community as a whole would be the community of people within the development.

Meihn: yes

Shipman: in (1)(a) in the zoning ordinance, it says: be designed constructed, operated and maintained so is to be harmonious, and appropriate, etc., but with the existing or intended character of the general vicinity. So we have general vicinity, we have immediate vicinity, and we have the community as a whole. They can't all be referencing the same thing.

Meihn: the residential people that are impacted by a lot going into their area in a development and then there is an impact on the overall development. It's not unlike that, what happens on one part of Peninsula Township doesn't impact the farther part of Peninsula Township, but it can impact the entire peninsula as a whole. The way the ordinance looks at it is, you don't judge a subdivision and a request for an amendment and compare that to how it's going to impact the farmers or the winery property that they're in. It's a subset that starts large with the residents of the development and another subset that goes into that immediate vicinity of where this proposed change is going on. So they don't mean the same, they can be drastically different with the answers when you go through the findings of fact; because you may very well find that the benefits of the community and the subdivision are there, but the burden to the surrounding residential homes where this is going to happen is so egregious that you don't need a standard. The problem has to do more with the language of the ordinance than it does with the desire and intent of what you're trying to do.

Dloski: do you feel if it is challenged, our ordinance language would hold up?

Meihn: I think it would be upheld if you interpreted it the way that I discussed a moment ago. I talked about disruptions that are going to naturally happen in the residential area that are not to be considered to be improper, illegal or in violation of the zoning. Then when you get to the substantial benefit and that, I think, your decision would be upheld.

Shipman: when looking at amendments in general, at what point does it become silliness? If you're looking at multiple amendments to produce a project that is substantially different from what was originally approved in the process, what becomes unreasonable? I was looking at some of the specific language about clustering: what was going to be developed where the home sites are placed so that they would be towards the interior of that parcel. Looking at an amendment, I've circled back to our specific project here, looking at the language and that original approval is something that we can't point to. I don't understand how it is that we can't point to what was originally approved and the language in that original approval. We're being told to stick to what's in the ordinance, not the technical approval, and what intent was as a part of the approval.

Meihn: that question is the baseline of every issue that's ever been litigated in this country regarding zoning and planning. You have an approval of a project, people rely upon it, the people around them rely upon it, and the people that buy into the project rely upon what is going to happen. And then (I think you had) one of the individuals talk about that it feels like a bait and switch and to some degree is not too far from the truth. When things start to change, you have the people that live within the project that bought with certain assumptions, who are not happy, and you have people who live outside of the project that are impacted who are not happy. It does start to feel like a builder/developer can get his/her toe into the development part, and then start repetitively doing amendment after amendment so they can ultimately get a project they wanted in the end that we rejected in the beginning, but did it through all these amendments. Our constitution gives the right for zoning boards like yourself to restrict control and hold people accountable, and on the other hand, you have to do it which fairness, understanding, and with property rights engaged. So the answer now to that question is that the tools that you are being asked to use have words like, what we just discussed, that are not very well defined-that are difficult to understand; every time you see the words substantial or material it is up to interpretation. Ultimately, to keep the project on it's proper course, you will look at things through the zoning ordinance that gives you the control. You also look at practical difficulty; things that were not anticipated that would give rise to it. Modifications and changes are just the nature of zoning. The answer to the question is to go through those standards and come up with some thoughts of where you may go on each of these and using the language in the ordinance to determine for better, or for worse, that those guidelines have been met. By doing that, you will keep the project in its nature as close to original as possible.

Dloski: during the public hearings, we heard comments that there was a trade-off, there was a covenant, or there was a promise that the PUD would be approved if they didn't build on this open lot. If they put the existing house where it is now and didn't build in that open space is there anything that you've been able to find that would tell you that there was a covenant, a legally enforceable, promise or covenant, that would change the complexity of this?

Meihn: the only thing that would minimize the complexity of this is looking at the findings of fact and conditions of the prior approval, that will tell you where there was exact quid-pro-quo. Generally speaking, there's always horse-trading in the design and working with the planner and the zoning administrators to meet and find out where the 65 percent is. My experience has been open space, for example, the 65 percent is usually what the developer has designed into the plan and it usually doesn't get much of a discussion unless it is raised by the residents or doesn't meet the 65 percent. But the answer to your question is in the findings of the fact: should be there if horse-trading took

place, this would be binding in the findings of fact. If there's something in there that says that in exchange for this, we gave that, you are welcome to hold tight to that rule and that agreement.
Couture: are we obligated?
Meihn: you should be obligated to do so unless you believe that there are circumstances that would be a benefit to the community as a whole by making the change. For instance, it's kind of like lead pipes in the 1950s. Now, we would agree that it's dangerous. So you wouldn't hold the builder to lead pipes. Now, you would allow that change. But the community is bettered by changing that quid-pro-quo, so you're not obligated.
Hornberger: at what point in time do you stop asking for amendments for an SUP?
Meihn: at the point in time where the township tells the developer that the proposed amendment is not approved, but the developer does have the right to pay the fee and to engage the professionals to do as many amendments throughout the lifetime of that developer in the project as that person sees fit. A fee is paid and a decision is made. But we don't ever get to tell the developer, because it's unconstitutional, that you can't come in to try to improve the project if it's truly an improvement.
Hornberger: once all the lots have been sold, then there would be no more amendments.
Meihn: that is generally true but I have seen even after all the lots have closed and sold; sometimes, there are amendments to provide for other types of things that have been retained by the developer. I did not see that would be the case here, when the lots are sold, my review of this is the developer will be out of the project completely. There will be no more amendments to the SUP.
Hall: I understand what you said that the developer has essentially an unlimited right to come to us to request amendments; if the developer requests an amendment and staff believes that the amendment satisfies the requirements of our zoning ordinance, are we obligated to approve it or not?
Meihn: no, the planning commission is the decision-maker. The legal team will provide information for the decisions.
Cram: we were not planning to draft the findings of fact this evening
Meihn: will provide an opinion; encourages planning commission to go back and look at findings of fact that existed in the original SUP approval.
Discussion ensued
Moved by Dloski to close the public hearing and schedule to move forward and direct staff to prepare findings of fact for the March Planning Commission meeting, seconded by Couture.
approved by consensus

c. Special Use Permit (SUP) #140-Schroeder Bed & Breakfast-Findings of Fact and Conditions
Cram: Summarized the Findings of Fact and Conditions for SUP #140-Schroeder Bed and Breakfast found in the packet.
Dloski: clarified that the parlor will not be used for sleeping.
Cram: Explains bedroom configuration: maximum of five guests for two bedrooms for the bed and breakfast.
Moved by Dloski to recommend that the planning commission recommend approval to the township board SUP#140 Schroeder Bed & Breakfast, with the conditions and findings of fact prepared by staff, seconded by Hall.
Roll call: **approved unanimously**

10. Public Comments:

Dave Edmondson, 12414 Center Road: commented on the rewrite of the PDR ordinance, disagreed with the exclusion of wineries and chateaus. Thinks that is a legitimate farm activity that is currently quite successful and an economic engine that is propelling a lot of wealth out here on this peninsula. Believes that the precedent has been set seeing that Bonobo is on PDR land. Another example of a restricted property is Dave Kroupa's Peninsula sellers. He self-restricted 150 acres to have a remote tasting room, which was very forward-thinking with no costs to the community. Questioned retroactive and going forward for PDR contracts which are true covenants.

Cram: the change to prohibit winery-chateaus and remote winery tasting rooms was a recent addition based on feedback received from the land conservancy and possible legal issues. I will get additional information.

Edmondson: that makes sense because of the use of their money. I'm referring to our PDR program and to these previous contracts that are on the books.

Cram: previous contracts would not be affected by the changes. Not retroactive but forward, that is my interpretation, but I will confirm the facts.

Edmondson: if we can stick with our zoning, with the required 50-acres for winery-chateau, that in itself with having to have 75 percent of the land planted; it takes care of the substantially undeveloped requirement.

Nancy Heller, 3091 Blue Water Road: encouraged the planning commission to save the date for the March 24th meeting of the Citizens' Agricultural Advisory Committee to hear the right to farm speaker; many of your decisions are based on agricultural properties, so it is important to attend. Commented on the Peninsula Shores project, adjacent property owners think it is a done-deal, but that is an unknown.

11. Other Matters or Comments by Planning Commission Members:

Hall: I have a question for John Wunsch on the PDR study group, why is the Grand Traverse Regional Land Conservancy involved?

Cram: because they grant a lot of the easements; part of the reason that the PDR ordinance was updated is that there are additional funding sources such as matching grants. If another millage is approved, it could go a lot further with these matching grants. We also have to include them because some land included in the PDR program currently have land conservancy easements. They are the regional expert. Their legal team reviewed the draft and it was my understanding that some of the changes could affect their 501-C3 status. They cannot be a partner with us unless our ordinance is in alignment.

Meihn: as the township has developed and more money can be available from a match, our ordinance needs to be aligned with both state and potential federal funding to allow that to occur.

12. Adjournment:

Moved by Dloski to adjourn, seconded by Couture. **approved by consensus**

Adjournment at 9:22 p.m.

Business

Peninsula Shores PUD

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

Special Use Permit (SUP)/Planned Unit Development (PUD) Amendment
FINDINGS OF FACT AND CONDITIONS
SUP #123, Amendment #3 - Peninsula Shores (Formerly The 81) PUD Condominium Subdivision
March 21, 2022

PENINSULA TOWNSHIP BOARD

Applicant:	The 81 Development Company, LLC Kevin O'Grady, Owner
Hearing Date(s):	Planning Commission: December 20, 2021 (Introduction), January 24, 2022 (Public Hearing), February 28, 2022 (Public Hearing Continued) and March 21, 2022 (Findings of Fact and Conditions) Township Board: TBD

PROPERTY DESCRIPTION

Parcel ID#:	28-11-609-001-00 through 28-11-609-041-00 and 28-11-609-900-00
Total Acreage:	~81-acres
Property Address:	Boursaw Road
Zoning:	R-1A – Rural and Hillside Residential & R-1B - Coastal Zone Residential
Adjacent Zoning:	R-1A – Rural and Hillside Residential to the north and west (northwest corner = A-1 – Agricultural), R-1B - Coastal Zone Residential to the south and East Grand Traverse Bay to the east
Water:	Individual Wells
Sewage Disposal:	Community Septic Facility and Individual On-site Septic Systems
Access:	Water's Edge Road via Boursaw Road

INTRODUCTION AND BACKGROUND

On August 11, 2015, the Township Board approved an application for a Special Use Permit (SUP #123) for a Planned Unit Development (PUD) to build a 41-unit residential condominium development with 65% private open space located off of Boursaw Road. The approval was subject to ten conditions of approval. Subsequent court proceedings led to another project approval pursuant to action taken by the Township Board on January 23, 2018. This review and approval was specific to grading, soil erosion and storm water plans, and an emergency access road only. There were two additional conditions of approval added to the original approval from 2015.

On September 10, 2019, the Township Board approved the first amendment to SUP #123 that included shifting the private road (currently Shoreline Court) to the west that enlarged Units 5-9, adjusting the lot widths of Units 1-9 to be more uniform, eliminating the landscaped area along the

private road to enlarge Units 4 and 10, reducing the lot size of Units 11-28 along the easterly side to meet the required 65% open space requirements, and realigning the emergency access to the south.

The 81 Development Company has submitted an application and supporting materials attached as ***(EXHIBIT 1)*** to amend the approved SUP #123 that will amend the configuration of the approved PUD. This will be the third amendment, as the second amendment was withdrawn. The current request for Amendment #3 is summarized below.

1. Relocate Unit 1 from the southeast corner of the development to the northwest corner of the development.
2. Remove Parcel A from the SUP. This eliminates the lakefront access for existing Unit 1 in the southeast corner.
3. Modify a sanitary easement on Unit 6.
4. Adjust the lot lines of Units 38-41.

SECTION 8.1.3 BASIS FOR DETERMINATIONS

FINDINGS - SECTION 8.1.3 (1) GENERAL STANDARDS

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

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

The underlying zoning of the development is R-1A – Rural and Hillside Residential and R-1B – Coastal Zone Residential. Both zone districts allow for single-family residential uses and approval of a Planned Unit Development via a Special Use Permit per Sections 6.2.4. and 6.3.2. of the Peninsula Township Zoning Ordinance.

The surrounding area is also zoned and developed similarly (R-1A and R-1B) with the property adjacent to the northwest corner being zoned A-1-Agricultural that allows for residential development to support agriculture. Thus, the intended character of the approved PUD and surrounding area is predominately residential in nature.

The Peninsula Shores Planned Unit Development (PUD) was approved for 41 single-family residential units with 65% open space. The requested amendment does not increase the proposed density of the development nor decrease the amount of the development that will be used as private open space. Thus, the proposed **use** of the property for single-family residences does not change as a result of the requested amendments to modify the configuration of the PUD.

The PUD process allows for flexibility in the physical development pattern in exchange for preserving open space. Had the property utilized the standard land division process the total

density allowed on the ~81 acres was estimated at 55 units with no requirement to preserve any open space. Per Section 8.3.2. one of the objectives of a PUD is to cluster the location of residential uses. As such, the approved development generally clustered the 41 residential units around the perimeter of a large tract of open space located centrally on the property. Open space was also preserved along the eastern side of the property to preserve an area of steep shoreline. Both locations of Unit 1, existing and proposed are located slightly outside of the cluster on the perimeter of the development. Relocating Unit 1 to the northwest corner is therefore negligible. Please see ***(EXHIBIT 2)*** prepared by staff that demonstrates how residential units were clustered around the larger tracts of open space.

Another objective of Section 8.3.2. is to encourage developers to use a more creative and imaginative approach in the development of residential areas. Relocating Unit 1 to the northwest corner creates a larger block of open space at the primary entrance to the development and preserves a view to the bay. In addition, the existing access to the shoreline that is attached to the existing location of Unit 1 shown as Parcel A is eliminated. This removes potential disturbance to steep slopes along the shoreline. Thus, improving the value of the open space in that area for the development and helping to preserve a sensitive area. The spirit and intent of the original approval is maintained with residential units generally clustered around larger tracts of open space.

In addition, the minimum setback for any new residence on Unit 1 as proposed in the northwest corner is 60-feet (30-foot PUD buffer + 30-feet from property line to building envelope), where 30 feet is the required rear setback in both the R-1A and R-1B zone districts. The applicant has also proposed to plant 6 evergreen trees within the northern 30-feet to provide a buffer to adjacent residences to the north.

Staff would also like to note that the appearance of the PUD will not change substantially as viewed from the water or surrounding area as the elevation of any proposed residence will be similar to the surrounding area based on the approved grading plan and cross section provided by the applicant as part of ***(EXHIBIT 1)***. The high point in the northwest corner of the property and at the cul-de-sac at the end of Trevor Road is roughly at the elevation of 765. Any proposed residence will be consistent in elevation to the surrounding area. Staff has also proposed a condition of approval that no fill shall be used when siting the new residence and the finished floor elevation of the proposed residence shall be no greater than two feet above existing natural grade.

The proposed amendments as summarized above, including the request to relocate Unit 1 from the southeast corner of the development to the northwest corner of the development, are harmonious and appropriate in appearance with the existing character of the general vicinity because single-family residential uses are allowed in the area and currently developed. Furthermore, the larger blocks of open space are still preserved and enhanced. A generous buffer between compatible residential uses is also proposed.

(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.***

As discussed above, the proposed amendments will not change the overall character of the previously approved PUD. Therefore, the proposed amendments would not be hazardous or disturbing to existing or future uses in the same general vicinity, as a residential use adjacent to another residential use is compatible. Eliminating Parcel A from the development also minimizes potential disturbance to the shoreline.

The approval of the PUD allowed for the development of 41 residential units with the preservation of 65% open space. The density of residential development within the approved PUD does not change and therefore the intensity of the residential uses within the development remains the same. No additional disturbance is anticipated than what is normal for residential development.

Furthermore, a thorough soil analysis was conducted as part of the approval process and air monitoring was performed by a third-party consultant during the initial site grading for the development. A summary of the environmental monitoring that was conducted is provided in ***(EXHIBIT 3)***. Staff asked the consultant Roger Mawby, PE of Otwell Mawby PC if they anticipated that normal construction of a single-family residence would present any additional concerns and received the following response. *"Regarding construction of a single-family residence, if normal dust suppression and storm water management practices are instituted, they should be effective in preventing soil/dust from leaving the construction site. Dust suppression and storm water management were the techniques utilized in the mass grading phase of the development. Opacity testing and perimeter air monitoring testing completed during construction indicated that these methods were effective in managing particulates from leaving the property."* Staff has included a condition of approval that a Land Use Permit be obtained prior to construction of any new residence within the PUD that covers standard permitting for dust suppression, soil erosion and storm water management.

(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.***

The proposed amendments to the SUP/PUD will not materially change essential facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools, as previously defined in the original PUD approval.

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

The proposed amendments to the approved SUP/PUD will not create any additional requirements at public cost for public facilities and services.

(e) ***Not involve uses, 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.***

The proposed amendments to the approved PUD will not involve uses, 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. Nor is it anticipated that there will be any negative impacts from particulates leaving the property with proper dust suppression and storm water management practices that are required prior to issuance of a land use permit as part of the development of each individual residential unit.

FINDINGS - SECTION 8.1.3(3) SPECIFIC REQUIREMENTS:

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

(a) ***That the applicant may legally apply for site plan review.*** The 81 Development Company as the property owner and developer/applicant may legally apply for an amendment to the SUP and PUD to amend the site plan.

(b) ***That all required information has been provided.*** Staff has found the application for the requested amendments to be complete along with additional requested information to assist staff and the Planning Commission with their analysis of the proposed amendments.

(c) ***That the proposed development conforms to all regulations of the zoning district in which it is located.*** As discussed above all existing approved uses and proposed amendments conform to the requirements of the R-1A and R-1B zone districts. Staff also finds that the requested amendments conform to the requirements associated with a PUD per Section 8.3 as discussed in detail below.

(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.*** Staff finds that the proposed amendments to the development conform to the requirements associated with a PUD per Section 8.3. There are no changes proposed that will impact fire and police protection, water supply, storm drainage or other public facilities and services. The proposed amendment to the sanitary easement on Unit 6 does not impact adequate sewage disposal or treatment.

(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.*** Staff finds that the proposed amendments to the SUP/PUD meet requirements or standards of other governmental agencies consistent with the original approval and subsequent amendment.

(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.*** Staff finds that the proposed amendments do not negatively impact prior approvals with respect to natural resource preservation. The open space for the development continues to meet the 65% requirement. The proposed relocation of Unit 1 to the northwest corner improves the open space at the entrance of the development and minimizes disturbance to a sensitive area with steep slopes.

(g) ***That the proposed development property respects flood ways and flood plains on or in the vicinity of the subject property.*** Staff finds that the proposed plan amendments do not impact flood ways and flood plains.

(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.*** Staff finds that the proposed amendments do not impact prior approvals with respect to soil suitability.

(i) ***That the proposed development will not cause soil erosion or sedimentation problems.*** Staff finds that the proposed amendments do not negatively impact prior approvals with respect to soil erosion or sedimentation. A condition of approval is proposed that requires that the applicant receive a Land Use Permit prior to construction that covers these items.

(j) ***That the drainage plan for the proposed development is adequate to handle anticipated stormwater runoff, and will not cause undue runoff onto neighboring property or overloading of water courses in the area.*** Staff finds that the proposed amendments do not negatively impact prior approvals with respect to stormwater. Again, a condition of approval has been proposed that requires that the applicant receive a Land Use Permit prior to construction that covers storm water management. The Director of Zoning confirms that all required permits from Grand Traverse County have also been obtained that also includes soil erosion and sedimentation control.

(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.*** Staff finds that the proposed amendments will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring properties with regard to grading and filling. A condition of approval is proposed that notes that no fill will be allowed and sets a reasonable finished floor elevation with existing natural grade. The area where Unit 1 is proposed to be relocated has a gradual slope and contains no mature tree stands that will be removed. The applicant has proposed a buffer of evergreen trees along the northern property line as well to improve the character of the area.

(l) ***That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.*** Staff finds that the proposed amendments will not disrupt air drainage systems necessary for agricultural uses.

(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.*** Staff finds that the proposed amendments will not impact any project phasing.

(n) ***That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities.*** Staff finds that the proposed amendments will not change plans to expand existing facilities such as public streets, drainage systems and water sewage facilities.

(o) ***That landscaping, fences or walls may be required by the Town Board and Planning Commission in pursuance of the objectives of this Ordinance.*** Staff finds that the proposed amendments will not change any requirements for fences or walls.

(p) ***That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.*** Staff finds that the proposed amendments will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.

(q) ***That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.*** Staff finds that the proposed amendments will not change vehicular and pedestrian traffic flow within the development. Eliminating Parcel A actually improves pedestrian circulation by minimizing disturbance to a sensitive area with steep slopes.

(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.*** Staff finds that the proposed amendments will not change plans for addressing outdoor storage of garbage and refuse.

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. Staff finds that the proposed amendments are in accordance with the spirit and purpose of this Ordinance and past approvals of the SUP/PUD.

SECTION 8.3 PLANNED UNIT DEVELOPMENTS

FINDINGS – 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 a 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.*** Staff finds that the proposed amendments do not change the initial determination that the project creates a 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. This is accomplished by clustering the residential development sites around large tracts of open space that meet the 65% requirement.

2. ***To provide open space options.*** Staff finds that the proposed amendments do not change the intent of open space areas being preserved. The relocation of Unit 1 to the northwest corner of the development improves open space at the entrance of the development and a view to the bay. Proposed amendments do not require the removal of mature tree stands.

3. ***To encourage developers to use a more creative and imaginative approach in the development of residential areas.*** As discussed in several areas above, staff finds that the proposed amendments do not change the initial determination that the development offers a more creative and imaginative approach in the development of residential areas. Furthermore, the open space at the entrance of the development is improved, potential disturbance to steep shoreline is removed and the clustering of residential development sites around larger tracts of open space is maintained. The overall density allowed by the approved PUD is less than what could have been achieved using the standard land division process. Proposed amendments do not increase density or reduce the amount of open space being preserved.

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.*** Staff finds that the proposed plan amendments do not change the initial determination that the development offers a more efficient and aesthetic use of open areas.

5. ***To encourage variety in the physical development pattern of the Township by providing a mixture of housing types.*** Staff finds that the proposed amendments do not change the initial determination that the development offers a variety in the physical development patterns.

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.*** Staff finds that the proposed amendments do not change the initial determination that the development locates the allowed number of housing units on the residentially zoned property in clusters which are suitable for residential use and keep the remaining open space protected from development with residential uses.

FINDINGS – 8.3.3 QUALIFYING CONDITIONS

Any application for a special use permit shall meet the following conditions to qualify for consideration as 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.*** The Board finds that the development area is far more than 20 acres in size.

2. ***The planned unit development project shall be located within a Residential or Agricultural District, or a combination of the above Districts.*** The Board finds that the development area was residential (R-1A) and is now a PUD by virtue of past approvals.

3. ***Water and waste disposal shall comply with the Township Master Plan and be approved by Grand Traverse County or State of Michigan requirements***. The Board finds that the proposed plan amendments do not change past approvals of water and waste disposal systems.

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).*** The Board finds that the proposed plan amendments do not change past determinations of equivalent density.

5. ***Open space shall be provided according to Section 8.3.6.*** The Board finds that the proposed plan amendments positively change the open space calculations such that more open space is provided compared with the prior plan.

6. ***For purposes of this Section 8.3, Open Space does not include building envelopes, parking lots and roads (roadbed width plus two (2) foot shoulders on each side).*** The Board finds that the proposed plan amendments do not include building envelopes, parking lots and roads or plan.

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.*** The Board finds that the proposed plan amendments change prior determinations that the proposed planned unit development meets the standards and requirements outlined in Section 8.3, Section 8.1. and Article VII.

COMPLIANCE WITH GOVERNMENTAL REGULATIONS:

The petitioner shall comply with all state, county, township and other governmental regulations relative to the establishment for property zoned R-1A – Rural and Hillside Residential and R-1B – Coastal Zone Residential, with the above permitted use(s) on site as approved by the PUD, which includes meeting the requirements of the Michigan Department of Transportation (MDOT), the Grand Traverse County Drain Commissioner (GTCDC), the Grand Traverse County Road Commission (GTCRC), and the Grand Traverse County Health Department (GTCHD). Zoning compliance is based on the governing special land use document, approved site plan, and Articles 6 and 8 of the Peninsula Township Zoning Ordinance.

APPROVAL CONDITIONS AND SAFEGUARDS:

Conditions and Safeguards: The board may require such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for ensuring 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. Specific conditions include:

1. All prior findings, conditions and safeguards imposed by the Circuit Court and the Peninsula Township Board of Trustees remain in effect.
2. Approval of a Land Use Permit is required prior to any construction of residential units within the development. Such Land Use Permit will include review and approval of storm water management, soil erosion control, Grand Traverse County Environmental Health requirements.
3. No fill shall be placed on the Unit 1. The finished floor elevation of the residence on Unit 1 shall be no greater than two feet above the existing grade elevation of approximately 765.
4. The Master Deed shall be updated to be consistent with the approved amendments.

COMMENCEMENT AND COMPLETION

The commencement and completion of special land uses are governed by Section 8.1.2(5) of the Peninsula Township Zoning Ordinance. Violations of the special land use and accompanying site plan are enforceable and remedies available under Section 3.2 of the zoning ordinance.

STAFF FINDINGS AND RECOMMENDATION:

As outlined above, staff finds that the Peninsula Shores PUD, SUP #123, Amendment #3 located off of Boursaw Road meets all the standards of the Peninsula Township Zoning Ordinance related to both the Planned Unit Development process noted in Section 8.3 and the Special Use Permit process noted in Sections 8.1.3. The applicant has provided sufficient evidence that the proposed amendments are in compliance with original approvals and other review agencies with the conditions proposed above.

Staff recommends that the Planning Commission recommend approval the Peninsula Shores PUD, SUP #123, Amendment #3 to the Township Board of Trustees.

EXHIBITS:

1. Original Application Materials + Additional Materials Provided by the Applicant since Introduction
2. Land Use Bubble Diagram Prepared by Staff
3. Summary of Environmental Monitoring
4. Public Comments

Exhibit 1

Engineering
Surveying
Testing &
Operations

123 West Front Street
Traverse City, Michigan 49684
231 946 5874
231 946 3703

December 17, 2021

Susie Shipman, PC Chair
Peninsula Township
13235 Center Road
Traverse City MI, 49686
Phone - 231-223-7314

RE: Engineer Record of Review
Peninsula Shores, PUD #123 –Application for Amendment #2
Peninsula Township, MI
Parcel ID: 11-609-900-00; 11-609-040-00 to 11-609-001-00

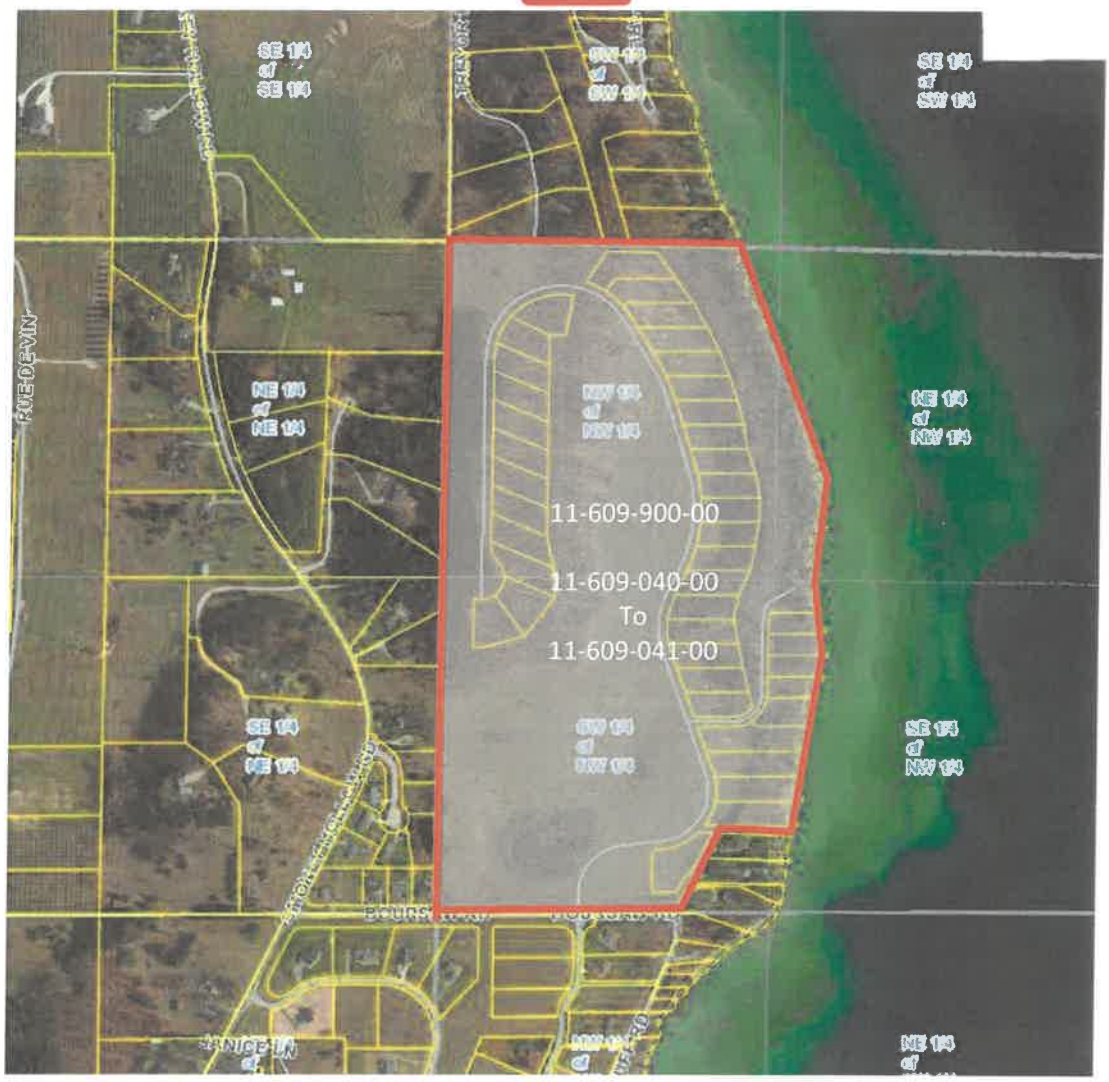
Dear Susie,

We have reviewed the supporting documents for the Peninsula Shores – PUD #123 Application for Amendment #2, dated 10/26/21 as completed by Mansfield Land Use Consultants. These include updated SUP Application, SUP Development Checklist, Proposed PUD Amendment Open Space Plan, and Survey Sketch of Parcel A. Our review which consisted of reviewing the modifications for their impacts to utilities, stormwater management, and the general compliance with the special Use permit and zoning ordinance criteria.

Subject Site

The subject parcel is located about 1100-ft east of the intersection of Smokey Hollow Rd and Boursaw Rd.

- Subject parcel: 11-609-900-00; 11-609-040-00 to 11-609-001-00, frontage on Boursaw Rd. @ 82.44 acres
- Zoning Classification – R-1A Rural and Hillside Residential and R-1B Costal Zone Residential.
- SUP #123: Existing forty-one (41) single family residential units (sites) shown on the site plan. Essentially, construction for entire project was completed in previous years. This included construction of the paved private road system and associated storm water drainage facilities, on-site community drainfield and collection system services a majority of the units, and fire suppression water tank. The 41 units are served by individual private domestic water wells. Current build-out shows a handful of the units have had homes constructed on them.
- Amendment #1 was approved in September 2019 reflecting modifications to the plan including:
  ~Snug Harbour Court was shifted west (approximately 25 ft) increasing lot depths for Units 5-9.
  ~Lot widths for Units 1-9 were adjusted to provide more uniform distribution of width.
  ~Units 11-28 were shortened along the easterly lot line to achieve the 65% PUD open space requirement.
  ~The emergency access easement to Smokey Hollow Road through a neighboring property at the northwest edge of the site was shifted south per request by the property owner.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11-609-900-00
11-609-040-00
To
11-609-041-00

Purpose of Application

Amendment # 2 submitted by The 81 Development Company, LLC makes modifications to the Site Plan to relocate Unit 1 and makes minor dimensional changes to Units 38-41.

Procedure

SUP applications are reviewed consistent to the process outlined in Article 8 of the ordinance.

Zoning

The zoning for the subject property is R-1A and R-1B Commercial classification.

- The zoning allows for commercial use through Special Use Permit.
- Surrounding zoning: north R-1A; south R-1B; West R-1A, R-1B, & A-1.

Review and Approval Criteria

Proposed Improvements:

- Relocate Unit 1 from the SE part of the site to the NW corner, between Units 29 and 30,
- Removal of Parcel A which served as water access for Unit 1 prior to this application.
- Make minor lot dimension changes in Unit 38-41.
- Provided Site plan also indicates a proposed sanitary easement to Unit 6.

A summary of our review is contained below:

Utility Review

Per the submitted application, 8.1.3.10e shows change in drain field locations. It is presumed this is noted as relocation of Unit 1 was to an area served by the community drain fields and the previous proposed individual drain field location will no longer be needed. Applicant to confirm if the planned sanitary service for Unit 1 is accounted for in the community system or if new drain fields will be provided on-site.

Storm Water Review

According to the revised plans, no revisions to the storm water control design were required. According to the revised plans, no revisions to the storm water control design were required. In comparison to the originally approved plans and Ordinance #33, our review finds this to be accurate and conforms. There is no change in the amount of impervious surfaces. The previously proposed storm water provisions can are sufficient for the existing site with the propose amendment.

Private Road Review

According to the description of the modifications the revisions do not change the private road system.

Overall Ordinance Compliance Review

According to revised plans, a comparison to the original approved PUD Open Space Calculations along with confirmation of values was performed by GFA with the following results provided:

	Open Space	Non-Open Space
Approved P.U.D.	65.42% (54.06 AC.)	34.58% (28.57 AC.)
Approved P.U.D. Amendment 1	65.65% (54.05 AC.)	34.35% (28.28 AC.)
Proposed (Unit Shift and Dimensional changes)	65.84% (54.28 AC.)	34.16% (28.17 AC.)

Additionally, the revised plans indicate that Unit 1 are to be relocated to the north end of the Project. The provided information shows the relocation of Unit 1 creates marginal change in the calculated constraints to number of units. Unit 1 appears to meet the dimensional requirements of the Township and the P.U.D. Project. The application indicates that legal documents reflecting open space will be updated pending approval.

Assuming no other changes have been made to the project plans as previously reviewed, our recommendation for engineering plan approval remains in place in accordance with our previous review letters and the Township SUP Conditions. The following general items are noted:

1. The same approved Findings of Fact and SUP conditions apply including but not limited site-specific Storm Water Reviews for each lot.
2. Applicable revisions to the Master Deed to reflect the site changes are to be completed and a new document shall be signed and recorded with the Register of Deeds. A copy of this document shall be provided to the Township for their files.
3. An updated drawing shall be provided to account the water front strip known as Parcel "A" as it is our understanding this parcel is to be removed from the PUD and purchased by and adjacent property owner.

Detailed Ordinance Compliance Review:

Reviewed for general compliance with zoning ordinances.

-Section 6.2 R-1A District: Rural and Hillside Residential. 6.3 R-1B District Coastal Zone Residential District.

- Proposed amendment makes no change to the use previously approved -Single Family Dwelling PUD.

-Section 6.8 Schedule of Regulations

- Setbacks are maintained with relocation of Unit 1.
- Lot coverage requirements are maintained with relocation of Unit 1.
- Applicant shall coordinate with Township regarding transfer of properties and obtain property permits and approvals (specifically Parcel A).

-Section 7.2 Supplementary Use Regulations

- 7.2.6 Supplementary Setbacks for PUD's are met with the relocation of Unit 1.

-Section 7.4 Supplemental Great Lakes Shoreland Regulations

- No changes necessary due to the relocation of Unit 1.

-Section 7.7 Developments Abutting Agricultural Lands

- No changes necessary due to the relocation of Unit 1. 100-ft setback is met.
- Consideration of impact to adjacent neighbor viewshed impact was noted with the relocating of Unit 1. Township staff (including engineering and legal) have visited the site and confirmed impact is negligible. In addition, PC members were provided the opportunity to conduct site visit to make individual determinations.

-Section 7.10 Road Standards

- Relocation of Unit 1 accessible from the existing approved private road systems and is acceptable.

-Section 8 Uses Authorized by Special Use Permit

- The application packet generally addresses each point and shows no changes from previous amendment except as noted below.
- 8.1.3.10e shows change in drain field locations. It is presumed this is noted as relocation of Unit 1 was to an area served by the community drain fields and the previous proposed individual drainfield location will no longer be needed.
- 8.3.4 Uses that May be Permitted
  - Provided packet indicates open space minimum of 65% is met. This is verified on the Proposed PUD Amendment- Open Space Plan and found acceptable.
- 8.3.5 Lot Size Variation Procedure
  - Updated calcs that indicate relocation of Unit 1 causes no change in the calculated constraints to number of units. The application indicates that legal documents reflecting open space will be updated pending approval.

We request the applicant to reply with addition information or plans to address the storm water management requirements. There is sufficient information on the current set of plans to indicate the intent and ability to comply with the Ordinances. Overall, we feel the application is administratively complete and ready for public comment while the applicant reviews the above and provides additional information. We appreciate the opportunity to assist the Township during the review of this project. If you have any questions, please don't hesitate to contact me at (231) 946-5874.

Respectfully Submitted,
GOURDIE-FRASER

Jennifer Hodges, P.E.
Sr. Project Manager

cc: Kyle O'Grady
Mansfield Land Use Consultants

Mansfield
Land Use Consultants

October 26, 2021

Peninsula Township
Christina Deeren, Director of Zoning
13235 Center Road
Traverse City MI, 49686

RE: Peninsula Shores, PUD #123
Application for Amendment #2

Dear Christina and Peninsula Township Planning Commission,

On behalf of the O'Grady family, please find the following information regarding the requested amendment #2 to the Peninsula Shores PUD located north of Boursaw Road on East Grand Traverse Bay.

Historical Background

- Original PUD Application APPROVED on December 12, 2017
- Amendment #1 APPROVED on September 10, 2019
  (realignment of Shoreline Court and emergency access road, dimensional modifications of associated units, maintain 65% open space)

Current Requested Amendment #2

- Realignment of Units 38-41.
- Removal of Parcel A *(formerly the waterfront access for Unit 1)* from the PUD and transfer to neighboring property owner to the north.
- Move Unit 1 north, between Unit 29 and Unit 30.
- Maintain 65% open space.

Supporting documents as part of this request include:

- SUP Application
- SUP Development Checklist
- PUD Amendment Site Plan
- Survey Sketch of Parcel A

Please feel free to call me at (231) 946-9310 ext. 1003 should you have any questions or require additional information. Thank you for your assistance.

Sincerely,
Mansfield Land Use Consultants

Petra Kuehnis

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

p 231.946.9310
f 231.946.8926

Peninsula Shores -PUD #123 -Amendment #2

PENINSULA TOWNSHIP APPLICATION FOR SPECIAL USE PERMIT NO.
Section 8.1

Parcel Code/s #28-11-114-001-00 and 28-11-114-002-00

Property Address: Boursaw Road

Applicant Address: Peninsula Shores, 901 S. Garfield Avenue, Traverse City

Applicant' Signature Review Fee $500 Check No. Date

APPLICATION REQUIREMENTS Section 8.1.2

1. Each application is submitted through the Township Planner, and shall be accompanied by a fee as established by the Peninsula Township Board.

2. The applicant will assume direct costs for any additional professional review determined necessary by the Planning Commission or the Township Board, subject to prior review and approval of the applicant.

3. No part of any fee is be refundable and no portion of the fee covers the cost of any individual land use permit that may be issued on any of the building sites located in a Planned Unit Development.

4. Requirements for documents and information filled out in full by the applicant:
   (a) A statement of supporting evidence showing compliance with the requirements of Section 8.1.3.

   (b) Site plan, plot plan, development plan, drawn to scale (preferable 1"=50'), of total property involved showing the location of all abutting streets, the location of all existing and proposed structures and their uses, and the location and extent of all above ground development.

   (c) Preliminary plans and specifications of the proposed development.

5. This application, along with all required data shall be submitted to the Zoning Administrator.
   (a) Upon receipt of a completed application and the required data by the Zoning Administrator, it is transmitted to the Township Planning Commission for review.

   (b) The Planning Commission may hold a public hearing on the application.

   (c) Following a study by the Planning Commission it is transmitted to the Township Board for consideration.

   (d) The Township Board may deny, approve, or approve with conditions, a request for special land use approval.

6. Specific Requirements: In reviewing an impact assessment and site plan, the Town Board and the Planning Commission shall consider the following standards:

(a) That the applicant may legally apply for site plan review.

(b) That all required information has been provided.

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

(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.

(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.

(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.

(g) That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property.

(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.

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

(j) That the drainage plan for the proposed development is adequate to handle anticipated stormwater runoff, and will not cause undue runoff onto neighboring property or overloading of water courses in the area.

(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.

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

(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.

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

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

(p) That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.

(q) That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.

(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.

(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.

7. A public hearing on a special land use request is held by the Township Board if:
   a. A public hearing is requested by the Township Board, the applicant for special land use authorization, a property owner, or the occupant of a structure located within three hundred (300) feet of the boundary of the property being considered for a special land use.

   b. The decision on the special land use request is based on discretionary grounds.

Special Use Permit - Planned Unit Development Checklist
Special Use Permit Number #123 .

Parcel Code/s #28-11-114-001-00 and 28-11-114-002-00

Property Address: Boursaw Road

Applicant: The 81 Development Company, LLC

ARTICLE VIII

Ordinance Reference - Section 8.1.2 Permit Procedures:

8. Submission of Application:
   1. 500 Fee No part of any fee shall be refundable.

9. Include a statement of HOW the proposed project will:

The proposed dimensional site modifications do not effect these standards.

a. ~~yes~~ 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.

b. yes 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.

c. yes 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.

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

e. yes Not involve uses, 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.

The proposed dimensional site modifications continue to meet these standards.

Ordinance Reference - Section 8.1.3

10. Include a statement of HOW the proposed project meets the standard:

a. ~~yes~~ That the applicant may legally apply for site plan review.

b. ~~yes~~ That all required information has been provided.

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

d. ~~yes~~ 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.

e. ~~yes~~ That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.

   i. no change Grand Traverse County Road Commission
   ii. no change Grand Traverse County Drain Commissioner
   iii. ~~no change~~ County DPW standards for sewer and water if public.

new drain field location iv. Grand Traverse County Health Department for private systems

v. no change State and Federal Agencies for wetlands, public sewer and water.

f. no change 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.

g. ____ That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property.

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.

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

j. ____ That the drainage plan for the proposed development is adequate to handle anticipated stormwater runoff, and will not cause undue runoff onto neighboring property or overloading of water courses in the area.

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.

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

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.

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

o. ____ That landscaping, fences or walls may be required by the Town Board and Planning Commission in pursuance of the objectives of this Ordinance.

p. ____ That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.

q. ____ That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.

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.

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.

4. **Present 8 copies of Site plan, plot plan, development plan** Twp requested 11 copies

Drawn to scale (preferable 1"=50'), of total property involved showing:

a. ____ the location of all abutting streets,

b. ____ the location of all existing and proposed structures and their uses

c. ____ the location and extent of all above ground development, both existing and proposed including proposed Building Envelopes and setbacks. (Also see Section 7.2.6).

d. Preliminary plans and specifications of the proposed development. *This preliminary plan shall be in a form that can be easily reproduced on transparencies that can be used for public presentation.*

Is the project to be developed in Phases? ___ Yes; X No.

5. If the project is to be phased, provide documentation that:

a. - Upon completion, each phase will be capable of standing on its own in terms of the presence of services, facilities, and open space, and contains the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the project and the residents of the surrounding area.

b. - Shows a proposed commencement date for each phase of the project.

The proposed modifications do not change the original intent of the approved PUD.

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.

Provide statements showing HOW the project meets the following Objectives:

1. no change Provides a more desirable living environment by preserving the natural character of open fields, stand of trees, brooks, ponds, lake shore, hills, and similar natural assets.
2. no change Provision of open space requirements.
3. no change A more creative and imaginative approach in the development of residential areas.
4. no change 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.
5. no change Encourage variety in the physical development pattern of the Township by providing a mixture of housing types.
6. no change 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.

The proposed dimensional site modifications do not change the conditions for PUD.

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

1. - The planned unit development site 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 site size 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.
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.
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.
4. - The proposed population density of the planned unit development shall be no greater than if the tract 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.
5. - Open space shall be provided according to Section 8.3.6.
6. - For purposes of this Section 8.3, Open Space does not include building envelopes, parking lots and roads (roadbed width plus two (2) foot shoulders on each side).
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.

Section 8.3.4 Uses that May be Permitted: The following uses of land and structures may be permitted within planned unit developments, **Indicate the proposed uses in the Planned Unit**

Development:

1. X Single family dwellings.
2. - Two-family dwellings.
3. - Group housing, row houses, garden apartments, or other similar housing types which can be defined as single-family dwelling with no side yards between adjacent dwelling units, Provided that there shall be no more than eight (8) dwelling units in any contiguous group.
4. +65% Open space according to Section 8.3.6 Provided that only the following land uses may be set aside as common land for open space or recreation use under the provisions of this Section
   a. - Private recreational facilities (but not golf courses) such as pools, or other recreational facilities which are limited to the use of the owners or occupants of the lots located within the planned unit development.
   b. - Historic building sites or historical sites, parks and parkway areas, ornamental parks, extensive areas with tree cover, low lands along streams or areas of rough terrain when such areas have natural features worthy of scenic preservation.
   c. - Commonly owned agricultural lands.
5. no change Signs as allowed by Section 7.11.
6. - Deed restricted Agricultural lands.
7. - Garages and accessory buildings and uses exclusively for the use of residents of the planned unit development and for the proper maintenance thereof.

Section 8.3.5 Lot Size Variation Procedure: The lot area for Planned Unit Developments within Residential and Agricultural Districts may be averaged or reduced from those sizes required by the applicable zoning district within which said development is located by compliance with the following procedures:

1. Site Acreage Computation:
   updated a. 82.44 The net acreage proposed for a planned unit development shall be computed to determine the total land area available for development into lots under the minimum lot size requirements of the applicable zoning district in which the proposed planned unit development is located.
   b. 0 Acreage not included:
      i. - Land utilized by public utilities as easements for major facilities, such as electric transmission lines, sewer lines, water mains, or other similar lands which are not available to the owner because of such easements.
      ii. - Lands below the Lake Michigan ordinary high water mark.
      iii. - Lands used for commercial purposes subject to the requirements of Section 6.8.
2. Maximum Number of Lots and Dwelling Units: After the net acreage has been determined by the above procedure, the maximum number of lots and/or dwelling units that may be approved within a planned unit development shall be computed by subtracting from the net acreage a fixed percentage of said total for street right-of-way purposes, and dividing the remainder by the minimum lot area requirement of the zoning district in which the planned unit development is located. no change -72 units allowed / 41 units proposed
   a. 12.36 The fixed percentages for street right-of-way purposes to be subtracted from the net acreage shall be fifteen (15) percent for the R-1A and R-1B residential districts, twenty (20)percent for the R-1C district and thirty (30) percent for multiple family development in the R-1D district. These percentages shall apply regardless of the amount of land actually required for street right-of-way.

b. no change Under this procedure, individual lots may be reduced in area below the minimum lot size required by the zone district in which the planned unit development is located, PROVIDED that the total number of dwelling units and/or lots created within the development is not more than the maximum number that would be allowed if the project were developed under the minimum lot area requirements of the applicable zone district or districts in which it is located. Units may be distributed without regard to district boundaries.

individual lots average 0.56 acres

3. Permissive Building Envelope: Building Envelopes shall be as shown on the Site Plan and not included as open space.

4. Permissive Minimum Lot Area: Minimum Lot Area shall be as determined by the Township Board and shown on the Site Plan.

5. Maximum Permissive Building Height: 2.5 stories but not exceeding 35 feet. Accessory buildings shall not exceed a height of 15 feet. Provided that the height of agricultural buildings may be increased pursuant to Section 7.3.3 Permitted Exceptions, Agricultural Districts.

6. Section 8.3.6 Open Space Requirements Option: The Township Board shall utilize one of the following four options for dedication of the provided open space:

7. Open Space Dedicated for Private Use: A residential planned unit development with a minimum of 65% of the net acreage kept as open space and owned by the Home Owners Association or Condominium Association. That open space land shall be set aside as common land for the sole benefit, use and enjoyment of present and future lot or home owners within the development. 65.84% open space provided

a. – Such open space shall be conveyed by proper legal procedures from the project owner or owners to a home owners association or other similar non-profit organization so that fee simple title shall be vested in project lot owners as tenants in common.

b. – Documents providing for the maintenance of said land and any buildings thereon to assure that open space land remains open shall be provided to the Township Board for its approval.

c. – The access and characteristics of the open space land are such that it will be readily available and desirable for the use intended.

Legal documents reflecting open space will be updated pending approval.

~~8. 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.~~

~~9. Open Space Dedicated for Deed Restricted Agricultural Land: A Planned Unit Development with a minimum of 65% of the net acreage as deed restricted agricultural land. That open space shall be retained in agricultural use as specified on the site plan with the following conditions:~~

~~a. The Land shall be used exclusively for farming purposes.~~

b. ~~A conservation easement shall be granted to Peninsula Township that restricts uses to those that are allowed on deed restricted agricultural land subject to conservation easements purchased by Peninsula Township pursuant to the Purchase of Development Rights Ordinance No. 23.~~

c. ~~A farmstead parcel consisting of a residence for the owner or operator of the farm along with any or all of the following outbuildings may be shown on the site plan if approved by the Township Board:~~

~~1. Barns existing or proposed for uses necessary for agricultural production.~~

~~2. Outbuildings existing or proposed for storage of machinery and equipment used for agricultural production.~~

~~If a farmstead is shown on the site plan it shall be counted as one of the allowed dwelling units in the Planned unit development.~~

d. ~~The deed restricted agricultural land may be sold separately from the dwelling parcels.~~

10. ~~Open Space Apportioned Between Private Use and Deed Restricted Agricultural Land: The Township Board may approve open space apportioned between Private Use and Deed Restricted Agricultural Land described in (1) and (3) above provided, that in addition to the provisions of (7) and (9) above, the Deed Restricted Agricultural Land portion:~~

a. ~~Shall be a minimum of five acres.~~

b. ~~Shall be viable farmland as determined by the Township Board.~~

c. ~~Irrespective of (9) above; no buildings shall be allowed.~~

11. Section 8.3.7 Maximum Percentage of Lot Area Covered by All Structures:

a. no change The maximum percent of lot area covered by all structures shall not exceed fifteen (15) percent of net acreage.

b. A Building Envelope within which structures may be located shall be shown on the site plan for all existing or future structures.

c. The maximum number of square feet to be covered by all structures for each building envelope shall be shown on the site plan or attached to it.

No Change -Structure Area Coverage standards continue to be met.

12. Section 8.3.8 Affidavit: The applicant shall record an affidavit with the register of deeds containing the legal description of the entire project, specifying the date of approval of the special use permit, and declaring that all future development of the planned unit development property has been authorized and required to be carried out in accordance with the approved special use permit unless an amendment thereto is duly adopted by the Township upon the request and/or approval of the applicant, or applicant's transferee and/or assigns.

13. Section 7.7 Developments Abutting Agricultural Lands: Section 7.7.1 Agricultural Setback:. The following setbacks shall be required when a planned unit development, subdivision, condominium, mobile home park, or other group housing is developed; and on those metes and bounds parcels created after the effective date of this amendment, as provided below

a. Section 7.7.1.1 Requirement Agricultural Setback:

i. ~~A setback of 100 feet from the property line of the adjacent property shall be required for accessory uses, buildings or structures as follows:~~

(1) ~~When a planned unit development, subdivision, condominium, mobile home park, or other group housing is developed adjacent to land that is zoned A-1 Agriculture, and;~~

(2) ~~When a planned unit development, subdivision, condominium, mobile home park, or other group housing is developed adjacent to land that is zoned Residential but is shown on the Agricultural Preserve Map of the Peninsula Township Comprehensive Plan as adopted and amended from time to time by the Planning Commission.~~

ii. ~~A setback of 50 feet from the property line of the adjacent property shall be required for those portions of metes and bounds parcels created after the adoption of this amendment that have a common line with land that is zoned A-1 Agriculture unless that A-1 Agriculture zoned land is being used for residential purposes.~~

iii. ~~The setback areas required by (1) and (2) above shall not be used for accessory uses, buildings or structures.~~

iv. A setback of 100 feet shall be required when a planned unit development, subdivision, condominium, mobile home park, or other group housing is developed adjacent to land that is zoned Residential but is currently being used for agricultural production that includes the carrying on of usual soil practices of cultivation, spraying and fertilization. AG setbacks continue to be met.

b. Section 7.7.1.2 Lot Designation: Subdivision Lots or Condominium Limited Common Elements adjacent to such agricultural lands shall have designated building sites shown on the preliminary and final plans. Residential and accessory uses shall be located within the designated areas. Plans accompanying applications for zoning permits shall show such designated sites.

c. Section 7.7.1.3 Exceptions to Required Setbacks:

i. The Township Board may, upon recommendation of the Planning Commission, decrease the required setback on any or all lots or limited common elements when the Township Board determines that one or more of the following conditions exist:

(1) The existence of topographic conditions i.e. steep slopes, changes in grade, wetlands etc. or other site conditions which make it:

(a) unlikely that any of the uses allowed in the agricultural district would be located on the adjacent agriculturally zoned land; or

(b) so that the properties are sufficiently separated to mitigate incompatibilities of use.

(2) There exists an easement such as a conservation easement on the land adjacent to the proposed plat that restricts agricultural uses in such a manner that protection to future homeowners is equal or better than that provided by the 100 foot setback.

(3) There are existing residential uses along the lot line of the agriculturally zoned property.

The 30-foot PUD perimeter setback remains unchanged. Setbacks dimensions within individual lots to create the building envelope remain unchanged. The intent of the original PUD is unchanged.

Special Use Permit - Planned Unit Development Checklist

Special Use Permit Number #123. Amendment #2

Parcel Code/s #28-11-114-001-00 and 28-11-114-002-00

Property Address: Boursaw Road

Applicant: Peninsula Shores
901 S. Garfield Road, Suite 202

ARTICLE VIII

Ordinance Reference - Section 8.1.2 Permit Procedures:

1. Submission of Application:

a. $500 Fee No part of any fee shall be refundable.

Ordinance Reference - Section 8.1.3

Section 8.1.3 Basis for Determinations: Before making recommendation on a special use permit application, the Town Board shall establish that the following general standards, as well as the specific standards outlined in each section of this Article, shall be satisfied.

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

General Standards continue to be met with proposed dimensional site modifications.

2. General Standards - **Include a statement of HOW the proposed project meets the standards:**:

a. no change 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.

b. no change 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.

c. no change 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.

d. no change Not create excessive additional requirements at public cost for public facilities and services.

e. no change Not involve uses, 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.

f.

Conditions and Safeguards: The Town Board may impose 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 this Ordinance will be observed. The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted.

The proposed dimensional site modifications continue to meet these standards.

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

3. Include a statement of HOW the proposed project meets the standard:

a. no change That the applicant may legally apply for site plan review.

b. ____ That all required information has been provided.

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

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.

e. ____ That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.

i. ____ Grand Traverse County Road Commission

ii. ____ Grand Traverse County Drain Commissioner

iii. ____ County DPW standards for sewer and water if public.

new drain field location Grand Traverse County Health Department for private systems

v. ____ State and Federal Agencies for wetlands, public sewer and water.

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.

g. ____ That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property.

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.

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

j. ____ That the drainage plan for the proposed development is adequate to handle anticipated stormwater runoff, and will not cause undue runoff onto neighboring property or overloading of water courses in the area.

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.

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

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.

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

o. ____ That landscaping, fences or walls may be required by the Town Board and Planning Commission in pursuance of the objectives of this Ordinance.

p. ____ That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.

q. no change That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.

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.

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.

4. **Present 8 copies of Site plan, plot plan, development plan**
Drawn to scale (preferable 1"=50'), of total property involved showing:

a. no change the location of all abutting streets,

b. x the location of all existing and proposed structures and their uses

c. x the location and extent of all above ground development, both existing and proposed.

d. Preliminary plans and specifications of the proposed development. *This preliminary plan shall be in a form that can be easily reproduced on transparencies that can be used for public presentation.*

Township requested 11 copies full sized site plans

Is the project to be developed in Phases? ___ Yes; X No.

~~5. If the project is to be phased, provide documentation that:~~

~~a. Upon completion, each phase will be capable of standing on its own in terms of the presence of services, facilities, and open space, and contains the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the project and the residents of the surrounding area.~~

~~b. Shows a proposed commencement date for each phase of the project.~~

The proposed modifications do not change the original intent of the approved PUD.

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.

Provide statements showing HOW the project meets the following Objectives:

1. - Provides a more desirable living environment by preserving the natural character of open fields, stand of trees, brooks, ponds, lake shore, hills, and similar natural assets.
2. - Provision of open space and the development of recreational facilities in a generally central location and within reasonable distance of all living units.
3. - A more creative and imaginative approach in the development of residential areas.
4. - 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 site.
5. - Encourage variety in the physical development pattern of the Township by providing a mixture of housing types.
6. - 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.

The proposed dimensional site modifications do not change the Conditions for PUD.

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

1. - The planned unit development site 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 site size 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.
2. - Located within a Residential or Agricultural District, or a combination of the above Districts.
3. - Where the County Health Department will approve, community type water and sewer facilities shall be provided as part of the site development. Package or other treatment systems shall be of sufficient capacity to process the total sewage load of the project. The location shall be such as to afford possible mechanical hook-up with the proposed Regional Treatment System when fully developed. It is recognized that joining water and sewer ventures with contiguous or nearby land owners may prove to be expedient.
4. - The proposed population density of the planned unit development shall be no greater than if the tract 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 8.3.5(2)(b).

5. - For each square foot of land gained through the reduction or averaging of lot sizes, equal amounts of land shall be dedicated to Peninsula Township, or retained by the property owner when specifically permitted by the Special Use Permit, or shall be set aside for the common use of the home or lot owners within the planned unit development under legal procedures which shall also give Peninsula Township a covenant or interest therein, so that there are assurances that the required open space shall remain open subject to the provisions of Section 8.3.6.
6. - The proposed planned unit development shall meet all of the standards and requirements outlined in this Article, Section 8.1.

Section 8.3.4 Uses that May be Permitted: The following uses of land and structures may be permitted within planned unit developments, **Indicate the proposed uses in the Planned Unit Development**: No change in use type or use density is being proposed.

1. - All uses permitted by right, or by special use permit in the respective Residential or Agricultural Districts in which the Planned Unit Development is proposed, subject to all the restrictions therefore.
2. ~~Two family dwellings.~~
3. ~~Group housing, row houses, garden apartments, or other similar housing types which can be defined as single family dwelling with no side yards between adjacent dwelling units.~~
4. - Recreation and open space, provided that only the following land uses may be set aside as common land for open space or recreation use under the provisions of this Section:
   a. - Private recreational facilities, but not golf courses, such as pools, or other recreational facilities which are limited to the use of the owners or occupants of the lots located within the planned unit development.
   b. - Historic building sites or historical sites, parks and parkway areas, ornamental parks, extensive areas with tree cover, low lands along streams or areas of rough terrain when such areas have natural features worthy of scenic preservation.
   c. ~~Commonly owned agricultural lands.~~
5. no change Signs as allowed by Section 7.11.
6. ~~Agricultural lands.~~
7. ~~Garages and accessory buildings and uses exclusively for the use of residents of the planned unit development and for the proper maintenance thereof.~~

Section 8.3.5 Lot Size Variation Procedure: The lot area for Planned Unit Developments within Residential and Agricultural Districts may be averaged or reduced from those sizes required by the applicable zoning district within which said development is located by compliance with the following procedures: Overall PUD size is reduced by 0.19 acres.

1. Site Acreage Computation:
   a. 82.44 The gross acreage proposed for a planned unit development.
   b. 0 Acreage not included:
      i. 0 Land utilized by public utilities as easements for major facilities, such as electric transmission lines, sewer lines, water mains, or other similar lands which are not available to the owner because of such easements.
      ii. 0 Lands below the Lake Michigan ordinary high water mark.
      iii. 0 Lands used for commercial purposes subject to the requirements of Section 6.8.
   c. Maximum Number of Lots and Dwelling Units:

Overall PUD density to remain as is. No change.

d. 82.44 Gross Acreage available for development. (1.a. minus 1.b.)

e. 12.36 Subtract from the total gross area available a fixed percentage of said total for street right-of-way purposes.
i. 12.36 R-1A and R-1B Residential Districts - 15%.
ii. - R-1C Residential District - 20%.
iii. - R-1D Residential District - 30%.
iv. - A-1 Agricultural Distrect - No Reduction.

f. 70.08 Net Acreage available for development.

41 units proposed -no change

g. 72 Allowed number of dwelling units (Sum of d.i. through d.v.).
i. 66.2 R-1A District (Net Acreage divided by 43,560 square feet). 66.24 acres
ii. 6.7 R-1B District (Net Acreage divided by 25,000 square feet). 3.84 acres
iii. - R-1C District (Net Acreage divided by 20,000 square feet).
iv. - R-1D District (Net Acreage divided by 15,000 square feet).
v. - A-1 District (Net Acreage divided by 5 Acres).

h. 0 Requested additional density reasons such as higher than normal developing costs resulting from special requirements of Section 8.3.

no change

2. Permissive Minimum Lot Area:
a. Districts R-1A and R-1B -- 12,000 square feet
b. District R-1C – 9,000 square feet
c. District R-1D – 5,000 square feet
d. District A-1 -- 22,000 square feet when the open space land is restricted agricultural land and 1 acre in all other cases.

3. Maximum Lot Area:
a. When the open space land is to be retained by the property owner as restricted agricultural land; the maximum residential lot size shall be one acre,
b. The Township Board may approve larger lots if prime agricultural land will not be lost.

4. Permissive Minimum Yard Requirements: Under the lot averaging or reduction procedure, each lot shall have at least the following minimum yards:
a. Front Yard: Twenty five (25) feet for all dwellings. PROVIDED that front yard requirements may be varied by the zoning board after consideration of common greens or other common open space if such space provides an average of 25 feet of front yard area per dwelling unit.
b. Side Yard: Fifteen (15) feet on each side for all one and two-family dwellings; none for town houses or row houses PROVIDED that there shall be a minimum of 15 feet between ends of contiguous groups of dwelling units.
c. Rear Yard: Thirty (30) feet for all dwellings, PROVIDED that rear yard requirements may be varied by the Township Board after consideration of common open space lands or parks or waterfront areas which abut the rear yard area.

5. Maximum Permissive Building Height:
a. 2.5 stories but not exceeding 35 feet.
b. Accessory buildings shall not exceed a height of 15 feet.

No Change. Condo Doc exhibits will be revised pending approval.

6. Section 8.3.6 Open Space Requirements Option: The Township Board shall utilize one of the following three options for dedication of the provided open space:

a. That open space land shall be set aside as common land for the sole benefit, use and enjoyment of present and future lot or home owners within the development.

i. Such open space shall be conveyed by proper legal procedures from the tract owner or owners to a home owners association or other similar non-profit organization so that fee simple title shall be vested in tract lot owners as tenants in common.

ii. Documents providing for the maintenance of said land and any buildings thereon to assure that open space land remains open shall be provided to the Township Board for its approval.

~~b. That open space land shall be dedicated to the general public for park or recreational purposes by the tract owner or owners provided that the Township Board makes the following determinations:~~

~~i. The location and extent of said land is not in conflict with the Comprehensive Development Plan of Peninsula Township.~~

~~ii. The access to and the characteristics of the open space land is such that it will be readily available to and desirable for public use, development and maintenance.~~

~~c. That open space shall be retained in agricultural use as specified on the site plan with the following conditions:~~

~~i. Land shall be used exclusively for farming purposes but no building shall be placed thereon nor shall any special uses be permitted.~~

~~ii. A conservation easement shall be granted to Peninsula Township that restricts uses on the agricultural property to those above uses approved by the Township Board.~~

~~iii. A farmstead parcel consisting of a residence for the owner or operator of the farm along with any or all of the following outbuildings may be shown on the site plan if approved by the Township Board:~~

~~(1) Barns existing or proposed for uses necessary for agricultural production.~~

~~(2) Outbuildings existing or proposed for storage of machinery and equipment used for agricultural production.~~

~~(3) If a farmstead is shown on the site plan it shall be counted as one of the allowed dwelling units in the Planned Unit Development.~~

7. Section 7.7 Developments Abutting Agricultural Lands: Section 7.7.1 Agricultural Setback:. The following setbacks shall be required when a planned unit development, subdivision, condominium, mobile home park, or other group housing is developed; and on those metes and bounds parcels created after the effective date of this amendment, as provided below

a. Section 7.7.1.1 Requirement Agricultural Setback:

i. A setback of 100 feet from the property line of the adjacent property shall be required for accessory uses, buildings or structures as follows:

(1) When a planned unit development, subdivision, condominium, mobile home park, or other group housing is developed adjacent to land that is zoned A-1 Agriculture, and;

(2) When a planned unit development, subdivision, condominium, mobile home park, or other group housing is developed adjacent to land that is zoned

AG setback standards remain compliant.

AG setback standards remain compliant.

Residential but is shown on the Agricultural Preserve Map of the Peninsula Township Comprehensive Plan as adopted and amended from time to time by the Planning Commission.

ii. _____ A setback of 50 feet from the property line of the adjacent property shall be required for those portions of metes and bounds parcels created after the adoption of this amendment that have a common line with land that is zoned A-1 Agriculture unless that A-1 Agriculture zoned land is being used for residential purposes.

iii. _____The setback areas required by (1) and (2) above shall not be used for accessory uses, buildings or structures.

iv. _____A setback of 100 feet shall be required when a planned unit development, subdivision, condominium, mobile home park, or other group housing is developed adjacent to land that is zoned Residential but is currently being used for agricultural production that includes the carrying on of usual soil practices of cultivation, spraying and fertilization.

The 30-foot PUD perimeter setback remains unchanged.

b. _____Section 7.7.1.2 Lot Designation: Subdivision Lots or Condominium Limited Common Elements adjacent to such agricultural lands shall have designated building sites shown on the preliminary and final plans. Residential and accessory uses shall be located within the designated areas. Plans accompanying applications for zoning permits shall show such designated sites.

Setback dimensions within individual lots (building envelopes) are unchanged.

c. _____Section 7.7.1.3 Exceptions to Required Setbacks:

i. _____The Township Board may, upon recommendation of the Planning Commission, decrease the required setback on any or all lots or limited common elements when the Township Board determines that one or more of the following conditions exist:

(1) _____The existence of topographic conditions i.e. steep slopes, changes in grade, wetlands etc. or other site conditions which make it:

(a) _____unlikely that any of the uses allowed in the agricultural district would be located on the adjacent agriculturally zoned land; or

(b) _____so that the properties are sufficiently separated to mitigate incompatibilities of use.

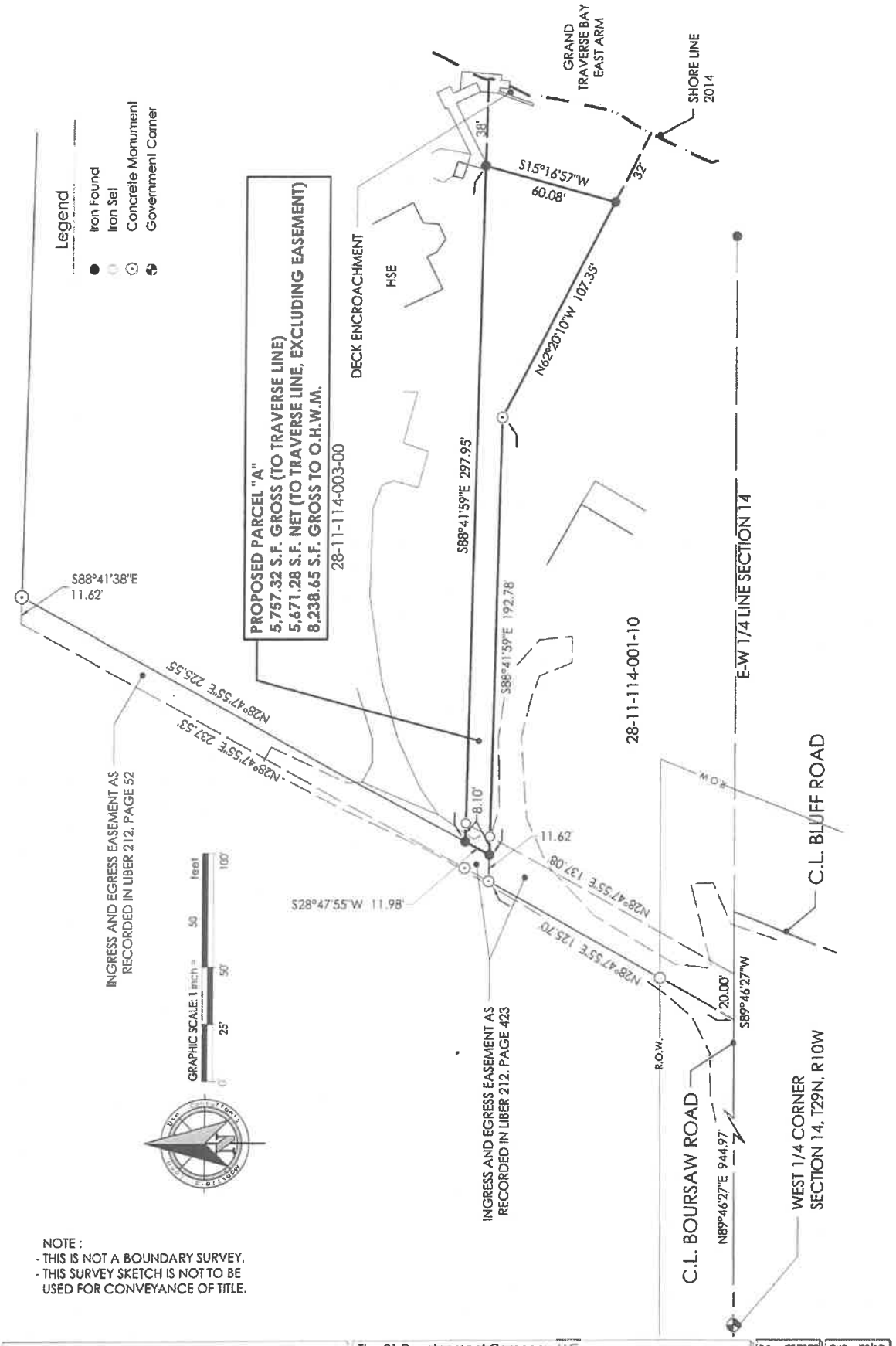
(2) _____There exists an easement such as a conservation easement on the land adjacent to the proposed plat that restricts agricultural uses in such a manner that protection to future homeowners is equal or better than that provided by the 100 foot setback.

(3) _____There are existing residential uses along the lot line of the agriculturally zoned property.

8. _____Section 8.3.7 Affidavit. The applicant shall record an affidavit with the register of deeds containing the legal description of the entire project, specifying the date of approval of the special use permit, and declaring that all future development of the planned unit development property has been authorized and required to be carried out in accordance with the approved special use permit unless an amendment thereto is duly adopted by the Township upon the request and/or approval of the applicant, or applicant's transferee and/or assigns.

C:\Users\User\appdata\roaming\AcPublish_7656\[14016 Parcel A (beach parcel).dwg (8x14 Sketch) - Jun 29, 2020 3:39pm - Michelle

Survey Sketch



NOTE :
- THIS IS NOT A BOUNDARY SURVEY.
- THIS SURVEY SKETCH IS NOT TO BE USED FOR CONVEYANCE OF TITLE.

Mansfield
Land Use Consultants
Planners - Civil Engineers - Surveyors

PO Box 4015
830 Cottageview Dr., Suite 201
Traverse City, MI 49685
Ph: (231) 946-9310
Fax: (231) 946-8926
www.mnaeps.com

The 81 Development Company, LLC

Proposed Parcel A
Section 14, Town 29 North, Range 10 West
Peninsula Township, Grand Traverse County, Michigan

DRN: mmm | CKD: mkg
06.29.20
14016
SHT 1 OF 2

Survey Sketch

PROPOSED DESCRIPTION: PARCEL A

A parcel of land located in the Northwest quarter of Section 14, Town 29 North, Range 10 West, Peninsula Township, Grand Traverse County, Michigan, more fully described as:

Commencing at the West quarter corner of said Section 14;
thence North 89°46'27" East, 944.97 feet,
along the East and West quarter line of said Section and the center line of Boursaw Road;
thence North 28°47'55" East, 125.70 feet;
along the westerly line of an ingress and egress easement as recorded in Liber 212, Page 423;
thence South 88°41'59" East, 11.62 feet,
to the Point of Beginning;
thence South 88°41'59" East, 192.78 feet;
thence South 62°20'10" East, 107.35 feet,
to a point near the shore of the East Arm of Grand Traverse Bay;
thence North 15°16'57" East, 60.08 feet;
thence North 88°41'59" West, 297.95 feet;
thence South 28°47'55" West, 11.98 feet,
to the Point of Beginning.

Lot lines are to extend to the water's edge of the East Arm of Grand Traverse Bay.

Subject to and together with ingress and egress easements as recorded in Liber 212, Page 423 and Liber 212, Page 52, Grand Traverse County Register of Deeds.

Subject to other easements or restrictions, if any.

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The 81 Development Company, LLC
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Section 14, Town 29 North, Range 10 West
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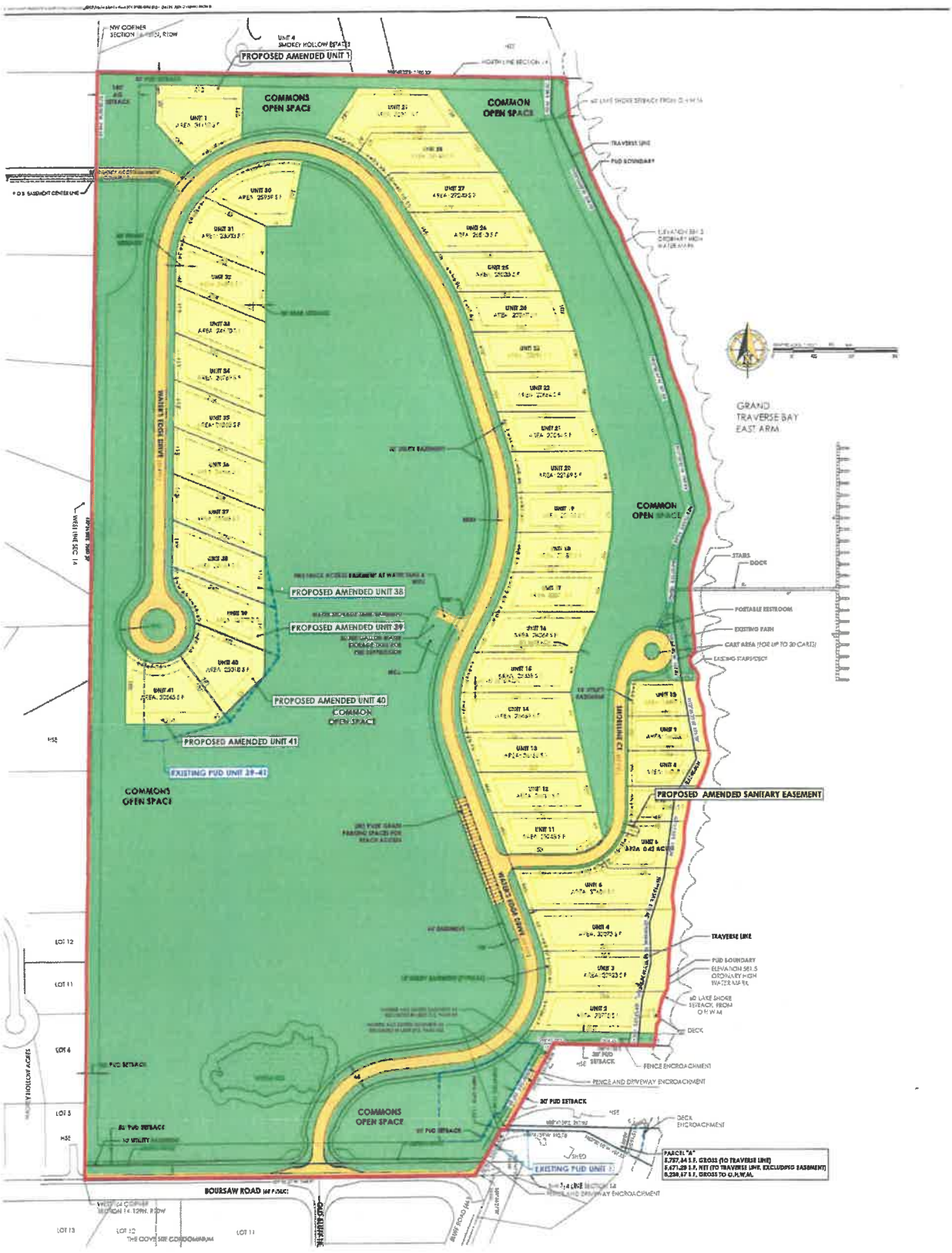
DRN: mmm | CKD: mkg
08.08.19
14016
SHT 2 OF 2



PUD BOUNDARY

82.44 ACRES TOTAL GROSS (TO O.H.W.M.)
OPEN SPACE REQUIRED-MINIMUM 53.59 ACRES (65%)
NON-OPEN SPACE ALLOWED-MAXIMUM 28.85 ACRES (35%)

NON-OPEN SPACE PROVIDED

UNITS 23.19 ACRES
ROADS 4.98 ACRES

28.17 ACRES
NON-OPEN SPACE (34.16%) PROVIDED

OPEN SPACE PROVIDED

54.28 ACRES (65.84%)

NOTES:
PER THE PENINSULA TOWNSHIP ZONING ORDINANCE SECTION 8.8.8 QUALIFYING CONDITIONS
(6) FOR THE PURPOSE OF THIS SECTION 8.8, OPEN SPACE DOES NOT INCLUDE BUILDING ENVELOPES, PARKING LOTS AND ROADS (ROAD BED PLUS TWO (2) FOOT SHOULDER EACH SIDE.)

PRELIMINARY

THE 81 DEVELOPMENT COMPANY, LLC
PENINSULA SHORES - PUD #123
PROPOSED PUD AMENDMENT - OPEN SPACE PLAN
SECTION 14, T.29N., R.10W.
PENINSULA TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN

SHT 1 OF 1
14016

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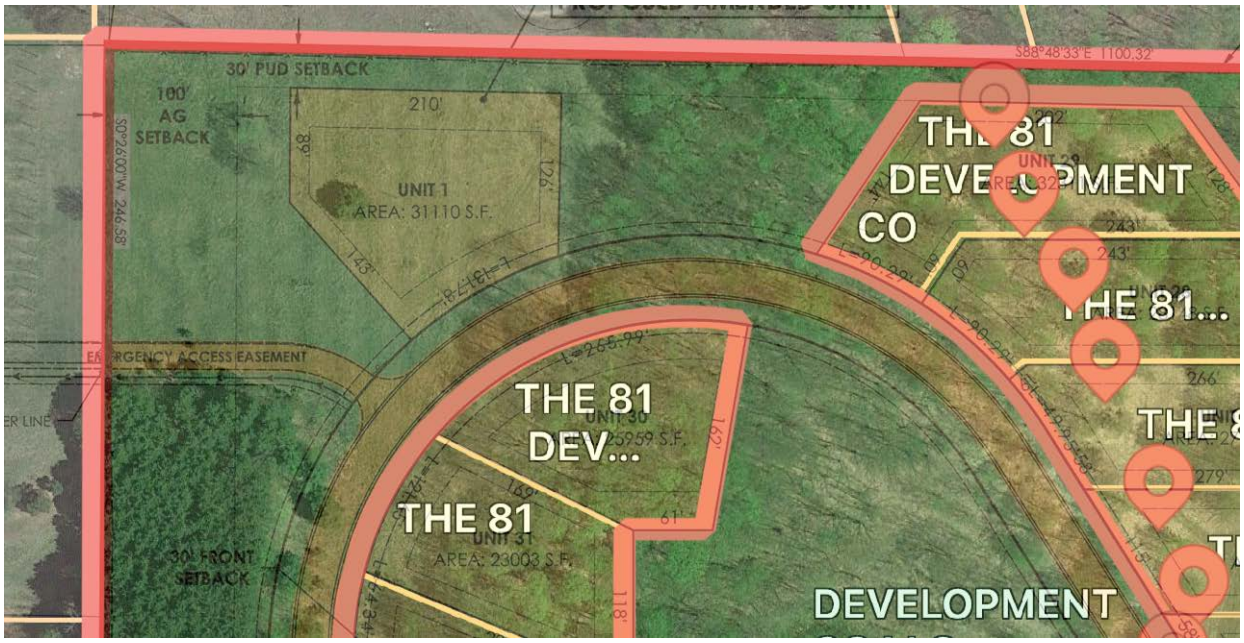
O'GRADY
DEVELOPMENT CO.
Building Your Future. Now.®

January 24th, 2022
Peninsula Shores SUP 123
Amendment #2

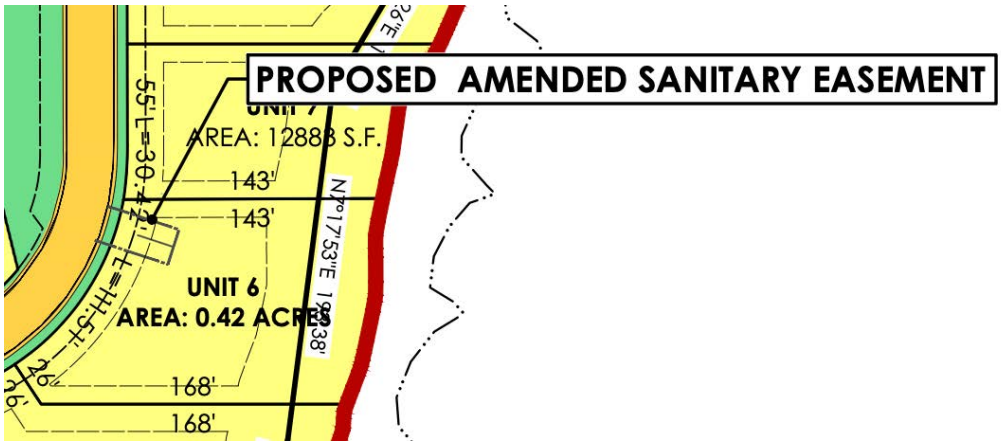
To whom this may concern, I'd like to provide some additional written content regarding our amendment request.

We certainly believe that the neighboring property owner's concerns relating to viewshed is a non-issue. Our home placement is entirely to the west of the home and does not impact any views whatsoever. No trees are being cut down to build the home as there were no trees in that location prior to starting the development as a whole.



(aerial image showing proposed Unit 1 was not wooded prior to development)

The sewer easement on lot 6 is infringing on the building envelope for a home. As we began to work with our architect, we realized the easement was too far into the lot and cumbersome on the buildability. Therefore, we are proposing to slightly shorten so that we can build a home to the size standards of the lot as a whole.



Similar to the rest of the homes in Peninsula Shores, Unit 1 will be serviced by an individual well. It will also be serviced by an individual septic system. We have completed soil testing in the area. The soils are suitable for a septic system.

In regards to the storm water management, there will be no change in hard surface. Per GFA letter dated 1/17/21, page 3, 'Previously proposed storm water provisions are sufficient for the existing site with the proposed amendment'.

We appreciate your consideration towards this amendment. We're confident that it will be an improvement to our development and all of its 41 residents, an improvement to the lasting landscape at the corner of Bluff Road and Boursaw Road (open space instead of a home), and an improvement to the neighbors that will be relieved of the traffic from existing Unit 1's path to and from the water. It is an overall increase of utility in the subdivision.

Thank you,
Kyle O'Grady

Peninsula Shores SUP Amendment #3

Requested modifications to the Peninsula Shores development as part of this application for SUP Amendment #3 are as follows:

- Relocate Unit 1 from the south end of the development along Boursaw Road, to the north end of the development.
  Benefit: The move will open up the entire view shed along Boursaw Road as Common Open Space. The proposed new location to the north is suitable for home construction in that the new site is an open area with soils suitable to construction.
- Remove Parcel A from the SUP. Parcel A is the lakefront access for the existing Unit 1 location along Boursaw Road. SUP open space calculations have been updated to reflect the change and continues to provide 65%+ common open space.
  Benefit: The 10-foot wide lakefront access route is squeezed in-between two existing homes outside of the Peninsula Shores development. The travel route to the beach is just 12-feet from the existing home to the north and 25-feet from the existing home to the south. Removal of this element from the SUP will benefit the existing neighboring homeowners and lessen potential impact along the lakefront.
- Modify a sanitary easement on Unit 6.
  Benefit: Shortening the sanitary easement on Unit 6 will allow greater flexibility of construction within the building envelope. This modification only benefits Unit 6 and has no effect on any other aspect of the development.
- Adjust lot lines of Units 38-41.
  Benefit: Slight adjustments to these lot lines will allow greater flexibility of construction within the building envelopes. This modification only benefits Units 38-41 and has no effect on any other aspect of the development. SUP open space calculations have been updated to reflect the change and continues to provide 65%+ open space.

Ordinance Reference - Section 8.1.3 Basis of Determination

10. Include a statement of HOW the proposed project meets the standard:
    a. That the applicant may legally apply for site plan review.

    The applicant is the legal owner of the project site since June 2014. Recorded deeds for the parcels listed below were provided to the Township as part of the original PUD application.
    15634 Smokey Hollow Road (Tax ID 28-11-114-001-00)
    15636 Bluff Road (Tax ID 28-11-114-002-00)

    The applicant still has majority share of Peninsula Shores HOA (owning of 35 of the 41 total units within the PUD) and therefore may still solely and legally apply for the requested amendment to the PUD per the developments Master Deed and By Laws.

    b. That all required information has been provided.
    The applicant believes that all required/requested information has been provided as part of this application.

    c. That the proposed development conforms to all regulations of the zoning district in which it is located.
    The proposed amendment #3 continues to meet the intent and parameters of the approved SUP#123 which is significantly less impactful to the landscape and surrounding uses than had the parcel been developed per the underlying residential zoning standards.

    The proposed residential use is a use-by-right within the underlying R-1A and R1-B Zoning District. Underlying zoning allows a minimum 1-acre and 25,000 square foot lot size with a potential practical development density of 55 lots with no preserved open space.

    Peninsula Shores SUP#123 as approved in 2017 consists of 41 lots, while preserving 65% open space including 1,500 lineal feet of East Bay shoreline.

	Use-By-Right	*PUD*
Residential density	*55 lots*	*41 lots*
preserved open space	*none*	*54-acres, 65%*
preserved shoreline	*none*	*1,500 lineal feet*

    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.
    The requested amendment does not change the site circulation or unit density and therefore should not cause any changes to existing services within the PUD (as confirmed in the Twp Engineers review).

    The existing residential development is served by private wells, and both private and community septic system. The proposed unit #1 location has been successfully perc tested by the Health Department for an individual drain field.

Storm water control infrastructure was constructed per the Peninsula Township Stormwater Control Ordinance and has been functioning without incident since installation.

The proposed amendment has no impact on emergency services use of the secondary emergency access to Smokey Hollow Road located at the northwest end of the site (near the proposed unit #1 location), or the underground fire suppression water tank located at the center of the site which is a benefit for the safety of the general vicinity, not only residents of Peninsula Shores.

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.
All major common infrastructure within Peninsula Shores PUD was installed in 2018, including the following governmental agency permits.
- *Soil Erosion Sedimentation Control*
- *NDPES DEQ Notice of Coverage Permit*
- *Grading and Stabilization Plan*
- *Storm Water Control Permit*
- *Storm Water Bond / Escrow Provided*
- *Sanitary / Water Final Plan Submission*
- *DEQ Permits (Part 41)*
- *Health Department Permits (Residential Wells)*
- *Corp of Engineer Permit (Seasonal Dock)*
- *Township Private Road Permit*
- *County Road Commission Permit*
- *Private Road Name Approval (Twp Board)*

The proposed SUP amendment does not change or affect any of the existing infrastructure of the development. The existing unit #1 location would have been serviced by an individual well and septic (drain field system) as will the proposed unit #1 location, so there is no change in infrastructure quantity or density. A test hole by the Health Department verified that soils in the proposed unit #1 location will sustain drain field infrastructure. Individual well and septic associated with home construction within Peninsula Shores is permitted at the time of individual unit Land Use Permit application.

f. Grand Traverse County Road Commission Grand Traverse County Drain Commissioner County DPW standards for sewer and water if public.
   i. Grand Traverse County Health Department for private systems State and Federal Agencies for wetlands, public sewer and water.
   A test hole by the Health Department verified that soils in the proposed unit #1 location will sustain drain field infrastructure. Individual well and septic permitting by the County Health Department is completed at the time of Land Use Permit application associated with the individual home construction.

ii. 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.
The Peninsula Shores PUD offers reduced residential density while preserving 65% open space, including a wetland, steep slopes, wooded acreage and 1,500 lineal feet of waterfront on a very scenic parcel of land.

The proposed lot line adjustments meet the intent of the original PUD and continue to preserve the natural resources listed above while.

iii. That the proposed development property respects floodways and flood plains onor in the vicinity of the subject property.
60 lineal feet of waterfront (floodplain) will be removed from the development (Parcel A). There are no floodways or floodplains in the vicinity of the other proposed adjustments of units within the development.

g. 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.
The proposed location for unit 1 is well suited for development in that the soils are good, there are no steep slopes, and very little woody vegetative cover. A test hole by the Health Department verified that soils in the proposed unit #1 location will sustain drain field infrastructure.

Individual well and septic permitting by the County Health Department is completed at the time of Land Use Permit application associated with the individual home construction.

h. That the proposed development will not cause soil erosion or sedimentation problems.
The proposed lot line adjustments within the existing development will not cause SESC problems.

Individual home construction requires Land Use Permit applications including soil erosion and sedimentation control measures.

i. That the drainage plan for the proposed development is adequate to handle anticipated stormwater runoff, and will not cause undue runoff onto neighboringproperty or overloading of water courses in the area.
Storm water infrastructure for the development is already in place, and the proposed modifications do not cause any change to previously permitted impervious lot coverage or land use density.

Land Use Permit applications associated with individual home construction require storm water runoff calculation be provided.

j. 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.

The proposed lot line adjustments within the existing development do not require any grading of filling.

Land Use Permit applications associated with individual home construction require a site plan.

k. That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.
The proposed lot line adjustments within the existing development will not cause changes to existing air drainage.

Land Use Permit applications associated with individual home construction require a site plan.

l. That phases of development are in a logical sequence, so that any one phase willnot depend upon a subsequent phase for adequate access, public utility service,drainage or erosion control.
Infrastructure related to Peninsula Shores was constructed in one phase. The proposed lot line adjustments within the existing development do not change any of the existing infrastructure.

m. That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities.
The proposed lot line adjustments within the existing development does not change any of the previously approved Peninsula Shores infrastructure. There are no public sewer, water or drainage facilities in the vicinity of Peninsula Shores. Existing Peninsula Shores roadways, sewer, water, and stormwater infrastructure is privately owned and maintained. A Fire Suppression water tank located within the development is a public benefit in support of the Peninsula Township Fire Department.

n. That landscaping, fences or walls may be required by the Town Board and Planning Commission in pursuance of the objectives of this Ordinance.
The applicant is offering to provide some landscape screening along the northern property line of the proposed unit 1 location. In addition to setbacks on individual lots, the entire existing development offers a 30-foot PUD perimeter setback.

o. That parking layout will not adversely affect the flow of traffic within the site, or toand from the adjacent streets.
Residential parking continues to be accommodated on each individual residential lot.

p. That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.
The proposed lot line adjustments within the existing development do not cause any change to the existing and previously approved vehicular and pedestrian traffic. The private, dead end road is much like any other residential subdivision road, and should be safe for shared vehicular/pedestrian traffic.

q. 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.
The proposed lot line adjustments within the existing development do not cause any change to the one-site management of refuse. Each individual lot owner is responsible for their own garbage service.

r. 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.
The proposed lot line adjustments within the existing development do change the spirit or intent of the previously approved PUD plan.

As stated in the original PUD application, the development meets and exceeds the objectives of the Ordinance and the principles of sound planning by seeking approval through a Planned Unit Development. This PUD offers reduced lot density and 65% open space preservation including a wetland, steep slopes, wooded acreage and 1,500 lineal feet of waterfront on a very scenic parcel of land.

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

1. Provides a more desirable living environment by preserving the natural character of open fields, stand of trees, brooks, ponds, lake shore, hills, and similar natural assets.
   The proposed lot line adjustments within the existing development do not cause any change in intent of the previously approved SUP.

   Relocating Unit 1 will provide for a more desirable living environment away from the public road corridor, and the removal of Parcel A from the development will lessen potential impact of another family (additional population) using the small area of waterfront located between two existing homes, not within the development.

2. Provision of open space requirements.
   The proposed lot line adjustments within the existing development continue to provide 65%+ (54.28 acres) common open space for the use and enjoyment of Peninsula Shores residents.

3. A more creative and imaginative approach in the development of residential areas.
   The proposed lot line adjustments within the existing development does not change the intent of the previously approved clustered, open space development, SUP #123.
   Relocating Unit 1 provides for a better residential lot away from the public road corridor.

4. 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.
   The proposed lot line adjustments within the existing development does not change the intent of the previously approved clustered, open space development, SUP #123. Relocating Unit 1 provides for a better open space aesthetic along Boursaw Road.

5. Encourage variety in the physical development pattern of the Township by providing a mixture of housing types.
   The proposed lot line adjustments within the existing development does not change the intent of the previously approved clustered, open space development, SUP #123.

6. 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.
   The proposed lot line adjustments within the existing development does not change the intent of the previously approved clustered, open space development, SUP #123.

   The existing Master Deed has a provision allowing for the HOA to plant open space areas of the development in crops if they collectively choose to at any time in the future.

Below is an image submitted as part of the original PUD application illustrating the land preservation benefits of the PUD over a Use-by-Right development plan.

7-27-2015

Use-By-Right Per Zoning / Michigan Land Division Plat Act	**Planned Unit Development** The 81 on East Bay -an open space community
• 55 lots	• 41 lots
• 1+ acre lot size	• ½ acre to ¼ acre average lot size
• 0% common open space *(0 acres)*	• 65% common open space *(54 acres)*
• 0 lineal feet of East Bay shore line preserved	• 1,500 lineal feet of East Bay shore line preserved
• 0 perimeter open space buffer area	• 30 foot wide perimeter open space buffer area
• no protection of forested areas	• forested areas protected within open space areas
• no protection of steep bluffs	• steep bluffs protected within open space areas
• 55 individual septic systems with no regular oversight or monitoring	• 10 individual septic systems / 1 state permitted and monitored community sewer system
• maximum density / maximum traffic	• reduced density / reduced traffic

The PUD plan provides the benefit of a 25% reduction of housing density and 65% preservation of open space including 83% of the shoreline bluff including 1,500 lineal feet of East Bay waterfront.

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

1. The planned unit development site 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 site size 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.
   Peninsula Shores is currently 82.63 acres. The removal of Parcel A (0.19 acres) results in a proposed site area of 82.44 acres.

   The applicant has majority share of Peninsula Shores HOA and therefore may still solely and legally apply for the requested amendment to the PUD.

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.
   The underlying zoning of Peninsula Shores SUP #123 is R-1A Rural and R-1B. The total possible density of the site is 66 one-acre lots and five 25,000 square foot lots, equaling a total of 71 lots allowed, however, the practical number of buildable units is 55 based on a platted subdivision layout designed on the site.

   Peninsula Shores SUP#123 was approved with 41 units while preserving 54 acres of open space including a wetland, steep slopes, and 1,500 lineal feet of shoreline.

   This application for PUD amendment is not requesting any changes to the current density of the PUD.

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 landowners may prove to be expedient.
   This application for PUD amendment does not require any changes to the existing community infrastructure already in place within the Peninsula Shores development.

   Each of the 41 residential units will have a private well. Units 1-4, 25-29 will have individual sanitary systems, and units 5-24, 30-41 are serviced by an on-site community wastewater treatment system.

4. The proposed population density of the planned unit development shall be no greater than if the tract 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.
   This application for PUD amendment does not change the residential density of the existing Peninsula Shores SUP #123 development. Peninsula Shores will continue to be a 41-unit residential development.

   The project site could have practicably accommodated 55 residential lots with no preserved open space if developed as a use-by-right subdivision.

5. Open space shall be provided according to Section 8.3.6.
Open space is provided per Section 8.3.6 (1) Open Space Preserved for Private Use. 65% (54 acres) of the site continues to be kept in open space owned by the Homeowners Association for the sole use and enjoyment of owners and residents within the PUD. A common element within the community open space includes waterfront access/boat docks.

6. For purposes of this Section 8.3, Open Space does not include building envelopes, parking lots and roads (roadbed width plus two (2) foot shoulders on each side).

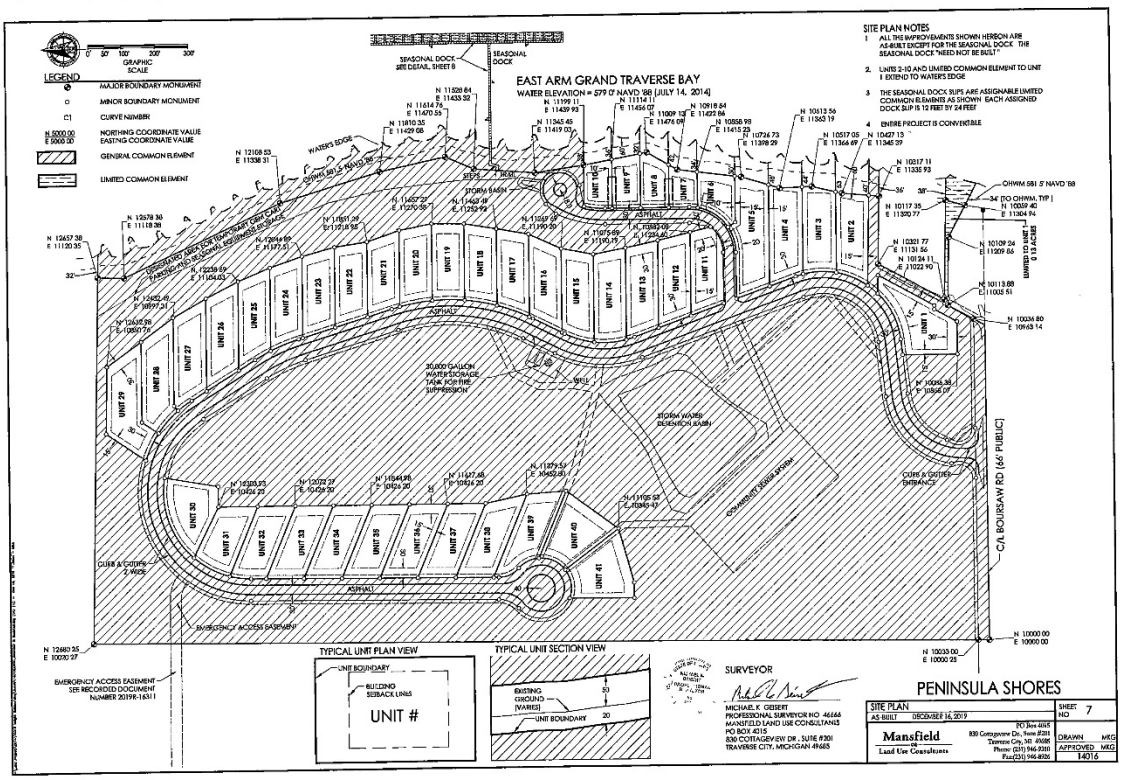
Total project site	*82.44 acres*	
Residential lots	*-23.19 acres*	
Roadway	*-4.98 acres*	
Total remaining open space	*54.28 acres*	*65% open space*

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.
Please refer to the parts of this submittal relating to Section 8.3 and Section 8.1.

Section 8.3.5 Lot Size Variation Procedure: The lot area for Planned Unit Developments within Residential and Agricultural Districts may be averaged or reduced from those sizes required by the applicable zoning district within which said development is located by compliance with the following procedures:

7. Open Space Dedicated for Private Use: A residential planned unit development with a minimum of 65% of the net acreage kept as open space and owned by the Homeowners Association or Condominium Association. That open space land shall be set aside as common land for the sole benefit, use and enjoyment of present and future lot or homeowners within the development.

   a. Such open space shall be conveyed by proper legal procedures from the project owner or owners to a homeowners association or other similar non-profit organization so that fee simple title shall be vested in project lot owners as tenants in common.
   The existing, recorded Peninsula Shores Master Deed exhibit indicating general common open space will be amended to reflect the changes requested as part of this amendment #3 to the PUD.



Grand Traverse County Register of Deeds 2019C-00055 Pg# 72

   b. Documents providing for the maintenance of said land and any buildings thereon to assure that open space land remains open shall be provided to the Township Board for its approval.
   The existing, recorded Peninsula Shores Master Deed provides for the maintenance of general common open space. The proposed lot line adjustments requested as part of this amendment #3 to the PUD do not change the existing intent for maintenance of the general common areas and the language will remain as is.

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

The proposed lot line adjustments requested as part of this amendment #3 to the PUD do not change the existing intent of the general common areas and the language will remain as is.

Section 8.3.7 Maximum Percentage of Lot Area Covered by All Structures:

a. The maximum percent of lot area covered by all structures shall not exceed fifteen (15) percent of net acreage.

The total area of all building envelopes within the development is 12 acres which equates to 14% of the total 82.4-acre site.

Needless to say, the entire building envelope of a residential unit/lot will not be entirely covered by structures, so the practical, overall percentage of lot coverage will be considerably less than 14%.

b. A Building Envelope within which structures may be located shall be shown on the site plan for all existing or future structures.

Building envelopes are indicated for each individual unit on the site plan as the area within the building setbacks.

c. The maximum number of square feet to be covered by all structures for each building envelope shall be shown on the site plan or attached to it.

The maximum number of square feet within each building envelope is indicated on the chart to the side.

The total area of all building envelopes within the development is 12 acres which equates to 14% of the total 82.4-acre site.

Section 8.3.7
Maximum Percentage of Lot Area Covered by all Structures

NUMBER	UNIT SIZE	BUILDING ENVELOPE
UNIT 1	31,110 sf	17,023 sf
UNIT 2	28,778 sf	13,349 sf
UNIT 3	29,923 sf	14,560 sf
UNIT 4	33,073 sf	16,688 sf
UNIT 5	37,684 sf	18,707 sf
UNIT 6	18,321 sf	7,000 sf
UNIT 7	12,883 sf	4,108 sf
UNIT 8	16,009 sf	6,434 sf
UNIT 9	16,033 sf	6,617 sf
UNIT 10	14,807 sf	5,620 sf
UNIT 11	23,248 sf	11,439 sf
UNIT 12	24,911 sf	12,997 sf
UNIT 13	26,155 sf	13,878 sf
UNIT 14	26,459 sf	14,258 sf
UNIT 15	25,358 sf	13,391 sf
UNIT 16	24,264 sf	12,295 sf
UNIT 17	23,071 sf	11,726 sf
UNIT 18	22,180 sf	11,216 sf
UNIT 19	22,196 sf	11,286 sf
UNIT 20	22,169 sf	11,201 sf
UNIT 21	22,044 sf	10,995 sf
UNIT 22	22,654 sf	11,506 sf
UNIT 23	23,585 sf	12,100 sf
UNIT 24	23,847 sf	12,115 sf
UNIT 25	25,035 sf	12,782 sf
UNIT 26	26,513 sf	13,678 sf
UNIT 27	27,240 sf	14,124 sf
UNIT 28	28,148 sf	14,928 sf
UNIT 29	32,311 sf	18,070 sf
UNIT 30	25,959 sf	12,959 sf
UNIT 31	23,003 sf	11,753 sf
UNIT 32	24,392 sf	12,649 sf
UNIT 33	24,670 sf	12,759 sf
UNIT 34	24,769 sf	12,829 sf
UNIT 35	24,868 sf	12,900 sf
UNIT 36	24,966 sf	12,970 sf
UNIT 37	25,065 sf	13,040 sf
UNIT 38	26,647 sf	13,881 sf
UNIT 39	26,018 sf	12,618 sf
UNIT 40	27,528 sf	14,689 sf
UNIT 41	28,274 sf	15,136 sf
Unit Totals	**1,016,167 sf**	**512,273 sf**
	23 acres	12 acres buildable area
		82 acres total project site

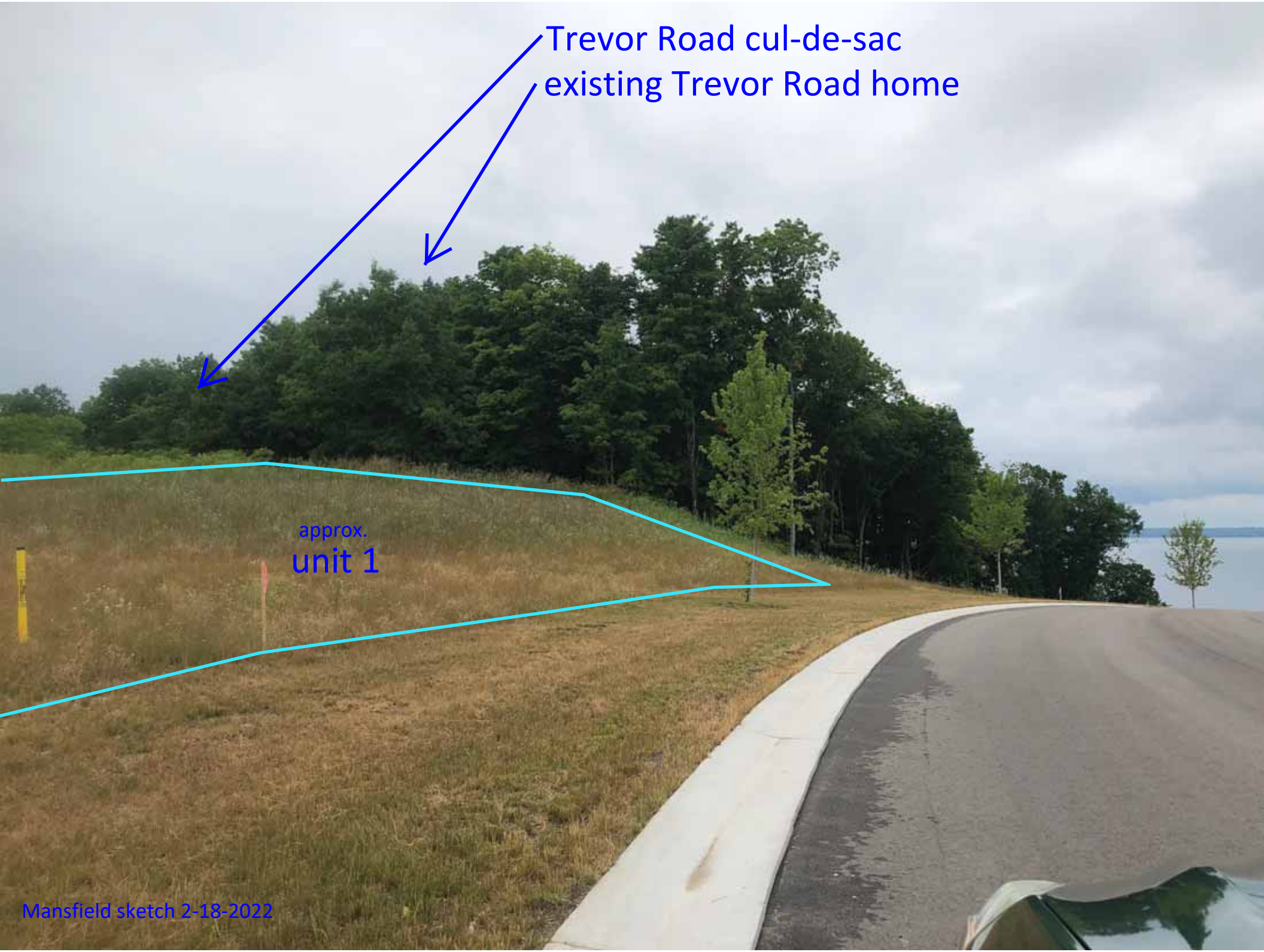
14% of the site is buildable area
but only a fraction of the buildable area will be covered in structures

SUP #123 Amendment #2

Mansfield 2-18-2022

photo is mid-2021ish

SUP Amendment #2 proposes to move unit 1 to the north end of the development, and remove the Parcel A waterfront access from the SUP.


Trevor Road cul-de-sac
existing Trevor Road home
approx.
unit 1
Mansfield sketch 2-18-2022

Grand Traverse County Parcel Viewer

2/18/2022, 4:46:35 PM

- Address Points
- Tax Parcel
- Roads
- Municipal Boundaries
- Sections
- Quarters
- Eighths
- Survey Points

1:2,257

0 0.02 0.04 0.07 mi

0 0.03 0.06 0.12 km

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Grand Traverse County Parcel Viewer

2/18/2022, 4:44:50 PM

Tax Parcel
Municipal Boundaries
Quarters
Roads
Sections
Eighths

1:9,028

0 0.07 0.15 0.3 mi

0 0.1 0.2 0.4 km

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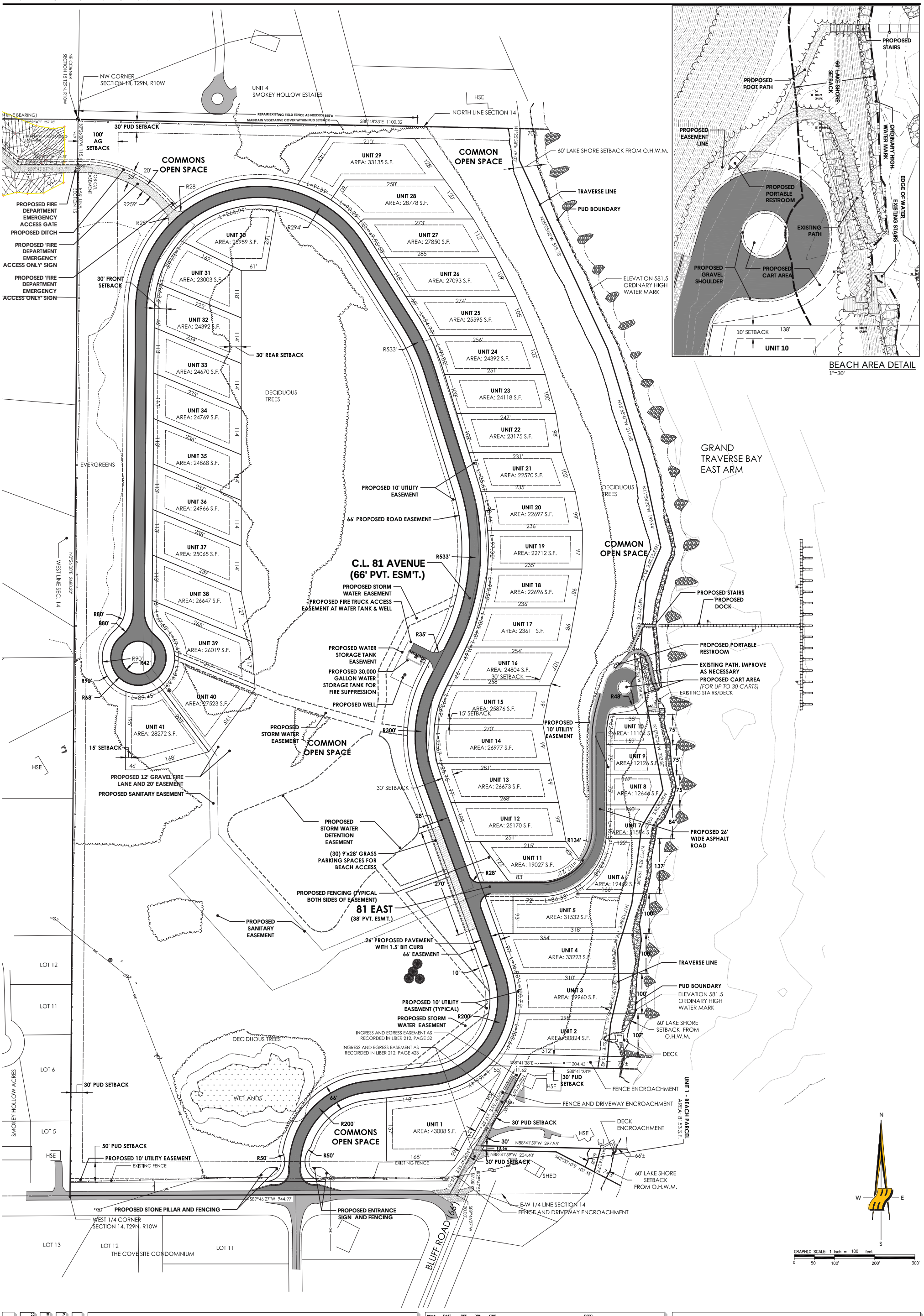

BEACH AREA DETAIL
1"=30'

C4.0

JOB NO.: 14016

DR.: jeh CHD.: djm CREATED: 03.05.14

PLAN: dlm

CONSTRUCTION

The 81 Development Company, LLC

The 81 on East Bay - PUD

SITE & DIMENSION PLAN

Section 14, Town 29 North, Range 10 West
Peninsula Twp., Grand Traverse County, Michigan

REV#	DATE	DES	DRN	CHK	DESC
20	02-09-16	dlm	mmm	dlm	Permit & Twp. Submittals
21	03-14-16	dlm	mmm	dlm	Permit & Twp. Submittals
22	03-23-16	dlm	mmm	dlm	Permit Submittals
23	04-08-16	dlm	mmm	dlm	Construction Plan Updates
24	07-08-16	dlm	mmm	dlm	New Fire Road Access
25	07-20-16	DLM	JEH	DLM	NEW FIRE ROAD ACCESS PLAN & PROFILE
26	08-02-16	dlm	jeh	dlm	Fire Lane Design, Storm Water & S.E.S.C. Submittals
27	09-07-16	dlm	jeh	dlm	Update 81 East road pavement, easement, lots, open space calcs

Mansfield
Land Use Consultants
830 Cottageview Dr., Ste. 201
P.O. Box 4015
Traverse City, MI 49685
Phone: 231-946-9310
www.maaeps.com
info@maaeps.com

PARCEL AND AREA CALCULATIONS

3/10/2022

Name	Area s.f.	Area Acre
UNIT 1	43,007.57	0.99
UNIT 1 BEACH PARCEL	8,152.61	0.19
UNIT 2	30,823.95	0.71
UNIT 3	29,959.74	0.69
UNIT 4	33,222.85	0.76
UNIT 5	31,532.38	0.72
UNIT 6	19,462.29	0.45
UNIT 7	11,583.51	0.27
UNIT 8	12,646.49	0.29
UNIT 9	12,125.68	0.28
UNIT 10	11,103.60	0.25
UNIT 11	19,027.20	0.44
UNIT 12	25,170.13	0.58
UNIT 13	26,672.88	0.61
UNIT 14	26,977.38	0.62
UNIT 15	25,876.46	0.59
UNIT 16	24,803.85	0.57
UNIT 17	23,610.54	0.54
UNIT 18	22,696.32	0.52
UNIT 19	22,712.45	0.52
UNIT 20	22,696.57	0.52
UNIT 21	22,570.25	0.52
UNIT 22	23,174.66	0.53
UNIT 23	24,117.93	0.55
UNIT 24	24,391.63	0.56
UNIT 25	25,595.44	0.59
UNIT 26	27,093.42	0.62
UNIT 27	27,849.91	0.64
UNIT 28	28,777.77	0.66
UNIT 29	33,135.20	0.76
UNIT 30	25,959.20	0.60
UNIT 31	23,002.82	0.53
UNIT 32	24,392.44	0.56
UNIT 33	24,670.40	0.57
UNIT 34	24,768.97	0.57
UNIT 35	24,867.54	0.57
UNIT 36	24,966.11	0.57
UNIT 37	25,064.67	0.58
UNIT 38	26,646.52	0.61
UNIT 39	26,018.55	0.60
UNIT 40	27,522.51	0.63
UNIT 41	28,272.03	0.65
Unit Totals	1,026,722.42	23.57

Name	Area s.f.	Area Acres		%
PUD to OHWM	3,599,437.56	82.63	*Area Gross*	
Boursaw Rd.	10,666.39	0.24	*Pvmt. & Shoulder*	
Prop. Grass Beach Parking	6,615.00	0.15	*(Along 81 Blvd.)*	
Prop. 81 Ave., 81 East & Fire Road	197,502.04	4.53	*Pvmt. Curb & Shoulder*	
Exist. Asph. Driveway	1,331.26	0.03	*SE cor. of parcel*	
Exist. Gravel Driveway	2,219.79	0.05	*SE cor. of parcel*	
(41) Units	1,026,722.42	23.57	*Area Units Gross*	
Open Space	2,354,380.66	54.05		65.41%
Non-Open Space	1,245,056.90	28.58		34.59%

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NW CORNER
SECTION 14, T29N, R10W

UNIT 4
SMOKEY HOLLOW ESTATES

HSE

NORTH LINE SECTION 14

S88°48'33"E 1100.32'

30' PUD SETBACK

100'
AG
SETBACK

COMMONS
OPEN SPACE

COMMON
OPEN SPACE

UNIT 29
AREA: 32311 S.F.

UNIT 28
AREA: 28148 S.F.

UNIT 27
AREA: 27240 S.F.

UNIT 26
AREA: 26513 S.F.

UNIT 25
AREA: 25035 S.F.

UNIT 24
AREA: 23847 S.F.

UNIT 23
AREA: 23585 S.F.

UNIT 22
AREA: 22654 S.F.

UNIT 21
AREA: 22044 S.F.

UNIT 20
AREA: 22169 S.F.

UNIT 19
AREA: 22196 S.F.

UNIT 18
AREA: 22180 S.F.

UNIT 17
AREA: 23071 S.F.

UNIT 16
AREA: 24264 S.F.
30' SETBACK

UNIT 15
AREA: 25358 S.F.
15' SETBACK

UNIT 14
AREA: 26459 S.F.

UNIT 13
AREA: 26155 S.F.
30' SETBACK

UNIT 12
AREA: 24911 S.F.

UNIT 11
AREA: 23248 S.F.

UNIT 30
AREA: 25959 S.F.

UNIT 31
AREA: 23003 S.F.

UNIT 32
AREA: 24392 S.F.

UNIT 33
AREA: 24670 S.F.

UNIT 34
AREA: 24769 S.F.

UNIT 35
AREA: 24868 S.F.

UNIT 36
AREA: 24966 S.F.

UNIT 37
AREA: 25065 S.F.

UNIT 38
AREA: 26647 S.F.

UNIT 39
AREA: 26019 S.F.

UNIT 40
AREA: 27523 S.F.

UNIT 41
AREA: 28272 S.F.
15' SETBACK

UNIT 10
AREA: 14807 S.F.

UNIT 9
AREA: 16033 S.F.

UNIT 8
AREA: 16009 S.F.

UNIT 7
AREA: 12888 S.F.

UNIT 6
AREA: 0.42 ACRES

UNIT 5
AREA: 37684 S.F.

UNIT 4
AREA: 33073 S.F.

UNIT 3
AREA: 29923 S.F.

UNIT 2
AREA: 28778 S.F.

UNIT 1
AREA: 31697 S.F.

UNIT 1 - BEACH PARCEL
AREA: 8325 S.F.

70±

60' LAKE SHORE SETBACK FROM O.H.W.M.

TRAVERSE LINE

PUD BOUNDARY

ELEVATION 581.5
ORDINARY HIGH
WATER MARK

N25°05'02"W 518.78'

N25°58'57"E 792.07'

PROPOSED FIRE
DEPARTMENT
EMERGENCY
ACCESS GATE

PROPOSED DITCH

PROPOSED 'FIRE
DEPARTMENT
EMERGENCY
ACCESS ONLY' SIGN

30' FRONT
SETBACK

30' REAR SETBACK

C.L. DOUBLE EAGLE DR.
(66' PVT. ESM'T.)

PROPOSED STORM
WATER EASEMENT

PROPOSED FIRE TRUCK ACCESS
EASEMENT AT WATER TANK & WELL

PROPOSED WATER
STORAGE TANK
EASEMENT

PROPOSED 30,000
GALLON WATER
STORAGE TANK FOR
FIRE SUPPRESSION

PROPOSED WELL

PROPOSED
STORM WATER
EASEMENT

PROPOSED 10' UTILITY
EASEMENT

66' PROPOSED ROAD EASEMENT

PROPOSED SANITARY EASEMENT

PROPOSED
STORM WATER
DETENTION
EASEMENT

(30) 9'x28' GRASS
PARKING SPACES FOR
BEACH ACCESS

SNUG HARBOUR CT.
(38' PVT. ESM'T.)

PROPOSED
SANITARY
EASEMENT

26' PROPOSED PAVEMENT
WITH 1.5' CONCRETE CURB
66' EASEMENT

PROPOSED 10' UTILITY
EASEMENT (TYPICAL)

PROPOSED STORM
WATER EASEMENT

INGRESS AND EGRESS EASEMENT AS
RECORDED IN LIBER 212, PAGE 52

INGRESS AND EGRESS EASEMENT AS
RECORDED IN LIBER 212, PAGE 423

WETLANDS LOCATION AS DELINEATED ON
6-11-15 BY STU KOGGE

WETLANDS

R533'
R300'
R200'
R294'
R35'
R28'
R103'
R50'
R90'
R42'
R80'
R68'
R48'

L=265.99'
L=99.22'
L=49.95'
L=54.90'
L=91.82'
L=255.67'
L=98.46'
L=97.02'
L=98.52'
L=183.40'
L=69.47'
L=93.69'
L=89.45'
L=67.58'
L=89.05'
L=80.41'
L=23.12'
L=100.57'
L=64.21'
L=25.75'
L=44.34'

N88°41'59"W 297.95'
N88°41'59"W 204.40'
S88°41'38"E 204.43'
S88°41'38"E 11.62'
S62°20'10"E 107.35'
N28°47'55"E 137.08'
N28°47'55"E 25.55'
N28°47'55"E 237.55'
N28°47'55"E 25.70'
N11°58'32"W 199.94'
N23°25'55"E 8.64'
N4°27'27"E 18.55'
N20°04'42"W 9.58'
N5°54'55"E 10.42'
N16°55'47"W 311.68'
N10°47'34"W 232.80'
N39°26'26"E 65.02'
N17°13'56"E 11.48'
N1°19'43"E 165.58'
S89°46'27"W 944.97'
S89°46'27"W 20.00'

PROPOSED
10' UTILITY
EASEMENT

PROPOSED STAIRS

PROPOSED
FOOT PATH

60' LAKE SHORE
SETBACK

PROPOSED
EASEMENT
LINE

ORDINARY HIGH
WATER MARK

EDGE OF WATER
EXISTING STAIRS

PROPOSED
PORTABLE
RESTROOM

EXISTING
PATH

PROPOSED
GRAVEL
SHOULDER

PROPOSED
CART AREA

10' SETBACK

164'

UNIT 10

BEACH AREA DETAIL
1"=30'

GRAND
TRAVERSE BAY
EAST ARM

PROPOSED STAIRS
PROPOSED
DOCK

PROPOSED PORTABLE
RESTROOM

EXISTING PATH, IMPROVE
AS NECESSARY

PROPOSED CART AREA
(FOR UP TO 30 CARTS)

EXISTING STAIRS/DECK

PROPOSED
10' UTILITY
EASEMENT

85'

PROPOSED 26'
WIDE ASPHALT
ROAD

100'

TRAVERSE LINE

PUD BOUNDARY

ELEVATION 581.5
ORDINARY HIGH
WATER MARK

60' LAKE SHORE
SETBACK FROM
O.H.W.M.

DECK

FENCE ENCROACHMENT

FENCE AND DRIVEWAY ENCROACHMENT

DECK
ENCROACHMENT

66'±

60' LAKE SHORE
SETBACK
FROM O.H.W.M.

E-W 1/4 LINE SECTION 14
FENCE AND DRIVEWAY ENCROACHMENT

SNOW STORAGE:
THE PRIVATE ROAD WILL BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION INCLUDING WINTER PLOWING. THE ROAD WILL BE PLOWED AS ANY OTHER ROAD IS PLOWED, WITH SNOW DIRECTED TO EITHER SIDE OF THE ROADWAY AND NO SET STORAGE AREAS LIKE A PARKING LOT WOULD MAINTAIN. THE PLOWING WILL DIRECT THE SNOW AWAY FROM RESIDENTIAL LOTS, THE WATER TANK AND THE WATER FRONT TO THE EXTENT POSSIBLE.

PROPOSED MODIFICATIONS:

- UNIT 29 AT NORTH END OF SITE IS REMOVED AND REPLACED BY UNIT 1 AT THE SOUTH END OF THE SITE.
- ALL UNITS 1-29 ARE RE-NUMBERED TO REFLECT THE MODIFICATION.
- SNUG HARBOUR COURT IS SHIFTED WEST INCREASING LOT DEPTHS FOR UNITS 5-9.
- LOT WIDTHS FOR UNITS 1-9 ARE ADJUSTED TO PROVIDE MORE UNIFORM DISTRIBUTION OF WIDTH.
- UNITS 11-28 ARE SHORTENED ALONG THE EASTERLY LOT LINE TO ACHIEVE THE 65% PUD OPEN SPACE REQUIREMENT.

PROPOSED (ROAD & UNIT SHIFT) OPEN SPACE CALCULATIONS:

	S.F.	ACRES	%
Open Space	2,355,611.64	54.08	65.44%
Non-Open Space	1,243,825.92	28.55	34.56%

APPROVED P.U.D. OPEN SPACE CALCULATIONS:

Open Space	2,354,821.08	54.06	65.42%
Non-Open Space	1,244,616.48	28.57	34.58%

GRAPHIC SCALE: 1 inch = 100 feet
0 50' 100' 200' 300'

C4.0

JOB NO.: 14016

DR.: jeh
CHD.: dlm
CREATED: 03.05.14

P.M.: dlm

CONSTRUCTION

The 81 Development Company, LLC

The 81 on East Bay - PUD

SITE & DIMENSION PLAN

Section 14, Town 29 North, Range 10 West
Peninsula Twp., Grand Traverse County, Michigan

REV#	DATE	DES	DRN	CHK	DESC
33	08-06-18	JEH	JEH	JEH	G.T. Co. H.D. & MDEQ Final Revisions
34	05-02-19	MMM	PHK	MMM	Increase Dock/Boat Slips
35	06-19-19	JEH	PHK	MMM	PUD Amendments: Fire Lane, Snug Harbour Ct
36	06-21-19	JEH	PHK	MMM	PUD Amendments: Fire Lane, Snug Harbour Ct, Units 1-29
37	07-02-19	JEH	PHK	MMM	PUD Amendments: Fire Lane, Snug Harbour Ct, Units 1-29
38	07-09-19	JEH	PHK	MMM	PUD Amendments: Fire Lane, Snug Harbour Ct, Units 1-29
39	08-09-19	JEH	PHK	MMM	Updated with Transfer Parcel A
40	08-19-19	JEH	PHK	MMM	Remove Unit 29, Add original Unit 1 back in

Mansfield
Land Use Consultants

830 Cottageview Dr., Ste. 201
P.O. Box 4015
Traverse City, MI 49685
Phone: 231-946-9310
www.maaeps.com
info@maaeps.com

Shore Lot Increase Exhibt 3/10/2022

Name	Area S.F.	Area Acres	sf net	acres net
UNIT 1	31,573.31	0.72		
UNIT 1 - BEACH PARCEL	8,362.14	0.19	5,880.82	0.14
UNIT 2	28,781.84	0.66	24,218.54	0.56
UNIT 3	29,922.85	0.69		0.00
UNIT 4	33,072.96	0.76		0.00
UNIT 5	37,684.03	0.87		0.00
UNIT 6	18,321.46	0.42		0.00
UNIT 7	12,882.93	0.30		0.00
UNIT 8	16,008.79	0.37	12,846.39	0.29
UNIT 9	16,032.63	0.37		0.00
UNIT 10	14,807.16	0.34	11,618.37	0.27
UNIT 11	23,247.97	0.53		0.00
UNIT 12	24,910.89	0.57		0.00
UNIT 13	26,154.69	0.60		0.00
UNIT 14	26,459.18	0.61		0.00
UNIT 15	25,358.22	0.58		0.00
UNIT 16	24,264.05	0.56		0.00
UNIT 17	23,071.28	0.53		0.00
UNIT 18	22,180.08	0.51		0.00
UNIT 19	22,195.79	0.51		0.00
UNIT 20	22,168.84	0.51		0.00
UNIT 21	22,044.02	0.51		0.00
UNIT 22	22,653.74	0.52	22,653.74	0.52
UNIT 23	23,585.49	0.54	23,585.49	0.54
UNIT 24	23,846.88	0.55		0.00
UNIT 25	25,034.73	0.57		0.00
UNIT 26	26,513.21	0.61		0.00
UNIT 27	27,239.72	0.63		0.00
UNIT 28	28,147.57	0.65	28,147.57	0.65
UNIT 29	31,311.30	0.72		0.00
UNIT 30	25,959.20	0.60		0.00
UNIT 31	23,002.82	0.53		0.00
UNIT 32	24,392.44	0.56		0.00
UNIT 33	24,670.40	0.57		0.00
UNIT 34	24,768.97	0.57		0.00
UNIT 35	24,867.54	0.57		0.00
UNIT 36	24,966.11	0.57		0.00
UNIT 37	25,064.67	0.58		0.00
UNIT 38	26,646.52	0.61		0.00
UNIT 39	26,018.55	0.60		0.00
UNIT 40	27,522.51	0.63		0.00
UNIT 41	28,272.03	0.65		0.00
Unit Totals	**1,023,989.51**	**23.51**		

31696.8

21,048.60

8152.61 BEACH

29,201.21

29

PUD to OHWM	3,599,437.56

previous lot are
1,030,601.03
6,611.52

Name	Area s.f.	Area Acres	%	
PUD to OHWM	3,599,437.56	82.63		Area s.f. Gross
Boursaw Rd.	10,666.39	0.24		Pvmt. & Shoulder
Prop. Grass Beach Parking	6,615.00	0.15		(Along 81 Blvd.)
Prop. Double Eagle Dr. & Snug Harbour Ct.	198,917.25	4.57		Pvmt. Curb & Shoulder
Exist. Asph. Driveway	1,331.26	0.03		SE cor. of parcel
Exist. Gravel Driveway	2,219.79	0.05		SE cor. of parcel
(41) Units	1,023,989.51	23.51		
Open Space	2,355,698.36	54.08	65.45%	
Non-Open Space	1,243,739.20	28.55	34.55%	

Open Req.
Open Provided

Double Eagle Dr
Harbour C

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NW CORNER
SECTION 14, T29N, R10W

UNIT 4
SMOKEY HOLLOW ESTATES

PROPOSED AMENDED UNIT 1

HSE

NORTH LINE SECTION 14

S88°48'33"E 1100.32'

30' PUD SETBACK

100' AG SETBACK

S0°26'00"W 266.58'

UNIT 1
AREA: 31110 S.F.

COMMONS OPEN SPACE

UNIT 29
AREA: 32311 S.F.

UNIT 28
AREA: 28148 S.F.

UNIT 27
AREA: 27240 S.F.

UNIT 26
AREA: 26513 S.F.

UNIT 25
AREA: 25035 S.F.

UNIT 24
AREA: 23847 S.F.

UNIT 23
AREA: 23585 S.F.

UNIT 22
AREA: 22654 S.F.

UNIT 21
AREA: 22044 S.F.

UNIT 20
AREA: 22169 S.F.

UNIT 19
AREA: 22196 S.F.

UNIT 18
AREA: 22180 S.F.

UNIT 17
AREA: 23071 S.F.

UNIT 16
AREA: 24264 S.F.
30' SETBACK

UNIT 15
AREA: 25358 S.F.
15' SETBACK

UNIT 14
AREA: 26459 S.F.

UNIT 13
AREA: 26155 S.F.

UNIT 12
AREA: 24911 S.F.

UNIT 11
AREA: 23248 S.F.

UNIT 30
AREA: 25959 S.F.

UNIT 31
AREA: 23003 S.F.

UNIT 32
AREA: 24392 S.F.

UNIT 33
AREA: 24670 S.F.

UNIT 34
AREA: 24769 S.F.

UNIT 35
AREA: 24868 S.F.

UNIT 36
AREA: 24966 S.F.

UNIT 37
AREA: 25065 S.F.

UNIT 38
AREA: 25163 S.F.

UNIT 39
AREA: 22579 S.F.

UNIT 40
AREA: 25018 S.F.

UNIT 41
AREA: 30565 S.F.

COMMON OPEN SPACE

60' LAKE SHORE SETBACK FROM O.H.W.M.

TRAVERSE LINE

PUD BOUNDARY

N25°08'00"W 518.78'

ELEVATION 581.5
ORDINARY HIGH
WATER MARK

EMERGENCY ACCESS EASEMENT

P.O.B. EASEMENT CENTER LINE

30' FRONT SETBACK

30' REAR SETBACK

WATER'S EDGE DRIVE (33' PVT.)

10' UTILITY EASEMENT

R533'

SHORELINE CT. (33' PVT.)

GRAPHIC SCALE: 1 inch = 100 feet
0 50 100' 200' 300'

GRAND
TRAVERSE BAY
EAST ARM

N16°56'47"W 311.08'

N11°58'32"W 199.94'

N23°25'55"E 99.64'

N27°27'E 138.38'

N10°46'30"W 139.39'

N30°52'38"E 138.38'

N17°35'E 138.38'

N17°35'E 138.38'

N10°46'30"W 147.82'

N28°47'55"E 11.98'

N88°41'59"W 11.62'

N28°47'55"E 11.98'

N62°20'10"W 107.35'

N28°47'55"E 137.08'

S88°41'38"E 204.43'

S88°41'38"E 297.95'

N88°41'59"W 192.78'

S89°46'27"W 944.97'

S89°46'27"W 330.00'

WEST LINE SEC. 14

N0°26'00"E 2680.32'

WEST 1/4 CORNER
SECTION 14, T29N, R10W

E-W 1/4 LINE SECTION 14

BOURSAW ROAD (66' PUBLIC)

OLD BLUFF TR.

BLUFF ROAD (66')

LOT 13

LOT 12

LOT 11

THE COVE SITE CONDOMINIUM

LOT 12

LOT 11

LOT 6

LOT 5

SMOKEY HOLLOW ACRES

HSE

WETLANDS

66'

66' EASEMENT

10'

10' UTILITY EASEMENT (TYPICAL)

INGRESS AND EGRESS EASEMENT AS RECORDED IN LIBER 212, PAGE 52

INGRESS AND EGRESS EASEMENT AS RECORDED IN LIBER 212, PAGE 423

FIRE TRUCK ACCESS EASEMENT AT WATER TANK & WELL

WATER STORAGE TANK EASEMENT

30,000 GALLON WATER STORAGE TANK FOR FIRE SUPPRESSION

WELL

PROPOSED AMENDED UNIT 38

PROPOSED AMENDED UNIT 39

PROPOSED AMENDED UNIT 40

PROPOSED AMENDED UNIT 41

EXISTING PUD UNIT 39-41

EXISTING PUD UNIT 1

PROPOSED AMENDED SANITARY EASEMENT

(30) 9'x28' GRASS PARKING SPACES FOR BEACH ACCESS

UNIT 10
AREA: 14807 S.F.

UNIT 9
AREA: 16033 S.F.

UNIT 8
AREA: 16009 S.F.

UNIT 7
AREA: 12888 S.F.

UNIT 6
AREA: 0.42 ACRES

UNIT 5
AREA: 37684 S.F.

UNIT 4
AREA: 33073 S.F.

UNIT 3
AREA: 29923 S.F.

UNIT 2
AREA: 28778 S.F.

STAIRS

DOCK

PORTABLE RESTROOM

EXISTING PATH

CART AREA *(FOR UP TO 30 CARTS)*

EXISTING STAIRS/DECK

10' UTILITY EASEMENT

SHED

DECK

DECK ENCROACHMENT

FENCE ENCROACHMENT

FENCE AND DRIVEWAY ENCROACHMENT

EXISTING FENCE

50' PUD SETBACK

10' UTILITY EASEMENT

PARCEL "A"
5,757.34 S.F. GROSS (TO TRAVERSE LINE)
5,671.28 S.F. NET (TO TRAVERSE LINE, EXCLUDING EASEMENT)
8,238.67 S.F. GROSS TO O.H.W.M.

PUD BOUNDARY

82.44 ACRES TOTAL GROSS (TO O.H.W.M.)
OPEN SPACE REQUIRED-MINIMUM 53.59 ACRES (65%)
NON-OPEN SPACE ALLOWED-MAXIMUM 28.85 ACRES (35%)

NON-OPEN SPACE PROVIDED

UNITS 23.21 ACRES

ROADS 4.98 ACRES

28.19 ACRES
NON-OPEN SPACE (34.19%) PROVIDED

OPEN SPACE PROVIDED

54.26 ACRES (65.81%)

NOTES:
PER THE PENINSULA TOWNSHIP ZONING ORDINANCE, SECTION 8.8.8 QUALIFYING CONDITIONS
(6) FOR THE PURPOSE OF THIS SECTION 8.3, OPEN SPACE DOES NOT INCLUDE BUIIDING ENVELOPES, PARKING LOTS AND ROADS. (ROAD BED PLUS TWO (2) FOOT SHOULDER EACH SIDE.)

SHT 1 OF 1

JOB NO.: 14016

DR.: MMM CHK.: PHK CREATED: 10.19.21

P.M.: PHK

PRELIMINARY

THE 81 DEVELOPMENT COMPANY, LLC

PENINSULA SHORES - PUD #123

PROPOSED PUD AMENDMENT - OPEN SPACE PLAN

SECTION 14, T.29N., R.10W.
PENINSULA TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN

REV#	DATE	DES	DRN	CHK	DESC
41	10-25-21	PHK	MMM	PHK	Amend Units 1& 38-41 and sanitary easement on Unit 6
42	03-10-22	PHK	MMM	PHK	Amend Units 1& 38-41 and sanitary easement on Unit 6

Mansfield
Land Use Consultants

830 Cottageview Dr., Ste. 201
P.O. Box 4015
Traverse City, MI 49685
Phone: 231-946-9310
www.maaeps.com
info@maaeps.com

Peninsula Shores PUD Area Calculations 3/10/2022

March 10, 2022

Name	Area S.F.	Area Acres
UNIT 1	31,109.56	0.71
UNIT 2	28,778.16	0.66
UNIT 3	29,922.85	0.69
UNIT 4	33,072.96	0.76
UNIT 5	37,684.03	0.87
UNIT 6	18,321.46	0.42
UNIT 7	12,882.93	0.30
UNIT 8	16,008.79	0.37
UNIT 9	16,032.63	0.37
UNIT 10	14,807.16	0.34
UNIT 11	23,247.97	0.53
UNIT 12	24,910.89	0.57
UNIT 13	26,154.69	0.60
UNIT 14	26,459.18	0.61
UNIT 15	25,358.22	0.58
UNIT 16	24,264.05	0.56
UNIT 17	23,071.28	0.53
UNIT 18	22,180.08	0.51
UNIT 19	22,195.79	0.51
UNIT 20	22,168.84	0.51
UNIT 21	22,044.02	0.51
UNIT 22	22,653.74	0.52
UNIT 23	23,585.49	0.54
UNIT 24	23,846.88	0.55
UNIT 25	25,034.73	0.57
UNIT 26	26,513.21	0.61
UNIT 27	27,239.72	0.63
UNIT 28	28,147.57	0.65
UNIT 29	32,311.30	0.74
UNIT 30	25,959.20	0.60
UNIT 31	23,002.82	0.53
UNIT 32	24,392.44	0.56
UNIT 33	24,670.40	0.57
UNIT 34	24,768.97	0.57
UNIT 35	24,867.54	0.57
UNIT 36	24,966.11	0.57
UNIT 37	25,064.67	0.58
UNIT 38	25,163.24	0.58
UNIT 39	22,579.28	0.52
UNIT 40	25,018.00	0.57
UNIT 41	30,564.69	0.70
Unit Totals	**1,011,025.54**	**23.21**

REVISED 10-25-2021 NOT APPROVED YET

(NEWEST PROPOSED) REVISED-NOT APPROVED AREAS ARE REFLECTED ON THIS CHART-current plan16

NOTE: unit areas that changed from previous calculations

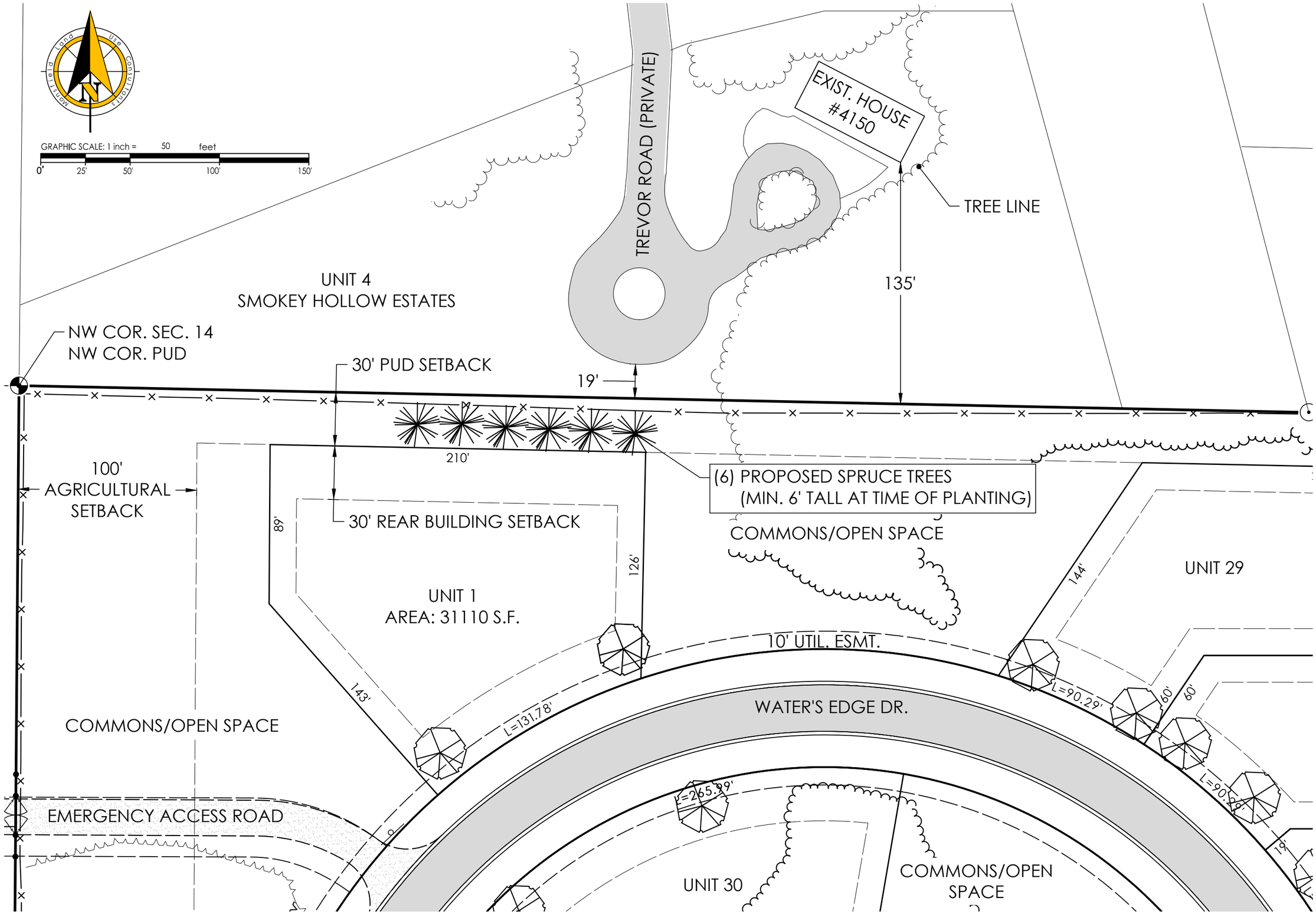
REVISED 10-25-2021 NOT APPROVED YET area changed
REVISED 10-25-2021 NOT APPROVED YET area changed
REVISED 10-25-2021 NOT APPROVED YET area changed
REVISED 10-25-2021 NOT APPROVED YET area changed

PARCEL 'A' - BEACH PARCEL (Transfer parcel-TO OHWM)	8,238.67	0.19
PARCEL 'A' - BEACH PARCEL (Transfer parcel-TO TRAVERSE LINE)	5,757.34	0.13

Name	Area s.f.	Area Acres	%	Description of areas measured
PUD to OHWM	3,591,198.71	82.44		Area s.f. Gross (EXCLUDING PARCEL 'A')
Boursaw Rd.	11,335.17	0.26		Exist. Gravel & asphalt pavement & gravel shoulder
Gravel & asphalt pavement, curb, shoulder & grass beach parking	202,604.61	4.65		Water's Edge Dr., Shoreline Ct., water tank parking area & grass beach parking area, fire truck access road
Exist. asph. & gravel driveways	2,822.40	0.06		SE cor. of parcel (access for adjacent parcels)
(41) Units	1,011,025.54	23.21		Total of 41 site condominium units/lots
Open Space Provided	2,363,410.99	54.26	65.81%	With Unit 1 being relocated and Parcel A being removed from PUD
Non-Open Space	1,227,787.72	28.19	34.19%	
Open Space Required	*2,334,279.16*	*53.59*	*65%*	*With Unit 1 being relocated and Parcel A being removed from PUD*

4.98	roads total

100.00%



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The 81 Development Company, LLC
Peninsula Shores Amendment #3
Unit 1 Exhibit & Landscape Plan
Section 14, T.29N., R.10W.
Peninsula Township, Grand Traverse County, MI

REV	DATE	DRN	CHK	DESC
0	03.10.22	phk	mmm	Original design

P.M.: phk
DR.: mmm CKD.: phk CREATED: 03.10.22
JOB NO.: 14016
SHT 1 OF 2

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(6) PROPOSED SPRUCE TREES
(MIN. 6' TALL AT TIME OF PLANTING)

UNIT 1
AREA: 31110 S.F.

30'
SETBACK

L=131.78'

10' UTILITY
EASEMENT

WATER'S EDGE C.L.

30'
SETBACK

30' PUD
SETBACK

UNIT 4
SMOKEY HOLLOW
ESTATES

CROSS SECTION

27'

TREVOR ROAD
CUL-DE-SAC

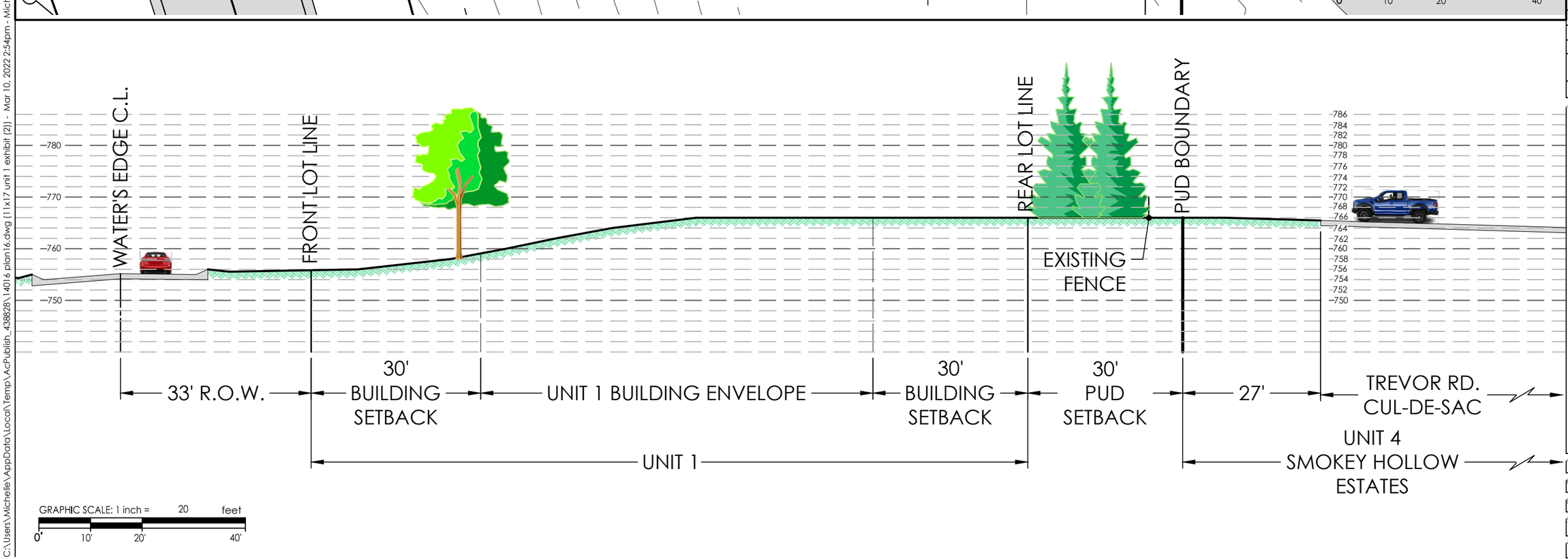
19'

126'

COMMONS/OPEN SPACE

760
758
762
764
766
767
754

GRAPHIC SCALE: 1 inch = 20 feet
0' 10' 20' 40'



GRAPHIC SCALE: 1 inch = 20 feet
0' 10' 20' 40'

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The 81 Development Company, LLC
Peninsula Shores Amendment #3
Unit 1 Cross Section Exhibit
Section 14, T.29N., R.10W.
Peninsula Township, Grand Traverse County, MI

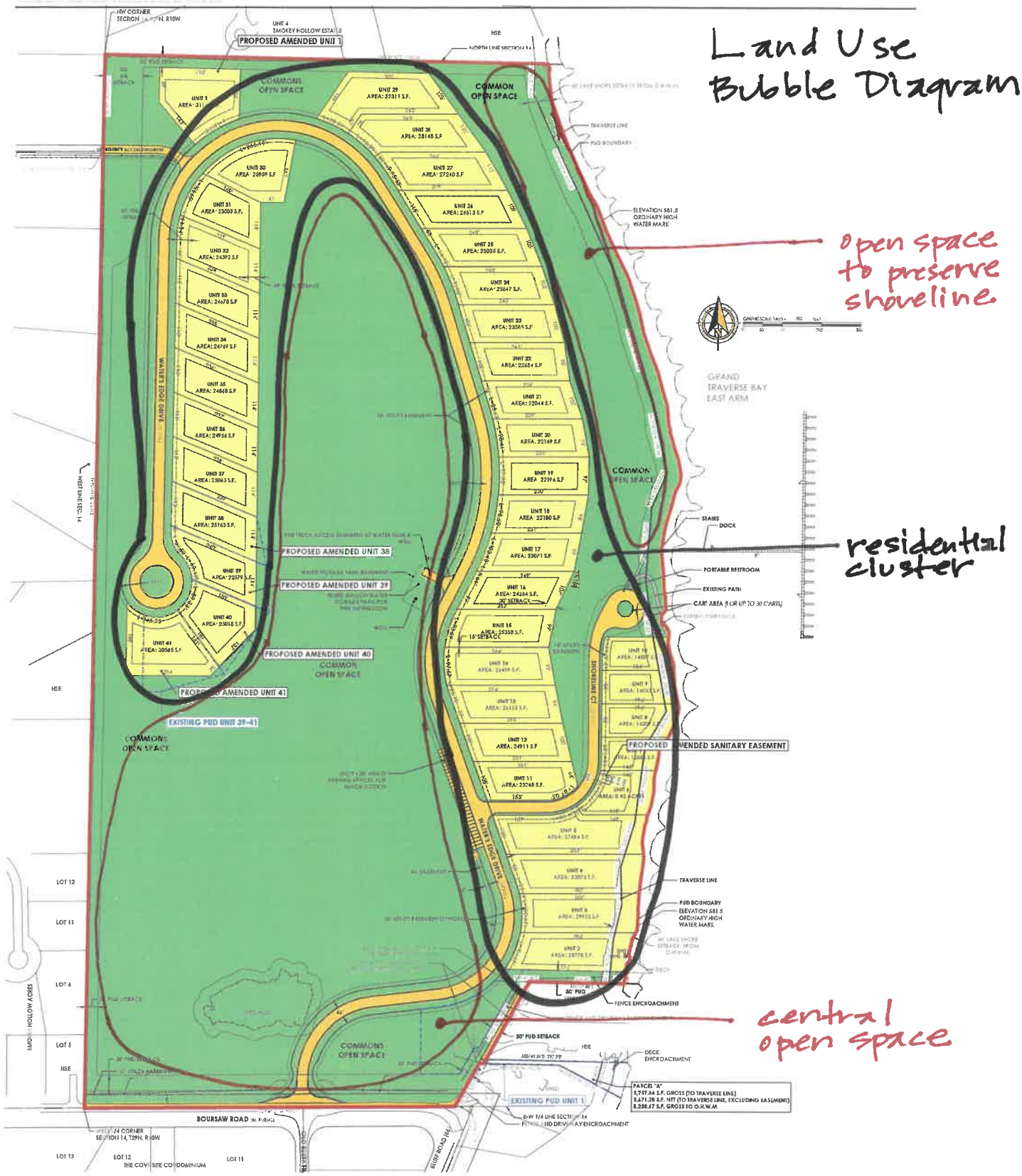
REV	DATE	BY	DESCRIPTION
6	03.10.22	phk	original design

P.M.: phk
DR.: mmm CKD.: phk CREATED: 03.10.22
JOB NO.: 14016
SHT 2 OF 2

C:\Users\Michelle\AppData\Local\Temp\AcPublish_43828\14016 plan16.dwg (11x17 unit 1 exhibit (2)) - Mar 10, 2022 2:54pm - Michelle

Exhibit 2

Land Use Bubble Diagram



PUD BOUNDARY

82.44 ACRES TOTAL GROSS (TO O.H.W.M.)
OPEN SPACE REQUIRED-MINIMUM 53.59 ACRES (65%)
NON-OPEN SPACE ALLOWED-MAXIMUM 28.85 ACRES (35%)

NON-OPEN SPACE PROVIDED

UNITS 23.21 ACRES
ROADS 4.98 ACRES

28.19 ACRES
NON-OPEN SPACE (34.19%) PROVIDED

OPEN SPACE PROVIDED

54.26 ACRES (65.81%)

NOTES:
PER THE PENINSULA TOWNSHIP ZONING ORDINANCE, SECTION 8.8.8 QUALIFYING CONDITIONS
(4) FOR THE PURPOSE OF THIS SECTION 8.8, OPEN SPACE DOES NOT INCLUDE BUILDING ENVELOPES, PARKING LOTS AND ROADS. [ROAD BED PLUS TWO (2) FOOT SHOULDER EACH SIDE.]

THE 81 DEVELOPMENT COMPANY, LLC
PENINSULA SHORES - PUD #123
PROPOSED PUD AMENDMENT - OPEN SPACE PLAN
SECTION 14, T.29N., R.10W.
PENINSULA TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN

Mansfield Land Use Consultants
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Exhibit 3

Otwell Mawby, P.C.
Consulting Engineers

November 14, 2018

Mr. Kevin O'Grady
Mr. Jon Moothart

EMAIL: kjoinsight@gmail.com
jon@moothartlaw.com

RE: THE 81
ENVIRONMENTAL MONITORING

Dear Kevin/Jon:

Otwell Mawby has completed environmental monitoring at The 81 project. We have been providing routine inspection of dust generation, air monitoring of workers, opacity testing to monitor and manage dust generated by the project, and perimeter air monitoring to verify that dust is not migrating from the site. The primary focus of our inspection was to provide verification that there was no unacceptable offsite exposure to soil/dust.

Otwell Mawby has been completing routine inspections since May 31, 2018. These inspections encompass personnel air monitoring, opacity testing, visual observation, and perimeter air monitoring.

Opacity Testing:

One hundred and thirty one (131) sets of opacity measurements have been completed on site. Each set of data consists of 24 observations. One hundred percent (100%) of the average daily opacity test results were below the action level of 20% established by ASTI. These measurements indicate appropriate dust management provisions have been implemented to manage dust generation.

Perimeter Air Monitoring:

Perimeter air monitoring has been periodically completed on the site to insure that arsenic impacted dust is not leaving the site. Forty-eight (48) perimeter air samples were obtained and

submitted for laboratory analysis. All sample results were non-detect – below reporting limits. These results indicate that no measurable arsenic impacted dust is leaving the site.

Worker Monitoring:

Onsite monitoring of workers for arsenic impacted dust was completed. The results of the monitoring indicated adequate dust management provisions were in place and no unacceptable exposure was occurring.

Observations:

Periodic observations regarding offsite track out of soil were made. On occasion, small amounts of soil were tracked onto Boursaw Road. The soil was promptly cleaned up by the earthwork contractor.

No offsite water born transport of sediment has been observed leaving the site, indicating the stormwater/soil erosion/sedimentation control measures as permitted in SESC Permit MIR 115022 issued by Grand Traverse County, are adequate and performing as specified.

The potential for unacceptable exposure to the general public to agrochemical (Arsenic) impacted dust was not expected or anticipated at the start of the project. This opinion was supported by two environmental firms (ASTI[1], SME[2]) retained by the Township. Extensive environmental monitoring and inspection, over a construction period of over five months, has verified this opinion with laboratory testing and field observations.

The majority of the mass grading and earthwork for the project development has been completed and the road entrance to Boursaw Rd. has been constructed. These conditions and project status indicate that the majority of the dust generating potential for the project has occurred.

[1] December 6, 2017 ASTI Soil Management Plan, page 10, states the prior environmental investigation has not identified any soil above inhalation criteria or screening level.

[2] October 20, 2017 SME report authorized by James Harless, page 1, states Arsenic was not present in any sample at a concentration greater than either of the aforementioned current or proposed generic residential particulate inhalation criteria.

Based upon the results of the inspection and environmental monitoring it is our opinion that no unacceptable offsite exposure to dust has occurred nor is there a likelihood for this to occur in the future. It is our opinion that if the contractor/developer continue to construct the project in a similar manner that the potential for offsite exposure is minimal, and further environmental monitoring is unwarranted.

Please call with any questions.

Very truly yours,

OTWELL MAWBY, P.C.

Roger L. Mawby, P.E.
President

Exhibit 4

Dixie Roethlisberger
15532 Bluff Road
Traverse City, MI 49686
231.223.7342
dixier@charter.net

March 16, 2022

Peninsula Township Commission
13235 Center Road
Traverse City, MI 49686

Re: Peninsula Shores Amendment #3

Dear Planning Commissioners,

My name is Dixie Roethlisberger. I live adjacent to Peninsula Shores-specifically to the north of 'Parcel A' (the sliver of land from current Lot 1 to the waterfrontage).

I strongly support the approval of the amendment for the following reasons:

1. Per the Peninsula township planner, Jennifer Cram, this proposed amendment meets the zoning ordinance.

2. I believe it will greatly benefit myself and my surrounding neighbors, and the community as a whole.

    a.) We will be relieved of the foot traffic from Lot 1 to the water
    b.) We will be relieved of a home on the corner of Bluff and Boursaw Road, therefore allowing all traffic from now until forever to enjoy the community open space of the entrance of Peninsula Shores, instead of a two-story home
    c.) The proposed location for the new lot 1 is much more congruent with the home layout in the subdivision as a whole.

In closing, I support the amendment and encourage a vote to allow the change.

Respectfully,

Dixie Roethlisberger