

PENINSULA TOWNSHIP

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PENINSULA TOWNSHIP PLANNING COMMISSION AGENDA

April 2, 2024

7:00 p.m.

1. **Call to Order**
2. **Pledge**
3. **Roll Call**
4. **Approve Agenda**
5. **Brief Citizen Comments** (For Agenda Items Not Scheduled for Public Hearing)
6. **Conflict of Interest**
7. **Consent Agenda**
 - a. Approval of Meeting Minutes: Planning Commission Regular Meeting, March 18, 2024.
8. **Business**
 - a. Special Use Permit (SUP) #123 Peninsula Shores PUD, Amendment #5 - Introduction
 - b. Draft Master Plan – Vision Statements and Action Steps - Discussion
9. **Reports and Updates**
 - a. Shoreline Regulations Study Group – Verbal Update
 - b. Agricultural Advisory Committee/Value Added Agriculture – Verbal Update
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

PENINSULA TOWNSHIP

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PENINSULA TOWNSHIP PLANNING COMMISSION MINUTES

March 18, 2024, 7:00 p.m.

1. **Call to Order** by Hall at 7:00 p.m.

2. **Pledge**

3. **Roll Call**

Present: Beard, Hornberger, Shanafelt, Shipman, Hall

Absent: Dloski, Alexander

4. **Approve Agenda**

Cram: Introduced Sara Kopriva, representative from Beckett and Raeder. She has been helping in the zoning office and with planning projects including assistance with revising the draft master plan.

Beard moved to approve agenda as presented with second by Hornberger. Motion passed by consensus

5. **Brief Citizen Comments (For Agenda Items Not Scheduled for Public Hearing)**

Judy Spencer, 6450 Peregrine Court: good evening. I introduced myself during the December 18 planning commission meeting, where I provided the perspective from my family and my kids, of what it has meant to us to have a boat with shared frontage for the last six years. A perspective that is shared by so many of us citizens on the peninsula. It is for that reason I volunteered to be part of the shoreline regulation study group. While I appreciate being a part of the study group, and I sincerely appreciate the time the group is putting into this complex topic, I want to publicly and respectfully say that I'm completely disappointed and deflated with this whole process. I went in thinking that the intent of the study group was to get a diverse group of citizens to discuss potential changes and ideas to the current ordinances that would minimize conflict. My first disappointment was when I learned that half of the study group were individuals from the township's planning committee or board or what have you. And during most study group meetings, the planning committee members made up the majority of the study group meeting attendees. While I truly appreciate the continued time commitment of those respective committee members, I can't help but be disappointed we are not approaching this with more of a diverse set of opinions from various citizens. Secondly, it was made very clear early on in the study group that there are two distinct legal opinions on the matter of jurisdiction over the Great Lakes. One, that the township could regulate the number boat hoists beyond the ordinary high-water mark on the Great Lakes. The other opinion, that the township cannot regulate beyond the ordinary high-water mark, as the Great Lakes is outside the township's jurisdictional boundaries. I was optimistic at the beginning of the study group process, that maybe we could propose a recommendation that accomplished the same intent;

minimizing boat density and increasing safety, while staying within the township's jurisdictional boundary. A proposal recommendation that would result in less legal disputes for the township and minimize conflict. However, I was very disappointed to learn during our second study group meeting that we were mandated by Jenn Cram and Randy Hall to proceed with the assumption the township has jurisdiction beyond the ordinary high-water mark based on the direction that they received from the townships legal counsel. We were asked not to bring up other ideas that would assume otherwise. Ideally, the study group exercise would have enabled a process to layout various options for the revised ordinances based on the varying opinions of the legal matter, similar to what was seen with the building heights, and let the planning commission discuss at the public hearing. However, that is not the case. While the study group may come up with a recommendation to bring back to the committee, I want to make it public that any recommendation or conclusion was not holistic, and not all opinions are being heard. Unfortunately, the way in which the study group is heading will not minimize conflict, but rather increase ongoing legal disputes for the township in the many years to come. Which makes me very sad and disappointed. Thank you.

6. **Conflict of Interest: none**

7. **Consent Agenda**

a. Approval of Meeting Minutes: Planning Commission Special Meeting, February 22, 2024.

Beard moved to approve minutes as submitted with second by Shanafelt. Motion passed by consensus

8. **Business**

a. Draft Master Plan – Review Redlines and Discussion on Future Land Use Map

Cram: sent current draft master plan dated December 8, 2021 date to all of you and asked for you to review it. Received your comments by February 12. A Planning commission subcommittee, made up of Randy [Hall], Kevin [Beard], Maura Sanders, Sara Kopriva and me was formed to guide adoption process. We met and reviewed all of the comments received and grouped them into three categories. One category is typos and formatting, quick changes. That's what we'll be going through tonight. Sara and I are still comparing this redline her team prepared with all of your comments to reconcile everything. There might be a couple more things. Believe this is a good process, transparent, the community can see from the existing draft out for public review to this where we're making some changes for accuracy. The second category were updates based on accomplishments since the draft was released to today such as the section on PDR. The PDR ordinance passed and we're in round five of applications. The parks master plan was also adopted. Amendment 201 Farm Processing was adopted. Rather than go through and make all of those timeline changes, we will draft a prologue at the front of the master plan that explains that since the draft was released in 2021, here are all the things that have been accomplished. The third category are policy related including the philosophy behind the future land use map and clarification of the vision statements and action steps. The goal is to get this master plan across the finish line as quickly as possible. Many of the things accomplished were action items in this master plan. Are you all comfortable with this approach?

Shanafelt: it has a certain symmetry to it. Set's up for the next master plan which we're going to start working on in a year or so.

Cram: would like to reconcile some misinformation out there, that we are in some legal trouble because we haven't updated our master plan within five years. It is best planning practices for the

planning commission to look at their master plan every five years to determine if it needs to be updated. There are communities that never update their master plans. Comparing the current master plan adopted in 2011 and the community survey in 2019, show several things have changed. It is worthwhile for us to update our master plan. The master plan steering committee and the previous planning director put a lot of time and effort into this beautiful document. We should adopt it and move forward. Whether or not we have to start working on the next master plan the day after this one is adopted, is yet to be determined. If that's what you want me to do, I will do it. We did the community survey in 2019, and then the draft was released in 2021. Maybe it makes sense for us to get the next community survey out in 2025 so we can be working on it and have an amendment in that time period.

Shipman: probably the most efficient way to do it. Started doing my detailed review, a couple of them are spelling. But when I see the volume of the updates, thinking about the context of when we actually did that process, I can see why you came to that conclusion. What is the timeline? One of the things that I did find going through it, there was a little repetition. Think about that maybe for the next master plan. I would hate to add another 10 pages to this.

Cram: I agree there's a lot of redundancy around PDR. If the planning commission is comfortable in minimizing some things prior to adoption, I would support that. I did not want to offend anyone because of the great work that has been done. This prologue is going to be a one pager. It's bullet points. Since the draft was released, here are all the things we accomplished.

Shanafelt: prologue is great, says; "Here we are today." Now we can figure out if we need to do it again. I think there's a push to do a survey in 2025. The composition of the peninsula has changed since 2019. Have that survey, decide what to do with the output. Whether we start the next master plan or not, moot at this juncture. Get this one done and approved.

Cram: conducting a survey in 2025 would allow the planning commission to compare the current master plan to the community. Value in doing the community survey regardless.

Shanafelt: other reasons to do the survey so it'll get done.

Cram: most of the revisions were timeline related updates.

Shipman: how are you feeling about the timeline, getting back to the planning commission?

Cram: have an agenda for tonight. If we need to go through the redlines and the typos line by line, happy to do that. I was hoping to spend most of the conversation tonight on the future land use map and depending on your thoughts we might need a month or two to make revisions. Originally committed to getting the master plan across the finish line in the first quarter of 2024. First quarter of 2024 will end in April. The planning commission has eyes on this. We've redlined it, identified the issues to get this through to adoption. After we talk about future land use and I get your input on that, if you want to make some changes to future land use, which we believe we should, because that's the most important part of the master plan. Then might need a little more time.

Hall: I would suggest as far as edits to the text we not spend time tonight. I think staff can certainly do that. If you have edits Susie [Shipman], please forward them.

Cram: hoping we caught most of them. I received comments from everybody. I also received comments from Laura Serocki, she had quite a few comments and when the planning commission received the board's approval in 2021 to release this draft to the regional planning agencies with the deadline of February, she was the only person that responded. With regard to timing, I believe the

planning commission can expect to have the master plan on every planning commission agenda moving forward until we get this across the finish line.

Shanafelt: if we didn't do anything with the maps, when would the prologue be finished and ready?

Cram: planning to bring a prologue draft back to you at our April 2 meeting. I started working and wanted to pause and get approval to make sure I have an outline of everything.

Hornberger: I agree that going through the red lines is not a good use of our time.

Cram: please review them at your earliest convenience.

Hall: if the prologue introduced at the April 2 meeting and we like it, timeline for approving the future land use map, is that the final piece?

Cram: one other piece. Organized your comments into three categories. Formatting and quick things. Then the updates, which we have agreed now to handle with a prologue. Then there are some policy things we need to talk about. Policy discussions include what to do about the zoning district map and the future land use. The vision statements and action plan are important. Spend time with you going through each of those vision statements and the action items related to that. At the April 2 meeting, you'll have a draft of the prologue and go through those sections. Your homework for our next meeting is to read through the vision statements and the action steps.

Hall: possible at the April 2 meeting, be in a position to say we're comfortable with all of that except for the future land use?

Cram: yes. Depending on the direction you give us, we could come back with future land use map at the May meeting. As well as any other final changes we've made. At the May meeting, would be wonderful to focus on the master plan. But I know we're going to have another item on that agenda. We might need a special meeting in May to get this across the finish line. Does that timing sound good? Staying pretty close to the first quarter 2024. Depending on where we land with the future land use map, might need a little more time.

Hall: explain why the master plan and this part of the master plan is important, or not important from a legal point of view? For example, if we have a future land use map showing a certain area, expecting to be used in a certain way, does that impact someone who wants to rezone that property?

Cram: yes. Two part. The verbiage that is in the master plan that talks about the philosophy of future land use, the vision statement, action plan, as well as the map. Both the 2011 master plan and this master plan include our zoning district map. The only way that a zoning district map can be officially adopted is if we go through the same process that we go through for a zoning ordinance amendment. Our zoning district map was adopted in 1972. I have the original maps in my office, they are archaic. An electronic version of the zoning district map was started and included in the 2011 master plan. Not the official map, just for reference. To see the official map, you need to come into the office. Our community looks at the master plan and they see that zoning district map. That's not the official zoning district map. It is important because when someone wants to come in and request a rezoning, we don't have specific guidelines in our zoning ordinance. We look at, what does the master plan say? Does the community support up-zoning and adding additional density? Some communities do. I don't think based on what's written in the 2011 master plan, the 2019 community survey and what's in this draft master plan supports that. If we adopt the future land use map as it is, people can come in and say the future land use map supports an up-zoning.

Shanafelt: easy way to fix that? Don't include the map in the master plan? Or say this is for representational purposes only? All decisions will be made based on the original existing plan.

Cram: that's what I would recommend. First, we were leaning towards removing the zoning district map from the master plan. The Michigan Zoning Enabling Act and Planning Enabling Act don't require us to have a zoning district map in the master plan. We were just going to eliminate it. But it does add some value because the master plan talks about the intent and purpose of each of those zoning districts. Removing the map, it's a larger revision to the current draft. We could keep it in but make it clear that it is unofficial. Put a disclaimer on it. That is our next priority planning commission. We need to do the work to adopt an electronic version of our zoning district map that is accurate.

Shanafelt: that's going to take a while. Not in a position to approve in the near term. Can approve the representational diagram that refers back.

Hall: confusing two different things?

Cram: three different things. Right now, the draft of the master plan, page 55, we have our existing land use. Existing land use, how we use the land, is different than our zoning district map. Our zoning district map has never officially been adopted, on page 57. Then we have the future land use map which is included on page 71. Three maps which is causing people issues. When they look at this draft, all three of those maps look very similar. The way that things are labeled and colored labeled is so similar, it's confusing.

Beard: maps you are referring to are in the appendix, in the last few pages of the packet?

Cram: in the master plan. Three maps and so we keep the zoning district map in there and we label it as official.

Hall: make sure the labeling will say it's not official and needs to direct people to where the official map is. We will retain the zoning district map.

Cram: label it as unofficial. Have a disclaimer and where the official version can be found. Get that done by 2025: Don't want to hold up the adoption of the master plan.

Zoning district map; the A1 agricultural zone, C1 commercial zone, R1A rural and hillside residential. When someone comes in, and they want to develop their property, tell me their address and I can look up their zoning requirements that apply to that zone district. But the zoning district map can be different from how the land is currently being used. For instance, our existing land use map should include our PDR. The zoning district map is so similar to the existing land use map and the future land use map that people are confused and think they are not accurate. I printed some examples for you from Acme Township. If I live in Acme Township, I can look to see my property; I am zoned single family residential, so I know what my setbacks are if I want to propose an addition to my home. If you look at their existing land use, they have different categories. It's not the same. They've broken it down into more general categories. Their agriculture, commercial, industrial, institutional, recreation. It's a different color, it has a different name. Look at their future land use map, can see what their goals are. We need to put the agricultural preservation area and the easements that have been obtained as of 2021, which happens to be the same timeframe as this draft master plan because we haven't created any new conservation easements. For the future land use, the other categories that make sense for how we're currently using our land.

Hall: back up and talk about the purposes of these three different maps. Talking about the map for existing land use and the map for future land, looking at Acme township, you point out the

geographic locations are not identical to the zoning district. What is the purpose of the existing land use and the future land use in the context of a master plan?

Cram: the existing land use map should represent how we're currently using the land regardless of how it is zoned. Acknowledge some maybe non-conforming uses. Future land use map shows the vision statements and action plan, that's the direction that the community wants to go. The existing land use gives us a snapshot in time about how land is being used, regardless of how it's zoned. The future land use shows us what might happen if we do nothing or what might happen if we do something.

Discussion on land use maps

Cram: schedule in May a public hearing before recommending on to the board.

9. Reports and Updates

a. Special Use Permit (SUP) #123 Peninsula Shores PUD, Amendment #4 – Verbal Update

Cram: the planning commission recommended denial of amendment #4. The amendment proposed to increase the density by adding a new unit of development. That was scheduled to go before the board at the February meeting. It was tabled. Between the February meeting and the March meeting, Kyle asked to meet with me. Presented a sketch. He heard there was an issue with density, what we've been talking about here with our master plan. He said, PUDs evolve as you're building. He has a new proposal that does not propose any new units of development. It would still have 41 units. He's proposing to move things around and reconfigure where he was going to put the new unit 42. This proposal actually increases the amount of open space slightly, does not propose any new density, improves the open space by preserving another view from public right of way and creating more contiguity. They're proposing a planting plan for pollinators. I thought the planning commission would be interested in looking at this amendment. Our fee schedule notes if you propose a major amendment before it's adopted, you can come back. He has paid the fees, submitted an application for this amendment. At the the last board meeting, amendment number four as proposed was tabled indefinitely. Kyle will come back to the planning commission at the April meeting for an introduction. Then potentially a public hearing in May.

Hornberger: how do we stand with the tree plantings?

Cram: trees were planted. I believe they meet the intent of the condition of approval. There is a double row of evergreens. He exceeded the height on the first row. Went and physically measured them and they are all 8 to 10 feet on center. There is a property owner that continues to believe this is not the case. I received a certified letter today questioning. In my professional opinion these trees based on their species are planted appropriately.

Shanafelt: the certified letter, does it make demands or threats?

Cram: just questions whether or not it has been fulfilled.

Shanafelt: request for any action?

Cram: addressed to Isaiah [Wunsch, Supervisor] and I was CC'd. I plan to email the property owner.

Shanafelt: sounds like crossing over into asking the township for more than it should reasonably pay for.

Cram: my plan is to follow up politely and professionally, that we went out to measure them.

Shanafelt: don't think it would be appropriate to have your time spent measuring again.

Hall: I don't think there's an issue. This is not the job of the planning commission. Will rely on your conclusion if condition has been met.

Cram: in my professional experience, the condition of approval has been satisfied.

Hornberger: happy with your answer.

Cram: bring it back for an introduction and see what you think.

B. Shoreline Regulations Study Group – Verbal Update

Cram: three meetings of the group to date. 14 members, including Randy [Hall] as the chair. Julie Alexander also sits on the committee as a resident with shoreline. Rudy Rudolph sits on the committee, a board member who lives on the shoreline and also has a background in oceanography. Sally Erickson who was staff for one week but no longer, is a resident with shared waterfront interest. John Dolton sits on the committee, a ZBA member with shared waterfront interests. Scott Duensing, a resident and HOA representative. Have two representatives from Hidden Ridge; Judy Spencer who spoke earlier and Andy Luea. We have Brandon McDowell a resident who represents the Underwood HOA. The representation on this committee is predominantly residents who have either single ownership interest or shared waterfront interest. The planning commission is the body that looks at zoning ordinance amendments and has experience in that process. The board hears from the community. I believe the group is diverse. We have Jordan Valdmanis, a resident and represents landscape contractors. Lauren Tucker, who is not a resident but represents the Home Builders Association and a wide variety of contractors. Dave Sanger is also on the committee to provide experience as ordinance enforcement but also as a resident with shoreline. A study group is just to talk about policy. There is no conflict of interest for anyone to talk policy. In the three meetings we've had, there have been some strong opinions. As the planner, learned so much from hearing the different sides.

The first issue we are tackling is single waterfront ownership then plan to move to shared waterfront ownership. Complex issues include natural resources, tree removal on the shoreline, how much impervious surface do we want? What's the process for those approvals? What does it mean now that the new FEMA firm maps have been adopted and the floodplain has risen and there are uses that now are not allowed in that location. I'd like to know how many parcels are on the shoreline, how many property owners are there, send a letter letting them know this study group is meeting and these are the issues we're talking about. Make them aware of changes that have taken place that they might not be aware of. If they're planning to do some improvements on their shoreline this spring to know to call our office to see whether or not a land use permit is required. A friendly informative letter, to let them know that this work is happening, that they can come and listen at the study groups, make comments at the end, submit comments. There will be multiple public hearings as we move these regulations forward. Does the planning commission support me doing the work to get that letter out to shoreline property owners? I promised this to the community last fall, and then it paused. Having participated in the study group meetings, I think it's really timely that we get something out to educate the community about this.

Hall: great idea as far as transparency, also let people know that this is happening. If they want, to attend the meeting and listen to the discussion. If they have points to add, they can at the meetings or send you an email.

Cram: the composition of the study group we have currently is great for the first two items, talking about single waterfront ownership and then shared. As we move forward to other natural resources, I'd like to invite at least one additional landscape contractor that's working out here.

Shanafelt: the other issue is very different. Almost need to create another study group, it's a lot more technical.

Hall: it is. More like the building height study group, where it was helpful to have building contractors.

Cram: having the FIRM maps adopted in April of 2023 changed the location of some of the improvements that people want to make. People weren't happy with me. They were upset that they had been planning this and they saw their neighbor could do it and now the floodplain is in a different location.

Shanafelt: stuck having to follow the law.

Cram: in addition to the FEMA FIRM maps and section 7.4.7 for wetlands and floodplains notes uses that are allowed in those areas and prohibited uses. This community needs to have a conversation about what are the types of improvements we want to see on the shoreline, and at what point is it negatively impacting the natural resources if you remove all the natural vegetation and do a manicured lawn and a patio. If everyone does that, our shoreline is going to look very different. Erosion and other natural disasters increase. We have to work together to decide what is reasonable, to remove some trees to improve your view and to have some passive use areas but not paving paradise.

Shipman: that aspect of the group, agree with Armen [Shanafelt], you need biologists, a bay keeper, you need additional [input]. Important to the health of the Great Lakes and fisheries.

Cram: those issues are going to take a bit longer. Hoped to get shoreline regulation amendments passed this spring to address the conflicts that are coming with docks going in. Could get pretty close if we focus on the single ownership and shared ownership. The work of the natural resources continues, through spring and summer, however long it takes to get it right. Want to get out ahead of this and educate property owners that some things have changed. We're looking at this, we want you to be a part of the conversation.

Shanafelt: like the staged approach. Dealing with docks and hoists is immediate. Soil management is complex and if we wait to get that before the docks, it'll be a problem. Pass something around docks and then we can figure out the right thing to do on shoreline.

Discussion on shoreline regulations

Cram: one more update. Building height passed at the board last Tuesday and was published in the Record Eagle on Sunday. Our new building height regulations are effective this coming Sunday.

10. Public Comments

Nancy R Heller, 3091 Blue Water Road: as your chair mentioned earlier, about the positioning of the planning commission not making decisions that don't have to do with the planning commission. I would like, when you're considering things, especially in enforcement; I've experienced the township getting involved where it's a civil matter. I think it's important we all become versed on what is civil and what is the township's responsibility. I talked separately with one of the members of the community because they didn't understand what they were trying to convey, had to do with HOA and enforcement. It's important to know on shoreline, where the townships responsibility is and where the HOA's civil responsibility is. It's a bit confusing. Important to consider these things. I know the planner gets call after call. What is township enforcement? What is civil enforcement? But it's coming down to that because of the additional lawsuits. People want what they want when they

want it. Now becoming important to be educated on what is civil and what is the township's responsibility.

11. Other Matters or Comments by Planning Commission Members

Hornberger: when we're talking about shoreline regulations, dealing with docks and hoists could be dealt with and written up separately from vegetation. Maybe we can get that part done, not having to do the whole thing all at once.

Hall: We're not doing it all at once. Three phases. The first is single family parcels, second is shared waterfront, third is shoreline development.

Judith Spencer from audience: a lot of those people elected to be part of the study group were part of the study group for that third topic. Everyone came from a different area of owning the shoreline. My point earlier was, we're not seeking the general public opinion. We're not asking other people outside of this room. When you remove Lauren Tucker, Valdmanis, and other people who were solely on the committee for that third topic, I would like to review why we selected those folks. It wasn't advertised. Traverse City advertised and has an application process for people to be part of the same kind of study group for shoreline regulation, that's looking at inland lakes and Great Lakes. They're acknowledging there's a difference in regulating the two. I hope you're following it as much as I am. Traverse City is going through a very similar study group but a way different process for electing and notifying the public that the study group was going on. While I agree on the topic of separating it out, [there were] individuals that only joined for that third topic. Unfortunately, I remain a little disappointed.

Cram: you are entitled to your opinion, and we appreciate hearing from you.

Hall: appreciate your enthusiasm for the issues. It's interesting what's going on in Traverse City but it's not binding to us. We don't follow the same process. Our study groups are not elected. They're appointed by the chair working with our planner, that's pursuant to the bylaws of the planning commission. I hope you didn't interpret tonight's informal discussion as concluding that any particular people are going to be removed. It's just an issue that we have to think about when we move into that quite different technical area of shoreline development, and also consider the possibility of the study group becoming unwieldy because of the number of participants. I understand your concerns. We want it to be as productive and diverse as possible.

Cram: article G of the bylaws, planning commission committees notes that; "The chairperson may appoint advisory committees comprised of members of the planning commission and other citizens to assist the planning commission and planning director with research, analysis and identification of issues and alternatives on issues before the planning commission." The planning commission is the appointed body by the township board to address zoning ordinance amendments. We did discuss the formation of this study group at several public hearings before the planning commission and the board. We asked people to come forward to express their interest. This is a large study group which can be difficult to manage, but we want to hear from as many people as possible. We also do not have the same resources as the city of Traverse City. We are following the same process that we used for getting amendment 201 passed for Farm Processing Facilities, the planning commission and board appointed members for a citizens agricultural advisory group, the planning commission appointed the members for building height and likewise for shoreline regulations. And yes, I am following what the city of Traverse City is doing.

Shipman: we have done a processes like that. When we did the master plan committee, we had applications from people. They wrote up a little why they wanted to participate and what they brought to the table. Every member of the planning commission and the town board voted on who would form the committee along with the representatives. Had 17 people on that committee. That was an over two-year commitment for people. It was more of a formal commitment. A lot of what we're trying to achieve here is being responsive to these needs. It would take a lot longer to go through that kind of a process. We're trying to be quick on our feet here to respond to these issues.

Hall: comment Nancy [Heller] about your comments. It is very common that people do not understand there are, in many cases, two layers of restrictions or relevant provisions. One layer is whatever exists at the township level of zoning ordinances, police power ordinances and so on. I'll give you an example. The dark night sky ordinance affects the entire peninsula. There are also HOAs that often have a set of rules and restrictions. That's what you're referring to, I believe, as civil as opposed to governmental restrictions. To use that dark night sky example. Where I live, it's in a site condominium, and we have restrictions on exterior lighting. We also have the township restrictions. Sometimes people are confused. They think if they comply with their civil restrictions that are in their HOA documents that they have therefore complied with the townships. Or they don't even know about the township regulations, which is also common. It comes up quite a bit. We also often see people buying units in a shared waterfront situation, thinking they're somehow getting ownership rights in a dock or a boat hoist. Primarily the subject of private restrictions. I appreciate you bringing that up.

12. Adjournment

Shipman moved to adjourn at 8:46 p.m. with a second by Hornberger.

Passed by consensus

Business

**Peninsula Shores PUD, SUP #123,
Amendment #5
Introduction**



PENINSULA TOWNSHIP

MEMO

To: Planning Commission
From: Jenn Cram, AICP, Director of Planning and Zoning
Date: March 26, 2024
Re: Peninsula Shores PUD, SUP #123, Amendment #5 - Introduction

The Peninsula Shores PUD, SUP #123, Amendment #3 was approved on May 10, 2022.

The Planning Commission recommended denial of Amendment #4 at their regular meeting on December 18, 2023. The request was scheduled for a public hearing with the board on February 13, 2024, where the item was tabled to the March 12, 2024, meeting. At the March 12, 2024, meeting, the board tabled the item to a date uncertain with the understanding that a major amendment had been proposed that would go back to the planning commission for an introduction.

The applicant is now requesting a fifth amendment outlined below. If the planning commission supports moving forward with this amendment to a public hearing, amendment #4 will be formally withdrawn.

The applicant has submitted a complete application for review. Copies of the narrative dated March 7, 2024, along with associated plans are included in the packet for reference.

Staff will walk the Planning Commission through the proposed amendments during the meeting on April 2, 2024. The applicant will also be present to answer questions.

Amendment #5 Request:

- Maintain 41 Units
- Increase open space from 65% to 66%
- Add approximately .75 acres of open space to center of development
- Improve this open space with outcroppings, ornamental trees and plantings
- Relocate Unit 1, 11, 12
- Realignment of Units 13, 14, 15, 30, 41

March 7th, 2024

Peninsula Township
Jenn Cram, Planner
13235 Center Rd.,
Traverse City, MI 49686

RE:
Peninsula Shores, PUD #123
Application for Amendment #5

Dear Ms. Cram and Peninsula Township Planning Commission,

On behalf of Kyle O'Grady and the community at Peninsula Shores, please find the following information regarding the requested Amendment #5 to the Peninsula Shores PUD located at 3985 Boursaw Road, Traverse City, MI 49686.

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

Sincerely,



Doug Mansfield
President

PENINSULA TOWNSHIP APPLICATION FOR SPECIAL USE PERMIT NO. _

Section 8.1

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

Property Address: _Boursaw Road, Traverse City, MI 49686

Applicant Address: 901 S. Garfield Rd., Suite 202, Traverse City, MI 49686

| | | |
|---|------------------|-------------|
| <u>Applicant/Signature</u> | <u>Check No.</u> | <u>Date</u> |
| <i>Kyle O'Grady</i> | | |
| <u>Review Fee</u> | | |
| 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.

Page 3 of 3

Special Use Permit - Planned Unit Development Checklist

Special Use Permit Number #123 Amendment #5

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

Property Address: Boursaw Road

Applicant: Peninsula Shore - 901 S. Garfield Road, Suite 202,
Traverse City, MI 49686

ARTICLE VIII

Ordinance Reference - Section 8.1.2 Permit Procedures:

1. Submission of Application:

- a. \$768 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 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 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 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 Not create excessive additional requirements at public cost for public facilities and services.
- e. no 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

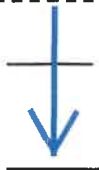



rights, and for insuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted.

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.
 - iv. _____ 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 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.  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.
 - 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; 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 with increase of density to open space

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 open space increase of .71%

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:
Remains at 41 lots as originally approved.

- 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 District - No Reduction.
- f. 70.08 Net Acreage available for development.

41 Total Units

- 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)
 - iii. - R-1C District (Net Acreage divided by 20,000 square feet) 3.84 acres
 - 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.

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

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.

Introduction to Amendment No. 5

Amendment #5 Application Requests

- Maintain 41 Units
- Increase open space from 65% to 66%
- Add approximately .75 acres of open space to center of development
 - Improve this open space with outcroppings, ornamental trees and plantings
- Relocate Unit 1, 11, 12
- Realignment of Units 13, 14, 15, 30, 41

Benefits:

- Preservation and protection of important viewsheds
- Increase open space throughout
- Centrally locating open space within the development
 - Add outcroppings, plantings, and ornamental trees to this protected open space
 - See landscape drawing provided
- Improved flow of traffic at community intersection
- Improved line of sight at community intersection
- Provide for a better open space aesthetic from Boursaw Road

Supporting documents as part of this submittal request include:

- SUP Application
- SUP Development Checklist
- PUD Amendment Site Plan
- Letter from Health Department

ARTICLE VII

Ordinance Reference – Section 8.1.2 Permit Procedures:

STATEMENT OF HOW THE PROPOSED PROJECT WILL:

9. (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.

This amendment seeks to allow for the reconfiguration of a few units in the subdivision.

Reconfigurations outlined in this proposed amendment will continue to maintain the essential character of the originally approved PUD. Not only will this amendment improve the community's open space in terms of net square footage of total open space, it will also improve the actual location and function of that open space - making it much more harmonious with the rest of the community.

(b) Not to 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.

The proposed amendment will be a substantial improvement mainly because of the increase to, and function of, the Common Open Space area of the PUD. These changes will preserve and protect important viewsheds. This will result in better flow of traffic and improved line of sight at the community's only intersection. Additionally, the developer will make improvements to this relocated open space including outcroppings, decorative trees and plantings.

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

All units are accessible by a private road which is adequate for police and fire protection as approved and constructed. The relocation of Unit 1 will require it to be serviced by the community septic system. Units 11 and 12 are currently serviced by the community septic system. Relocating these units to the north will allow Unit 1 to be serviced without any expansion of the system as Units 11 and 12 will be served by individual septic systems, which is the case with many of the units within the development. We do have a letter from the Grand Traverse Health Department for preliminary approval of septic systems for Unit 11 and 12.

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

There will be no additional creation of any excessive requirements for public facilities and services with the reconfiguration of the proposed Units and open space.

(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 orders.

There are no proposed new uses, activities, processes, materials, and equipment or conditions of operation that will have any detrimental consequences to any person or property in the surrounding area or within the PUD.

ORDINANCE REFERENCE – SECTION 8.1.3

STATEMENT OF HOW THE PROPOSED PROJECT MEETS THE STANDARD:

10.

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

The applicant is the legal owner of the project site and has been since June 2014. Recorded deeds for the parcels listed below were provided to the Township in the original SUP/PUD application.

15634 Smokey Hollow Rd., (Tax ID 28-11-114-001-00)

15636 Bluff Rd., (Tax ID 28-11-114-002-00)

The applicant is still the majority shareholder of Peninsula Shores HOA - owning 25 of the existing 41 lots within the PUD therefore may still solely and legally apply for the requested amendment to the PUD per the development's Master Deed and Bylaws.

- b. That all required information has been provided.

The applicant believes that all the required and requested information has been provided as part of the application.

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

Peninsula Shores SUP#123 was approved in 2017 and consisted of 41 lots, preserving 65% of the development to open space which includes 1,500 linear feet of shoreline along East Grand Traverse Bay. The proposed amendment #5, will continue to meet the intent of the original approved SUP and all other applicable zoning regulations while increasing the open space requirements.

- 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 affect the road lay-out as the Units are located along the existing drive and no changes are proposed to the circulation for fire or police protection. The Units will still be served by private wells while some of the sites are served by private septic systems, and some served by a community septic system. The existing storm drainage will continue to meet all the township's requirements. The infrastructure for storm water was constructed as required by the Peninsula Township Stormwater Control Ordinance and has been operating and maintained successfully

since being installed. Individual land use permits will continue to be submitted to the Township with a storm water permit application in accordance with the PUD's original approval. The proposed amendment will not have additional impacts on emergency services, use of the secondary emergency access drive, or the underground fire suppression water tank located centrally within the site.

- 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.

There are no changes to the overall development of the PUD that would require additional permits to be obtained; the agencies that are applicable to the development of these parcels will continue to be attained through the permitting processes. The development's infrastructure was installed in 2018 which required permitting from the following governmental agencies:

- *Soil Erosion Sedimentation Control*
- *NDPES DEQ Notice of Coverage permit*
- *Grading and Stabilization plan*
- *Storm Water Control Permit – for the entire parcel and each individual site that has since been improved*
- *Sanitary and water final plan submittals*
- *DEQ Permits (part 41)*
- *Health Department Permits for individual wells and septic systems.*
- *Army Corps of Engineers permit for the seasonal community dock*
- *Private Road permit from Peninsula Township*
- *Grand Traverse County Road permit*
- *Private Road Name approved by the Township Board*

**Each lot that has been developed has also been permitted by Soil Erosion Sedimentation Control, Health Department (well and septic), Storm water permit from Peninsula Township, Land use permit from Peninsula Township and Grand Traverse County Construction permits.*

- 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 perse.

The Peninsula Shores' PUD offers reduced residential density by preserving 66.52% open space, including wetlands, steep slopes, wooded acreage and 1,500 lineal feet of waterfront shoreline 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.

- g. That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property.
The proposed amendment does not impact any floodways or flood plains on the subject property 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.
The proposed locations for Unit 11 and 12 are well suited for development in that the soils are good, there are no steep slopes, and very little woody vegetative cover. Multiple test holes by the Health Department verified that soils in the proposed locations will sustain drain field infrastructure.
- i. That the proposed development will not cause soil erosion or sedimentation problems.
The overall site is developed and has not caused any adverse effects on soil erosion or sedimentation issues. The development of each site will continue to follow the measures outlined by Grand Traverse County Soil Erosion and Sedimentation and the Peninsula Township Storm water management procedures.
- 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.
The infrastructure for stormwater has already been constructed within the development. The proposed amendment will not negatively impact the drainage plan that has been approved and permitted. Each individual unit will continue apply for a stormwater permit from Peninsula Township as they are developed.
- 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.
This condition will continue to be met throughout the development of each individual unit within the PUD.
- l. That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.
This is not applicable to this project.
- m. That the 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.
There are no remaining phases for development, only the development of each individual unit.

- n. That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities.
There are no necessary or required expansions of these facilities as no additional units/lots are being created within the PUD.
- o. That landscaping, fences or walls may be required by the Town Board and Planning Commission in pursuance of objectives of this Ordinance.
Additional landscape requirements outlined in Condition #2 of Approval of Amendment #3 were exceedingly met. The applicant has prepared a landscape plan for newly located community open space in the center of the development. In addition to setbacks on individual lots, the entire existing development offers a 30-foot PUD perimeter setback.
- p. That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.
This standard will continue to be met.
- q. That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site shall be safe and convenient.
This amendment will further increase safety and convenience of vehicular and pedestrian traffic within the site. The centrally located open space will improve the line of sight and the flow of traffic at Shoreline Court and Waters Edge Drive. This will additionally improve safety and well-being of homeowners traversing to and from the community lakefront.
- 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.
This standard will continue to be met.
- s. That the proposed site is in accord with the spirit and purpose of this Ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.
This standard is met as this proposed amendment continues to comply with the original approval of the PUD and each subsequent amendment. As stated in the original PUD application, the development meets and exceeds the objectives of the Ordinance and the principles of sound planning by approval through a Planned Unit Development.

Section 8.3 Planned Unit Developments:

Section 8.3.2 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.

The proposed reconfiguration of the lots does not alter the integrity of the originally approved PUD. Moreover, the relocation of Units 11 and 12 will preserve a critical development area to be utilized as common open space, allowing for a viewshed to be created and preserved. The proposed changes have only positive impacts on these objectives.

2. Provision of open space requirements

This proposed amendment increases open space. New calculations are provided in the packeted materials. The development now exceeds the required 65%+ (54.83 acres) of 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.

Approval of this amendment request allows for a more imaginative approach for the development of the residential Units. Shifting Units 11 and 12 to the northern portion of the site provides for a common open space area to be created for pedestrian foot traffic, as well as improved vehicular traffic, resulting in more fluidity throughout the site. This relocation will also provide for better residential lots 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 amendment allows for a larger and more centrally located open space area to be achieved within the PUD for the enjoyment of Peninsula Shores residents. Relocating Units 11 and 12 provide 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 amendment does not change the intent of the previously approved PUD for clustered development with community open space areas.

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.

Mansfield

GR

Land Use Consultants

Section 8.3 Planned Unit Developments: Section 8.3.2 Objectives:



Use-By-Right

Per Zoning/Michigan Land Division Plat Act

55 lots

1+ acre lot size

0% common open space (0 acres)

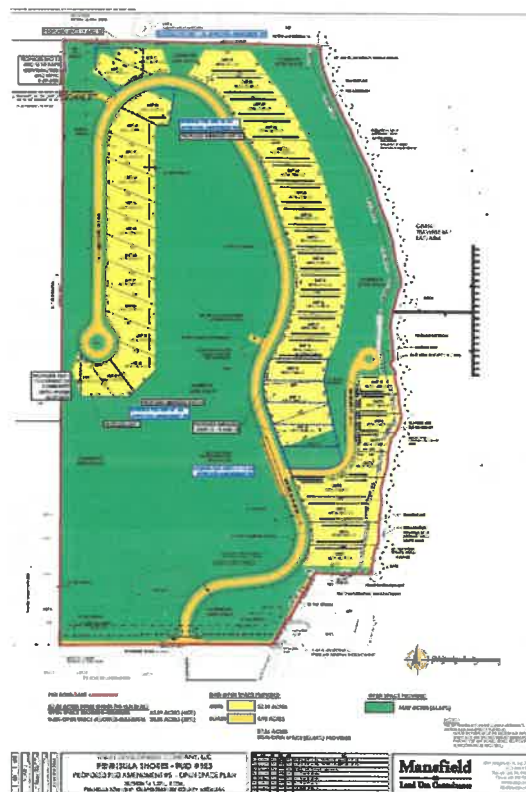
0 linear feet of East Bay preserved shoreline

No protection of forested areas

No protection of steep bluffs

55 individual septic systems with no oversight monitoring

maximum density / maximum traffic



Planned Unit Development

Peninsula Shores – an open space community

41 lots

½ acre to ¼ acre average lot size

66.52% common open space (54.83 acres)

1,500 linear feet of preserved shoreline

forested areas protected within open space

steep bluffs protected within open space

10 individual septic systems / 1 community permitted and monitored sewer system

reduced density / reduced traffic

The PUD plan provides the benefit of a 25% reduction of housing density and 66.52% preservation of open space including 1,500 linear feet of preserved shoreline along East Grand Traverse Bay.

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 (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 requirement may be reduced by the Township Board if the Board determines that the proposed use is a suitable and reasonable use of land.

The existing development is 82.44 acres of land. The applicant still maintains the majority of shares within the Peninsula Shores HOA and as the majority property owner may 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 district is R-1A Rural & Hillside and R-1B Coastal Zone. The total allowable 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 wetlands, steep slopes and 1,500 linear feet of shoreline.

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.

The requested amendment does not require any additional changes to the existing community infrastructure already in place within the development. Each of the proposed 41 units will have a private well. The relocation of Units 11 and 12 will have individual sanitary systems along with units 2, 3, 4, and 25-29. The relocation of Unit 1 will be serviced by an on-site community wastewater treatment facility along with Units 5-24 and 30-41.

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 zoning district or districts in which it is located subject to the provisions of Section 8.1.

This amendment reduces the lot coverage of the existing Peninsula Shores SUP #123 development. The relocation of Units 1, 11 and 12 and realignment of 13, 14, 15, 30, and 41 result in a net decrease in lot area, creating additional open space in the amount of .62 acres.

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.

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).

| | |
|--|---------------------------------------|
| <i>Total project site</i> | <i>82.44 acres</i> |
| <i>Residential Lots</i> | <i>-22.63 acres</i> |
| <i>Roadway</i> | <i>-4.98 acres</i> |
| <hr style="border: 0.5px solid black;"/> | |
| <i>Total remaining open space</i> | <i>54.83 acres or (more than 65%)</i> |

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 see the submittal relating to Section 8.3 and Section 8.1 for compliance.

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

1. Single family dwellings.
Peninsula Shores SUP #123 is for the development of single-family residential dwellings.
2. Two-family dwellings.
Not applicable for this application or request.
3. Group housing, row houses, garden apartments, or other similar housing types which can be defined as single-family dwellings with no side yards between adjacent dwelling units, provided that there shall be no more than eight (8) dwelling units in any contiguous group.
Not applicable for this application or request.
4. 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.
Not applicable for this application or request.
 - b. Historic building sites or historic sites, parks and parkway areas, ornamental parks, extensive areas with tree cover, lowlands along streams or areas of rough terrain when such areas have natural features worthy of scenic preservation.
Not applicable for this application.

- c. Commonly owned agricultural lands.
Not applicable for this application.
5. Signs as allowed by Section 7.11
There is no additional request to add or modify the existing signs that were approved as part of the original approval of SUP #123.
6. Deed restricted Agricultural lands.
Not applicable for this application or request as there are no deed restricted agricultural lands within the PUD.
7. Garages and accessory buildings and uses exclusively for the use of residents of the planned unit development and for the proper maintenance thereof.
All garages and accessory buildings are privately owned and located within individual parcels within the PUD.

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:
 - a. 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.
The net acreage of the site is 82.44 acres.
 - b. 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.
Not applicable for this application as there are no public easements.
 - ii. Lands below the Lake Michigan ordinary high water mark.
Not applicable for this application as land below the ordinary high water mark are not part of the originally surveyed site and therefore are not included in the calculations for open space, parking, or individual parcels.
 - iii. Lands used for commercial purposes subject to the requirements of Section 6.8
Not applicable to this application as none of the property is zoned C-1, Commercial.

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.

a. The fixed percentage 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-C district and thirty (30) percent for the 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.

82.44 times 15% = 12.36 acres

b. 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 disturbed without regard to district boundaries.

The included site plan for the Peninsula Shores amendment request includes each existing lot and proposed modifications and relocations of lots 1, 11, 12, 13, 14, 15, 30 and 41. Lots will still maintain the minimum requirements as outlined in the R-1A zoned district for area requirements.

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

The site plan outlines each building envelope for each individual lot including the modifications and relocations of lots 1, 11, 12, 13, 14, 30 and 41.

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

Each lot is identified on the site plan distinguishing the total square footage for all lots 1 - 41. No requested adjustment results in lot area less than existing lots or less than required by the ordinance.

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.

The development of each lot is permitted individually and conforms with the specifications of these provisions.

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 Dedication 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 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.
This standard will continue to be met.
 - 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.
Will be provided and submitted to Grand Traverse County upon approval of the requested amendment.
 - 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 requested amendment increases open space and relocates it in order to improve its availability to the Homeowners Association.
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.
- d. The deed restricted agricultural land may be sold separately from the dwelling parcels.
 - 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. The maximum percentage of lot area covered by all structures shall not exceed fifteen (15) percent of the net acreage.
The total buildable area within lot setbacks is 11.47 acres equaling 14% lot coverage within the development.

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

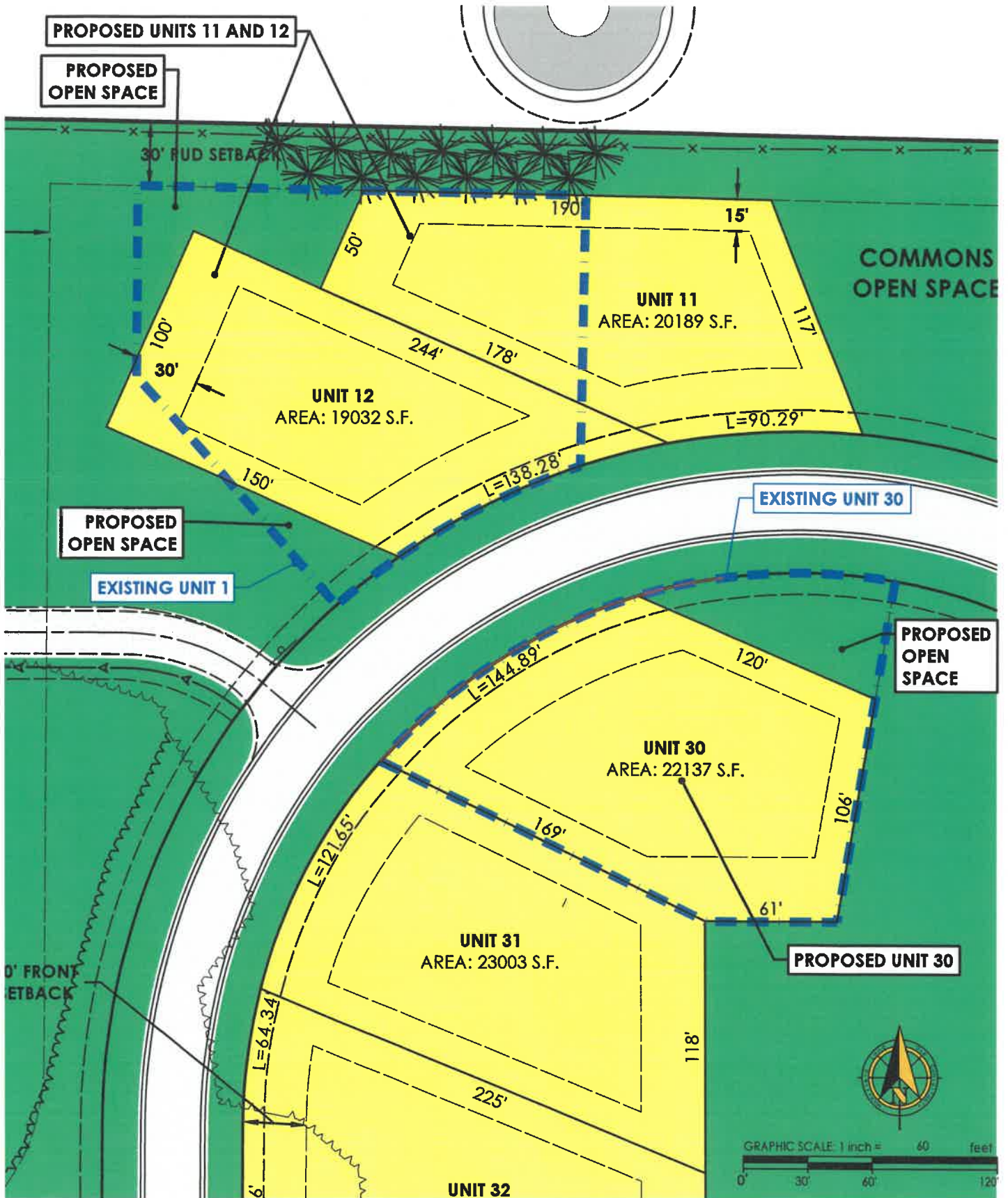
A site plan has been included in this submittal locating the individual building envelopes for each individual lot/unit within the development.

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.

Area calculations have been provided and are included in the submittal of the application.

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.

The required documentation for the approved amendment shall be recorded.



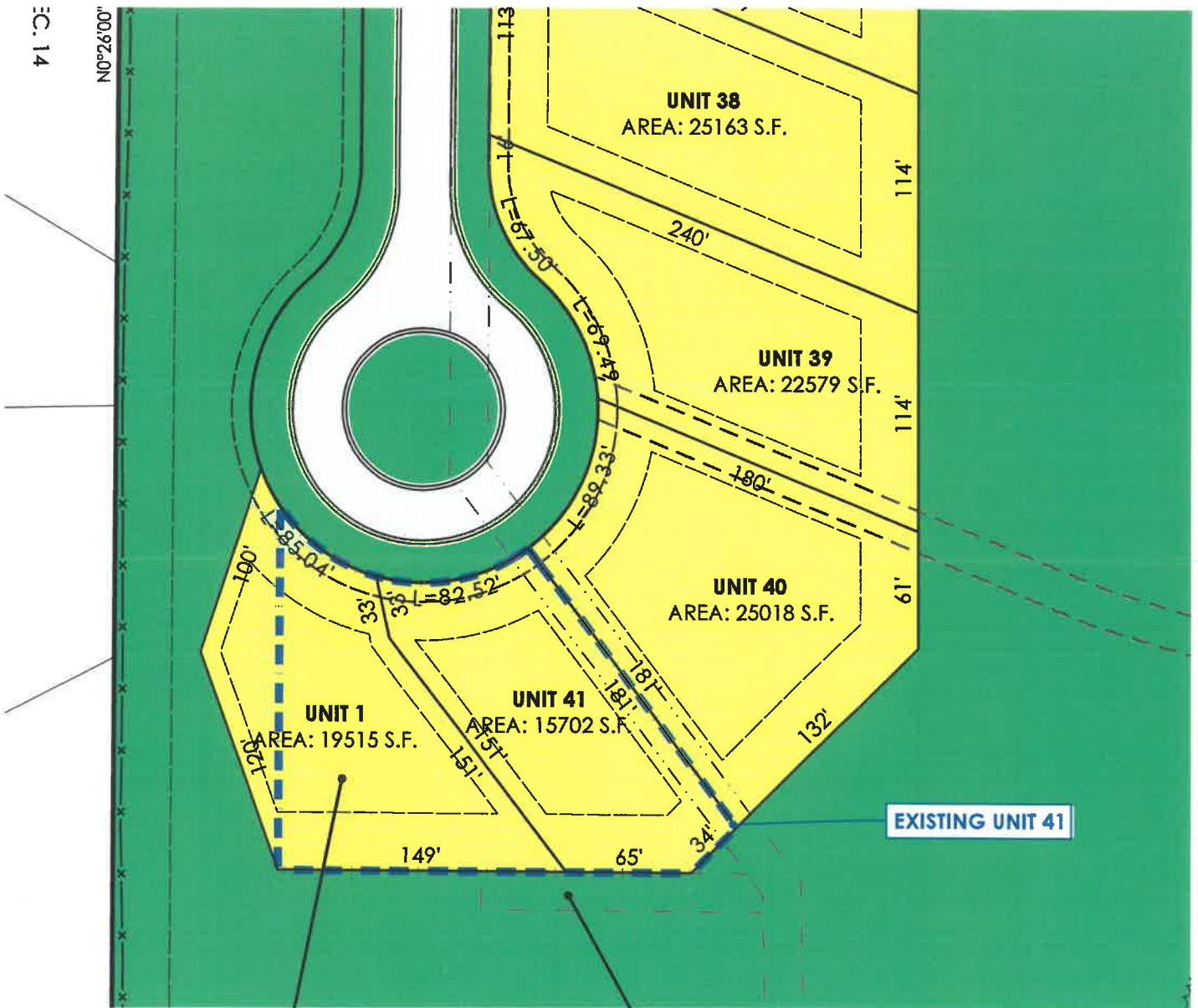
Mansfield
 &
Land Use Consultants

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

PENINSULA SHORES-PUD #123 DRN:mmm CKD:phk

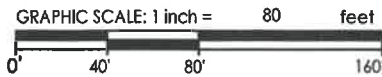
EXHIBIT PROPOSED UNITS 11, 12 & 30
PROPOSED PUD AMENDMENT #5
 Peninsula Township, Grand Traverse County, Michigan

02.26.2024
 14016
 SHT 1 OF 3



PROPOSED UNIT 1

**PROPOSED 20' SANITARY SEWER
EASEMENT AND LEAD FOR UNIT 1**



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Land Use Consultants

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PENINSULA SHORES-PUD #123

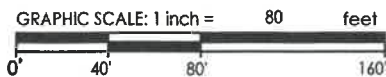
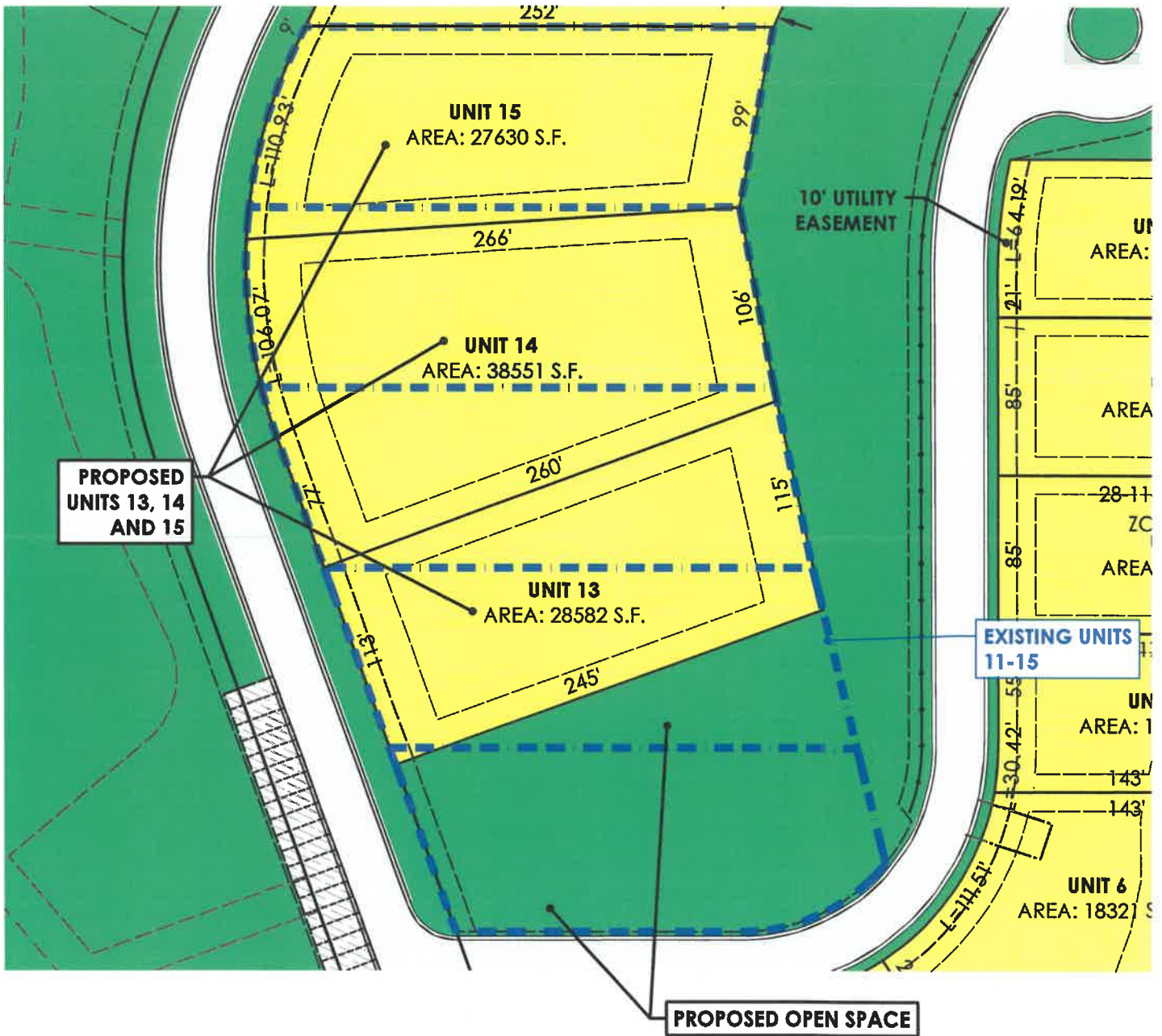
EXHIBIT PROPOSED UNITS 1 & 41
PROPOSED PUD AMENDMENT #5
Peninsula Township, Grand Traverse County, Michigan

DRN:mmm CKD:phk

02.26.2024

14016

SHT 2 OF 3



Mansfield
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PENINSULA SHORES-PUD #123

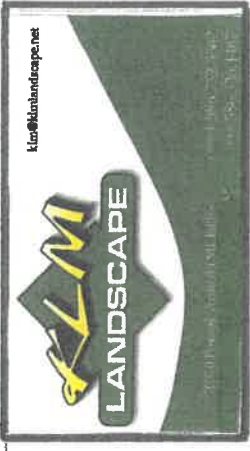
EXHIBIT PROPOSED UNITS 13-15
PROPOSED PUD AMENDMENT #5
Peninsula Township, Grand Traverse County, Michigan

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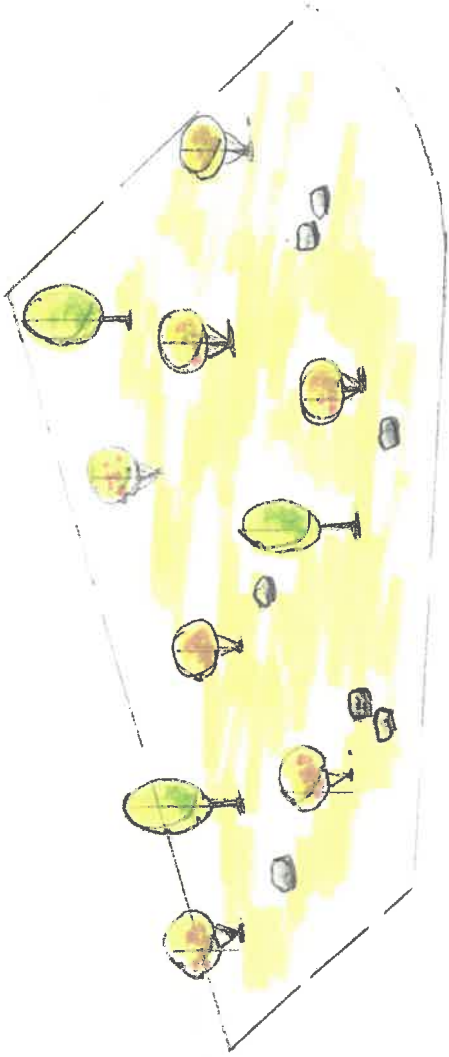
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14016

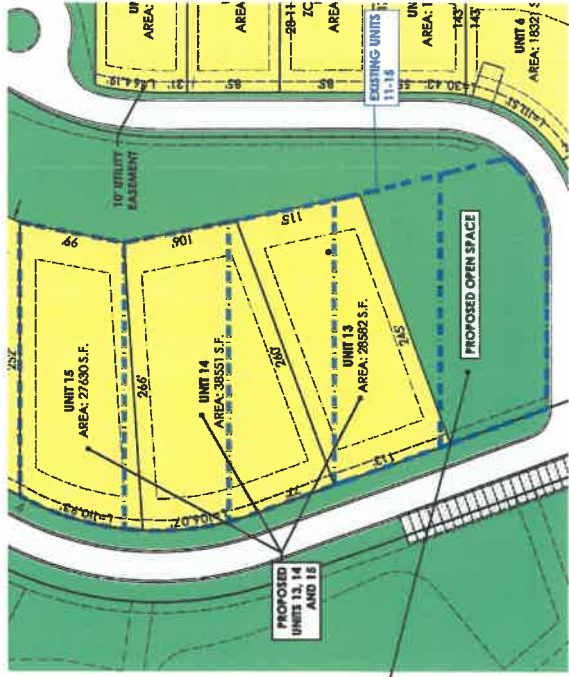
SHT 3 OF 3



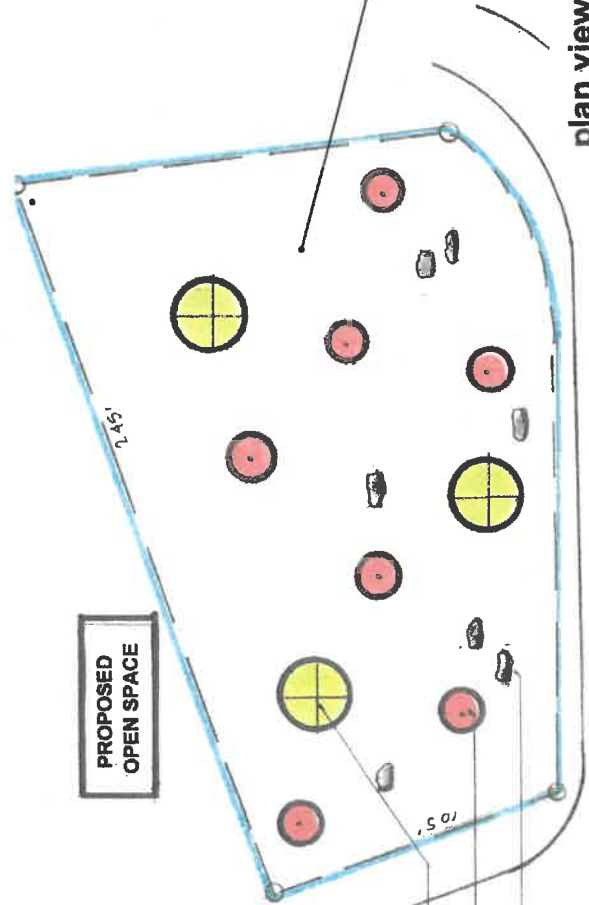
PROPOSED OPEN SPACE PLANTINGS
PENINSULA SHORES
 Peninsula Twp., MI
 date: March 2024
 scale: "as noted"



character sketch
 not to scale



plan view:
 scale: 1" = 40'0" +-



- PROPOSED PLANTINGS
- 3 SHADE TREES
- 7 ORNAMENTAL TREES
- ROCK OUTCROPPINGS

Shoreline Ct.



| Open Space (Section 8.3.3(6)): | <u>Acres</u> | |
|--|--------------|-------------------------------------|
| Total project site net acres | 82.44 | |
| Residential Units | minus 22.63 | |
| Parking Lot (waterfront access, grass) | minus 0.15 | |
| Roads (roadbed 2' shoulder) | minus 4.83 | |
| Total remaining open space | 54.83 | = 66.52% open space provided |
| | | 65% open space required |

| Lot Coverage by Structures (Section 8.3.7(1)): | <u>Acres</u> | |
|--|--------------|--|
| <u>Single Family Homes (area of building envelope)</u> | 11.47 | |
| Total Lot Coverage | 11.47 | divided 82.44 acres = 14% lot coverage provided |
| | | 15% lot coverage allowed |

The calculation above proves that the standard would be met even if every building envelope were completely covered with structures. In reality, the size of homes within the building envelopes would likely range from 2,500sf to 6,000sf, resulting in an actual expected lot coverage by structures of 3%-7%.

Lot Coverage by Structures (Section 8.3.7.(3)):
see chart on next page



Lot Coverage by Structures (Section 8.3.7.(3)):

| Maximum allowable lot area covered by structures | | Net acres in PUD = 82.44 |
|--|-----------------------|---|
| | Total lot size (S.F.) | Maximum allowable structure (S.F.) (building envelope excluding easements) |
| Unit 1 | 19,515.14 | 9,950.16 |
| Unit 2 | 28,778.16 | 13,348.52 |
| Unit 3 | 29,922.85 | 14,559.84 |
| Unit 4 | 33,072.96 | 16,687.77 |
| Unit 5 | 37,684.03 | 18,707.39 |
| Unit 6 | 18,321.46 | 7,000.40 |
| Unit 7 | 12,882.93 | 4,107.61 |
| Unit 8 | 16,008.79 | 6,433.51 |
| Unit 9 | 16,032.63 | 6,616.98 |
| Unit 10 | 14,807.16 | 5,620.47 |
| Unit 11 | 20,189.43 | 7,774.21 |
| Unit 12 | 19,032.00 | 8,341.79 |
| Unit 13 | 28,581.89 | 15,992.98 |
| Unit 14 | 38,550.79 | 23,764.67 |
| Unit 15 | 27,629.51 | 15,131.04 |
| Unit 16 | 24,264.05 | 12,294.82 |
| Unit 17 | 23,071.28 | 11,726.32 |
| Unit 18 | 22,180.08 | 11,216.15 |
| Unit 19 | 22,195.79 | 11,285.88 |
| Unit 20 | 22,168.84 | 11,200.80 |
| Unit 21 | 22,044.02 | 10,994.71 |
| Unit 22 | 22,653.74 | 11,506.24 |
| Unit 23 | 23,585.49 | 12,100.06 |
| Unit 24 | 23,846.88 | 12,114.52 |
| Unit 25 | 24,533.01 | 12,903.35 |
| Unit 26 | 25,533.23 | 13,687.08 |
| Unit 27 | 26,210.27 | 14,116.83 |
| Unit 28 | 27,616.40 | 14,928.38 |
| Unit 29 | 32,311.30 | 18,070.46 |
| Unit 30 | 22,136.92 | 10,110.36 |
| Unit 31 | 23,002.82 | 11,752.83 |
| Unit 32 | 24,392.44 | 12,648.70 |
| Unit 33 | 24,670.40 | 12,758.69 |
| Unit 34 | 24,768.97 | 12,829.09 |
| Unit 35 | 24,967.54 | 12,899.50 |
| Unit 36 | 24,966.11 | 12,969.91 |
| Unit 37 | 25,064.67 | 13,040.31 |
| Unit 38 | 25,163.24 | 13,110.72 |
| Unit 39 | 22,579.28 | 10,241.84 |
| Unit 40 | 25,018.00 | 13,046.24 |
| Unit 41 | 15,701.56 | 7,106.90 |
| Total S.F. | 985,556.06 | 498,336.62 |
| Total Acres | 22.63 | 11.44 |
| % of net total site | 27% | 14% |



March 7, 2024

Re: Site suitability for preliminary approval of proposed lots 11&12 in Peninsula Shores Site Condo Development

On February 21st, 2024, the Grand Traverse County Environmental Health Department met O'Grady Development Co. at the site location of two (2) proposed lots (Lot 11 and 12) in Peninsula Shores Site Condo Development. The purpose of this meeting was to assess both proposed lots' suitability for onsite wastewater disposal and determine both lots' ability to meet the Health Department's isolation requirements for well and septic. O'Grady Development Co. is requesting that these parcels be approved for individual onsite wastewater septic systems and private wells. A perk test was completed on each lot on February 21st. Both Lots 11 and 12 have been determined by the Grand Traverse County Environmental Health Department to be suitable for onsite wastewater disposal and private wells. Once approval has been granted by Peninsula Township, O'Grady Development Co. will be required to follow the appropriate steps and submit the required documentation to this Department to be granted final approval for the lots.

A handwritten signature in black ink that reads "Brent Wheat".

Brent Wheat

Environmental Health Director

March 6, 2024

Peninsula Twp.
Jennifer Cram, Director of Planning & Zoning
13235 Center Road
Traverse City, Michigan 49686

RE: Peninsula Shores PUD Amendment #5
Engineering Impact Review

Dear Jennifer

The following is a narrative of the potential engineering impacts associated with the changes included in the proposed PUD Amendment #5 on the Peninsula Shores development.

The existing PUD includes 41 lots and is not currently fully developed. The amendment does not propose a change in the total number of lots, only modification and relocation of select lots; including #1, #11, #12, #13, #14, #15, #30 and #41, for reasons explained and exhibited within other PUD Amendment #5 documents.

The following includes a summary of the main engineering topics and PUD Amendment #5 impacts:

1. Traffic
2. Sanitary Sewer
3. Storm Sewer
4. Groundwater Supply
5. Soil Erosion & Sedimentation Control

Traffic

PUD Amendment #5 does not propose a change in the number of lots within the development, only internal lot adjustment and relocation. Therefore, there is no proposed increase in traffic generation from the original PUD approval, and zero impact to both traffic numbers and patterns.

Sanitary Sewer

PUD Amendment #5 does not propose a change in the number of lots within the development, however it does propose a change to which lots are connected to the existing community septic system. Currently lots #11 and #12 are contributory lots to the community septic system. Their relocation to the northwest corner of the development requires them to be on individual, on-site septic systems due to their location with respect to installed sanitary sewer infrastructure. Additionally, the relocation of Lot #1 is in a location where it may be connected to the sanitary sewer infrastructure that is associated with the community septic system. The suitability of on-site septic systems for Lots #11 and #12, as required, has previously been evaluated and approved by the G. T. Co. Health Department.

Storm Sewer

PUD Amendment #5 does not propose a change in the number of lots within the development. The modification and relocation of the select lots #1, #11, #12, #13, #14, #15, #30 and #41 does not change any drainage patterns or storm water calculations. The proposed changes are all tributary to the same storm basins in both the current and proposed scenarios, with zero impact on the development's storm water management.

Groundwater Supply

PUD Amendment #5 does not propose a change in the number of lots within the development. All lots within the development have individual groundwater supply wells, which are not changing with the proposed amendment #5, only locational changes based on lot modifications and relocations. Groundwater supply wells, with the proposed locational changes, will continue to require approval and permitting by the G.T. Co. Health Department.

The 30,000-gallon in-ground water supply tank that the development constructed for the Township's use in fire fighting for the development and surrounding Township residents remains unchanged.

Soil Erosion & Sedimentation Control (SESC)

PUD Amendment #5 does not propose a change in the number of lots within the development. The modified/relocated lots proposed in Amendment #5 do not cause a substantial change in the net area, approach, or permitting process. All individual lot construction requires permits from the G.T. Co. Health Department prior to construction.

In summary, both individually, and collectively, the proposed lot modifications and relocations within Amendment #5 pose no net change or impact to any of the engineering considerations discussed above.

If you have any questions, please feel free to call me at (231) 946-9310 ext. 1007.

Sincerely,
Mansfield Land Use Consultants



Jim Hirschenberger, P.E., Project Engineer

Site Storm Water Calculations: PUD

Project: **The 81 on East Bay**
 Project No.: **14016**
 Location: **Peninsula Township, Grand Traverse County**
 Client: **Insight Building Company**

Rational = $Q = C i A$
 Intensity = $i = 2\text{-yr, 24-hour duration} = 2.09 \text{ in}$ (Bulletin 71) Intensity $i = 0.087 \text{ in/hr}$
 Coefficient = $C = \text{weighted C (Per Table 2: Runoff Coefficients)}$
 Area = $A = \text{varies per drainage area (ac.)}$ (Based on Grading, Storm and Drainage Plans)
 Unit Conversion = 86,400
 Soils Type = **Predominant USDA Soils: Em (Emmet loamy sands), Lk (Leelanau-Kalkaska loamy sands) & Ma (Mancelona gravelly sandy loam)**

Project Area Prior to Development

| | | | |
|-----------------------|--------------------|-----------|------------------|
| Area (Total) = | 3511807 sft | OR | 80.62 ac. |
|-----------------------|--------------------|-----------|------------------|

| PREDEVELOPMENT CONDITIONS | | | | | | |
|---------------------------|---------------------|------|-------|------------------|------------------|------------------|
| NO. | Area Type | C | i | A (ac.) | conversion | Q (cft) |
| 1 | Pavement | 0.98 | 0.087 | 0.00 ac. | 86,400 | 0 cft |
| 2 | Brick | 0.85 | 0.087 | 0.00 ac. | 86,400 | 0 cft |
| 3 | Roof | 0.95 | 0.087 | 0.00 ac. | 86,400 | 0 cft |
| 4 | Lawns, Sandy, Avg. | 0.15 | 0.087 | 17.04 ac. | 86,400 | 19231 cft |
| 5 | Lawns, Sandy, Steep | 0.20 | 0.087 | 35.68 ac. | 86,400 | 53691 cft |
| On-Site Total = | | | | 52.72 ac. | Total Q = | 72923 cft |

SPECIAL NOTES:

The site soils range from somewhat poorly drained to somewhat excessively drained sands with permeability rates from 0.57 to 19.98 in/hour. The location for stormwater collection is within the EmA soil type with permeability rates of 5.95 to 19.98 in/hr and a depth to water table ≥ 80 inches. There are no areas of drainage concern on the site in the area of the proposed storm water basin. The existing property has no defined drainage outlet feature, only overland flow and ground infiltration into existing sandy soils and also a small wetland area contained on-site within the commons area. A portion of the site drains off-site due to the steep terrain along a large portion of the site perimeter. There is a large ridge line and steep terrain relief down to East Bay.

Site Storm Water Calculations: PUD

Project & No.: **The 81 on East Bay**
 Project No.: **14016**
 Location: **Peninsula Township, Grand Traverse County**
 Client: **Insight Building Company**

Rational = $Q = C i A$
 Intensity = $i = 100\text{-yr, 24-hour duration} = \boxed{5.08 \text{ in}}$ (Bulletin 71) Intensity $i = \boxed{0.212 \text{ in/hr}}$
 Coefficient = $C = \text{weighted } C$ (Per Table 2: Runoff Coefficients)
 Area = $A = \text{varies per drainage area (ac.)}$ (Based on Grading, Storm and Drainage Plans)
 Unit Conversion = 86,400
 Soils Type = Predominant USDA Soils: Em (Emmet loamy sands), Lk (Leelanau-Kalkaska loamy sands) & Ma (Mancelona gravelly sandy loam)
 Infiltration Rate = 5.95 in/hr (1.00"/12") ft x 24-hr x A (sft) = cft

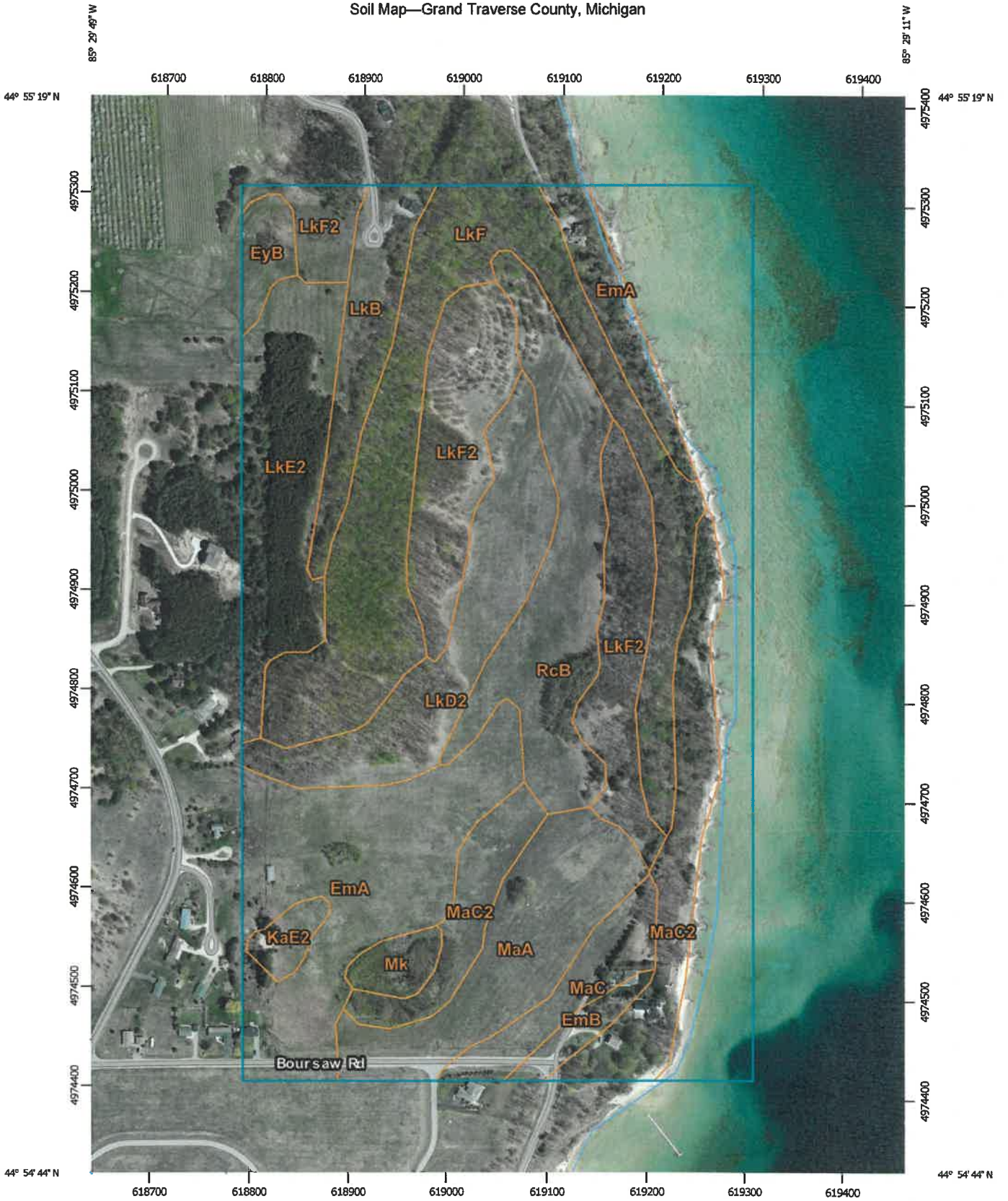
| POSTDEVELOPMENT CONDITIONS: 100-yr, 24-hour duration | | | | | | |
|--|---------------------|------|-------|-----------------|------------|----------------------|
| NO. | Area Type | C | i | A (ac.) | conversion | Q (cft) |
| 1 | Pavement | 0.98 | 0.212 | 4.06 ac. | 86,400 | 72764 cft |
| 2 | Brick | 0.85 | 0.212 | 0.00 ac. | 86,400 | 0 cft |
| 3 | Roof | 0.95 | 0.212 | 2.26 ac. | 86,400 | 39264 cft |
| 4 | Lawns, Sandy, Avg. | 0.15 | 0.212 | 16.03 ac. | 86,400 | 43973 cft |
| 5 | Lawns, Sandy, Steep | 0.20 | 0.212 | 34.08 ac. | 86,400 | 124578 cft |
| | | | | On-Site Total = | 56.41 ac. | Total Q = 280580 cft |

| | |
|--|-------------------|
| Required 2x 100-yr Post Development Total Q = | 561160 cft |
| Pre Development Q = | 72923 cft |
| Required Storage = | 488237 cft |
| Provided Storage = | 489349 cft |
| Excess Storage = | 1112 cft |

SPECIAL NOTES:

The site soils range from somewhat poorly drained to somewhat excessively drained sands with permeability rates from 0.57 to 19.98 in/hour. The location for stormwater collection is within the EmA soil type with permeability rates of 5.95 to 19.98 in/hr and a depth to water table ≥ 80 inches. There are no areas of drainage concern on the site in the area of the proposed storm water basin. The existing property has no defined drainage outlet feature, only overland flow and ground infiltration into existing sandy soils and also a small wetland area contained on-site within the commons area. A portion of the site drains off-site due to the steep terrain along a large portion of the site perimeter. There is a large ridge line and steep terrain relief down to East Bay.

Soil Map—Grand Traverse County, Michigan



Map Scale: 1:5,280 if printed on A portrait (8.5" x 11") sheet.

0 50 100 200 300 Meters














0 250 500 1000 1500 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge ticks: UTM Zone 16N WGS84



MAP LEGEND

-  Area of Interest (AOI)
-  Soils
-  Soil Map Unit Polygons
-  Soil Map Unit Lines
-  Soil Map Unit Points
- Special Point Features**
 -  Blowout
 -  Borrow Pit
 -  Clay Spot
 -  Closed Depression
 -  Gravel Pit
 -  Gravelly Spot
 -  Landfill
 -  Lava Flow
 -  Marsh or swamp
 -  Mine or Quarry
 -  Miscellaneous Water
 -  Perennial Water
 -  Rock Outcrop
 -  Saline Spot
 -  Sandy Spot
 -  Severely Eroded Spot
 -  Sinkhole
 -  Slide or Slip
 -  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features
- Water Features**
 -  Streams and Canals
- Transportation**
 -  Rails
 -  Interstate Highways
 -  US Routes
 -  Major Roads
 -  Local Roads
- Background**
 -  Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Grand Traverse County, Michigan
 Survey Area Data: Version 7, Dec 18, 2013

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Data not available.

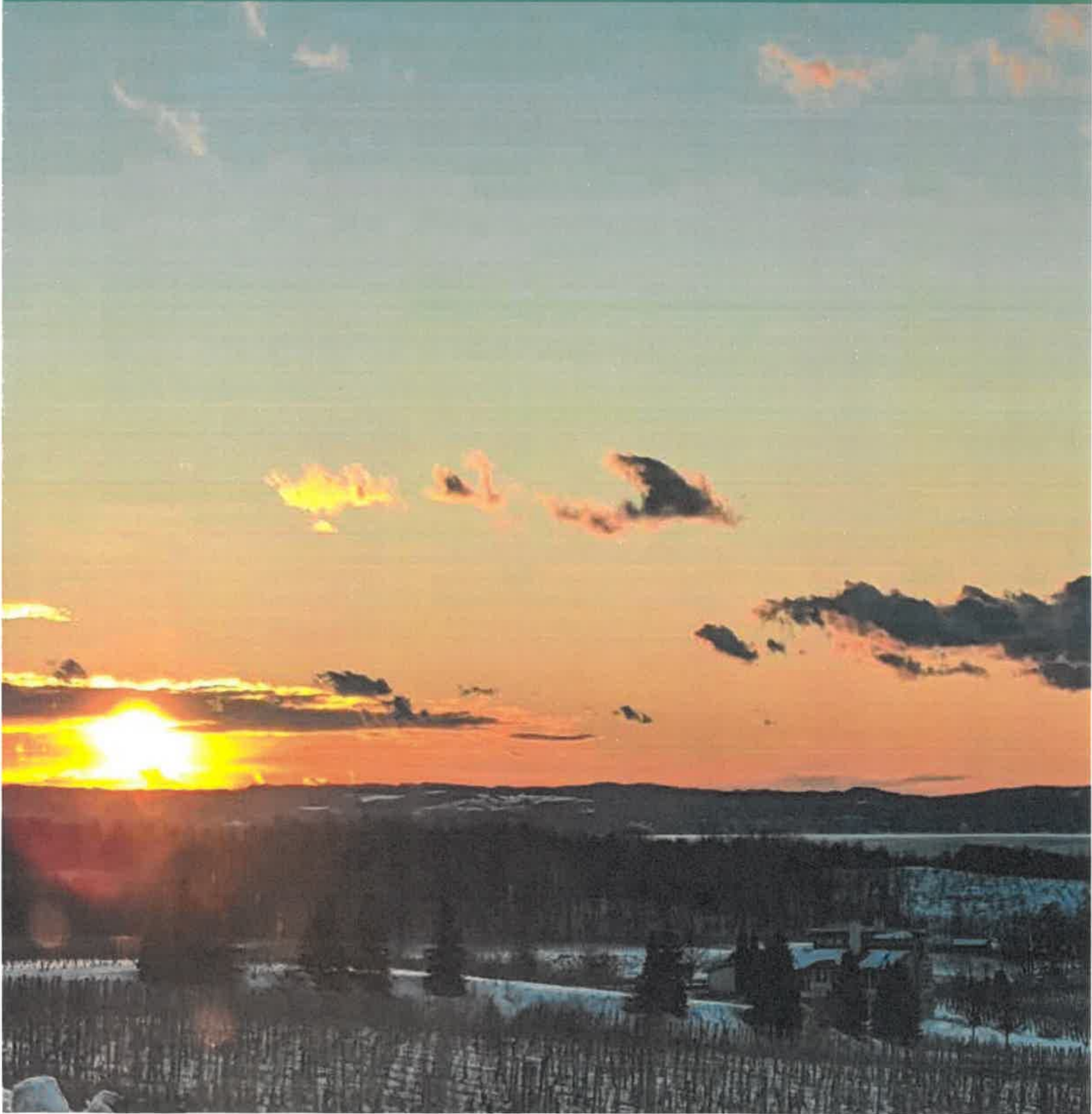
The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

| Grand Traverse County, Michigan (MI055) | | | |
|---|---|--------------|----------------|
| Map Unit Symbol | Map Unit Name | Acres in AOI | Percent of AOI |
| EmA | East Lake-Mancelona loamy sands, 0 to 2 percent slopes | 15.4 | 13.4% |
| EmB | East Lake-Mancelona loamy sands, 2 to 6 percent slopes | 1.1 | 1.0% |
| EyB | Emmet sandy loam, 2 to 6 percent slopes | 1.4 | 1.2% |
| KaE2 | Kalkaska loamy sand, 18 to 25 percent slopes, moderately eroded | 0.9 | 0.8% |
| LkB | Leelanau-Kalkaska loamy sands, 2 to 6 percent slopes | 4.3 | 3.7% |
| LkD2 | Leelanau-Kalkaska loamy sands, 12 to 18 percent slopes, moderately eroded | 8.0 | 7.0% |
| LkE2 | Leelanau-Kalkaska loamy sands, 18 to 25 percent slopes, moderately eroded | 8.3 | 7.2% |
| LkF | Leelanau-Kalkaska loamy sands, 25 to 45 percent slopes | 17.1 | 14.8% |
| LkF2 | Leelanau-Kalkaska loamy sands, 25 to 45 percent slopes, moderately eroded | 12.7 | 11.0% |
| MaA | Mancelona gravelly sandy loam, 0 to 2 percent slopes | 7.5 | 6.5% |
| MaC | Mancelona gravelly sandy loam, 6 to 12 percent slopes | 2.9 | 2.6% |
| MaC2 | Mancelona gravelly sandy loam, 6 to 12 percent slopes, moderately eroded | 9.2 | 8.0% |
| Mk | Adrian muck, 0 to 1 percent slopes | 1.2 | 1.0% |
| RcB | Richter loams, 2 to 6 percent slopes, overwash | 9.6 | 8.3% |
| Subtotals for Soil Survey Area | | 99.7 | 86.4% |
| Totals for Area of Interest | | 115.5 | 100.0% |

Draft Master Plan Vision Statements and Action Steps

Chapter 5 – Legacy, Challenges, and Vision





PLANNING LEGACY

For many decades, Peninsula Township's rolling hills, miles of Great Lakes shoreline, and stunning views of bays, farms, orchards, and vineyards have drawn people to live and visit here. Nearly 50 years ago, community leaders saw mounting development forces and recognized the threat to farmland, environmental values, and quality of life. This realization led the township to develop a zoning ordinance in 1972 that established a basic order to development patterns, notably a large interior agricultural district, coastal residential districts, and limited commercial districts as well as minimum lot sizes and setbacks in each district. Many of the zoning provisions enacted in 1972 continue to guide development patterns today.

In subsequent decades, as planning efforts in the township continued, recognition grew that strong growth pressures would continue to fuel construction activity and increases in population. Early projections suggested that Peninsula Township could reach 30,000 people or more if fully built out unless other measures were taken. Residents and township leadership viewed this level of development with alarm, as it would inevitably reduce the viability of agriculture, diminish scenic views, add huge additional infrastructure costs (i.e., water, sewer, and roads), and contribute to an overall decline in environmental quality. Such a large population would also create major traffic issues in Traverse City as previously discussed (see page 24).

Peninsula Township demonstrated bold and proactive leadership and a core commitment to land preservation by creating one of the first publicly funded township Purchase of Development Rights (PDR) programs in the United States and the first in the Midwest. On August 2, 1994, voters agreed to tax themselves to the tune of six million dollars to purchase the development rights from willing farmers who wanted to keep their land in farming forever. Outside funding from the State of Michigan,

American Farmland Trust, Grand Traverse Regional Land Conservancy (GTRLC), and the federal Farm and Ranch Lands Protection Program subsequently augmented this effort (see pages 23-26). This bold and proactive leadership came not only from elected and appointed officials but concerned residents such as John Wunsch and many others.

Between 1995 and 2009, more than 2,800 acres in Peninsula Township were protected from development. The PDR program was so successful, with more farmers interested in selling their development rights than money to buy them, that voters approved a second PDR millage renewal and increase in 2001 for 20 years, a period that is now ending.

Today, more than 110 parcels totaling 3,347 acres are subject to PDR restrictions held by Peninsula Township. When combined with GTRLC-held conservation easements and other public lands, roughly 6,000 acres have been permanently protected in Peninsula Township, or 34 percent of the total land area. Considering only the agricultural preservation area (APA), the total amount of protected land covers about 53 percent of the total acres identified in the APA (see maps on pages 23 and 24).

This is a great start, but as was the case in 2001, we have willing farmers who wish to sell their development rights and preserve their farms with insufficient funding available to accomplish these goals.

Given the program's success to date, the maximum population of the peninsula if fully built out would be approximately 12,000 people, a far cry from the original projection of 30,000 had action not been taken but nearly double what it is today.



NEW CHALLENGES

As previously described, Peninsula Township has a newly established public charter school, a newly constructed library, and recent park expansions. The township also has 18 wine manufacturers (as licensed by the Michigan Liquor Control Commission); 11 wine tasting rooms; a market and gas station; three restaurants; five churches; many farm markets, nurseries, and farm stands; historical buildings; and governmental services, including township offices, three fire stations with fulltime fire and emergency medical services, and a full-time community police officer to supplement law enforcement services provided by the Grand Traverse Co. Sheriff's Dept.

The Peninsula Township community has long recognized and valued the quiet, rural, and scenic character of the Old Mission Peninsula and the critical need to protect these defining values. Recent planning efforts such as the 2019 community survey and the launch of the online engagement tool called Participate Old Mission provide a more current understanding of resident preferences, values, and desires. As the population has grown and residential and winery development has increased, the desire to protect the township's scenic views and quiet rural character has amplified. Protection measures have been highlighted in township planning documents since the early 1980s, with each plan reiterating and building upon this concept.

There is growing evidence that the local story of stewarding this special place may be at a pivotal juncture.

According to the 2019 survey, the majority of residents believe the township is "headed in the right direction" and that the quality of life "has remained the same." At the same time, there is growing evidence that the local story of stewarding this special place may be at a pivotal juncture. **As a case in point, we now see the following:**

- The local wineries filed suit against the township in late 2020 over limits on allowed commercial activity;
- Record-high water levels in 2020 damaged vast segments of shoreline, causing severe erosion, millions in property damage, and the closure of a section of Bluff Road;
- A potential renewal of the PDR program will require continued support from residents at the ballot box;
- Growing recognition of the need for better traffic control and accommodation for non-motorized travel;
- The recent determination that the Michigan Department of Transportation (MDOT) will continue to control and maintain M-37 (Center Rd.); recently, MDOT had considered relinquishing control and responsibility to the Grand Traverse County Road Commission;
- Growing questions about whether our township form of government is best for the long haul;
- Lingering questions over state and local responses to the demand for short-term rentals and other dimensions of the hospitality market;
- Development pressures that continue to remain strong along with property and home values that continue to dramatically rise at a fast pace;
- The remaining effects of COVID-19 that hamper community engagement efforts; and
- Greater focus toward Peninsula Township parks, which have been impacted significantly by behavioral and utilization changes related to COVID-19. This usage has prompted a new effort to define needs, operating and capital improvement budgets, and funding sources to better develop and maintain park facilities. This work is being undertaken by the Peninsula Township Parks Committee in conjunction with LIAA (Land Information Access Association), with whom it is working under a contract.



VISION

Peninsula Township's leaders recognize that the Old Mission Peninsula is a special place for all the reasons described in Chapter 1. They also recognize that the current issues facing the township mean that careful and deliberate planning has never been more important than it is now if the township is to retain its current amenities and reach its full potential as the best possible gift to future generations. These challenges align with the 12 following vision elements that can also be thought of as organizing planning principles for Peninsula Township. These vision targets surfaced from 2019 survey results, results from Participate Old Mission, and deliberations during master plan steering committee meetings.

These challenges align with the 12 following vision elements that can also be thought of as organizing planning principles for Peninsula Township.

The following chart is a summary of vision elements for Peninsula Township organized into three categories: "Land Use," "Mobility," and "Places, Character, and Governance." In the following chapters, more in-depth descriptions of issues and future action steps are provided for each of these three categories. Chapter 9 addresses the subject of implementation and provides a summary of future initiatives and action steps.

SUMMARY OF 12 VISION ELEMENTS

| No. | VISION | SUBJECT AREA | SUMMARY |
|-----|---------------------------------------|--------------|--|
| 1 | Recognize an "island-like geography." | Land Use | The ability to maintain the quality of life in the township will be highly influenced by the reality that the peninsula is more or less an "island" with a single "bridge" that carries residents to and from Traverse City and beyond. This "bridge" is a two-lane street that has a finite carrying capacity and few options for expansion/widening. Shoreline routes such as East Shore Road and Peninsula Drive are not desirable options as routes because they serve neighborhoods with strong recreational and aesthetic value. Detailed vehicle traffic counts and studies are needed annually to help monitor change over time and to help guide township development policies. Recognizing the need to limit growth and associated traffic generation is a major underpinning and foundation for nearly all other vision elements and planning policies. |



| No. | VISION | SUBJECT AREA | SUMMARY |
|-----|--|-----------------|--|
| 2 | Continue to implement any and all steps that reduce build-out potential. | Land Use | <p>Looking ahead to this new decade and beyond, we see thousands of acres of agricultural land that could still be developed into homes. Demand for homes on the Old Mission Peninsula is strong and likely to grow stronger given existing trends. At the same time, residents clearly want to preserve and maintain a rural atmosphere.</p> <p>Renewing the PDR program that expires in 2021 is crucial to completing the task of land preservation that began in the early 1990s. Protecting the remaining 4,680 acres of agricultural land identified in the agricultural preservation area (APA) is an essential step toward limiting population growth and additional traffic congestion.</p> |
| 3 | Ensure that future development is constructed in ways that thoughtfully balance all land-use needs. | Land Use | <p>Even with potentially new PDR activity resulting from a third levy, some level of development can be expected as some property owners choose to develop their land within the constraints of the zoning ordinance. In the past, the township has explored the concept of a transfer of development rights (TDR) program as a way to concentrate new development by "transferring" permitted density to a more carefully planned area. The TDR program, coupled with the potential for mixed use development in the commercial zones to include first floor retail/commercial with second floor residential, could help create local businesses that serve residents. Properly designed and constructed commercial uses could help reduce the need for residents to travel to Traverse City for goods and services, thereby potentially helping to reduce traffic.</p> |
| 4 | Constructively and collaboratively work toward the goal of adding commercial value to local agricultural products without creating areas that add noise and traffic congestion. | Land Use | <p>The township supports local agriculture and efforts to retain rural character while drawing a distinction between production agriculture (i.e., growing things) on the one hand and non-production, or value-added activities such as processing and selling products on site, on the other. This latter category of activities leans in a more commercial direction, generating issues related to traffic and noise that detract from rural ambiance and character. More efforts are needed to balance production agriculture with non-production or value-added and commercial activities.</p> |



| No. | VISION | SUBJECT AREA | SUMMARY |
|-----|--|---|---|
| 5 | <p>Protect the shoreline and wetlands to the maximum extent possible through both regulation and education centered on vegetation protection and enhancement. Areas like Pyatt Lake Natural Area and other beach and coastal wetlands are an important buffer against pollution and flooding.</p> | <p>Land Use</p> | <p>The last several years of high water levels on the Great Lakes have had a profound impact on coastal communities throughout Michigan. Coastal erosion and flooding have impacted residents with substantial costs and damages. Predicting lake levels in the future is all but impossible, but it is prudent to improve regulations and education efforts regarding vegetation removal so that future high water levels are less damaging and water quality is protected from erosion. Similarly, it is important to continue to educate residents on the value of all wetlands and shoreline vegetation cover as a means of reducing both flooding and pollution.</p> |
| 6 | <p>Make pedestrian and bike travel safer and more convenient.</p> | <p>Mobility</p> | <p>Residents and visitors alike deeply appreciate all that Peninsula Township has to offer pedestrians and bicyclists. However, planning for and implementing even modest local projects to support non-motorized travel have been nonexistent. Evidence of support for steps in this direction is abundantly clear from recent survey results. There also seems to be increasing recognition that it is time for ramped-up non-motorized transportation planning, even among those who are not inclined to bike or walk, simply from the standpoint of safety and impacts on vehicular traffic flow.</p> |
| 7 | <p>Make vehicular travel safer and more convenient</p> | <p>Mobility</p> | <p>Associated with the desire to make pedestrian and bike travel safer and more convenient is the need to control vehicular speeds and improve safety.</p> |
| 8 | <p>Operate under the best possible form of government, with suitable and essential public facilities.</p> | <p>Places, Character, and Governance</p> | <p>As unique and special as Peninsula Township is, it shares one key attribute with most other townships in Michigan: its form of government. Increasingly, people are asking if a township is the optimal form of government for the residents of the Old Mission Peninsula. State laws provide options for changing the structure of local government, which could improve service delivery and local control.</p> |



| No. | VISION | SUBJECT AREA | SUMMARY |
|-----|--|-----------------------------------|--|
| 9 | Continue to view alternative energy (solar/wind) as having a potential role in Peninsula Township. | Land Use | Peninsula Township's geography presents challenges for delivering public utilities to property owners. An electric grid, common in other areas to ensure uninterrupted energy, is not practical for the peninsula. Alternative energy sources will be required. The township will continue to implement policies to allow solar energy generation while protecting viewsheds. |
| 10 | Balance demand for a local hospitality industry against the need to control growth and manage traffic. | Land Use | There is a role for a local hospitality industry in Peninsula Township in three major categories: wineries (with guest rooms), bed and breakfasts (independent of wineries), and possibly small, quaint "boutique" hotels. The balance between additional hospitality functions and added traffic is a critical one related to numbers of available rooms and specific locations. The connection between offering accommodations in a rural B&B and supporting agricultural viability is also recognized. |
| 11 | Continue developing an outstanding park system throughout the township with "hubs" at Mission Point Lighthouse Park, Bowers Harbor Park, and Pelizzari Natural Area. | Land Use | The township maintains three large parks strategically located at the north, middle, and south latitudes of the township along with several additional smaller parks. The township will continue to improve these parks through upgrades and expansions consistent with the needs of each area. Additionally, the township is now poised to move forward with a new boat launch at Kelley Park. |
| 12 | Continue preserving, enhancing, and celebrating local history and culture. | Places, Character, and Governance | People enjoy living in an area with a sense of place, and an important attribute of our identity is local history and culture. There are four primary historical sites in the township: the replica Log Church and Peter Dougherty Home in Old Mission and the Hessler Log Cabin and Mission Point Lighthouse at the tip of the peninsula. Two historic businesses also survive, the Old Mission Inn and the Old Mission General Store, along with three remaining historic private resort associations, Illini, Leffingwell, and Neahtawanta. Much of the story of nineteenth- and twentieth-century local history arcs through and across these places. More can and should be done to strengthen and support these offerings. |

Chapter 6 – Land Use





Introduction

Peninsula Township encompasses approximately 17,870 acres of land. Wise land-use decisions made over time are often at the heart of why some places are more livable, attractive, and appealing than others. Fundamental private and public decisions about how land on the Old Mission Peninsula is used are central to a sense of careful stewardship of Peninsula Township.

This chapter begins with a description of existing land-use patterns followed by a brief description of existing zoning, which regulates how land can be used, along with associated development standards and review procedures. Following this background material is a description of important land-use issues facing Peninsula Township and a future land-use map.

Land-Use Background

- Existing Land-Use Patterns
- Existing Zoning

Land-Use Issues

- PDR Program
- Shoreline Protection
- Alternative Energy
- Mixed Commercial Area/TDR
- Agricultural Viability/Wineries/Other Agri-business
- Lodging and Short-Term Rentals
- Special Land-Use Permits
- General Review of Uses/Development Standards

Future Land Use

- Map

EXISTING LAND-USE PATTERNS

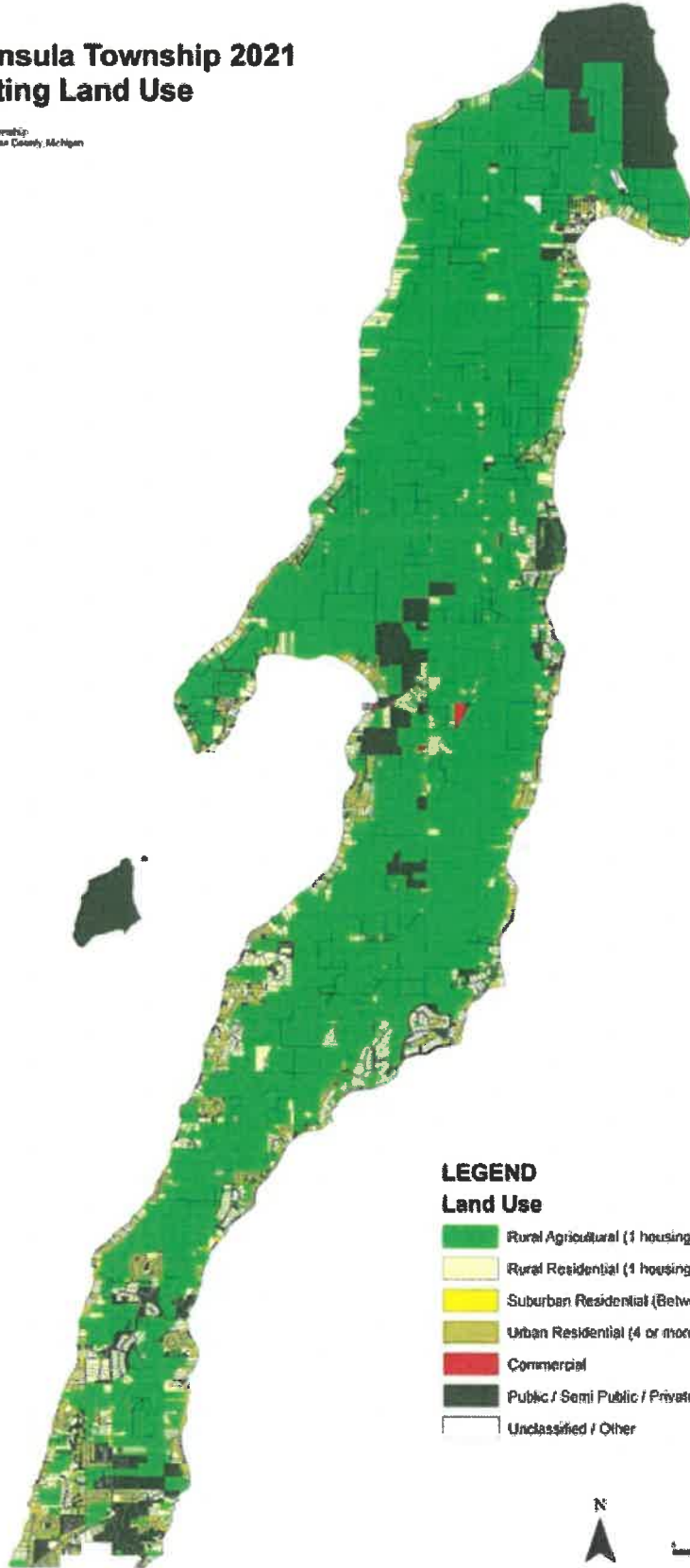
A map illustrating existing land uses appears on the following page. Reflecting data provided by the Peninsula Township assessor and generalized to some degree in terms of residential density (dwelling units per acre), the map provides a platform for developing the future land-use map provided later in this chapter. It also provides a means to track and monitor land-use changes over time. The table below categorizes and quantifies existing land uses shown in the following map.

| Land Use | Parcel Count | Related Zoning District | Acreage | Percent |
|---|--------------|-------------------------|------------------|---------------|
| Rural Agricultural (1 housing unit for each 5 acres or more) | 1,231 | A-1 | 12,698.90 | 71.1% |
| Rural Residential (1 housing unit for between 1 and 5 acres) | 991 | R1-A | 1,881.90 | 10.5% |
| Suburban Residential (between 1 and 4 housing units per acre) | 1,511 | R1-B, R1-C | 922.85 | 5.2% |
| Urban Residential (4 or more housing units per acre) | 60 | R-1D | 15.72 | 0.1% |
| Commercial | 56 | C-1 | 19.96 | 0.1% |
| Public/Semi Public/Private Open Space | 137 | Varies | 1,910.27 | 10.7% |
| Unclassified/Other | 488 | Varies | 418.00 | 2.3% |
| Total | 4,474 | | 17,867.60 | 100.0% |










Peninsula Township 2021 Existing Land Use

Peninsula Township
Grand Traverse County, Michigan



LEGEND

Land Use

-  Rural Agricultural (1 housing unit for each 5 acres or more)
-  Rural Residential (1 housing unit for between 1 and 5 acres)
-  Suburban Residential (Between 1 and 4 housing units per acre)
-  Urban Residential (4 or more housing units per acre)
-  Commercial
-  Public / Semi Public / Private Open Space
-  Unclassified / Other

Base Map Source: MCOE, Grand Traverse County GIS
Data Source: Peninsula Township
2021 Parcel Boundaries
May 2022





EXISTING ZONING

For about five decades, land use in Peninsula Township has been guided by regulations contained in the Peninsula Township Zoning Ordinance. Although the zoning ordinance has been amended many times to address specific issues, the general framework remains unchanged in terms of zoning districts, allowed land uses, and basic development requirements such as minimum lot sizes and building setbacks.

In the summer of 2021, a comprehensive update of the zoning ordinance was under consideration. It was passed by the planning commission in May 2021 after several years of effort and is moving on to the

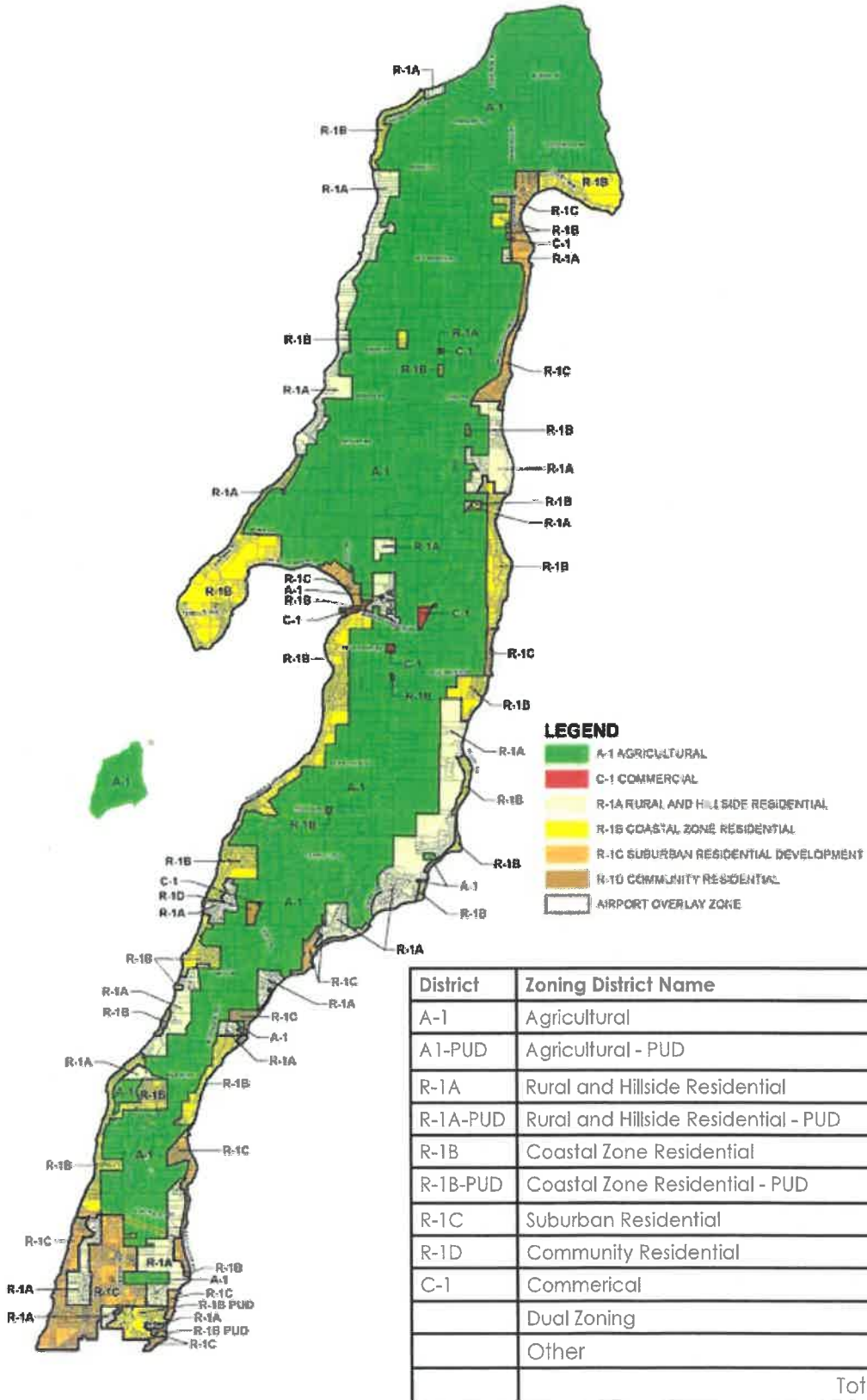
township board for final approval. This update is aimed at issues such as organization, improved graphics, added definitions, improved cross-referencing conformance with other laws, and regulatory clarification. In large part, substantive changes to regulations were set aside until after this master plan is complete.

Six primary zoning districts apply to all parcels in the township. Generally, the interior portions of the township are zoned agricultural (A-1), and the waterfront areas are zoned residential (R-1A, R-1B, R-1C and R1-D). There are also several small areas zoned commercial (C-1). Descriptions of each zoning district, acreages related to each, and a map showing the location of zoning districts follow below.

| Existing Zoning Structure | | |
|--|------------------|---|
| Zoning District Name | Minimum Lot Size | Description / Purpose |
| A-1 Agricultural District | 5 acres | The agricultural district is intended to recognize the unique ecological character of the peninsula and to preserve, enhance, and stabilize existing areas within the township that are presently being used predominately for farming purposes while recognizing there are lands within the district that are not suited to agriculture; therefore, the district allows other limited uses that are deemed to be compatible with agricultural and open space uses. |
| R-1A Districts: Rural and Hillside Residential District | 1 acre | The R-1A rural and hillside residential district sets standards for the continued development of: (1) rural areas suited to very low-density residential development; (2) fragile hillside areas; and (3) interface areas between more intensive residential uses and agricultural land uses. This district includes existing low density residential developments as well as areas within which such development appears both likely and desirable. |
| R-1B District: Coastal Zone Residential District | 25,000 sq. ft. | The R-1B coastal zone residential district sets standards for the development of residential properties of a semi-rural character along lakeshore drives and in areas of high scenic value where more intensive development would deteriorate the peninsula's environment and less intensive development is essential to maintain the established environment. |
| R-1C Districts: Suburban Residential Development District | 20,000 sq. ft. | The R-1C suburban residential district encourages medium density residential development associated with proximate areas of Traverse City. Such development shall fall within the logical service pattern of the Regional Wastewater Treatment System, whether or not serviced by that system. |
| R-1D Districts: Community Residential District | 15,000 sq. ft. | The R-1D community residential district encourages moderately high density development where community services such as fire protection, schools, commercial development, community parks, and services are available. |
| C-1 Commercial District | 25,000 sq. ft. | The C-1 commercial district allows for convenience-type shopping for township residents and for limited marina and transient lodging facilities. It is the purpose of this regulation to avoid undue congestion on major highways and to promote smooth and safe traffic flow along highway routes. Commercial activities within this district are those that primarily offer goods and services that are generally required by a family at intervals of a week or less. |
| PUD Planned Unit Development | Varies | The PUD zoning designation can be applied to another zoning district to allow for more creative and imaginative land development and a more desirable living environment by preserving the natural character of open fields, stands of trees, and steep slopes as well as brooks, ponds, lakeshore, hills, and similar natural assets. PUDs concentrate density to areas of the site with the fewest environmental constraints and preserve sensitive areas in common open space. PUDs require additional plan review steps. When approved, PUD developments include the PUD notation with the zoning district. |



Zoning Map





LAND-USE ISSUES

A number of primary land-use issues surfaced from results from the 2019 community survey, information gained from Participate Old Mission, and discussions among the master plan steering committee. These issues are described below and are associated with specific initiatives and action steps.

PDR Program

As described in Chapter 2, the PDR program has had a tremendous impact on land use in Peninsula Township, and, along with the zoning ordinance, has been the most impactful land-use policy the township has adopted. To date, this program, along with other forms of land protection, has protected about 34 percent of the township from development. The PDR program was originally put in place to protect valuable and unique farmland and to limit the build-out potential of Peninsula Township. “Build out” is a largely theoretical term that gauges what happens if development trends continue under existing regulations and other constraints; it refers to the state at which Peninsula Township would not have any available parcels for development given current zoning restrictions. The desire to limit build out is associated with the need to protect farmland and rural character and reduce the number of vehicles on the roads as well as congestion at the base of the peninsula.

The PDR program is largely viewed as a tremendous success. To date, the funds from the two prior tax levies (in 1994 and again in 2002) have been expended, and a new millage is being contemplated in the near future. An oft-overlooked element is the fact that PDR programs require attention well beyond the time devoted to acquiring the PDR easement. In other words, Peninsula Township has an ongoing obligation to monitor program compliance and to ensure that land-use and construction activity are compliant with easement terms. Additionally, when all or part of an agricultural parcel is encumbered by

a PDR easement, the relationship between the PDR easement and the zoning ordinance can become more complicated.

Initiatives and Action Steps

PDR Renewal

Renewal of a PDR levy is an essential step if Peninsula Township is to complete the job of preserving agricultural land and limiting growth. The importance of renewing the PDR program cannot be overstated in terms of expanding upon the local legacy of land stewardship and resource protection. It is also critically important in terms of reducing future traffic congestion. The 2019 community survey provides clear evidence that overdevelopment and traffic congestion are among the top reasons given by residents who perceive a declining quality of life on the peninsula. Renewing the PDR program is one direct way to address this concern. In simplistic terms, for every 100 acres of land that might be included in a PDR easement funded by a future levy, the number of new homes potentially drops by as many as 20 and the corresponding vehicle trips drop by as many as 200. See calculations below:

POTENTIAL IMPACT OF PDR ON FUTURE TRAFFIC

- The A-1 zoning district allows one home to be constructed on a five-acre parcel.
- A 100-acre parcel theoretically yields 15-20 homes (assuming lot frontage and related requirements are met).
- According to the Institute of Transportation Engineers (ITE) and its published *Trip Generation Manual*, the number of vehicle trips associated with a single-family home is about 9.57 trips per day (it actually can range from 4.3 to more than 21 trips per day).
- Therefore, it might be said that for every 100 acres of new PDR land, future potential traffic traveling on Peninsula Township roads is reduced by between 140 and 200 vehicles per day.



Shoreline Protection

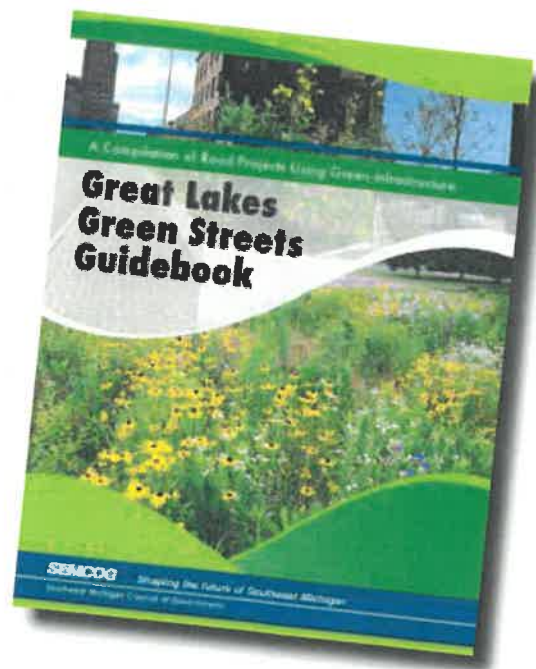
The shoreline and water quality are precious to residents. According to the 2019 survey, protecting the water quality of the bays should be a top priority for the township. At the same time, current high lake levels have produced erosion and obvious concerns. According to the Army Corps of Engineers in its *October 2020 Great Lakes Water Level Summary*, the mean level of 581.53 feet was 31 inches above the long-term average and just 10 inches below the record high. This recent report actually indicates a drop in lake levels from similar reports earlier in 2020.

Record lake levels combined with storm events produced well-documented and severe erosion problems that are very evident on Bluff Road, where the magnitude of erosion led to the road's recent closure. Similar problems are familiar to residents who live along the shoreline elsewhere in the township and in the greater region.

Many shoreline areas also include roadways that provide access to waterfront residences. These include principally Bluff Road, East Shore, and Peninsula Drive. The relationship between roadway maintenance and shoreline management has been challenging. In most areas, pavement and shoulder drainage improvements have not included sufficient measures to prevent erosion, and, in some areas, conditions have been made worse by tree and vegetation removal. The classic example of this occurs along Bluff Road, where a variety of factors contributed to the recent road closure, creating substantial tension between area residents, the Grand Traverse County Road Commission, and Peninsula Township. Going forward, more efforts to utilize "green infrastructure" in road projects is needed to help slow and purify runoff draining into the bays. An excellent resource for roadway-related green infrastructure techniques is found in the *Great Lakes Green Streets Guidebook* produced by the Southeast Michigan Council of Governments (SEMCOG).



Erosion damage at Bluff Road



http://www.watershedcouncil.org/uploads/7/2/5/1/7251350/greatlakesgreenstreetsguidebookseptember2013__1_.pdf



In response to high water problems, a common approach is to “armor” the shoreline with seawalls, boulders, or structures. While these efforts can provide short-term relief, experts warn that such structures can actually worsen erosion elsewhere, and the issue of what seawalls will look like when water levels recede also becomes relevant. Fewer than 10 years ago, Lake Michigan water levels were at very low levels. More “natural” solutions are often promoted by professionals to help prevent erosion. These include establishing and/or protecting existing natural deep-rooted vegetation, which can hold soil in place, and requiring buildings and structures to be set back further from the shoreline so that the natural shoreline can be more “elastic” and adjust to changing lake levels over time.

The Peninsula Township Zoning Ordinance has related requirements in place to help ensure vegetated cover along the shoreline. Most significantly, tree cutting along a strip paralleling the shoreline and extending 35 feet inland from all points along the normal high-water mark of the shoreline is limited to 30 percent. In other words, at least 70 percent of this strip must remain vegetated.

In large part, these requirements need attention and updates to clarify and better articulate



requirements that benefit both landowners and zoning enforcement. Additional measures to consider include potential limitations on construction of specific types of shoreline armoring.

Initiatives and Action Steps

Update Shoreline Regulations

A complete review and update of the shoreline regulations are needed to better align with best practices. Definitions and explanations of best management practices are available from national resources as well as state and local sources. Much more clarity is needed to more specifically and completely define requirements that limit vegetation removal along with a strong and reliable enforcement mechanism. A detailed survey of coastal characteristics may also be needed to support the development of new regulations. This study could identify wetlands, unique coastal features, and relationships between local permitting and state and federal regulatory measures. The 2011 master plan identified the potential for overlay zoning districts to address environmental issues. There are other options as well that should be explored. The goal is to achieve a high level of clarity in terms of what shoreline vegetation may be removed along with an effective enforcement mechanism.

Additionally, as described on page 26, an inventory of shoreline areas depicting waterfront viewsheds, existing trees and vegetation, and other natural features is needed.

Encourage Shoreline Protection Education

Past efforts and events aimed at educating residents about shoreline protection have been well received. In November of 2019, township resident Monnie Peters



organized a workshop for township residents who own shoreline property to help educate property owners on how to be good stewards of the shoreline they own and how they might go beyond basic regulatory compliance. Experts who spoke at this workshop included Baykeeper Heather Smith of the Grand Traverse Bay Watershed Center and Mark Breederland from Michigan Sea Grant. Copies of the recently updated booklet published by the Watershed Center, "Up North Shoreline: Stewardship Guide for Living on Grand Traverse Bay," was given to residents who attended the workshop. The township should continue to support and encourage the education of shoreline property owners.

Alternative Energy

The subject of alternative energy (both wind and solar designed to serve on-site energy demands) and larger community systems has become more relevant in recent years for both environmental and economic reasons. In Peninsula Township, the issues are complex, given the desire to protect significant views and maintain valued rural atmosphere. To some, alternative energy equipment and fixtures diminish scenic views and rural character.

Roof-mounted solar panels have been allowed in Peninsula Township for some time. More recently,

zoning amendments were enacted to allow free-standing solar panels of various sizes. In all scenarios, free-standing solar panel installations are related to a net metering agreement; this means that the power generated is roughly equivalent to the power needs of the site. In this way, energy generated on site simply offsets demand for power from the grid. In other words, there is no net production of electricity beyond the need of the property upon which the solar panel equipment is located.

There have been no discussions about larger-scale solar energy systems that would connect directly to the electric grid and serve off-site customers. Such a project in Peninsula Township might resemble a 50-acre (nine-megawatt) array proposed in Acme Township to be constructed by Prism Power Partners. This project was approved in the spring of 2021 after Acme Township amended its zoning ordinance in 2018 to allow solar energy farms as a special use.

Wind energy is also a component of the alternative energy discussion. Existing zoning regulations permit wind energy conversions systems (WECS) as a special use in all zoning districts. These provisions require attention to address shortcomings. As examples, existing WECS provisions do not reference a "net metering" agreement as recent solar amendments do, and they allow for heights of up to 100 feet in all districts.





Initiatives and Action Steps

Update alternative energy provisions in zoning ordinance with more public input.

The 2019 community survey provided some evidence of support for alternative energy equipment, particularly as it relates to equipment generating power for on-site needs (i.e., as part of a net metering agreement). However, support seems to decline with the potential for larger equipment and facilities. More public opinion research is needed to explore this issue further as wind and solar are lumped together under the heading of "alternative energy." It is not clear if an alternative energy facility similar to what is being constructed in Acme Township would be acceptable anywhere in Peninsula Township. Setting that question aside, it is clear that the existing WECS provisions require attention and updating so that they better align with the recent solar amendments.

Mixed-Use Commercial Area/Transfer of Development Rights (TDR)

In the 1990s, considerable effort went into studying a village center concept in Peninsula Township. One past effort considered the Mapleton area as a potential location for a town/village concept. More recently, the 2011 Peninsula Township Master Plan recommended reconsidering this conceptual development idea. Conversations at that time occurred along with the notion of a new PDR program.

At the present time, a commercial area concept has no identified details, potential sites, or specific parcels. Generally, the concept consists of a small mixed-use area with small-format buildings providing consumer service establishments as well as limited retail, housing, and offices. A range of potential uses

could include establishments such as bakeries, small restaurants, specialty markets, art studios, barber/beauty shops, etc. Offices and/or housing in upper floors could also be part of the land-use mix. The appeal of the concept includes the potential to offer greater local housing choices and opportunities to provide limited goods and services while showcasing local culture, art, food, agricultural products, and community identity. Providing some services on Old Mission Peninsula might help reduce the need for residents to travel to Traverse City (and thereby potentially reduce traffic congestion at the base of the peninsula).

An important underpinning of the 1997 "Preservation Village Concept Planning Report" was the idea of transferring development density from the agricultural preservation area to a new village development area. A program called Transfer of Development Rights (which exists elsewhere across the country) was proposed in which landowners could sell the right to develop houses on properties they own in a "Transfer Sending Area" to someone wishing to develop land in a "Transfer Receiving Area." In this way, the transfer of development rights would help maintain rural areas by redirecting development toward a specific area, in this case, a mixed-use village development. Housing units could continue to be scattered across the landscape on five-acre lots or could be concentrated in a more mixed-use setting with a greater variety of housing formats supported by a limited number of commercial/retail facilities. An overarching goal was for the outcome to remain "density neutral," meaning the amount of potential development activity would remain unchanged with or without a TDR program/village center concept.

If, after more community dialogue and study, a TDR program/village center concept receives more attention, the focus should also include investigating a form-based code as a means to control and design the development of a village center so that future building mass, lot placement, and other site design elements correctly relate to the site.



Initiatives and Action Steps

Continue to study and investigate the concept of TDR and a commercial center.

The 2019 survey asked one question about the village center concept without mentioning the connection to "density neutral aspects" of a TDR program. Only a minority of residents favored this concept, but it is complex, and a more complete explanation may be necessary. Developing a TDR program/commercial center should only be pursued if and when there is evidence such a concept aligns with community goals. More research, community dialogue, and study are needed to fully define, assess, and consider the TDR and commercial center concept. This work should include identifying best practices and success stories from elsewhere.

Agri-Tourism and Agricultural Viability

Peninsula Township has made major strides toward preserving agricultural land. Working in partnership with the Grand Traverse Regional Land Conservancy (GTRLC) since the early 1990s, the township has now permanently preserved about 34 percent of the township's agricultural areas. Existing easements with restrictions on future development guarantee that this land will be used solely for agricultural purposes. As important as these strides are, most people agree that since residential development pressures remain high, more effort is needed to continue protecting agricultural land to preserve the township's rural character.

Preserving agricultural land inevitably invites discussions about the continued viability of agricultural operations. Between fluctuating commodity prices, weather-related issues, operational costs, and the like,

the profitability of farming often comes into question, driving the conversation toward finding the delicate balance between allowing additional activities that make the land more profitable and maintaining rural character. Possible additional activities might include those that add value to agricultural products grown on site. Of course, if the property is subject to a purchase of development rights (PDR) easement, all options are subject to the restrictions contained in the easement.

Existing township zoning sets boundaries concerning the extent to which agricultural land can be used for activities that begin to approach the realm of commercial activity. For the most part, these restrictions have been in place for many years. For example, roadside stands selling fresh or processed farm produce are allowed. On the other side of the spectrum, larger uses such as food processing plants, winery-chateaus, and greenhouses are potentially permitted only by special use permit.

Wineries

The development of wineries has become an area of concern in recent years. Existing zoning regulations were put in place years ago to carefully allow owners of large tracts of agricultural land to develop wineries that offer tastings and some level of guest activities. An important objective was the desire to support production agriculture by linking products sold in wine-related operations to producing grapes grown on the peninsula. Peninsula Township became designated as a viticultural area known as Old Mission Peninsula (a viticultural area is associated with an appellation of origin on wine labels and in advertisements). Over time, the number of wineries expanded substantially, and many now seek to develop business models with a greater variety of events and activities to draw customers. Interest in establishing new wineries also continues.



In late 2019, work began on updating the winery regulations to clarify and simplify the requirements. Ultimately, winery owners filed a lawsuit against the township, and the matter is being litigated over constitutional issues at the time this master plan is being updated. In the meantime, concerns remain regarding traffic, noise, and other off-site impacts. If existing wineries continue to expand activities (and new wineries come into play), traffic naturally increases. Winery patrons are principally tourists who must travel through the “chokepoint” at the base of the peninsula (see page 23).

Going forward, continued consideration should be given to updating the regulatory approach to wineries. All wineries are zoned agricultural and fall into one of two categories, either farm processing facilities or winery-chateaus. Wineries in the farm processing facility category must consist of at least 40 acres. They are allowed “as of right” in the agricultural zoning district with restrictions on building size, allowed activities, sales, and limitations on sources of produce. Winery-chateaus are also allowed in the agricultural district but as a special use that requires a special use permit (SUP). This is because winery-chateaus allow more intensive uses that can include guest rooms, guest activities, and single-family residences. In addition, winery-chateaus must consist of at least 50 acres, with at least 75 percent of the site used for producing crops that can be used for wine production. Essentially, the farm processing winery is oriented more toward agricultural production while the winery-chateau potentially includes more non-production or “commercial” activities.

Updating winery regulations in the future should occur in the context of distinguishing between agricultural production and non-production or “commercial” activities that may accompany a farming operation. There is broad consensus that normal agricultural production activities should be allowed in the agricultural district with few restrictions. This is generally

the case with existing farm processing regulations. Here, non-production activities are quite limited given requirements concerning size (several clarifications to existing regulations are needed). On the other hand, when winery-chateaus wish to include non-production or “commercial” activities, additional restrictions and limitations and review processes are needed to address concerns over traffic, safety, and noise along with concerns over loss of rural character and surrounding neighborhood stability. When property is zoned agricultural, the principal use of the property should be production agriculture.

Given this framework, future updates to winery regulations also allow for the opportunity to shift toward more of a site capacity and neighborhood context focus when addressing the commercial

History of Winery-Related Zoning Amendments

Winery regulations have been amended multiple times in past decades. Specifically:

- Amendment 95, Section 6.7.2 (8), April 14, 1992, removed the ability to sell alcohol at roadside stands.
- Amendment 100, Parts A, B, and C, August 10, 1993, added winery-chateau use.
- 1994 PDR vote approved 1.25 mills.
- Amendment 120, May 12, 1998, added remote wine tasting.
- 2002 PDR vote approved 2.0 mills.
- Amendment 139, July 9, 2002, added farm processing facilities.
- Amendment 146, Dec. 10, 2002, allowed residences in farm processing buildings.
- Amendment 141, August 10, 2004, added guest activity uses for non-registered guests.
- Amendment 181, August 11, 2009, added sales of wine by the glass.
- Amendment 197, Jan. 8, 2019, increases farm processing facility building sizes.



Other Agri-Business

dimensions. This might mean less emphasis on defining allowed and prohibited activities and events by types and categories and more emphasis on limiting capacity in terms of measurable thresholds such as maximum numbers of customers allowed (indoor and outdoor) based on attributes such as the size of the site itself (larger sites = more capacity), surrounding neighborhood features, and other physical and natural landscape considerations. Capacity issues also relate to water/wastewater (most areas are on wells and septic systems), road capacity and characteristics, proximity of neighboring homes, potential noise, etc. In terms of road capacity, it makes sense that any new wineries should be located on M-37 to help reduce traffic on local roads.

Capacity is also important from the larger perspective of the township as a whole. As such, overall context is needed in terms of considering an increasing number of wineries compared with the capacity of the area to support more traffic flow through the "choke point" at M-37 in Traverse City (discussed on page 23). As noted, winery customers are typically tourists who enter and exit the area via M-37. While tourist buses reduce the number of private vehicles, traffic demands increase incrementally with each new winery.

Continued careful study of these options is needed to achieve reasonable flexibility while maintaining rural character.

Apart from wineries, other agricultural operations add value to agricultural produce and sell products on site. However, it is generally felt that the zoning ordinance does not provide adequate flexibility for a more complete range of potential agri-business uses. The township has many farm stands, but farm stands are limited to 150 square feet in size. Farm processing facilities (including wineries as discussed above) are allowed in the agricultural zoning district as a permitted use (use by right), but 40 acres are needed. Food processing plants are allowed in A-1 but only as a special use. Greenhouses and nurseries are also special uses in A-1. In essence, there are limited opportunities for owners of agricultural land to grow or raise products, add value to these products, and sell them on the same site.

Carefully relaxing certain requirements is considered to be a logical step toward enhancing and supporting local agri-business. The associated challenge is to do so in a manner that does not diminish rural character by allowing an excessive amount of commercial activity in more rural areas, in viewsheds, and in other sensitive locations. As with wineries, it makes sense that larger agri-businesses should be located on M-37 to help reduce traffic on local roads.

As discussed above, there is a need to seek a balance between agricultural production and non-production or "commercial" activities. Like wineries,





limited non-production or “commercial” activities should be allowed “as of right,” while higher levels of non-production, value-added, or “commercial” activities that are associated with traffic generation should be subject to a special layer of development standards and operational thresholds applicable in the SUP approval process.

Initiatives and Action Steps

Pursue development of updated zoning to address winery issues and add more flexibility to other agri-businesses.

As described above, steps are needed to update the winery regulations and add flexibility for other forms of agri-businesses. In terms of refinements to winery regulations (apart from the need to wait for a resolution to the lawsuit), the planning commission has developed a working document and framework that can be revisited and further refined. Similarly, updates are needed to provide greater flexibility to allow for the strategic blending of agricultural production and non-production agri-business to occur under the proper circumstances. This process will likely include updating special use and use-by-right requirements within the existing zoning ordinance structure. Finally, consideration can be given to allowing shared remote sales and/or remote processing facilities. New buildings of modest size could be built (or existing underutilized buildings could be repurposed) on M-37 to increase opportunities for shared processing and sales of local agricultural products. This concept aligns with the desire to keep commercial activity off local roads and on M-37, which has the capacity to support higher traffic volumes in the safest manner possible.

It should also be noted that the context within which this discussion of agricultural uses takes place includes

the fact that residents of Peninsula Township have essentially paid for PDR easements in the agricultural preservation areas and have a vested interest in such land-use issues as they relate to maintaining a rural atmosphere with lower levels of traffic and noise.

Lodging and Short-Term Rentals

Under current ordinances, lodging options include bed and breakfasts (B&Bs), guest rooms in winery chateaus, and hotels (hotels are only allowed under a special use permit [SUP] within the 26 acres of land zoned C-1 in Peninsula Township). Apart from guest rooms at winery chateaus and a few rooms at B&Bs, there are few lodging options in Peninsula Township.

The 2019 survey results suggest a majority of residents do not support short-term rentals (STRs) in Peninsula Township. Additionally, Peninsula Township officially opposes STRs (see Resolution 2021-05-11, passed on May 11, 2021). However, a proposed bill in the Michigan legislature seeks to limit local governments' ability to regulate STRs by changing the Michigan Zoning Enabling Act. A similar bill introduced in past legislative sessions received considerable attention. It is interesting to note that the impacts of STRs are not felt evenly across the state. According to a recent Record-Eagle article (May 9, 2021), the Grand Traverse region is home to only three percent of the state's population but has 25 percent of the short-term rental units in all of Michigan. Nationally, a similar trend towards more short-term rentals exists. In highly desirable vacation/tourist areas, it is not uncommon for single family homes to be purchased by out-of-town investors who buy properties for the sole purpose of using them exclusively as STRs. This drives up housing prices and erodes the notion that people know their neighbors and are part of a familiar neighborhood.

Public opinion supports the current position/policy of the prohibition on STRs. Regarding other forms of local



lodging, there is support for investigating options to improve policies with respect to B&Bs, guest rooms at winery chateaus, and hotels and to perhaps create a new category of “country inns.” The exact definition of a “country inn” needs to be developed further and should be distinguished from existing B&Bs or winery-chateaus with guest rooms. Conceptually, a country inn is a building with unique character, food offerings, and guest rooms on a large rural tract of land. There is also the potential to connect lodging with an offering of a deeper agricultural experience and appreciation that includes opportunities to learn about agricultural practices, methods, challenges, and food processing.

The subject of hotels should also be addressed. Presently, a hotel is permitted on the limited amount of C-1 zoned land as a special use. A five-acre parcel size is also required. This minimum parcel size should be reviewed, as it might have unintended consequences such as nudging developers toward larger facilities than would likely be desired. Given a five-acre site and the existing maximum lot coverage of 35 percent, a building footprint could be more than 75,000 square feet. A building this size would likely be way out of scale with the surrounding rural area. For this reason, a revision is needed.

Initiatives and Action Steps

Develop updated regulations for B&Bs and/or create a new category of lodging called “country inns.”

A review of allowed numbers of guest rooms given the size of a site and allowed guest activities is particularly relevant. Often, a related issue is the topic of allowed events such as weddings and other gatherings for small groups, which should be clearly addressed and limited. As mentioned previously, residents of Peninsula Township have paid for PDR

easements and have a right to express a strong preference regarding land-use issues as they relate to maintaining a rural atmosphere with lower levels of traffic and noise.

Special Use Permits

The Michigan Zoning Enabling Act (MZEA) of 2006 establishes parameters under which a local zoning ordinance can be created and administered. A component of these parameters is the authority to define special land uses and activities that may be approved subject to special standards and requirements. The Peninsula Township Zoning Ordinance relies heavily on special land-use approvals to address sensitive issues such as wineries and related commercial activities. Since the zoning ordinance was first adopted 50 years ago, nearly 140 special use permits (SUPs) have been approved. Public hearings are conducted and notices are sent to adjoining property owners before an official statement of findings and conclusions is produced; this document specifies the basis for the decision and any conditions imposed.

One area of concern is the need for minor amendments to previously approved SUPs. Typically, SUP approval requires at least four months in order to allow two public hearings and approval by both the planning commission and township board. This process can be onerous, especially when a change or modification is small and inconsequential. The MZEA seems to allow for such procedural flexibility.

(continued on page 69)



Special Use Permits in Peninsula Township

Zoning ordinances typically divide communities into different zoning districts that include the distinct land uses allowed in each one and the development standards that must be met. Uses listed in each zoning district include those permitted "as-of-right" or by right and those that are "special uses," which are also known as SUPs. ("SUP" literally stands for "special use permit.") Uses permitted "as-of-right" or by right can be approved administratively when the applicant demonstrates that the proposed project meets all zoning requirements (minimum lot sizes, setbacks, height restrictions, lot coverage, etc.). Generally, these uses include construction projects such as single-family homes, home additions, garages, decks, sheds, sea walls, etc. SUPs, on the other hand, are more intense and potentially more impactful and include uses such as winery-chateaus and churches. Potential impacts from these uses in terms of traffic and noise justify an additional review process, requirements, and examination. The town board can approve projects with specific conditions and safeguards put in place to address potential impacts.

The process to approve an SUP (or a planned unit development, or PUD) takes several months. The first requirement is for the landowner to file an application with the township's planning commission. The planning commission then considers the application at one or more scheduled meetings, a key part of which is a legally advertised public hearing. The advertisement for the public hearing is placed in the *Record-Eagle*, and people within 300 feet of the project are required by law to receive a written notice in the mail. Ideally, before the public hearing, interested residents take the time to learn what is being proposed. Township staff welcome questions about proposed projects, and residents can also seek answers from the comfort of their own homes by asking questions at www.participateoldmission.com.

The planning commission considers the testimony provided at the public hearing and works with staff and outside assistance from engineering and legal resources to produce a document that describes how the proposed project does or does not meet the requirements of the zoning ordinance; this document also defines any specific approval conditions that are necessary to address concerns. After the planning commission reaches consensus on an actionable document and votes to approve it, the matter moves to the township board. Similarly, the township board holds a public hearing and considers the findings of the planning commission before taking final action. The process, while time consuming, is designed to provide ample opportunities for public comment and deliberation by appointed and elected officials. At the conclusion of the process, the township may act to deny, approve, or approve a project with conditions.



Initiatives and Action Steps

Review and update procedures for SUP approvals and amendments.

The zoning ordinance should be amended to provide for an abbreviated process to consider minor amendments to SUPs. The choices could include only staff approval or just planning commission/township board action. Again, the Michigan Zoning Enabling Act of 2006 allows for options to be considered in terms of how SUPs are reviewed and acted on.

General Review of Uses and Development Standards in All Zoning Districts

The list of uses permitted as-of-right and by SUP has been largely unchanged for many years. Land uses exist today that did not exist in 1972 when the ordinance was adopted.

Initiatives and Action Steps

Review and update lists of permitted and special uses and development.

Some particular focus areas include the following:

1. The MZEA generally states that a zoning ordinance shall not have the effect of totally prohibiting the establishment of a land use within a local unit of government in the presence of a demonstrated need for that land use. Given this requirement, a review of permitted and special uses should be conducted. Few (if any) land uses have been added to the zoning ordinance since its adoption nearly 50 years ago.

2. The C-1 zoning district does not include any permitted uses. Uses are only allowed as an SUP, and land-use descriptions are very broad. For example,

the term "retail sales" is used, but that term potentially includes everything from a small market to a big box superstore. Only a small amount of land is zoned C-1 in Peninsula Township, and no areas are appropriate for large-format commercial activity. C-1 should be clearly defined in the context of "neighborhood scale" establishments that include retail sales and consumer services (barber/beauty shops, drycleaner, salons, photo studio, computer repair, etc.). To address concerns over building mass and scale, development standards such as maximum building size should be considered.

Developing a form-based code should also be investigated and considered. According to the Form-Based Code Institute, this regulation is adopted as an alternative to conventional zoning regulation. It provides more predictable build results and a high-quality public realm by using physical form rather than separation of uses as its organizing principle. This tool could prove to be useful in the future to more clearly and specifically define the form, mass, and placement of new buildings in C-1 zoning districts.

3. Existing provisions related to "dark sky" issues should be addressed. Peninsula Township demonstrated leadership many years ago with regulations aimed at curbing light pollution. Existing provisions in Peninsula Township's Zoning Ordinance could be improved, however, by utilizing material found in a model ordinance produced by the International Dark Sky Association and the Illuminating Engineering Society of North America.

4. Parking standards should be reviewed and updated. The cost of building and maintaining parking areas plus environmental issues related to impervious surfaces and the volume and velocity of runoff that washes chemicals into water sources are strong reasons to ensure that minimum parking standards do not require larger parking lots than necessary. Parking standards in the Peninsula Township Zoning Ordinance have been in place for several decades, and better research now exists to consider updated standards for Peninsula Township



such as including bike parking equipment and areas and delineating non-motorized use space in parking lots (see Parking Standards, American Planning Association, *PAS Report 510/511*). Bike parking requirements can be based on the amount of floor area or as a fraction of vehicular parking requirements. Requiring bike parking is another way to promote non-motorized travel in Peninsula Township.

5. Efforts are needed to examine existing zoning requirements in places like Neahtawanta. Areas such as these were platted long before local zoning was enacted and include many non-conforming lots. The Neahtawanta area is zoned R-1B, which requires 100 feet of frontage and 25,000 square feet of lot area in order to comply with the minimum lot size in that zoning district necessary for home construction.

6. Improvements to regulations concerning the number of docks and hoists that are permitted in shared waterfront access are needed, particularly as they relate to new developments located on or near the bays. The updated zoning ordinance clarifies existing requirements for docks and hoists for individual properties, but the larger issue of shared waterfront access and allowable docks and hoists still needs attention.

FUTURE LAND USE

A future land-use map has been prepared that largely reflects existing land-use patterns in Peninsula Township. Future land uses throughout large portions of Peninsula Township are likely to be unchanged

in the future for several reasons. First, township PDR easements restricting development were created to run with the land in perpetuity. Second, much of the land along the shorelines has been built upon, and few vacant sites remain. The table below illustrates land-use categories and their associated acreages.

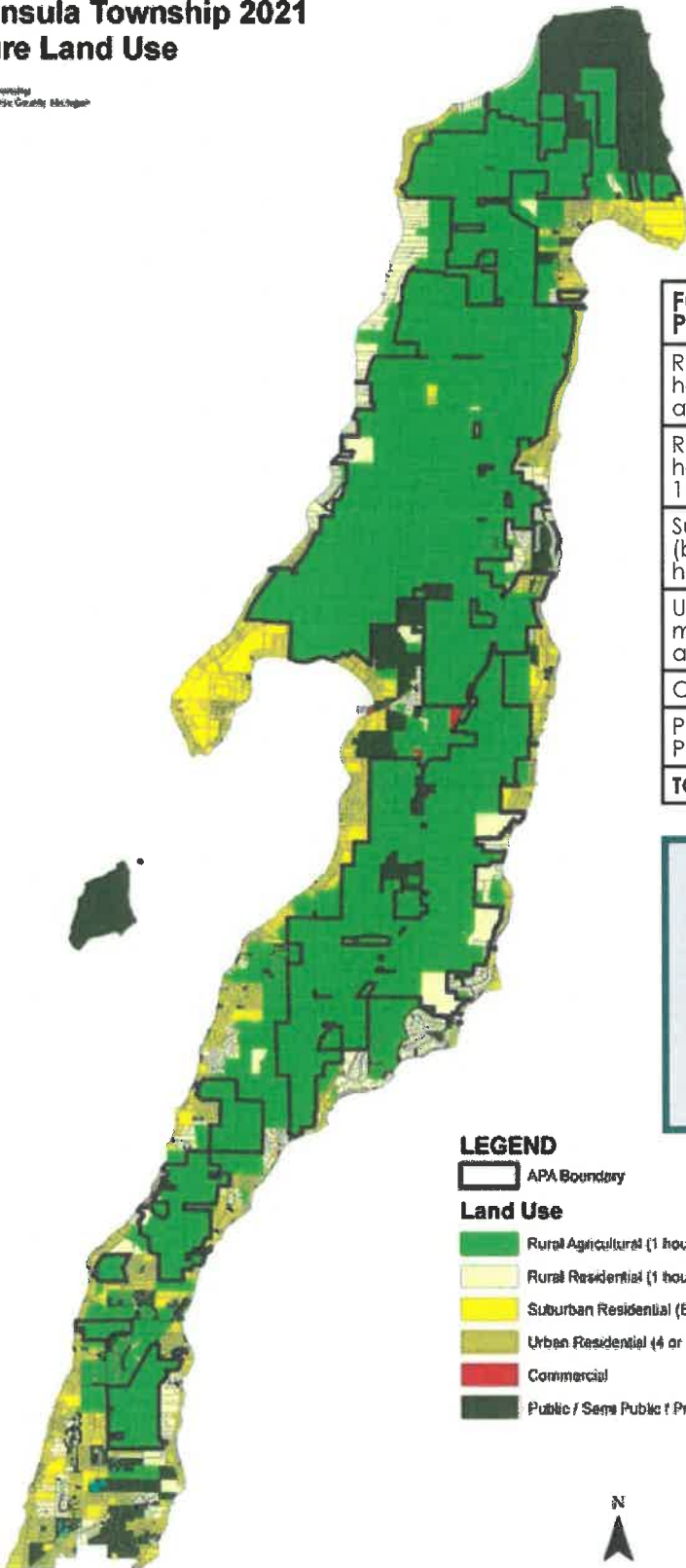
It is important to note that this master plan does not propose potential large-scale rezoning of land in order to achieve the future land-use pattern illustrated in the map on page 70. The differences between the existing land-use map provided earlier and this future land-use map largely reflect some degree of "build out" that will naturally occur within the confines and parameters of existing zoning requirements. It should also be noted that the designated rural agricultural areas are not to be regarded as "undeveloped" properties awaiting development plans. Land designed as rural/agricultural is land that is intentionally designated for agricultural use now and into the future.

This master plan does, however, recognize that some "small scale" rezonings (i.e., involving only a few acres) may prove to be necessary in the future in two specific ways. First, minor adjustments to zoning district boundaries might be needed in instances where odd-shaped parcels are involved and impacted. Second, more than 1,100 acres of property in Peninsula Township are "dual zoned," which means a zoning district boundary divides a given parcel. That said, dual-zoned properties are generally avoided with good planning and zoning practices that reduce ambiguity and confusion over requirements.



Peninsula Township 2021 Future Land Use

Peninsula Township
Grand Traverse County Michigan



| Future Land Use Parameters | Acreage | Percent |
|---|-----------------|---------------|
| Rural Agricultural (1 housing unit for each 5 acres or more) | 11,251.45 | 63.0% |
| Rural Residential (1 housing unit for between 1 and 5 acres) | 1,635.9 | 9.2% |
| Suburban Residential (between 1 and 4 housing units per acre) | 3,034.3 | 17.0% |
| Urban Residential (4 or more housing units per acre) | 15.72 | 0.1% |
| Commercial | 19.96 | 0.1% |
| Public/Semi Public/Private Open Space | 1,910.27 | 10.7% |
| TOTAL | 17,867.6 | 100.0% |

It should be clear that the designated rural agricultural areas are not to be regarded as “undeveloped” properties awaiting development plans. Land designated as rural agricultural is land intentionally planned for primarily agricultural use now and into the future.

LEGEND

□ APA Boundary

Land Use

- Rural Agricultural (1 housing unit for each 5 acres or more)
- Rural Residential (1 housing unit for between 1 and 5 acres)
- Suburban Residential (Between 1 and 4 housing units per acre)
- Urban Residential (4 or more housing units per acre)
- Commercial
- Public / Semi Public / Private Open Space

Base Map Source: MCLL Grand Traverse County GIS
Data Source: Peninsula Township
2021 Parcel Boundaries
May 2021



Chapter 7 – Mobility





According to the Michigan Planning Enabling Act, a master plan addresses land-use and infrastructure issues and shows the planning commission's recommendations for physical development. It also includes all components of a transportation system and interconnectivity between streets, bridges, public transit, bicycle facilities, pedestrian ways, freight facilities, port facilities, railroad facilities, and airports with the aim of providing safe and efficient movement of people and goods for the community now and in the future. Mobility issues fall into several groups in terms of both vehicular and non-motorized travel.

Vehicular Mobility

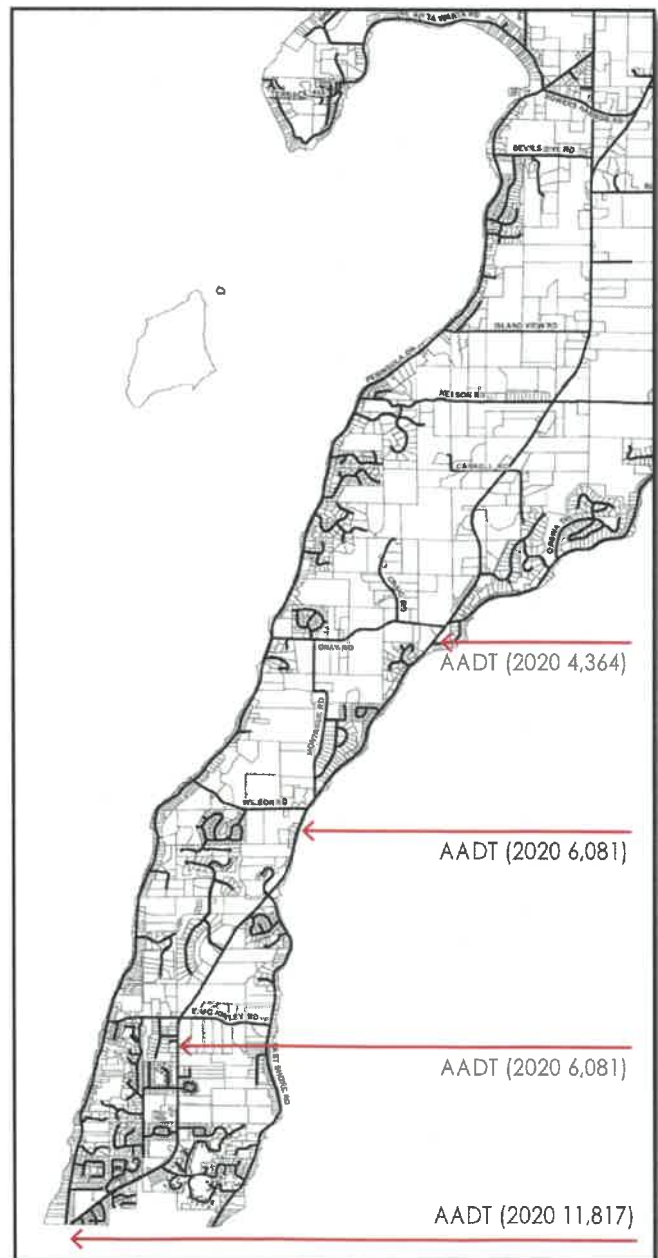
M-37 – CENTER ROAD

M-37 is Peninsula Township's primary throughfare. It provides the most efficient route from north to south and sees by far the heaviest traffic volumes. To the south, just past the intersection with Peninsula Drive, the annual average daily traffic (AADT) is 11,817 (2020) according to MDOT. Toward the north a few miles, south of McKinley Road, AADT drops to 6,081 (2020). Further north (but south of Wilson Road), AADT is the same at 6,081 (2020). Just south of Gray Road, AADT drops to 4,364 (2020).*

Clearly, M-37 acts as a funnel, moving greater and greater numbers of vehicles closer to Traverse City and M-72/Front Street. The largest jump in traffic counts occurs south of McKinley Road as adjacent subdivisions add traffic generation. As described previously, the intersection of M-37 with the road network in Traverse City is a major chokepoint with busy intersections and a finite capacity to move traffic.

One attribute of M-37 is its slopes and curves, particularly toward the southern end of the township. Horizontal and vertical curves add considerable visual interest, revealing spectacular views of both

**It is worth noting that the 2020 counts are substantially lower than 2019 counts, which might be attributed to COVID-19-related travel impacts.*



Source: MDOT www.michigan.gov/mdot/



East and West Grand Traverse bays and breathtaking agricultural landscapes. This same attribute, however, impacts vehicular travel, as it limits opportunities for passing zones and sight distances associated with driveways and intersecting streets.

As noted on page 28, M-37 was designated as a Pure Michigan Byway in 2008. A corresponding Old Mission Peninsula Scenic Heritage Route Management Plan was developed to provide an understanding of the designated route, what makes it special, and why it should be preserved. This plan includes:

- A map and photographic inventory displaying the location of intrinsic qualities;
- Maps displaying land use along the corridor;
- Maps of road use and crash data;
- Inventory of the natural, historical, cultural, and recreational resources;
- A list of potential threats or challenges affecting the character of the corridor;
- Goals and objectives that offer insight into the issues with recommendations for attaining the goals; and
- Recommendations and strategies for making future management decisions with a prioritized project list.

The current master plan calls for maintaining M-37 as a free-flowing major road unrestricted by stop signs or signals. This objective relates not only to the convenience of residents and visitors but also reflects the belief that the agricultural nature of the area depends on supporting the movement of agricultural trucks and equipment on and off the peninsula.

STRATEGY

Peninsula Township has identified the need for a corridor study of M-37 for several years. Most recently, this issue stalled during discussions about whether or not the Grand Traverse County Road Commission would take over control of this road. Now that MDOT has declared that it will retain control of M-37, some of the answers/results sought from such a study include the following (some issues overlap with recommendations in the Old Mission Peninsula Scenic Heritage Route Management Plan):

1. What can be done to improve safety at the scenic turnout near Chateau Grand Traverse? Increasing numbers of vehicles park there, taking in the views and watching sunsets, particularly during peak tourist seasons.
2. What should be done to improve intersecting roads with M-37 that are not 90-degree intersections, a circumstance that inhibits safe sight distances and creates safety issues? Some examples include Seven Hills, Smokey Hollow, and Bluff roads.
3. What opportunities exist to construct turn lanes, passing lanes, or similar improvements to help support traffic flow that can be encompassed in future planning and development review activities?
4. How can we address issues related to the parking needs associated with the DNR boat launch near the East Shore Road intersection? Seasonal demand for boat launch access regularly results in spillover on-street parking on M-37, leading to safety issues as turning movements (often involving vehicles towing boats) are restricted





and congested roadway conditions inhibit sight distances.

5. How can we clearly identify where sight distances are optimum for future driveways and new private roads?
6. Can we consider the need for an overlay zoning district along M-37? An overlay zoning district can define uniform setbacks from the right-of-way. A-1 is a common zoning district along M-37, and it requires only a 35-foot front setback. An overlay zoning district could require a larger setback along the corridor regardless of the requirements of the various underlying zoning districts. Other augmented development standards might also make sense.

Additional Study of Local Roads

The general discussion about mobility in Peninsula Township has highlighted the need for a township-wide traffic study. This study could occur with, or apart from, the M-37 corridor plan mentioned above. There are unique issues with the shoreline roads and the east/west connectors that relate to both vehicular and non-motorized mobility. This work should be aimed at determining how best to handle vehicular traffic while identifying which right-of-ways could support non-motorized traffic with designated travel areas. Identified right-of-way widths throughout the township would make it possible to determine which roads might support non-motorized transportation outside the motorized lane (i.e., separate walks and/or cycle tracks).

Another aspect of this study should consider the desirability of one-way vehicular traffic on roads such as East Shore. A single one-way travel lane would allow space for non-motorized travel within the existing paved surface, eliminating the need to widen the road and take down trees along the shoreline to accommodate non-motorized travel. Such an evaluation should also take into account any potential impacts on emergency vehicle response times.

STRATEGY

As part of the corridor planning related to M-37, additional attention should be placed on local roads as described above. If local roads are studied as part of a M-37 corridor plan, overall costs will likely be reduced. For this reason, local roads should be included in any M-37 corridor plan.

Initiatives and Action Steps

Pursue development of a corridor plan and a study of local roads focused on the identified strategy elements.

Non-Motorized Mobility

In the 2019 community survey, residents spoke convincingly about the need to plan for more non-motorized transportation opportunities in Peninsula Township. In fact, the 2019 survey results suggest that nearly eight in 10 respondents support the concept of more planning for bike and pedestrian travel. Related to this level of support is the fact that the larger Traverse City region continues to offer an expanding non-motorized transportation system in response to an increasing interest in biking, walking, fitness, and generally healthy living. Simultaneously, we see complaints surfacing from visitors to the peninsula who experience dangerous circumstances they attribute to a lack of accommodation for non-motorized travel. Recently, an experience was so significant that a visitor took the time to write a letter stating he'd been run off the road several times while biking; he made it clear he will not return to the peninsula unless improvements are made to protect cyclists.

Non-motorized travel is not just about casual recreational cyclists or walkers. The base of the township serves as training grounds for local sports



Bicyclists on Blue Water Road heading toward Center Road

teams (football, basketball, hockey, and of course track and cross country). The Bayshore Marathon has been identified as one of the nation's most scenic races and is considered an ideal qualifying race for the Boston Marathon. Other races are similarly popular, and the local road system draws visitors from all over the nation, especially the Midwest. People visit with the intention of enjoying the roads and scenery but find conditions that raise important safety issues.

These long-standing circumstances present an opportunity to update the master plan and provide a compelling and exciting opportunity to begin a significant dialogue about the future of non-motorized mobility. Recent conversations during the planning process about non-motorized travel include a wide range of projects from minor pavement markings to dedicated trails extending throughout the peninsula with connections to parks and community facilities such as the library and school.

These early conversations have been supported with input from local organizations such as TART, Cherry Capital Cycling Club, and Norte. In April 2021,

Peninsula Township specifically reached out to these three organizations for assistance and input. All three attended a master plan steering committee meeting in early May, 2021. Conversations were fruitful but led to the acknowledgement that there are significant questions to be addressed if we are to move forward. These include the subjects of:

- Creating an overall vision for non-motorized travel on the Old Mission Peninsula;
- Identifying additional information to support informed conversations about viable options and alternatives, some of which is engineering related;
- Determining if non-motorized trails are permitted on agricultural land included in an existing PDR easement;
- Identifying issues that are related and ancillary to non-motorized travel (these include existing speed limits, existing passing zones, general roadway safety, and related matters);
- Identifying potential construction and non-construction projects that support the vision of non-motorized travel (non-construction projects might include printed materials, information campaigns, signage, websites, organizational partnerships, etc., and potential projects include those related to the Safe Routes to School program);
- Prioritizing projects and possible timetables and comparing short-term/low-cost projects with longer-term/high-cost projects; and
- Funding (federal, state, local, and private).

STRATEGY

The complexity of the above issues suggests it is not possible to instantly develop a complete plan and aggressive timetable for constructing projects that immediately result in better bike and pedestrian mobility for Peninsula Township. Rather, what lies ahead is the need for a working group of planning commission members, master plan committee members, and park committee members to collaborate with TART, Cherry Capital Cycling Club, and Norte with the goal of responding to the seven issues identified above. Ultimately, this work



should include more community engagement so that the vision, projects, and implementation steps enjoy as much support as possible as well as the insights residents have about how to make Peninsula Township more healthy, livable, and sustainable.

Once complete, a non-motorized transportation plan should appear as an amendment to the master plan for two primary reasons:

- If private development is proposed adjacent to a planned non-motorized improvement, potential connections should be considered; and
- If funding is sought for a major project, the fact that the project is part of the master plan helps to identify its validity and importance.

As starting points for further study and planning for non-motorized travel in Peninsula Township, the following ideas should be explored:

- Paving roadway shoulders in the high-use Bowers Harbor area that connect the boat launch, Bowers Harbor Park, the Mapleton Area, and the Seven Hills and Devils Dive areas;
- Adding segments of paved shoulders in areas where there are steep hills and/or poor sight distances or low visibility;
- Utilizing one-way roads where low vehicular speeds and low traffic volumes exist, a change that would potentially allow for one vehicular travel lane and one lane for non-motorized travel;
- Implementing better bike/pedestrian crossings at Gray Road and Center, Seven Hills and Center, and Smokey Hollow and Center;
- Collaborating with Old Mission Peninsula School and Norte as well as Eastern Elementary School and Traverse City Central High School at the base of the peninsula to explore options for Safe Routes to School projects and associated funding (Norte administers Safe Routes to School programs in the Traverse City area as well as in Northport and Elk Rapids); and
- Developing a specific recommendation for 1) updating the township zoning ordinance to require bicycle parking improvements (racks and/or bike parking areas) in much the same way that off-street automobile parking spaces are required now for non-residential developments and 2) requiring pavement markings to designate pedestrian/bike

areas in new parking lots.

Initiatives and Action Steps

Forming a working group to begin developing a non-motorized transportation plan to represent an amendment to this master plan. This plan includes exploring options for Safe Routes to School funding and zoning amendments to require bike parking improvements related to new construction.

Chapter 8 – Places, Facilities, Governance



← OLD MISSION



Places, Facilities, and Governance

Apart from land use and mobility, various places, public facilities, and aspects of governance in Peninsula Township collectively help support the attachment people feel to this special place. Historic landmarks and old farm buildings that dot the landscape remind people of what came before. Architectural themes related to coastal homes, beach houses, and farmsteads are common. Finally, public facilities such as the school, library, town hall, and fire stations help anchor residents to a sense of community. In addition, our local form of government has much to do with how people relate to their community and the sense of empowerment they feel about shaping the future.

HISTORY AND CULTURE

There are four primary historical sites on the Old Mission Peninsula. These include the replica Log Church and Peter Dougherty House in Old Mission and the Hessler Log Cabin and Mission Point Lighthouse at the tip of the peninsula. In addition, two historic businesses still exist, the Old Mission Inn and the General Store. Moreover, three historic private resort associations remain, Illini, Leffingwell, and Neahtawanta. Much of the story of nineteenth- and twentieth-century America arcs through and across these places.

To present the peninsula's diverse history at easily accessible sites that best consolidate private and public funds, on-going strategic planning should be aimed toward centralizing the history of Old Mission Peninsula at the Dougherty House and Mission Point Lighthouse sites.

Dougherty House

The Dougherty property is the appropriate place with the necessary acreage to eventually house the lengthy story of the Old Mission Peninsula. This story ought to include the lives of the Native Americans and the story of agriculture, starting with the Anishinabek, including the many changes brought by Dougherty and subsequent settlers, and acknowledging Old Mission Peninsula's vital importance today as a unique, world-class fruit-growing zone. This story should also highlight the conservation movement on the peninsula via a facility on the Dougherty grounds that shares the innovative PDR and land conservation efforts undertaken by local leaders. Finally, it ought to include the dynamic nature of Lake Michigan, including changes in water levels, changes in the ecosystem (including the effect of invasive species), and ongoing efforts to protect the lake from manmade crises.

Mission Point Lighthouse

The lighthouse restoration is complete and tells the local story of light service, lifesaving, and maritime history. Regular cultural events, a popular keeper program, successful fundraisers, and a planned Michigan lighthouse program should continue. A tour of the lighthouse grounds presents the opportunity to showcase our unique maritime history.

Strategies

Although there has been historically strong grassroots support and funding for separate local historic pursuits, the idea of merging the Peter Dougherty Society and the Old Mission Peninsula Historical Society has been suggested as a means to improve strategic planning, branding, and the pursuit of project funding. This idea has not been accepted or pursued, and there is no consensus about whether this step would be wholly beneficial. The organizations



themselves are best equipped to evaluate how to enhance the presentation of local history at our historical sites. The township encourages them to explore this idea and also to develop a mechanism by which Native American history continues to be recognized and elevated.

Initiatives and Action Steps

- Centralize the history of the Old Mission Peninsula at the Dougherty House/replica Log Church and Mission Point Lighthouse.
- Create a single website to act as a portal to all things historical and cultural on Old Mission Peninsula.
- Create and maintain seasonal displays at Peninsula Community Library to encourage an interest in the preservation movement among younger residents.
- Identify and implement sustainable ways to maintain, operate, and improve the township's most valuable historic sites and parks.
- Continue to draw increasing attention to Native American history.
- Review the zoning ordinance and consider new ways to support historic preservation.
- Study best practices in terms of how to accommodate visitor parking and increased traffic without increasing paved surfaces at the lighthouse.

PUBLIC FACILITIES

Public facilities support the needs of residents and visitors in various ways and generally include the public library, town hall/office building, and fire stations. The public library is new and will serve community needs for many years to come. However, looking forward into the coming decades, decisions are likely to be needed with respect to the town hall/office building and fire stations. Specifically, the town hall/office building may need to be expanded to accommodate new government functions and to reach higher levels of accessibility for those with mobility impairments. In terms of the fire stations, three facilities now serve the township. The recent addition

of the third station in the spring of 2021 dramatically improved emergency response times for residents at the northern end of the peninsula. However, the two fire stations located to the south are older facilities that will soon need to be upgraded. Additionally, apart from the town hall (which has ADA compliance issues), the township lacks a public space that can be used for training purposes and larger events/meetings.

Strategy

Upgrades/changes to the two southernmost fire stations will be needed in the future. Similarly, it is not unrealistic to expect that more township office space will be needed. Both issues would be tremendously impacted by any future steps taken toward pursuing another form of government to better meet the needs of residents. Although it will always be possible to contract out services, local space and facility needs would likely still increase.

Along with providing procedural and content-related requirements for master plans, the Michigan Planning Enabling Act (MEPA) defines requirements for capital improvement plans (CIPs). Capital improvements typically refer to major expenditures on things such as land, buildings, public infrastructure, and equipment. CIPs provide a description of proposed capital improvement projects that are prioritized and scheduled with a cost estimate and identified funding source. CIPs consist of a working document that looks forward six years and is updated annually to reflect changing priorities and funding opportunities. The CIP should also reference water and sewer infrastructure needs (as described previously in Chapter 2) and potential capital projects at the parks as described below.

Peninsula Township (like many townships) does not now have a CIP. However, steps in this direction should be taken. The MPEA indicates that the planning commission is responsible for creating



a CIP, but such an undertaking requires close coordination with the township board and staff. The process to develop a CIP generally includes project identification, ranking/prioritization, public input, plan development, and adoption. Note: CIPs do not include maintenance items.

Initiatives and Action Steps

- Launch an effort to formally develop and adopt a CIP for Peninsula Township.

PARKS

Peninsula Township has a well-established park system that has developed and expanded over many years. In Michigan, park and recreation planning is typically done within the context of the five-year Community Park, Recreation, Open Space, and Greenway plans required by the Michigan Department of Natural Resources (MDNR). MDNR offers grant programs that represent major funding sources for both parkland acquisition and parkland development. Projects proposed by a local government must be consistent with the planning and priorities established in these plans. Peninsula Township's park and recreation plan was adopted in 2018 and is now undergoing an update to refresh and realign goals and priorities with proposed projects.

Also in 2018, Peninsula Township residents voted to change the organizational responsibilities for park management from an independently elected parks commission to a township board-appointed committee. This committee has seven members and works closely with the township board; members of the committee are also assigned to specific parks.

Recently, Peninsula Township entered into a contract with LIAA (Land Information Access Association) to assist with updating the township's five-year park and recreation plan and to develop a list of capital improvements and a sustainable operating

budget. So as not to duplicate efforts, specific park development projects will be defined in this updated park and recreation plan rather than here.

However, as parks are such an important factor in terms of the quality of life, it is important to draw attention to overarching planning considerations and strategies aimed at the four major hubs of park and recreation activity in Peninsula Township.

Specific Park Strategies

- Pelizzari Natural Area (PNA): located in the most heavily populated area of Peninsula Township, PNA offers a place to walk and hike in a natural and peaceful setting. With expected residential growth in the general area, future opportunities that may present themselves to expand Pelizzari should be pursued and encouraged.
- Bowers Harbor Park: Bowers Harbor Park is centrally located, and a new master plan for the recent park addition sets the stage for many improvements to increase functionality for both active and passive recreational activities.
- Haserot Beach and Kelley Park: Haserot Beach is the only public beach on the Old Mission Peninsula, and a new boat launch is being planned at nearby Kelley Park and should be in place in the next few years. This area is appropriately focused on water-related recreational activities that should continue.
- Mission Point Lighthouse Park and environs: Mission Point Lighthouse, Mission Point Lighthouse Park, and the adjoining Mission Point State Park are a major tourist destination. The parks' 145 acres include trails, picnic facilities, and beach access. The lighthouse itself attracts visitors from all 50 states and abroad. When residents were asked how the township should continue to manage the lighthouse, most were in favor of maintaining the current practice of coupling maintenance and tourist promotion.

Initiatives and Action Steps

- Continue steps toward developing an updated park and recreation plan.
- In conjunction with non-motorized transportation planning, identify opportunities to connect the four major park hubs in Peninsula Township – PNA, Bowers Harbor Park, Haserot Beach, and Mission Point Lighthouse Park – to other township facilities



such as Archie Park, also owned by the township, and Pyatt Lake Natural Area, owned by the Grand Traverse Regional Land Conservancy.

GOVERNANCE

As described earlier, Peninsula Township is quite geographically unique among Michigan townships, yet it governs and operates like most other townships in Michigan and nearby states. Township government has been in place for hundreds of years and is rooted in New England traditions of local self-governance. According to the Michigan Townships Association, township governments were actually in place in most Midwestern states before they achieved statehood, which is why they reflect the six-mile-square land divisions established in the original federal land surveys.

Today, the issues that local officials confront on a daily basis could not have been imagined hundreds of years ago. The logical question going forward is whether or not to consider other options for how to deliver services to residents in the most responsive and cost-effective way possible.

Michigan law provides for two types of townships, general law and charter townships. Charter townships have additional powers, streamlined administration, and greater protection against annexation by a city. In the immediate area, charter townships include Garfield, East Bay, and Elmwood; all the rest are general law townships, including Peninsula Township.

Alternatively, Peninsula Township could consider incorporating as a village. There are substantial complexities to the status of municipalities in Michigan, but essentially they include both villages and cities. One important difference relates to the relationship to the existing township. In the case of a village, the township is not replaced, and it retains some governmental functions. Cities, on the other hand, fully replace township government.

The appeal of creating a village relates to the ability to exercise more regulatory authority, an ability to

provide more local services, and the ability to take responsibility for public works and utilities. To be a village, an area must have a population of at least 150 and a density of 100 or more people per square mile. Cities have much higher population thresholds.

The issue of municipal incorporation should be carefully considered after weighing the advantages and disadvantages. Peninsula Township might have the tax base necessary to support the full range of services provided by a Michigan village. Most importantly, incorporation might provide the means needed to effectively respond to current and emerging problems associated with road maintenance, repair of collapsing roads, and speed limits. An incorporated Peninsula Township might also have greater access to grants to fund infrastructure projects.

Alternatively, an alternative to municipal incorporation is the appointment of a professional township manager. In a few Michigan Townships, (where governance issues are complex and demanding) a township manager is appointed and performs duties in much the same way as a city manager does in a municipality. A township manager would work directly for the Township Board and oversee the day-to-day operations of the Township, with department directors reporting directly to the township manager. Much more investigation is needed to weigh the pros and cons of this option.

Initiatives and Action Steps

Convene a study group to evaluate the advantages and disadvantages to incorporation or hiring a township manager, then recommend action accordingly to the township board. This group should be convened soon after this master plan is adopted and should be given specific action steps and time frames. Primary focus should be on options to consider, precedents from elsewhere in Michigan via similar townships that have undergone organizational change, and a complete list of pros and cons for each alternative. Evaluative weight should be given to the need for increased control over local road design and management.



Chapter 9 – Implementation Summary



IMPLEMENTATION

The following chart is a summary of implementation steps necessary to achieve the vision Peninsula Township has established for itself. Vision elements described in Chapter 5 are aligned with initiatives and action steps described previously in this document. This material is intended to serve as a "quick reference" to summarize necessary steps forward toward implementing community goals.



| TOPIC | VISION AND ORGANIZING PRINCIPLES (FROM CHAPTER 5) | ACTION STEPS | REFERENCE |
|----------|---|--|----------------------------------|
| LAND USE | #1 Recognize and make the most of an “island-like geography.” | PDR renewal. | Page 58 |
| | #2 Continue to implement any and all steps that reduce build-out potential. | Parkland additions (i.e., PNA and potentially others in the future). | Page 81 |
| | #3 Ensure that future development is constructed in ways that thoughtfully balance all land-use needs. | Continue to study and investigate the concept of TDR and a commercial center. | Page 62-63 |
| | | General review of uses and development standards in all zoning districts. | Page 69-70 |
| | | Review and update procedures for SUP approvals and amendments. | Page 67-69 |
| | #4 Constructively and collaboratively work toward the goal of adding commercial value to local agricultural products without creating areas that add noise and traffic congestion. | Pursue development of updated zoning to address wineries and add more flexibility to other agri-businesses. | Page 63-66 |
| | #5 Protect the shoreline and wetlands to the maximum extent possible through both regulation and education centered on vegetation protection and enhancement. Areas like Pyatt Lake and other beach and coastal wetlands are an important buffer against pollution and flooding. | Update shoreline regulations (potentially including an overlay zoning district) and encourage shoreline protection education. | Page 59-61 |
| | #9 Continue to view alternative energy (solar/wind) as having a potential role for Peninsula Township. | Update alternative energy provisions in zoning ordinance with more public input. | Page 61-62 |
| | #10 Balance demand for a local hospitality industry against the need to control growth and manage traffic. | Pursue development of updated regulations for B&Bs and/or create a new category of lodging called “country inns.” | Page 66-67 |
| | #11 Continue developing an outstanding park system throughout Peninsula Township with “hubs” at Mission Point Lighthouse Park, Bowers Harbor Park, and Pelizzari Natural Area (PNA). | Continue steps toward developing an updated park and recreation plan. | Page 82-83 |
| | | <p>Pursue park expansion opportunities at PNA and elsewhere.</p> <p>In conjunction with non-motorized transportation planning, identify opportunities to connect the four major park hubs in Peninsula Township.</p> | <p>Page 81</p> <p>Page 74-76</p> |



| TOPIC | VISION AND ORGANIZING PRINCIPLES (FROM CHAPTER 5) | ACTION STEPS | REFERENCE |
|----------|---|---|-------------------|
| MOBILITY | <p>#7 Make vehicular travel safer and more convenient.</p> | <p>Pursue development of a corridor plan and a study of local roads focused on the identified strategy elements. This planning is aimed at identified issues such as:</p> <ul style="list-style-type: none"> • Improving safety at the scenic turnout near Chateau Grand Traverse; • Improving certain intersection roads; • Identifying potential turn lanes, passing lanes, etc.; • Addressing parking issues near the MDNR boat ramp; • Identifying optimum locations for future driveways; and • Evaluating the potential for an overlay zoning district along M-37 to establish uniform setbacks and other development standards. | <p>Page 74-76</p> |
| | <p>#6 Make pedestrian and bike travel safer and more convenient.</p> | <p>Form a working group to begin developing a non-motorized transportation plan to represent an amendment to this master plan. This plan includes exploring options for Safe Routes to School funding and zoning amendments to require bike parking improvements related to new construction.</p> <p>This non-motorized plan (developed in coordination with neighbors) should ultimately become an amendment to this master plan and include work to evaluate issues such as:</p> <ul style="list-style-type: none"> • Paving roadway shoulders in high-use areas; • Considering one-way roads where feasible; • Improving crossings at specific road intersections with M-37; • Collaborating with Old Mission Peninsula School and NORTE to explore Safe Routes to School projects and potential funding; and • Conducting additional studies of local roads (potentially along with the M-37 corridor plan) to specifically identify right-of-way widths and options for non-motorized travel. | <p>Page 76-78</p> |



| TOPIC | VISION AND ORGANIZING PRINCIPLES (FROM CHAPTER 5) | ACTION STEPS | REFERENCE |
|--------------------------------------|--|---|---------------------------|
| PLACES, CHARACTER, GOVERNANCE | #12 Continue preserving, enhancing, and celebrating local history and culture. | <ul style="list-style-type: none"> ▪ Centralize the history of the Old Mission Peninsula at the Dougherty House/Log Church and the lighthouse. ▪ Create a single website to act as a portal to all things historical and cultural on the Old Mission Peninsula. ▪ Create and maintain seasonal displays at the library to encourage an interest in the preservation movement among younger residents. ▪ Identify and implement sustainable ways to maintain, operate, and improve the township's most valuable historic sites and parks. ▪ Review the zoning ordinance and consider new ways to support historic preservation. | Page 80-81 |
| | #11 Continue developing an outstanding park system throughout Peninsula Township with "hubs" at Mission Point Lighthouse Park, Haserot Beach, Bowers Harbor Park, and Pelizzari Natural Area. | <ul style="list-style-type: none"> ▪ Continue steps toward developing an updated park and recreation plan. ▪ In conjunction with non-motorized transportation planning, identify opportunities to connect the four major park hubs in Peninsula Township – PNA, Bowers Harbor Park, Haserot Beach, and Mission Point Lighthouse Park – with other township facilities such as Archie Park, also owned by the township, and Pyatt Lake Natural Area, owned by the Grand Traverse Regional Land Conservancy. | Page 80-81 |
| | #8 Operate under the best possible form of government, with suitable and essential public facilities. | <ul style="list-style-type: none"> ▪ Launch an effort to formally develop and adopt a capital improvement plan (CIP) for Peninsula Township. ▪ Convene a study group (appointed by the township board) to evaluate the advantages and disadvantages of incorporation as a municipality, or change to a charter township. Alternatively, consider other management options such as hiring a township manager. Give evaluative weight to options that take into account the need for increased control over local road design and management. | Page 82-83 Page 83 |