

PENINSULA TOWNSHIP

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PENINSULA TOWNSHIP PLANNING COMMISSION AGENDA

August 21, 2023

7:00 p.m.

1. **Call to Order**
2. **Pledge**
3. **Roll Call** - Introduction of Nicholas Wikar – Planning and Zoning Administrator
4. **Approve Agenda**
5. **Brief Citizen Comments (For Non-Agenda Items Only)**
6. **Conflict of Interest**
7. **Consent Agenda**
 - a. Approval of Meeting Minutes: Planning Commission Regular Meeting April 17, 2023, and Township Board and Planning Commission Joint Special Meeting April 11, 2023
8. **Business**
 - a. Special Use Permit (SUP) – Peninsula Shores Planned Unit Development (PUD) #123 Amendment #4 – Introduction (Waters Edge Drive and Shoreline Court)
 - b. Special Use Permit (SUP) – Peninsula Shores Planned Unit Development (PUD) #123 Amendment #3 – Condition of Approval #2 for Evergreen Plantings (Waters Edge Drive and Shoreline Court)
9. **Reports and Updates**
 - a. Bowers Harbor Boat Works SUP #14, Amendment #1 – Withdrawn (16961 Center Road, Traverse City, MI 49686)
 - b. Update on Resolution RE: U-Pick and Farm Stand Signage
 - c. Policy Discussion – Building Height and Shoreline Regulations
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

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PENINSULA TOWNSHIP PLANNING COMMISSION MINUTES

April 17, 2023, 7:00 p.m.

1. Call to Order: 7:00 p.m. by Shipman

2. Pledge

3. Roll Call: Present: Shanafelt, Hall, Alexander, Shipman, Couture, Dloski; Absent: Hornberger; Also present: Jenn Cram, director of planning, and Beth Chan, recording secretary

4. Approve Agenda:

Moved by Alexander to approve the agenda as presented, seconded by Shanafelt
approved by consensus

5. Brief Citizen Comments (For Non-Agenda Items Only):

Nancy R. Heller, 3091 Blue Water Road: suggested that the website is not utilized for answers to questions and information as much as it should be. Often there are items discussed that can often be found on the township website.

6. Conflict of Interest: None

7. Consent Agenda:

a. Approval of Meeting Minutes: Planning Commission Special Meeting March 6, 2023
Moved by Couture to approve the consent agenda as presented, seconded by Dloski
approved by consensus

8. Reports and Updates:

a. Training Opportunities and Preferences

Cram: asked the planning commission members if anyone had taken the Citizen Planner Course offered by Michigan State University. Dloski was the only member that had taken the course several years ago. Presented the online option of the MSU Citizen Planner Course for fifteen hours as an option, as well as a learning opportunity presented by the township's legal counsel or by consulting firm Beckett and Raeder.

Discussion of costs and options

Dloski: the MSU course is broad in scope and suggested training by legal counsel may be beneficial.

Discussion of subject matter for the training: zeroing in on Special Use Permits and Zoning Ordinance

Shanafelt: a deeper understanding of the zoning ordinance would be beneficial and focusing on pertinent topics

Hall: favored in-person training and keeping planning commission priorities in mind for the topics of training. For example, what is the expectation of the zoning ordinance for an applicant at a meeting?

Couture: suggested ongoing training.

Cram: training could occur once in each term and new members should be onboarded; will investigate in-person training and topics.

Discussion of the planning commission process and timelines to bring new applications before the planning commission

Hall: would like to see updates covered during planning commission meetings; an example would be the 81, how did the recent litigation turn out? Looking for information and feedback for planning commission decisions.

Discussion

9. Public Comments: None

10. Other Matters or Comments by Planning Commission Members:

Cram: Looking at Bowers Harbor Boatworks for potential discussion in May.

11. Adjournment: 7:45 p.m.

Moved by Dloski to adjourn, seconded by Hall

approved by consensus

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Township Board Regular Meeting and Joint Township

Board and Planning Commission Special Meeting

April 11, 2023, 7:00 p.m.

Township Hall

Minutes – Corrections made

by the clerk 05-23-23

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

2. Pledge

3. Roll Call

Town board: Wunsch, Achorn, Wahl, Sanger, Rudolph, Shanafelt, Chown

Planning Commission: Couture, Shanafelt, Hornberger, Dloski, Alexander, Hall, Shipman

4. Citizen Comments:

Jordan Valdmanis, 16330 Peninsula Drive: in regard to SUP #35, Amendment #2, would like to share an overview on recent activities. Is this the right time?

Wunsch: as the applicant, you will get time under business to present.

T. J. Andrews, Grand Traverse County Commissioner District 7: regarding the resolution to support the Traverse City Transportation Initiative, that issue has come before the county commission a couple of times. We tabled it at our last meeting in part because Peninsula Township was not included in those documents. I'm pleased to see it on your agenda today. Our community is growing substantially. We now qualify for this designation, and it will bring federal dollars into our community. Transportation is a huge issue in all communities across our county and in particular this township. I'm pleased to see you at the table. Thank you.

5. Approve Agenda

Wahl moved to approve the agenda with a second by Sanger.

Approved by consensus

Hornberger moved to approve the agenda with a second by Dloski.

Approved by consensus

6. Conflict of interests: none.

7. Consent Agenda:

1. Invoices (recommend approval)

2. Reports

A. Cash Summary by Fund

B. Peninsula Township Fire Department

C. Ordinance Enforcement Officer

3. Minutes from February 14, 2023, Township Board Regular Meeting

4. Peninsula Township Fire Department request to donate surplus gear

5. Peninsula Township Fire Department request

6. Correspondence

- A. David Shambaugh
- B. Kent E. Gerberding
- C. Betsy Coffia
- D. Ronessa Butler
- E. Dave Murphy
- F. George and Carroll Kobernus

Achorn: there is a typo in the March 30 3:00 p.m. minutes. On the last page, last paragraph, three sentences up. "The owner threatened to 'use' us." It should be "sue."

Wahl moved to approve the consent agenda as presented with a second by Chown.

Passed by consensus

8. Business

1. Joint public hearing with Peninsula Township Planning Commission on Zoning Ordinance Amendment #203, Roadside Stands, with potential for adoption (Cram and Shipman)

Cram: in an effort to align our zoning ordinance with the Right to Farm Act and the Farm Market GAAMPs, we are proposing some amendments to our zoning ordinance under both section 3.2, "Definitions," and section 6.7(8), currently called "Roadside Stands." These amendments were shared with the planning commission at its special meeting on March 6 and with the township board at its regular meeting on March 14. We also shared them with Ryan Coffey Hoag, chair of the Farm Market GAAMPS Selection Committee, for feedback. The proposed amendments in today's packet address all the comments we've heard to date. This evening we welcome public comment on the amendments and a discussion with the planning commission and board. This has been advertised as a public hearing. The planning commission could recommend approval to the board and the board could then take action. I would be happy to answer any questions about the proposed amendments, and I'm very interested in hearing from the public.

Shipman: thank you, Jenn. There was a really good discussion around this item. You covered all the potential issues.

Chown: a redlined version of both the definition and the ordinance are available on the website so that everyone can see the changes. The version in the packet is a clean version. Also, this is probably the last time we will see the words "roadside stands"; it will be "farm stands" going forward, correct?

Cram: yes, that's correct. A recommendation from the planning commission that the board agreed with was to change the name to "farm stands" to better align with the farm market GAAMPS. We also defined a farm stand to be an accessory use to the act of producing farm products. This is consistent with how we handled our amendments to farm processing facilities. We removed the maximum square footage requirement for structures. We clarified what may be sold and what processed products are. We updated the standards for where a farm stand may be located. We included information to help applicants understand what other permitting may be required as part of the use.

Chown: just in time for spring and summer produce. I am proud of this. Thank you.

Cram: existing roadside stands that were permitted by Peninsula Township would be grandfathered in. I would love to talk to farmers and operators to see if their roadside

stand is compliant. Our number one concern is public health, safety, and welfare. I believe everybody agreed that farm stands should be located outside of the right of way, that there should be enough room for cars to pull off the roadway and park to do their shopping. If there are existing roadside stands that are grandfathered in, I'd love to work with people to bring them into better compliance specifically for those safety reasons. I look forward to seeing land use permits come in for new farm stands this summer.

Hall: I have a couple of technical points. In the draft ordinance, section 8, (e) and (f) should be reversed to follow the logic of the GAAMP. In the definition of farm market, the reference to the 50 percent production requirement comes before the section on processed products. Next, 8 (c), is confusing and can be cleaned up. It presently reads, "The farm stand may be located on a parcel controlled by the farm operation that is not engaged in active production." I think, "that is not engaged in active production" is intended to modify the parcel where the farm stand is located, but because of where it appears in the sentence, it's not clear. I recommend it be reworded to read, "The farm stand may be located on a parcel that is not engaged in active production." That's really what we're talking about, provided the parcel is owned or controlled by a farm operation that controls other parcels within the township that is engaged in the active production of farm products. That would eliminate the ambiguity.

Cram: I appreciate that recommendation. What we're trying to allow is if a farmer owns more than one parcel in Peninsula Township and is not farming the parcel where their home is but it has better visibility for people driving by, they can locate their farm stand where they have the greatest visibility. We also want to make sure the farm stand is accessory to the active production of crops. That clarification would help to make sure everybody understands the intent.

Chown: clarifying question: do farm stands that are grandfathered in still need to come in for a land use permit?

Cram: we should talk about that. I don't want to be onerous, coming up on the busy season. If they received a land use permit and are in compliance, then they would not need to come in for a new permit. I welcome a conversation if they want to see how what they have compares to the new rules and if there are any easy fixes to make it safer, but I want everybody to know that if they were permitted, they are grandfathered.

Shanafelt: the operational words are, "In compliance with their permit."

Cram: this amendment is actually more flexible, so they may want to come in.

Rudolph: this is an evolutionary process. The first discussions related to GAAMPS and farm markets and how we can promote more agriculture on the peninsula started with the agricultural committee more than a year ago. This is one of the first things that has come out of that and it's very positive. Thank you for all the hard work.

Cram: I'm looking forward to the next amendments related to supporting agriculture. We will be talking about limited processing kitchens, hopefully as a use by right.

Wunsch: it's great you started with this; it provides flexibility for producers.

Wunsch closed the regularly scheduled meeting and opened the public hearing on Zoning Ordinance Amendment #203, Roadside Stands.

Monnie Peters, 1425 Neahtawanta Road: Randy [Hall], your wordsmithing was really good. Trying to get our farm stands to have better parking and get them off the road right

of way would be good. Some of them are fine; some of them are not.

Wunsch closed the public hearing on Amendment #203.

Dloski moved to recommend approval to the township board of Zoning Ordinance Amendment #203, Farm Stands, with a second by Alexander.

Motion approved by consensus

Wahl moved to table approval until the May 9 regularly scheduled meeting with a second by Sanger.

Motion approved by consensus

Couture moved to adjourn the planning commission meeting with a second by Dloski at 7:24 p.m.

Motion approved by consensus

2. Public hearings on SUP #35, Amendment 2, for the Seven Hills development (Cram)

Cram: the Seven Hills development, LLC, Special Use Permit #35, Amendment #2, was introduced to the planning commission on November 21, 2022. The planning commission held a public hearing on December 19, 2022, and recommended approval at a special meeting on March 6. The minutes from that meeting are included in your packet. The request is to amend the special use permit. The original permit was approved on February 9, 1993. It included four buildings for various professional offices and related storage. On May 11, 2021, the township board approved the first amendment to SUP #35 that reduced the total number of buildings from four to two and allowed very specific uses: a restaurant tavern in the front or eastern building, retail offices and storage in the back or western building, and associated parking drainage facilities, lighting, and landscaping.

The applicants are now requesting a second amendment to that special use permit. They would like to expand the capacity of the restaurant tavern from 32 patrons to 70 and to allow for outdoor uses in a defined area that includes seating, consumption of food and beverages, yard games such as cornhole and horseshoe, fitness classes, and gatherings. The proposed outdoor uses may utilize amplified sound.

The parcel is 2.05 acres and zoned C1. All the proposed uses and existing approved uses are in compliance with the zoning ordinance. In the staff report, I cover all the findings from section 8.1.3, general standards. One of these findings is (a) "that the project be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed."

The planning commission discussed the outdoor uses. All the discussions the planning commission and board have had of late are about mitigating negative impacts. There's very little concern with uses that are conducted indoors, but the outdoor uses are different. Because of the topography of the peninsula, noise travels. There's the potential for sounds and smells and things like that. We have to approach outdoor uses a little more carefully. In order to be in compliance with general standard (a), we felt it was important to discuss the hours of operation for outdoor uses. The applicants requested they be open outdoors till 10:00 p.m. Sunday through Thursday and 11:00 p.m. on Fridays and Saturdays. The planning commission tried to come up with a reasonable solution, knowing that there are residences very close to this establishment. They landed on a recommendation to include a condition of approval to cease outdoor operations by 10:00 p.m. seven days a week and to require the applicant to follow our noise ordinance as amended. That condition of approval carried forward in the findings of fact and conditions

included in your packet.

The applicant has adequate water sewage disposal. Several things were considered in looking at expanding the capacity, which was based on making sure all the uses they propose have adequate parking. They provided a detailed use plan [shown on PowerPoint]. You can see the back building where the existing Tinker Studios is. There would be an office that could be rented and another office that has a bathroom. I believe that office will be used by the LLC. There is designated storage for the restaurant tavern. There will be a one-seat hair salon. The whiskey coffee bar, what our ordinance calls a restaurant tavern, is in the front building. We designated space for the kitchen and separated the market retail space because these uses have different parking requirements. The restaurant tavern is required to have one space per 75 square feet, whereas the general retail art studio use is one per 150. The required parking for the proposed uses as demonstrated is 55 spaces, and the site plan provides for this.

We also considered the capacity of the on-site septic system. We had very intentional conversations with environmental health. They assured us that the onsite septic system is designed for the proposed capacity of 70. They made it very clear that 70 is the capacity both inside and outside. The number of patrons who can visit the establishment both indoors and outdoors at any time, to be in compliance with the environmental health requirements, is 70. They have adequate water, sewage disposal, and access.

With the first amendment, they were required to make some access improvements to Seven Hills Road. Those have been completed per the Grand Traverse County Road Commission. The applicants have proposed a lighting plan that generally meets standards. Some additional detail will be needed to approve the use, but we can see they'll provide appropriate lighting to provide safety for their patrons and will follow the lighting ordinance, section 7.14, to make sure it is dark sky compliant, downcast, and shielded. They've met all the requirements of the zoning ordinance. I was feeling very good about the conversation with the planning commission and moving the application forward to the board for approval. As noted, the special meeting with the planning commission was held March 6. On March 20, we received a letter from the Michigan Liquor Control Commission [MLCC] that the applicants are applying for a small winemaker license. We were loosely aware that they had already requested and have been conditionally approved for a distillery, and the board allowed for a tasting room associated with that distillery. In talking through what this new request means, the question came up, is it compliant with our zoning ordinance? I had some conversations with Andrew, the investigator for their applications. It became very clear that both of those liquor licenses – the small distiller and small winemaker – include manufacturing and/or processing in order to be in compliance with that use. When I compare that to our zoning ordinance, section 6.6, the C1 requirements, nothing discusses manufacturing and processing. I've had initial conversations with legal counsel. There is some concern. I believe we're all comfortable with the approval that has been granted thus far to allow for the restaurant tavern, but regarding the liquor license that they need in order to fulfill the tavern function, there's some inconsistency with the Michigan liquor license requirements and what our zoning ordinance allows.

I did not want to catch the applicants off guard. I let them know there was a concern and

that the board would have some questions about how this all functions. I asked them to be prepared to discuss that this evening. I know Jordan [Valdmanis] is very excited to help shed some light. I believe we have more to learn from the MLCC, our legal counsel, and further discussions with the applicants regarding this matter. I'm comfortable with everything else. I believe it meets the zoning ordinance with regard to capacity and the uses that are proposed, but we do need to address this issue.

The full findings of facts and conditions are included in the packet. We addressed section 8.1.3 (1), the general standards, as well as section 8.1.3 (3), the specific requirements. There are proposed conditions of approval in your packet on pages seven and eight. I did add a condition of approval after the planning commission anticipated some of the MLCC comments that the site plan and landscape plan will need to be updated to formally delineate the outdoor service area. The MLCC will require that as well. We want to make sure that what the MLCC has is consistent with what we have. I also added the [planning commission] recommendation about the hours of operation.

Shanafelt: looking at this, where are the restrooms for the tavern?

Cram: in front of the storage. They're not indicated here because I had to count that in the square footage for parking. There were certain things I could extract such as storage or mechanical, but everything else had to count towards parking. They are shown on another floor plan provided during the planning commission review.

Jordan Valdmanis, 16330 Peninsula Drive: there's been a lot of back and forth between Jenn [Cram] and Isaiah [Wunsch] and Troy and me today. I will try to summarize our thoughts and emails. Since closing on the property on February 16, 2021, we've been working closely with members of the township and all other required government agencies to work through the outdated zoning in Peninsula Township in conjunction with the right to use for the property at 13795 Seven Hills Road. Throughout this time, we have worked with two different township planners, two different township supervisors, and board and attorney changeover throughout the township. There are only a few C1-zoned properties within the township, most without SUPs. We understand and greatly appreciate the extensive detail that Jenn Cram is responsible for, and we feel we have provided all the necessary documents requested.

We received approval for SUP #35, Amendment #1 on May 11, 2021, stating that we can open a restaurant tavern with up to 32 patrons as well as [undertake] other uses outlined in the SUP. At this time, we applied for a small distiller's tasting license for our tavern. We are not manufacturing these spirits on site, only processing them, which means filling bottles from manufactured spirits off site for resale at our bar and for retail. All distilling and manufacturing will take place in an off-site bonded facility outside of Peninsula Township that we have partnered with in Traverse City. We applied for this specific license knowing the current zoning in C1 does not allow for an on-site distillery. This license was talked about and approved by the township board on January 6, 2022. Based on these approvals, we purchased more than 6,000 bottles and labels. Our manufacturing partner has produced hundreds of gallons of spirits for our operation and is ready to bottle. We have hired and relocated staff from around the state to facilitate this operation in the coming months. We have spent more than \$1.5 million on the purchase and construction of this tasting room over the last two years.

As construction progressed, we realized the need for outdoor uses and increased capacity. We applied for SUP #35, Amendment #2 to increase our capacity. That's why we're here tonight. We submitted it in October 2022 with an introduction November 2022 at the planning commission meeting. The January meeting was canceled due to weather and February was canceled because there was not a quorum. Working closely with Jenn Cram to provide all the necessary documents that were requested, we finally were able to receive approval from the planning commission at the March 2022 meeting. We are here tonight to help answer any questions and look for your conditional approval this evening. Two issues have come up in the last 24 hours. The first is hours of operation. We asked for approval to close at 10:00 p.m. on weekdays and 11:00 p.m. on Fridays and Saturdays. We are asking for conditional approval for these hours on a one-year probationary period. If there are any valid complaints, we are happy to decrease these hours to 10:00 p.m. seven days a week as recommended by the planning commission.

Item number two came up today at 2:30, I think. Our small distiller's license was approved by this board with other members and a different supervisor on January 6, 2021. This has not changed and we will abide by the township ordinance and use in our operations. We seek conditional approval for use of our small distiller license and [small] winemaker license as long as no manufacturing is done on site. We abide by all other township ordinances. As we've gone through this process, [working with] Grand Traverse County soil erosion, the outdated ordinance from Peninsula Township, so much wording that doesn't match up with the MLCC, not only in this project but in other landscape projects I'm involved in, we've been able to work through those items. It is a requirement from the MLCC to have a still on site. It is not a requirement from the MLCC to actually distill on site as long as you are moving [the product] from one bonded facility to another bonded facility. That's why we partnered with a bonded facility outside of Peninsula Township to move the product to our bonded facility. I am happy to answer any questions.

Cram: could you talk more about what you would achieve with the small winemaker license?

Valdmanis: it's very similar to the distillery license. We purchase the product from another bonded facility. We can label it and serve that as tastings at our tavern; I think that's what we have to call it within Peninsula Township. It's all produced off site. We label it on site at our property. We already have all the labels. Then we serve it for tasting.

Chown: labeling onsite in of itself is processing, correct?

Valdmanis: correct. The labeling and bottling is processing.

Ahorn: where on the site is this done?

Cram: [shows use area map on PowerPoint]

Valdmanis: because the MLCC does inspect the area, we have a specific area that needs to be bonded, locked, and secured. It has to be in this building [tavern front building]. The storage in the [back building] would be empty bottles, tables, chairs, any accessories.

Cram: so bonded storage is in the front building.

Rudolph: I guess I'm confused, and rightfully so it sounds like. This is the only kind of license you can apply for to do what you want to do, but you have to apply for a processor's license?

Valdmanis: correct. Mammoth Distillery in town, Grand Traverse Distilling, and TC Whisky

all have the same license and same exact processing at their locations in Traverse City. They all make the product off site, ship to their site, and bottle there. It is an archaic rule from the MLCC. At worst we've landed in the middle of this. There is no other license outside of a class C license but that is not what we are trying to go for. We're trying to make our own custom blends.

Rudolph: and I think all the class C licenses are taken out here anyway.

Valdmanis: yes.

Sanger: how are you going to handle beer?

Valdmanis: we won't have any beer. As part of the [front space] market and retail, another family from Old Mission will be renting that space from us. They will be doing coffee, breakfast Fridays, Saturdays, and Sundays. We already have the espresso machine; you're going to love it. They'll be doing breakfast, lunch, quick serve sandwiches. They've already hired the chef who has moved up from Grand Rapids to Traverse City.

Chown: the concern is that our commercial zone does not allow manufacturing or processing. That is the conundrum.

Cram: correct. We want to be very careful because we can't just allow uses that are not within our zoning ordinance. We also need to be careful because we established certain criteria around processing with our recent amendments to the farm processing ordinance in Amendment #201. I would like to discuss this further with our legal counsel with some input from MLCC. I trust what Jordan has said but want to make sure that what would be allowed within our zoning ordinance would be consistent with MLCC licensing.

Wahl: we are hesitant because we can put restrictions on everything, but the liquor license is clearly going to control. We have seen that happen. If you sell [your business] or someone changes their mind, we can't control it at all.

Valdmanis: I asked Andrew [from MLCC] if he would come talk at a township meeting, but MLCC employees won't do that. He did say that we have to abide by the township rules. They inspect us to be sure we are doing all the things for the liquor license, that we're not serving minors, that we're staying within the outdoor area and operating within the hours of operation. Everything else is essentially controlled by the township.

Wahl: that's where we have a little concern. We have this same issue with other entities. We thought we had set rules and they're being destroyed.

Valdmanis: I understand and respect that. From our end, the zoning is different. It's commercial zoning versus winery zoning. I don't feel we should be punished for the lawsuit.

Wahl: I'm not saying I don't trust what you are doing; I'm saying why there's a lot of concern.

Cram: the challenge we have is that you plan to utilize your liquor license in a very specific way, but that liquor license allows you to do other things that are not consistent with our zoning ordinance. We hope that you are going to be very successful and be in business for many years, but if you sell the property and that license goes with it and then they decide to do something different that isn't consistent with our zoning ordinance, that could be a problem. That's why I was concerned when I put all the pieces together.

Rudolph: it's something to check. I know that the class C license goes with the property, but I'm not sure if one of these licenses goes with the entity.

Valdmanis: I think a big topic here is that the township has already signed off and approved our small distillery license. We don't know what you don't know. If we had known we needed to explain in more detail, we would have done that. Again, it was a different planner and a different supervisor. We're probably a quarter of a million dollars into just following the liquor license that has been approved by Peninsula Township.

Cram: the small winemaker license has not been approved. It is pending.

Valdmanis: correct. We have not invested in any of those items. But for us to be able to open in the next two months, knowing that we might not meet the 70 capacity, we might not get the outdoor use for whatever reason. As a business owner, we had to plan for this. I think it is on the township more than on us, not knowing exactly what that was. That was the only license we could apply for and obtain to do what we wanted to do.

Shanafelt: I take offense to that. It's not on us, not understanding what you need. It's on you to make sure we understand it so we can make it work within the zoning and other restrictions we have.

Valdmanis: I was not trying to offend anyone here. Like I said in our summary letters, we applied for that license specifically knowing the zoning of Peninsula Township and that it has to be manufactured offsite. I apologize if you feel that way, because I'm not trying –

Shanafelt: just because you said it's on us. And I have a problem fundamentally with that.

Valdmanis: I apologize. I did not mean for it to come off that way.

Rudolph: I think we are all trying to find a way to make this work for you guys but also to protect the rest of the residents from circumstances that might occur.

Sanger: from my perspective, I'm aware of a distillery up at Chateau Chantal. I recall when Bob Begin obtained a license for that early in 2000. It's a separate building because they were living in the chateau; that's a federal requirement. But that distillery is self-contained. Bob supplied the product, the distilling, and bottling. As a board member, when I heard the word distillery, that is what I had in mind. I had no idea this was a game being played – I'm going to use that word loosely – by tying up with someone who is doing most of the work off site. You told us tonight that you are going to have a still that isn't working. I thought I heard you say you were going to have a still on the property but just for show. Now I hear that you're going to be bringing in bottles and labeling bottles. Before I can support this, I want a full explanation. If MLCC can't come explain it, we need the board to understand it to support it in good conscience.

Valdmanis: absolutely. I understand that. Again, the reason we have done this is that we need to manufacture off site because [manufacturing onsite] does not meet township requirements. We also need to manufacture off site because our septic and our infrastructure cannot handle doing all that on site. That was the reason we applied for this permit.

Sanger: the point you are missing is that if you look up the definition of manufacture, it includes all the elements you're talking about, including putting the cap on the bottle. I'm concerned that I'm not hearing enough information tonight to come to the conclusion that it's really correct.

Shanafelt: it feels definitional. From a logical perspective, bottling and labeling as you're proposing is just bottling and labeling, but it's defined as a manufacturing process. And we can't do that in the commercial zone...currently. We would have to create an exception...

Cram: or update the zoning ordinance.

Shanafelt: sure, I can potentially see a way around it, but at the moment I don't because it's a direct conflict between what you want to do and what is actually permitted.

Valdmanis: and for us this just came up this afternoon. We were completely caught off guard.

Chown: we are in the same boat. We were caught off guard too.

Cram: I did email you to let you know this issue had come up, that we'd received the letter, that the board was asking questions. I started to educate myself, had a four-hour conversation with the MLCC, did research online to try to understand what these things are so that I could come to the table with a better understanding and educate the board. It is my job to help you through this process.

Chown: one of the things we're struggling to articulate is that if we approve this and the small winemaker license goes through, or doesn't go through because the distiller license has already been granted...

Cram: the distiller's license has been conditionally approved by the MLCC. The board approved the tasting room associated with the small distiller's license. It's my understanding that they won't actually receive the license until the MLCC investigator does the final inspection to make sure they have the equipment supporting the use.

Chown: if I'm understanding this correctly, the township has an opportunity to either support the application for the small winemaker license or ask the MLCC to deny it.

Cram: that is correct.

Sanger: because it doesn't meet the ordinance.

Chown: what I'm wondering is – I don't know, Jenn, if you are able to talk about this tonight – if we go ahead with this, are there unintended consequences down the road in our C1 district that we are not aware of right now and what might those be? I don't know if our attorney can speak to that.

Wunsch: we have our attorney here. The questions I have are, do you have any insights into how to manage this problem? Do you have a recommendation on how the board should proceed if we feel that all the other boxes have been checked for this project but there's an issue with the liquor licenses that have been applied for?

Patterson: my knowledge of the issue is also limited to a few hours. My concern is similar to Jenn's with respect to the fact that there actually are two other licenses that would seem most in line with the actual special land use that's defined. As it was noted, those are quota licenses and we understand that there are none available. So this currently is your other two license types that the applicant is using to accomplish the same end result. Our concern, especially in light of the federal court ruling related to other license permits that have been issued to the township, is the potential preemption issue we have with respect to approving a special land use that doesn't allow for manufacturing or processing. Even though it's under the applicant's representation that they will end the scope of their intensity only within what our zoning ordinance says, the extent to which we can control that...I don't really have a good answer for all the unintended consequences, but I think this potentially could have some unintended consequences with respect to undermining what currently are those identified uses we're putting in our commercial district. This commercially zoned parcel is directly adjacent to other land uses. I think there are some

unintended consequences and that the board should be cautious. It should provide some additional time to work with the applicant, the township planner, and the liquor control commission as well to ferret out exactly whether these are the two best license types and if there is some other legal arrangement that can be reached that will allow or ensure that there is no preemption issue down the road related to the limits of processing and manufacturing at the site.

As far as the zoning use itself, what's being proposed in the plans is fine. I think the issue is this letter indicating that for the applicant to actually serve the alcohol that they can serve [introduces] something greater than what's in our zoning ordinance. I agree that we should be careful in approving a use that appears to not definitionally satisfy what is in our zoning ordinance. As is often true with a zoning issue, once we put our heads together, we could probably come back with some other possible solution or direction. Alternatively, you could look at some type of conditional approval. My concern there is that you're literally approving an SUP for purposes of this type of bar/restaurant establishment. Any conditional approval we would give is still going to hold up the ability to actually engage in the operation of sales until we sort this out.

Wahl: how soon can we get back in front of the board on this issue?

Cram: our next regularly scheduled meeting is May 9. We could entertain a special meeting. I am out of town the first week of May. I'm coming back for that board meeting.

Chown: realistically, how quickly can we get together with the MLCC?

Cram: I'm not sure. Chris mentioned there's someone in his office who is kind of the expert with MLCC. Perhaps he has a connection or could assist with that. I can certainly follow up with Andrew and licensing to see if there's someone available. I will work as quickly as I can because I know their building is coming together and they need to open.

Shanafelt: since there's a bunch of unknowns but some we can find out over the next day or so, why don't we consider looking into how quickly we can actually do this? Maybe by the end of the week we'll have an idea? We need to be flexible if we need to have a special meeting to discuss this again.

Wahl: if we adjourn, we don't need to republish, right?

Cram: the purpose of today's meeting is to entertain public comment. We could close the public comment and continue discussion to another date, either the next regularly scheduled town board meeting or a special meeting. This is a crux issue, but the [applicant] also asked about hours of operation, and I would like to hear if the board is comfortable with the other aspects of the request, to increase capacity and the outdoor uses. I'd love to button up the things we feel comfortable with so when we get together again, we can focus on the crux issue.

Achorn: when we come together, I would like everything in writing. "He said, she said, they said" doesn't work for me. All these pros and cons must be in writing so that we can see and study the facts before we make a decision.

Sanger: I'd like to add that I've been studying MLCC rules for several years given my job at the township. I understand there is a manufacturing level of licensing, a retail level of licensing, and commercial licensing. If we look at the Boathouse and Jolly Pumpkin, these have a class C liquor license. That is retail. Where I'm going with this is that the applicant is going to have to divulge, at least to me, the business plan behind what's going on. Because

the person walking in the front door sipping, whether it's a glass of wine or some spirits, doesn't understand the warehousing and manufacturing. That's the hurdle: warehousing, manufacturing, and retail. I'm thoroughly confused, Jordan, because you have put in place a mixture of manufacturing and retail but what the consumer is going to see is full retail. When we talk about the licensing at the manufacturer's level, we get involved with something called a remote tasting room. What I'm hearing is that he really wants to be a remote tasting room for a distillery in downtown Traverse City. And that's all being done with what I see as a very unclear exposé of what's really behind the permit and what's really behind what we would approve, and that bothers me.

Wunsch: I don't have an issue with it. When I looked into these MLCC issues, our frustration as applied to winery and distillery operators in the A1 district was that there was a disconnect between the agricultural production and the commercial side of the businesses. This business is located in the C1 zone, and it seems appropriate that they would be retailing products that are produced off site. The same things that were concerning to us about the small winemaker and small distiller license being applied to wineries that were purporting to be agricultural businesses are actually beneficial to the township in this case. We were frustrated that slapping a label on a bottle constitutes winemaking in the agricultural district. But for this business, we don't want to see heavy industry or manufacturing occurring within the C1 district. Slapping a label on a bottle that's coming in from somewhere else seems like a customary commercial activity.

Wahl: it's actually less intense in terms of use.

Valdmanis: we are doing our own custom blends. We were out collecting maple syrup from Old Mission to blend in.

Wunsch: it's great that you're doing that, but in the C1 district, it doesn't matter.

Valdmanis: it shouldn't matter, but we're doing it to make our business plan work. We've been fully transparent and have nothing to hide. We're happy to answer any questions. I don't have our business plan with us. I feel bad. I did not mean to offend you or the board.

Shanafelt: it's ok. Isaiah's point is kind of the one I made. We're in this definitional quagmire. I'm sure there's a way around it, but I don't know what it looks like. The issue is that we have to be careful how that is structured to prevent unintended consequences. That is the duty of care that we need to take forward. But I think it's solvable.

Wunsch: if we spend two weeks getting legal opinion on this, is it going to cause huge disruptions for you?

Valdmanis: can we still address the outdoor use and capacity?

Wunsch: yes. What I'm hearing from the board is that we need to get the MLCC issues addressed. Otherwise, the board seems fairly comfortable. We need to open it up for public comment. If you'd like to address any of the comments that come in, Jordan, we can do that. We can have a final board discussion about whether we're okay with approval on everything except the MLCC hang up. If we can hash out any issues that come up, the plan would be to table, get legal opinion to address the very narrow MLCC issue, and then move forward with approval contingent on that, probably at a special meeting within the next couple weeks. Does that sound reasonable to everybody?

Wahl: the MLCC is the only issue I have.

Wunsch: does that seem like a reasonable action to the applicants?

Valdmanis: I think it does. Complete transparency is we have the one license that's been approved that's outlined. We're not ready to open, we need to get our final on construction, all of that before the MLCC even comes in. We're six weeks from completion. But that one approved license that's pending is hanging out there uncomfortably for everybody right now. I think we're going to have this all figured out before we open in six to eight weeks. I'm confident we will work through this.

Cram: are you and Troy around to meet with us the next couple weeks?

Valdmanis: yes. I will email you the times I'm not available.

Sanger: as a board we cannot lose sight of our problem, which is trying to come to grips with production and manufacturing. MLCC can't help us with that. We're going to have to understand what's going on in these two buildings or the one building. We as a board need to come to grips with the question, is there production going on or not?

Wahl: I think Isaiah kind of hit it on the head. Our big issue with the production on the others is that those are agricultural zoned and this is zoned commercial. That's why it's not as big of an issue here. It's not like they're trying to take an agriculture property and say, let's do a distillery and work around it. They already have commercial property.

Sanger: as Jenn has pointed out, it is customary to have an industrial district, and we don't have one. If we are going to infer that our commercial is industrial, we're going to have to do that solidly as a board because it does have consequences.

Rudolph: it has consequences on the other commercial properties.

Shanafelt: again, I would argue it's definitional in scope. There is a way through.

Valdmanis: I would like to offer again that if anybody wants to do a walk around the property with me, we're available.

Rudolph: I don't think that is the problem right now.

Wunsch opened the public hearing on SUP #35, Seven Hills Development.

Mike Flynn, 98 West McKinley: representing CROFT, LLC. CROFT owns five houses close to this proposed development. One of the houses is less than 50 feet away from the property line. The second house is about 200 feet away. Those two houses are zoned C1 so they're part of the commercial district. ICROFT is not opposed to this project whatsoever but does have a side issue to bring up. CROFT has discussed with Jenn what potential uses CROFT has in C1. CROFT feels there is an opportunity to get some of its issues resolved at the same time this special use permit is being issued. It would like to make sure the board is aware of its concerns of its potential uses for its properties in the same general area.

Wunsch closed the public hearing.

Wunsch: besides the lingering ambiguity on the MLCC issue, any other concerns?

Achorn: looking at the prior conditions we had on May 11, 2021, for approval, number 11 says, "Construct a bypass lane as may be required in the north-bound lane per requirements of the Grand Traverse Road Commission. Additionally, no on-street parking."

Cram: those improvements have been completed by the road commission.

Achorn: they put in a bypass lane?

Cram: yes. The planning commission also had concerns with parking. I reached out to the Grand Traverse County Road Commission to see if they would install No Parking signs along Seven Hills Road. They said they would not. It would have to be reported by the sheriff's department that there were issues to get these signs.

Rudolph: state police, I think it was.

Cram: yes. So the applicants have agreed to install at their own cost signage that lets their patrons know that when the parking is full, there is no parking on Seven Hills Road.

Achorn: I drove on Seven Hills the other day and missed it.

Cram: the applicants provided information from the road commission that the work has been completed.

Sanger: regarding noise, Amendment #1 contains as a conditional approval "No amplified music that exceeds a volume level greater than normal conversation at the edge of the area designated for patrons." I want to be sure the findings of fact that have come to us tonight would be accompanied with an action on this. It states, "Noise must comply with the noise ordinance," but the noise ordinance doesn't discuss any level of volume at the property line. The noise ordinance talks about someone's peace being disturbed. Do both of these requirements play or are we going to take one or the other? We have hanging in Amendment #1, "No amplified music exceeds volume greater than normal conversation at the edge of the area for patrons." Now we have in this finding of fact that it just must comply with the noise ordinance.

Cram: I'm happy to carry that additional information forward with the next draft. It's an easy fix. The planning commission was concerned that the noise ordinance left something to be desired. That's why it currently says, "Noise ordinance as amended." I've added that to my to-do list as an ordinance that needs to be updated specifically to look at decibels at the property line so that it can be better enforced. We had hoped to include that condition and update the noise ordinance, but this gives us a level of comfort moving forward until we have time to do that.

Sanger: the other item is, the applicant has supplied some cut sheets for lighting fixtures. A couple of those cut sheets mentioned "Night sky compliant." Twenty years ago, we worked with a [professor] from NMC about what we call the "Dark Sky Ordinance." He pointed out that this word is loosely used. Our ordinance talks about full shielding and light pollution on adjacent properties. That is different than what people sometimes regard as "night sky," which is the light going right up to the stars. I want to clarify, Jordan, so we don't end up with a misunderstanding. The documentation supplied is okay directionally, but we will have to look carefully at the height. We don't see light bulbs in these cut sheets. If the light bulbs are not shielded, then it's a violation of the ordinance.

Cram: have you purchased the lighting yet?

Valdmanis: no. We needed to wait on approval. Lights are \$10,000 to \$12,000 each. In our original approval, Amendment #1, we were not required to have that. We opened up the box going for Amendment #2. We hired an electrical engineer to help provide those plans.

Cram: I did include a standard condition of approval that the lighting plan needs to meet our lighting ordinance, section 7.11. I think it would be helpful if we make sure before you purchase those lights that they are compliant with our ordinance.

Valdmanis: I could refer back to the engineer. I don't know if you've ever tried to read a lighting plan –

Sanger: that's not important; the photometric sketch is of no value because it only shows the intensity on your property. What we need to look at –

Cram: it is valuable, Dave [Sanger].

Sanger: only if you're going to read in the parking lot. What we need to see for compliance to the ordinance is what light is being cast on adjacent properties.

Cram: that is where our zoning ordinance does require that they superimpose their lighting plan and photometric plan. It's hard to read, but it shows the foot candles at the property line. At the property line, I know I want to see a zero or no more than a tenth. They have provided that. We just need to make sure the actual fixtures are shielded.

Valdmanis: it's the bulb now more than anything. For the noise level, we used a decimal level to check different sections of the property. For code enforcement, this is all so new...

Sanger: it's not going to hold up in court anyway. At the Boathouse, the outdoor seating on the deck, no amplification is allowed. We as a township walk before we run in terms of the interface between our commercial and residential. We have to be careful.

Rudolph: regarding hours of operation outdoors. I sat in on the planning commission meeting where they discussed this. Their recommendation was 10:00 p.m. seven days a week. I am inclined to go along with it.

Shanafelt: we had lots of discussion on this. A lot of it was around how to measure noise. It's hard; we have to figure out the noise ordinance. The other thing that was brought up is 10:00 p.m. It seems like a best practice. Other municipalities use 10:00 p.m. as a cut off. I do appreciate the concept of a probationary period. I would propose that instead of starting at 11 o'clock and turning it back, we start at 10 o'clock, and if it's clean for a year, then we consider provisionally moving it to 11:00 p.m. on Fridays and Saturdays and see if we get complaints. I would want to make sure that it's operationally competent before considering changing from 10 o'clock.

Valdmanis: then would we have to come back through this process?

Shanafelt: I am not sure. I would guess it would take an amendment to your SUP.

Cram: I've been looking at how our zoning ordinance should cover minor amendments. I don't want you to be frightened that you'd have to come back through this entire process. I think it could be very focused and within a year we could have something that wouldn't be as onerous as the current process.

Wunsch: you'll [already] have approval. If you look at our current process, my assumption is that you'd have to go through the planning commission and board but you wouldn't be building anything; you'd just be proposing a change in use.

Cram: or even just the board. The planning commission already made its recommendation. We could draft a condition of approval that addresses this probationary period and within a year we could come back before the board to discuss this specific item.

Valdmanis: with the seasonality, we know it's going to be six months on, six months lighter. Would you be open to a nine-month probationary period so we would have a better chance to plan for next year?

Sanger: we're going down a slippery slope. We have 11 wineries right behind you in terms of hours of operation. I can't commit tonight, that's my thought.

Shanafelt: although it is commercial.

Sanger: that doesn't make any difference in terms of contention with the neighbors.

Shanafelt: why I would want to start at 10:00 is that it's a lot easier to give less up front and then give more if all goes well than to give more and then take it back. Maybe we can see how it goes for the summer and check back in September.

Wunsch: I think we're probably as far as we're going to get on this tonight. What is the pleasure of the board?

Cram: we can table to a date in the near future.

Chown moved to table SUP #35, Amendment 2, the Seven Hills Development, to the May 9 regular meeting, or, if sufficient information is provided, to call a special meeting with a second by Shanafelt.

Roll call vote: yes – Achorn, Wahl, Sanger, Rudolph, Shanafelt, Chown, Wunsch **Passed**
unan

Valdmanis: do we still address the outdoor uses and occupancy tonight?

Wunsch: we have to make everything as one decision. We've now had public comment and board comment.

Valdmanis: as the board sits right now, though, you don't see any issues with the outdoor uses of capacity?

Shanafelt: the planning commission spent a lot of time; we all got comfortable with 70. The parking works. As it's defined here, I think it's all reasonable. Sounds like there is some more work with lighting and the MLCC.

Valdmanis: so you don't need anymore information from us for the outdoor usage or capacity? I think we've provided all the information we have for the lighting.

Sanger: you have not given us sufficient information to make a decision. That information has to be the height of the fixtures and the bulb locations and how you are going to shield the bulbs. You've stated in the gazebo you have those hang-down old antique lights. It's not clear how you are going to shield those.

Cram: we can sit down and look over what else we need.

3. Public hearing on Traverse City Triathlon (tabled from March 14, 2023) (Cram)

Cram: Catherine Kathryn is here with Race Day Events. This application was in your packet at the March 14 meeting. The applicant requested that the item be tabled. They did get their public notice notecards out to the public; a copy was included in your packet. They have a complete packet. I included all the liability insurance they have because this is a multifaceted event. They had to list additional insured not only for us but also for the other partners in this race. I've received great feedback from Traverse City on the work they've been doing with this group.

Catherine Kathryn: I don't have anything to add right now but am happy to answer any questions.

Sanger: on your bike route, you'll be crossing Center Road and McKinley. Are you going to have law enforcement present?

Catherine Kathryn: yes. We have three officers stationed at that road and each major intersection.

Sanger: McKinley and Center?

Catherine Kathryn: yes.

Chown: how far north on the peninsula do the runners come?

Catherine Kathryn: I'm not sure where the township begins, but our home base is East Bay Park. The Olympic distance does a 10k, which is six miles. I think the majority of the run is below the Peninsula Township line. The majority of what is in the township is the bike ride.

Chown: the maps were a little hard to read.

Cram: I know; I apologize.

~~Kathryn~~ **Kathryn:** I can send a document with all the links.

Chown: would you, please? I would like to get that on the website.

~~Catherine~~ **Kathryn:** I can include the PD map too. It shows where all our volunteers and water stations are located.

Achorn: will our fire department be involved?

~~Catherine~~ **Kathryn:** yes. I believe last year they were aware of the event and out and about but not stationed in any particular area.

Achorn: you'll be paying them for their time?

~~Catherine~~ **Kathryn:** Police, we do. EMS, I don't think we do because they're not stationed at any specific spot. I could look into it.

Achorn: Fred?

Fire Chief Fred Gilstorff: they paid in the past.

Achorn: I want to make sure the overtime is covered.

Cram: I am available to assist with meetings and coordination. I'm open to improving the process in the future. It's very nice to meet you in person.

Gilstorff: did all the city permits get approved?

~~Catherine~~ **Kathryn:** it is a major work in progress with the rest of the Traverse City area. Regretfully, I am not the person who has been applying for the permits, I came in to my role the last week of February and am getting up to speed. I know those permits are being worked on. We did get unofficial approval this week.

Shanafelt: do we as a township receive any funds from the triathlon itself?

~~Catherine~~ **Kathryn:** besides a permit fee, I'm not sure.

Sanger: should be a dollar per event participant.

Cram: per the ordinance.

Wunsch opened the public hearing on the Traverse City Triathlon.

No public comment.

Wunsch closed the public hearing on the Traverse City Triathlon.

Wahl moved to approve the Traverse City Triathlon with a second by Rudolph.

Roll call vote: yes – Wahl, Sanger, Rudolph, Shanafelt, Chown, Wunsch, Achorn **Passed unan**

4. Public hearing and adoption of Peninsula Township Parks Ordinance #57 (tabled from March 28, 2023) (Cram)

Cram: I made two minor changes from the public hearing based on feedback from Susie Shipman. There were no other concerns or changes but I do know that Mike Skurski has talked to Becky [Chown] about a change with regard to groups over 50.

Chown: Mike's concern is one I share. Individuals who want to come and have a memorial service, a graduation party, a birthday party or something to that effect are very different types of events than organizations hold. Individuals versus organizations. Our concern is that the draft ordinance says, "Any group of 50 or more people seeking a permit shall submit a certificate of liability insurance naming the township as an additional insured for at least a million dollars." It strikes us as an unnecessary hoop to jump through. I recommend that we change that second sentence in section four, letter A from "Any group of 50 or more" to "Any organization of 50 or more" to differentiate between individuals

and organizations. Legally, I don't know if that's proper wording, but that's the concern. We have an individual who is seeking to hold a memorial service for her husband at Bowers Harbor Park in the pavilion. She's expecting between 50 and 60 people. I am not comfortable asking her to take out an insurance policy and name the township as an additional insured. That strikes me as being a wrong thing to do and unnecessary. I'm hoping we can differentiate between individuals and organizations.

Patterson: [misheard the question and briefly discussed a non-applicable matter].

Sanger: in my experience at the church, we could get a rider from our church's insurance carrier for a special event per day, maybe \$50, and we could pass that cost on to the organization using the church property for a non-church event.

Chown: I would prefer that.

Wunsch: Chris, do you have an opinion on whether we need to be worried about requiring that individuals or organizations obtain insurance naming the township as an additional insured? Is the township exposed to any significant amount of financial liability? I don't see where an organized group using a park would confer any financial liability to the township. We're generally not exposed to a lot of financial liability if someone slips and falls or has an issue at one of the parks. I'm wondering if it's even necessary to require a million-dollar liability policy for groups.

Patterson: [talked about insurance with the triathlon].

Wunsch: we are looking at the parks ordinance.

Patterson: with respect to the group permits versus individual liability insurance for park events, it's my experience that we did require individual permits and certificates of liability during covid. Requiring liability insurance is really going to be your [call]. From a lawyer's perspective, being conservative is most appropriate. I think it is a de minimis cost to get the policy. In my experience, you can go on the internet and get it. The township would be in a better position, but it's not a necessity. There are other parts of the law that would potentially protect most activities that would occur.

Cram: we could look into what the burden is to obtain this insurance.

Wahl: it's not a lot; I've done it before for a family gathering.

Wunsch: I would propose that we keep this language as is for now. It's a low cost, in my experience, from a financial standpoint. It is an obnoxious administrative burden for someone who wants to sign up to use the pavilion.

Chown: it's terribly obnoxious. I personally would be so irritated I would go elsewhere.

Shanafelt: so?

Chown: these are parks for the people.

Achorn: not necessarily. They are parks that the non-residents use also.

Chown: this is a resident, for the record.

Achorn: we're talking about residents and non-residents and groups from outside the township who want to use the park.

Wahl: if someone did get hurt, realistically, if there is no policy, they have no right to come after us, but if there is an insurance policy, maybe they settle and get some money rather than going to suit. It might benefit us in that case. I see little risk, and I think it takes less than half an hour online. If they're not savvy online, it might be harder.

Sanger: what is the genesis of this particular requirement? If it's 50 or more, do we then

charge a fee for the permit? And if it's under 50, then it's a no charge permit? For 50 or more you can reserve a covering?

Shanafelt: if you are 50 or more, you need a permit. The implication I heard is if you need a permit, then the township is granting the right to use it, and there is an implied liability by doing so.

Cram: under B it says, "Any group or person wanting to reserve a park facility shall apply for and obtain a permit." There is that process on our website. Susan Peihl, our office manager, handles that. It also says, in addition, if you have 50 or more people, you also have to have this insurance policy.

Patterson: in sub-section E, the goal of public health and safety is as you assemble a group of 50, the application also relates to reservation, and the reservation assumes there is some implied special event. All of those pieces are trying to come together to say, additional risk is here with this size of organized gathering, and that's why you're triggering and asking for this liability insurance.

Sanger: I would suggest contacting our insurance carrier. That is what we did at the church, and our insurance carrier is the one that told the church, "This is what you should do to protect your interests." I'd like to see us pass this tonight; we can always come back with a simple amendment like we discussed. But I think if our insurance carrier doesn't care, I don't want to collect the money in this case that you're using as an example.

Wunsch: we'll work with our insurance carrier to figure out a way to handle this.

Shanafelt: so that it's easy administratively.

Wunsch: right, if it goes from being a \$50 permit to a \$60 permit because they have to pay \$10 for the insurance, that'd be preferable than requiring each individual user to go out and obtain an insurance policy.

Chown: Dave, what was the language that you used?

Sanger: it was a one-day special events rider.

Rudolph moved to adopt Parks Ordinance #57 as proposed with second by Shanafelt.

Roll call vote: yes – Sanger, Rudolph, Shanafelt, Chown (with reservations), Wunsch, Achorn, Wahl **Passed unan**

5. Resolution 04-11-2023, Support for Traverse Transportation Coordinating Initiative (Wunsch)

Wunsch: Traverse Transportation Coordinating Initiative [TTCI] is a regional transportation planning entity that Peninsula Township has been absent from for the last couple of years. Rob Carson with Networks Northwest reached out and asked if we would like to participate. This is a formal resolution provided by Networks Northwest to indicate our willingness to engage. We've customized it to Peninsula Township as TTCI Resolution 4-11-2023. It's included in your packet. Does anyone have any questions?

Wahl: I'm in support.

Wunsch moved to adopt [TTCI Resolution 4-11-2023] in support of establishing an inter-municipality committee under Michigan Public Act 200 of 1957 for purposes of transportation planning in the Traverse City study area with a second by Wahl.

Roll call vote: yes – Rudolph, Shanafelt, Chown, Wunsch, Achorn, Wahl, Sanger **Passed unan**

6. Agreement for collection of summer property taxes (Achorn)

Achorn: this is routine. It authorizes us to be paid \$2.50 per parcel. They want the agreement for the tax collection for the 2023 and 2024 tax years. It needs a resolution from the board in order for them to pay us.

Achorn moved to sign the agreement for the collection of summer property taxes for the 2023-2024 tax years to be \$2.50 per parcel with a second by Shanafelt.

Roll call vote: yes – Shanafelt, Chown, Wunsch, Achorn, Wahl, Sanger, Rudolph **Passed unan**

7. Assign township board members to the fire department union negotiations team (Wunsch)

Wunsch: at the budget presentation, Chief Gilstorff indicated the need to get going on union contract negotiations. Unless the board chooses not to have me participate in those negotiations, I'm happy to participate. I think Rudy [Rudolph] indicated some interest. Anybody else? We're looking for a third.

Sanger: I thought Armen [Shanafelt], but I have experience with the fire board. I'll defer to Armen.

Shanafelt: right, I can negotiate fine but I have zero experience with union negotiations. That would be a caveat. Also, I can't commit to a 20-hour-a-week thing.

Chief Gilstorff: initially we'll sit down with a lawyer, and we need to determine who that's going to be. I believe our current firm can handle this. It would not be 20 hours a week. We're looking financially at how much we can offer. Speaking with you, Armen, I know you have good financial sense because you've asked very appropriate questions about our budget. [The negotiations are] obviously a driving component of the budget. It will lay the groundwork for a few years as far as enticing people to come in when we need to hire new people and to keep our own people.

Shanafelt: sure, I'll be happy to do it.

Gilstorff: there can be more than three.

Wunsch: but then it's hard to reach a quorum.

Board discussion

Wunsch: we will stick with our general legal counsel and Rudy, Armen, and I will be the negotiating team. Thank you, Chief.

8. Minor change to Ordinance #53, Amendment #1, Addressing Floodplain Management Provisions of the State Construction Code (Cram)

Cram: the township board held a public hearing on March 14 to review Ordinance #53, Amendment #1. This is an ordinance to affirm an enforcing agency to discharge the responsibility of Peninsula Township to designate regulated flood hazard areas under the provisions of the State Construction Code. Becky [Chown] and I carefully followed all FEMA's instructions. They gave us a template to follow, and we gave them a draft of the ordinance before we brought it to the public hearing. When I followed up to give them the signed ordinance and notice of publication, they discovered an error, which is highlighted in red. The document originally had "Grand Traverse County" first and "Peninsula Township" second. Those terms should be reversed. We have a hard deadline to have this in place by April 19 so that our residents can continue to obtain flood insurance. We wanted to note this change for the record. We will officially update the ordinance.

Wahl moved to accept minor changes to Ordinance #53, Amendment #1 and republish in

the Record-Eagle with a second by Chown.

Motion passed by consensus

9. Update on Bluff Road and on Kelly Park boat launch Waterways grant application.
(Wunsch)

Wunsch: the Grand Traverse County Road Commission at last month's board meeting voted to decertify Bluff Road. We kind of knew that that was coming. The one positive thing I was able to negotiate was a letter indicating they're supportive of ongoing efforts to find both funding and a permanent fix for Bluff Road. It's disappointing that the road isn't going to be fixed in the immediate future and that it will likely fall on the township and residents to find money. We will keep working with the state of Michigan and continue looking for federal sources of funding. I get the sense we are not getting a lot of staff support from the road commission. I don't know if it's customary for township supervisors to go to county road commission meetings over and over again, but I've been to my fair share since taking this job, mostly related to this issue. My sense is that the road commission board is supportive of finding a solution but staff is not being terribly proactive about putting in for grants or pursuing the funding avenues that would be necessary to get a fix. I think it's a win for us that we were able to pull a letter of support from the board. I don't anticipate that's going to be backstopped by a lot of actual support on the ground, but it will provide us with a useful tool as we go to state and federal funding sources to show that at least at a high conceptual level, there's alignment between the two organizations.

Regarding Kelley Park, we have submitted a grant application for the Kelley Park boat launch through the DNR Waterways grant application program. Becky [Chown] and I have reviewed a couple of concepts. We are concerned about the potential ongoing costs of dredging at the site. We'll be doing some due diligence on whether it will be feasible for the township to maintain a channel dredged out to the depth the DNR requires. We're going to try to work with the DNR on some kind of compromise solution for a somewhat shallower launch. The full DNR specs for require two feet of dredging going way out. The moderate middle ground would be one foot of dredging, which would likely fill in much more slowly and be less costly to maintain. The annual maintenance costs of the two-foot dredging are probably not feasible for the township. If we can come up with something more moderate, there's probably a win there. If not, I think the township would also be amenable to working with the DNR on pursuing a non-motorized launch if that's the best we can get at this time.

Shanafelt: both, right?

Rudolph: ideally we'd get both. There is an amazing amount of pressure from locals.

Wunsch: to have a boat launch, yes. The concept we are pushing for with this grant application includes both a soft launch and motorized. The question is, if we are successful with this application, will the DNR will have any flexibility to reduce the depth requirements for the motorized lunch? What was the annual cost?

Chown: there were discrepancies; they were potentially significant. The DNR is pretty convinced this would be an annual dredging cost. There are lots of residents in the area who know that bay like the backs of their hands, and they say the bottom is stable and wave action is minimal. The old pirate moorings that were put out decades ago and the very old moorings put out in the 1800s when Reverend Dougherty was here are still visible.

That's a pretty good indication that there isn't a lot of wave and sand action. You get it dredged and it may stay dredged. But there are unknowns, and it's those unknowns that could sink [us], financially.

Sanger: when we talked about this about three years ago, about moving the motorized over to Kelley, we were aware of the shallow depth. The public was quite adamant that this was not a big problem because we don't want these triple axle trailers coming in.

Wahl: the DNR has standards; that's the problem. We want to keep it as more fishing.

Wunsch: we have to try to negotiate.

Sanger: we have to be sure it's not a DNR-certified launch.

Wunsch: the DNR is saying that if we don't do it to DNR specs, they don't want to put DNR money into it. We're trying to make a case that this will have broad public benefit, that it will be more than just a community launch. If we're not successful, we'll need to look at a couple of different scenarios. One would be to modify the Waterways proposal to only include the parking and carry down launch. Two would be to look at whether the township has the budget to conduct annual dredging, which I think we do not. Those costs could consume a significant percentage of our annual parks budget. Third would be to see if there are other funding sources available.

Rudolph: probably the time that it is going to be most critical is when we have low water levels. Average water levels or above, you could do a launch there, no problem. I do know that Nevingers had a fuel dock out there at one time and dredged a channel.

Chown: yes, the Army Corps of Engineers issued a permit in 1970.

Rudolph: the evidence is still there.

Chown: it does give reason to think we might be okay with an initial dredging.

Wunsch: but it's a risky gamble.

Wahl: I know there's a lot of support but it's a small population that is going to be using it for a significant cost if it is yearly.

Wunsch: if we can either get the DNR to loosen up the standards or put together some stable source of funding for maintenance, I would feel a lot more comfortable than putting 40% of the parks budget on the hook.

10. Motion to go into closed session (two-thirds roll call vote required) to discuss trial and/or settlement strategy in connection with the Family Orchards v. Peninsula Township and Mari Vineyards v. Peninsula Township and township board lawsuits with the township's attorney pursuant to MCL 15.268(1)(e) and MCL 15.243(1)(g), as an open meeting would have a detrimental financial effect on the litigating or settlement position of the township.

Wunsch: it is customary to offer citizen comment prior to closed session.

9. Citizen Comments:

Monnie Petters, 1425 Neahtawanta Road: I really like the detail in the minutes. Over the years, we've discussed whether the minutes should be really short and just include the motions and who voted and that sort of thing. I was gone for much of March, and coming back and being able to read the minutes rather than listening to the tapes was nice. I like detailed minutes. So thank you.

T. J. Andrews, Grand Traverse County Commissioner District 7: regarding the Bluff Road issue, I echo your supervisor's comment that it seems there's a disconnect between the staff's approach and the road commission board's position. It came out shortly ahead of

the decertification meeting that the one grant application the road commission has applied for was a \$5.4 million grant to relocate Bluff Road through Mallard Road. The one and only grant that is still being pursued as of mid March by the road commission is one that's dead on arrival. I was met with skepticism that that was in fact the case and accused of spreading inaccuracies, but that's plain language straight in the language application that I received from the road commission to EGLE for a grant. I'm just highlighting this as a cause for concern. I understand there's opportunity for the board to continue to support finding resources for a fix. I hope they do not include relocating the road through Mallard going forward.

Today the county board of commissioners approved the county's equalization report. It's a fascinating document for those who enjoy deep dives into data, parcels, land use growth, the difference in numbers of parcels that are agricultural versus commercial, industrial, and residential across the whole county on a township by township basis. It shows how much unprecedented growth is going on. It's a lagging indicator, a couple of years behind; the process takes a while. Even with inflation, we're still at almost 10% growth. That's substantial, and it has some consequences from a policy perspective. I recommend that document for some perspective on where this township lines up with some of the other townships in the county.

A hot topic at the county board of commissioners has been our engagement with appointed board members, people we appoint to sit on boards in the community. It's been a subject of some give and take but I would like to report that our board came together as a unified board, something we don't often do, regarding our engagement with the Pavilions board appointees. The Pavilions is a county-owned facility. It turns out that there's been not enough transparency around incidents at the Pavilions that were concerning to us. We came together to shed some light on that and adopt some measures that should improve transparency around what used to be a four- or five-star facility and has become a two-star facility. That was both a negative and a positive effect, that the board was unified in our perspective and our requests to the Pavilions appointees. I personally, however, was not appointed to any boards by our chair, so instead I signed up to be on some Michigan Association of County boards. I sit on the Environmental Committee and also the Agriculture and Tourism Committee. Given the importance of agriculture in this township, that's a natural. I am interested to hear what they are talking about and to take your feedback to them. I am a receptive vessel for information if there's anything you would like to see at the state level for policies that support local governments and counties. I'm always happy to talk to anybody at any time. Thank you.

10. Board Comments:

Chown: I wish [Deputy France], our CPO, was still here. He was planning to speak in public comment. He has been receiving many complaints about the dead deer being found all over the peninsula. I'm also receiving a lot of complaints about the dead deer from residents who up until a couple of weeks ago were used to successfully contacting the road commission to come out and remove them. That is no longer happening. I've been doing some digging, and today I was able to get in contact with Lieutenant Joe Molnar with the DNR. He is in charge of all of the conservation officers in 11 counties in northern Michigan, including Grand Traverse County. He let me know there has been a problem

between the DNR and the road commission. I'm awfully glad T J Andrews is here tonight. I would like to ask T J as our county commissioner to work with Nate Alger, our county administrator, to convene a meeting. We need to get the DNR and the road commission and the appropriate township officials throughout Grand Traverse County in the same room because there are inaccuracies, deliberate inaccuracies, I suspect. What I do know is that the DNR has been receiving a lot of reports that deer are being poached thanks to piles of carcasses being found on state land. The DNR investigated this and discovered that those deer were not poached; they were hit by cars. Somebody picked them up and dumped them on state land. Well, there are disease issues. People out hiking are worried about the dead deer everywhere. Mr. Molnar told me he no longer wishes to assign his conservation officers to go investigate claims and problems with poaching on state land. He went to the road commission and said that he was very careful with his language; he didn't want to accuse them. The language was, "If you are picking up roadkilled deer and dumping them on state land, stop. It's illegal. It's causing problems. Don't do this anymore." As I understand it, the road commission interpreted that to mean they have a mandate from the DNR to no longer pick up dead deer in the road right of way and remove them. And, further, that if they do take the dead deer, they must have a permit, and if they if they violate this requirement, it's a \$10,000 fee per deer. I encourage anyone who's interested to watch last night's meeting at East Bay Township when Brad Kluczynski, the road commission manager, discussed this issue at length and convinced the East Bay Township board that the DNR is at fault and has pulled the rug out from under the road commission so that they can no longer remove the deer from the road right of way. According to Lieutenant Molnar, that is absolutely not true. He confirmed that the road commission may take any dead deer that are in the road right of way, but they have to dispose of them properly. They may not dump them on state land. They can dig a pit on county land and bury them, they can work with some sort of a trash collector. It's apparent that what the DNR is saying to the road commission is being misinterpreted. There have been some difficulties in communicating. I would like to get everybody in the same room because here in Peninsula Township, we have a problem with dead deer in our road right of way. I don't think we're going to have satisfaction until we get everybody in the same room. I asked Lieutenant Molnar, who oversees 11 counties, if he is having this issue anywhere else. The answer was no. Only in Grand Traverse County and only with the Grand Traverse County Road Commission.

T J Andrews: I was at a road commission orientation and they specifically told us what you said was told at East Bay last night.

Wunsch: I forgot to mention one thing about the Bluff Road issue that may be relevant to you as well, T J. Our fire chief met with [the road commission] Monday and was informed that the remaining part of Bluff Road is not safe to drive emergency vehicles on. The roadway has degraded to the point that if there were a medical or fire emergency along the closed section, the township fire department would be in a walk-in situation.

Chief Gilstorff: they told me that due to their environmental study, they deemed the road to be unsafe for vehicular traffic. That tells me I'm not putting my 50,000-pound trucks on that road, potentially jeopardizing my people or equipment. My concern is the potential for fire and EMS issues and for people who don't pay attention to the barriers to climb

over the cliff and fall down into sinkholes. There was a gate put at the south end of the blockage of the snow fence lining of the shoulder. I was not told of that. Mallard Road people have a key to this gate. It says "Fire lane; do not block." But the department was never given it; I didn't even know it was there. But when they tell me an environmental study [questions] the stability of that road, I can't jeopardize my people. We'll figure out something else; we'll still protect what we have to protect, but it's going to delay us in providing service. I've stressed this numerous times in letters for you to take to the road commission. I'm not convinced the east shoulder on the north side is going to hold up a lot longer. It's going to continue to be a problem.

Shanafelt moved to go into closed session (two-thirds roll call vote required) to discuss trial and/or settlement strategy in connection with the Family Orchards v. Peninsula Township and Mari Vineyards v. Peninsula Township and township board lawsuits with the township's attorney pursuant to MCL 15.268(1)(e) and MCL 15.243(1)(g), as an open meeting would have a detrimental financial effect on the litigating or settlement position of the township with a second by Sanger.

Roll call vote: yes – Wunsch, Achorn, Wahl, Sanger, Rudolph, Shanafelt, Chown **Passed unan**

Sanger moved to leave closed session pursuant to MCL 15.268(1)(e) and MCL 15.243(1)(g) and resume the open meeting with a second by Shanafelt at 10:30 p.m.

Roll call vote: yes – Wunsch, Sanger, Rudolph, Shanafelt, Chown **Passed unan**

11. Adjournment

Shanafelt moved to adjourn with a second by Sanger. Motion approved by consensus
Adjourned at 10:30 p.m.

Business

**Peninsula Shores PUD
SUP #123 Amendment #4
Introduction**



PENINSULA TOWNSHIP

MEMO

To: Planning Commission
From: Jenn Cram, AICP, Director of Planning and Zoning
Date: August 16, 2023
Re: Peninsula Shores PUD, SUP #123, Amendment #4 - Introduction

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

The applicant is now requesting a fourth amendment to add another lot/unit for a total of 42 units. To maintain the required 65% open space, units 25-29 will be reduced by 4,718 square feet. This reduction in the unit footprint moves development further from the bluff towards Waters Edge Drive. Unit 41 is also reduced to create unit 42.

The applicant has submitted a complete application for review. Copies of the narrative dated July 11, 2023, and August 11, 2023, 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 August 21, 2023. The applicant will also be present to answer questions.

PENINSULA TOWNSHIP APPLICATION FOR SPECIAL USE PERMIT NO. _

Section 8.1

Parcel Code/s 11-609-900-00

Property Address: Waters Edge Drive

Applicant Address: The 81 Development Co., 901 S. Garfield Ave., Ste. 202, TC, MI 49685

Kyle O'Grady [Signature] [Signature]

Review Fee ~~\$500.~~

7/11/2023 Date

APPLICATION REQUIREMENTS Section 8.1.2

1. Each application is submitted through the Township Planner, and shall be accompanied by a fee as established by the Peninsula Township Board.
2. The applicant will assume direct costs for any additional professional review determined necessary by the Planning Commission or the Township Board, subject to prior review and approval of the applicant.
3. No part of any fee is be refundable and no portion of the fee covers the cost of any individual land use permit that may be issued on any of the building sites located in a Planned Unit Development.
4. Requirements for documents and information filled out in full by the applicant:
 - (a) A statement of supporting evidence showing compliance with the requirements of Section 8.1.3.
 - (b) Site plan, plot plan, development plan, drawn to scale (preferable 1"=50'), of total property involved showing the location of all abutting streets, the location of all existing and proposed structures and their uses, and the location and extent of all above ground development.
 - (c) Preliminary plans and specifications of the proposed development.
5. This application, along with all required data shall be submitted to the Zoning Administrator.
 - (a) Upon receipt of a completed application and the required data by the Zoning Administrator, it is transmitted to the Township Planning Commission for review.
 - (b) The Planning Commission may hold a public hearing on the application.
 - (c) Following a study by the Planning Commission it is transmitted to the Township Board for consideration.
 - (d) The Township Board may deny, approve, or approve with conditions, a request for special land use approval.

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

- (a) That the applicant may legally apply for site plan review.
- (b) That all required information has been provided.
- (c) That the proposed development conforms to all regulations of the zoning district in which it is located.
- (d) That the plan meets the requirements of Peninsula Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage and other public facilities and services.
- (e) That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.
- (f) That natural resources will be preserved to a maximum feasible extent, and that areas to be left undisturbed during construction shall be so located on the site plan and at the site per se.
- (g) That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property.
- (h) That the soil conditions are suitable for excavation and site preparation, and that organic, wet or other soils which are not suitable for development will either be undisturbed or modified in an acceptable manner.
- (i) That the proposed development will not cause soil erosion or sedimentation problems.
- (j) That the drainage plan for the proposed development is adequate to handle anticipated stormwater runoff, and will not cause undue runoff onto neighboring property or overloading of water courses in the area.
- (k) That grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring properties.
- (l) That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.
- (m) That phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility service, drainage or erosion control.
- (n) That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities.
- (o) That landscaping, fences or walls may be required by the Town Board and Planning Commission in pursuance of the objectives of this Ordinance.

- (p) That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.
 - (q) That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.
 - (r) That outdoor storage of garbage and refuse is contained, screened from view and located so as not to be a nuisance to the subject property or neighboring properties.
 - (s) That the proposed site is in accord with the spirit and purpose of this Ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.
7. A public hearing on a special land use request is held by the Township Board if:
- a. A public hearing is requested by the Township Board, the applicant for special land use authorization, a property owner, or the occupant of a structure located within three hundred (300) feet of the boundary of the property being considered for a special land use.
 - b. The decision on the special land use request is based on discretionary grounds.

Special Use Permit - Planned Unit Development Checklist

Special Use Permit Number 123.

Parcel Code/s 11-609-900-00

Property Address: Waters Edge Drive

Applicant: The 81 Development Co.,

ARTICLE VIII

Ordinance Reference - Section 8.1.2 Permit Procedures:

8. Submission of Application:

1. \$500 Fee No part of any fee shall be refundable.

Please see the attached submittal for response to these questions - pages 1 and 2

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

- a. ☒ Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
- b. ☒ Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
- c. ☒ Be served adequately by essential facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.
- d. ☒ Not create excessive additional requirements at public cost for public facilities and services.
- e. ☒ Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by fumes, glare or odors.

Please see the attached submittal for response to these questions - pages 2 through 4

Ordinance Reference - Section 8.1.3

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

- a. Yes That the applicant may legally apply for site plan review.
- b. Yes That all required information has been provided.
- c. Yes That the proposed development conforms to all regulations of the zoning district in which it is located.
- d. Yes That the plan meets the requirements of Peninsula Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage and other public facilities and services.
- e. Yes That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.
- i. no change Grand Traverse County Road Commission
- ii. no change Grand Traverse County Drain Commissioner
- iii. no change County DPW standards for sewer and water if public.

- iv. as required Grand Traverse County Health Department for private systems
- v. no change State and Federal Agencies for wetlands, public sewer and water.
- f. Yes 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. Yes That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property.
- h. No change 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. No change That the proposed development will not cause soil erosion or sedimentation problems.
- j. Yes 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. N.A. 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. No change That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities.
- o. No change That landscaping, fences or walls may be required by the Town Board and Planning Commission in pursuance of the objectives of this Ordinance.
- p. No change That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.
- q. No change That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.
- r. No change 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. X the location of all abutting streets,
- b. NA the location of all existing and proposed structures and their uses
- c. X the location and extent of all above ground development, both existing and proposed including proposed Building Envelopes and setbacks. (Also see Section 7.2.6).
- d. Preliminary plans and specifications of the proposed development. *This preliminary plan shall be in a form that can be easily reproduced on transparencies that can be used for public presentation.*

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

5. If the project is to be phased, provide documentation that:
 - a. No change 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. No change Shows a proposed commencement date for each phase of the project.

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. see attached 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. see attached Provision of open space requirements.
3. see attached A more creative and imaginative approach in the development of residential areas.
4. see attached More efficient and aesthetic use of open areas by allowing the developer to reduce development costs through the by-passing of natural obstacles in the residential project.
5. see attached Encourage variety in the physical development pattern of the Township by providing a mixture of housing types.
6. see attached 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.

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. No change 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. No change The planned unit development project shall be located within a Residential or Agricultural District, or a combination of the above Districts. Individual planned unit developments may include land in more than one zone district in which event the total density of the project may equal but not exceed the combined total allowed density for each district calculated separately.
3. No change Water and waste disposal shall comply with the Township Master Plan and be approved by Grand Traverse County or State of Michigan requirements. It is recognized that joining water and sewer ventures with contiguous or nearby land owners may prove to be expedient.
4. No change The proposed population density of the planned unit development shall be no greater than if the tract were developed with the lot area requirements of the particular zone district or districts in which it is located subject to the provisions of Section 8.1.
5. see attached Open space shall be provided according to Section 8.3.6.
6. see attached For purposes of this Section 8.3, Open Space does not include building envelopes, parking lots and roads (roadbed width plus two (2) foot shoulders on each side).
7. ☒ The proposed planned unit development shall meet all of the standards and requirements outlined in this Section 8.3 and also Section 8.1. and Article VII.

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

Development:

1. ☒ Single family dwellings.
2. ☐ N.A. Two-family dwellings.
3. ☐ N.A. Group housing, row houses, garden apartments, or other similar housing types which can be defined as single-family dwelling with no side yards between adjacent dwelling units, Provided that there shall be no more than eight (8) dwelling units in any contiguous group.
4. ☒ 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. ☐ N.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. ☐ N.A. 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. ☐ N.A. Commonly owned agricultural lands.
5. ☐ No change Signs as allowed by Section 7.11.
6. ☐ No change Deed restricted Agricultural lands.
7. ☒ Garages and accessory buildings and uses exclusively for the use of residents of the planned unit development and for the proper maintenance thereof.

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

1. **Site Acreage Computation:**
 - a. ☐ 82.44 The net acreage proposed for a planned unit development shall be computed to determine the total land area available for development into lots under the minimum lot size requirements of the applicable zoning district in which the proposed planned unit development is located.
 - b. ☐ 12.36 Acreage not included:
 - i. ☐ N.A. 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. ☐ N.A. Lands below the Lake Michigan ordinary high water mark.
 - iii. ☐ N.A. Lands used for commercial purposes subject to the requirements of Section 6.8.
2. **Maximum Number of Lots and Dwelling Units:** After the net acreage has been determined by the above procedure, the maximum number of lots and/or dwelling units that may be approved within a planned unit development shall be computed by subtracting from the net acreage a fixed percentage of said total for street right-of-way purposes, and dividing the remainder by the minimum lot area requirement of the zoning district in which the planned unit development is located.
 - a. ☐ 12.36 The fixed percentages for street right-of-way purposes to be subtracted from the net acreage shall be fifteen (15) percent for the R-1A and R-1B residential districts, twenty (20) percent for the R-1C district and thirty (30) percent for multiple family development in the R-1D district. These percentages shall apply regardless of the amount of land actually required for street right-of-way.

- b. ☒ Under this procedure, individual lots may be reduced in area below the minimum lot size required by the zone district in which the planned unit development is located, PROVIDED that the total number of dwelling units and/or lots created within the development is not more than the maximum number that would be allowed if the project were developed under the minimum lot area requirements of the applicable zone district or districts in which it is located. Units may be distributed without regard to district boundaries.
3. Permissive Building Envelope: Building Envelopes shall be as shown on the Site Plan and not included as open space.
4. Permissive Minimum Lot Area: Minimum Lot Area shall be as determined by the Township Board and shown on the Site Plan.
5. Maximum Permissive Building Height: 2.5 stories but not exceeding 35 feet. Accessory buildings shall not exceed a height of 15 feet. Provided that the height of agricultural buildings may be increased pursuant to Section 7.3.3 Permitted Exceptions, Agricultural Districts.
6. Section 8.3.6 Open Space Requirements Option: The Township Board shall utilize one of the following four options for dedication of the provided open space:
7. Open Space Dedicated for Private Use: A residential planned unit development with a minimum of 65% of the net acreage kept as open space and owned by the Home Owners Association or Condominium Association. That open space land shall be set aside as common land for the sole benefit, use and enjoyment of present and future lot or home owners within the development.
- a. ☒ Such open space shall be conveyed by proper legal procedures from the project owner or owners to a home owners association or other similar non-profit organization so that fee simple title shall be vested in project lot owners as tenants in common.
- b. ☒ Documents providing for the maintenance of said land and any buildings thereon to assure that open space land remains open shall be provided to the Township Board for its approval. **will be provided 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.
8. Open Space Dedicated for Public Use: A Residential Planned Unit Development with a minimum of 10% of the net acreage dedicated to the Township. That open space land shall be dedicated to the Township for park or recreational purposes by the project owner or owners provided that the Township Board makes the following determinations:
- a. *N.A.* The location and extent of said land is not in conflict with the Master Plan of Peninsula Township.
- b. *N.A.* The access to and the characteristics of the open space land is such that it will be readily available to and desirable for the use intended .
9. Open Space Dedicated for Deed Restricted Agricultural Land: A Planned Unit Development with a minimum of 65% of the net acreage as deed restricted agricultural land. That open space shall be retained in agricultural use as specified on the site plan with the following conditions:
- a. The Land shall be used exclusively for farming purposes.

- b. A conservation easement shall be granted to Peninsula Township that restricts uses to those that are allowed on deed restricted agricultural land subject to conservation easements purchased by Peninsula Township pursuant to the Purchase of Development Rights Ordinance No. 23.
 - c. A farmstead parcel consisting of a residence for the owner or operator of the farm along with any or all of the following outbuildings may be shown on the site plan if approved by the Township Board:
 - 1. Barns existing or proposed for uses necessary for agricultural production.
 - 2. Outbuildings existing or proposed for storage of machinery and equipment used for agricultural production.

N.A. If a farmstead is shown on the site plan it shall be counted as one of the allowed dwelling units in the Planned unit development.
 - d. The deed restricted agricultural land may be sold separately from the dwelling parcels.
10. Open Space Apportioned Between Private Use and Deed Restricted Agricultural Land: The Township Board may approve open space apportioned between Private Use and Deed Restricted Agricultural Land described in (1) and (3) above provided, that in addition to the provisions of (7) and (9) above, the Deed Restricted Agricultural Land portion:
- a. N.A. Shall be a minimum of five acres.
 - b. N.A. Shall be viable farmland as determined by the Township Board.
 - c. N.A. Irrespective of (9) above; no buildings shall be allowed.
11. Section 8.3.7 Maximum Percentage of Lot Area Covered by All Structures:
- a. see attached The maximum percent of lot area covered by all structures shall not exceed fifteen (15) percent of net acreage.
 - b. see attached A Building Envelope within which structures may be located shall be shown on the site plan for all existing or future structures.
 - c. see attached 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.
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. Amedment will be recorded upon approval & signatures of authorized boards and personel.
13. Section 7.7 Developments Abutting Agricultural Lands: Section 7.7.1 Agricultural Setback:. The following setbacks shall be required when a planned unit development, subdivision, condominium, mobile home park, or other group housing is developed; and on those metes and bounds parcels created after the effective date of this amendment, as provided below
- a. Section 7.7.1.1 Requirement Agricultural Setback:
 - i. No change A setback of 100 feet from the property line of the adjacent property shall be required for accessory uses, buildings or structures as follows:

- (1) When a planned unit development, subdivision, condominium, mobile home park, or other group housing is developed adjacent to land that is zoned A-1 Agriculture, and;
 - (2) When a planned unit development, subdivision, condominium, mobile home park, or other group housing is developed adjacent to land that is zoned Residential but is shown on the Agricultural Preserve Map of the Peninsula Township Comprehensive Plan as adopted and amended from time to time by the Planning Commission.
- ii. No change 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. No change The setback areas required by (1) and (2) above shall not be used for accessory uses, buildings or structures.
 - iv. No change 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.
- b. Section 7.7.1.2 Lot Designation: Subdivision Lots or Condominium Limited Common Elements adjacent to such agricultural lands shall have designated building sites shown on the preliminary and final plans. Residential and accessory uses shall be located within the designated areas. Plans accompanying applications for zoning permits shall show such designated sites.
- c. Section 7.7.1.3 Exceptions to Required Setbacks:
- i. ☒ The Township Board may, upon recommendation of the Planning Commission, decrease the required setback on any or all lots or limited common elements when the Township Board determines that one or more of the following conditions exist:
 - (1) No change The existence of topographic conditions i.e. steep slopes, changes in grade, wetlands etc. or other site conditions which make it:
 - (a) No change unlikely that any of the uses allowed in the agricultural district would be located on the adjacent agriculturally zoned land; or
 - (b) No change so that the properties are sufficiently separated to mitigate incompatibilities of use.
 - (2) N.A. 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) N.A. There are existing residential uses along the lot line of the agriculturally zoned property.

Mansfield

Land Use Consultants

July 11th, 2023

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

RE: Peninsula Shores, PUD #123
Application for Amendment #4

Dear Ms. Cram and Peninsula Township Planning Commission,

On behalf of the O'Grady family and the community at Peninsula Shores, please find the following information regarding the requested Amendment #4 to the Peninsula Shores PUD located at 3985 Boursaw Road, Traverse City, MI 49686.

Amendment #4 Application Requests

- Lot line adjustments to Units 25-29, and 41
- Add Unit 42
- Maintaining 65% open space

Supporting documents as part of this submittal request include:

- SUP Application
- SUP Development Checklist
- PUD Amendment Site Plan

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



Introduction to Amendment No. 4

Peninsula Shores SUP #123, Amendment No. 4

Requested actions and modifications to the Peninsula Shores development as part of this application for SUP #123, Amendment No. 4 are as follows:

- Reduce Lot 25 from .57 acres to .56 acres.
- Reduce Lot 26 from .61 acres to .58 acres.
- Reduce Lot 27 from .63 acres to .60 acres.
- Reduce Lot 28 from .65 acres to .62 acres.
- Reduce Lot 29 from .74 acres to .71 acres.
- Reduce Lot 41 from .65 acres to .36 acres.

Create a new Lot 42 to contain 19515 square feet or .44 acres.

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.

The proposed amendment will not change the essential character of the originally approved PUD. Eastern lot lines of Lots 25-29 will be moved to the west, therefore resulting in slightly reduced lot sizes and home construction further from the ridge line. We are also proposing an additional lot – Lot 42. A slight increase in the previously approved lot line adjustments of Lot 41 will ensure a more than adequate building site for new proposed residence. This new lot will conform to the setback requirements of the PUD and will appear consistent with the overall character of the development. The resulting lot size of proposed Lot 41 will be no smaller than any existing lot.

(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.

This proposal will not have any negative impact on the overall subdivision nor will it cause more disturbance to the existing or future use. The construction of proposed Lot 42 will be largely taking place in the currently existing buildable envelope of Lot 41. This creation of a new lot will not have a negative impact on the surrounding neighborhood or the existing internal parcels.

(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.

Lots 25-29 and Lot 41 exist in compliance with this section. As outlined in the proposal, Lot 42 will be served by the community septic system. In order to accommodate this addition to the community septic system, we will be removing Lot 24 from the system – in turn, keeping that septic on its own lot – which is currently the case with a number of existing homes.

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

There will be no creation of any excessive additional requirements for one additional lot to be added to the site.

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

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 share of Peninsula Shores HOA - owning 28 of the existing 41 lots within the PUD and 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.

The proposed amendment #4, will continue to meet the intent and requirements of the originally approved open-space community SUP#123.

Peninsula Shores SUP#123 as approved in 2017 consist currently of 41 lots, preserving 65% of the development to open space which includes 1,500 linear feet along East Grand Traverse Bay. The open space requirements will remain in conformance.

- 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 site circulation and will not cause any changes to existing services within the PUD. All residential sites are served by private wells. Some sites are served by a private septic system and some sites are served by a community septic system. The existing permitted storm drainage will continue to meet all requirements. The storm water infrastructure was constructed as outlined in the Peninsula Township Stormwater Control Ordinance and has been operating successfully since installed. Each proposed land use permit will continue to be submitted to the Township with a storm water permit application. The proposed amendment does not have any negative impact on emergency services, use of the secondary emergency access, or the underground fire suppression water tank located in the center of 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; the agencies that are applicable to the development of these parcels will continue to be obtained 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*

- 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 65% open space, including wetlands, steep slopes, wooded acreage and 1,500 linear feet of shoreline. The proposed adjustment of Lot's 25-29 lot lines increases the natural buffer from residential homes and the existing ridgeline. There will be no increased level of disturbance as the result of the creation of Lot 42. The original PUD's intent of maximum preservation of natural resources remains the utmost focus.

- 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.

Consistent throughout the site, soil conditions are suitable for excavation and site preparation.

- 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.

Stormwater infrastructure for the development is already constructed. The proposed amendment does negatively impact the drainage plan.

- 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 the site(s).

- 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 of development.

- 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 facilities.

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

Landscaping requirements of the entire site have been met.

- 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 standard will continue to be met.

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

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 changes do not alter the design or layout of the original PUD. The addition of a new lot will not have any negative impact on these objectives.

2. Provision of open space requirements
Will continue to be met and maintained. New calculations are provided in the packeted materials. The development continues to provide 65%+ (54.28 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.
Not applicable. These lots already exist, and this proposal does not negatively affect the overall approach of the development nor the original intent of approved clustering and open space of the PUD.
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.
There are no proposed changes to the open space areas or calculation of open space requirements.
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.
Not applicable.

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

42 lots

½ acre to ¼ acre average lot size

65% common open space (54 acres)

1,500 linear feet of preserved shoreline

forested areas protected within open space

steep bluffs protected within open space

11 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 65% 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 is the majority shareholder of Peninsula Shores HOA and majority property owner and therefore may still 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 possible density of the site is 66 one acre lots and five 25,000 square foot lots, equaling a total of 71 lots allowed, however, the practical number of buildable units is 55 based on a platted subdivision layout designed on the site. Peninsula Shores SUP#123 was approved with 41 units while preserving 54 acres of open space including 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 land owners 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 42 units will have a private well. Units 1-4 and 24-29 will have individual sanitary systems, and units 5-23, 30-42 are serviced by an on-site community wastewater treatment system.

4. The proposed population density of the planned unit development shall be no greater than if the tract were developed with the lot area requirements of the particular zoning district or districts in which it is located subject to the provisions of Section 8.1.

This amendment does not affect the residential density of the existing Peninsula Shores SUP #123 development. With the creation of an additional lot, we will continue to maintain 65.81% open space - which exceeds open space requirements. The site could have practically accommodated 55 residential lots with no requirement of preserved open space if developed as a use-by-right subdivision.

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

Open space is provided per Section 8.3.6(1) Open Space Preserved for Private Use. 65%+ (54 acres) of the site continues to be kept in open space owned by the Homeowners Association for the sole use and enjoyment of owners and residents within the PUD.

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>-23.21 acres</i>
<i>Roadway</i>	<i>-4.98 acres</i>
<i>Total remaining open space</i>	<i>54.25 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, low lands 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 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 will be privately owned and located on the 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 was 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 to lots 25-29, 41 and newly requested lot 42.

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 newly including lot 42.

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 lots 1-42. No requested adjustment results in a lot area less than existing lots.

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.

Each lot is permitted individually and conforms with 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.

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 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 does not change the characteristics of the open space nor the availability to the HOA as desirable usable land.

No. 8 listed below does not apply to this request as this is a privately owned development with a HOA and no existing or proposed dedication of land for a park or recreational purposes has been proposed as part of the original development.

8. Open Space Dedicated for Public Use: A Residential Planned Unit Development with a minimum of 10% of the net acreage dedicated to the Township. That open space land shall be dedicated to the Township for park or recreational purposes by the project owner or owners provided that the Township Board make the following determinations:

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

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

NO. 9 listed below does not apply to this amendment request as the original parent parcels were not encumbered with any deed restrictions. The property has continued to maintain the originally designated zoning classification R-1A and R-1B.

9. Open Space Dedicated for Deed Restricted Agricultural Land: A Planned Unit Development with a minimum of 65% of the net acreage as deed restricted agricultural land. That open

space shall be retained in agricultural use as specified on the site plan with the following conditions:

- a. The Land shall be used exclusively for farming purposes.
- b. A conservation easement shall be granted to Peninsula Township that restricts uses to those that are allowed on deed restricted agricultural land subject to conservation easements purchased by Peninsula Township pursuant to the Purchase of Development Rights Ordinance No. 23.
- c. A farmstead parcel consisting of a residence for the owner or operator of the farm along with any or all of the following outbuildings may be shown on the site plan if approved by the Township Board
 1. Barns existing or proposed for uses necessary for agricultural production.
 2. Outbuildings existing or proposed for storage of machinery and equipment used for agricultural production.

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

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

No.10 listed below does not apply to this amendment request as the Peninsula Shores existing SUP#123 is not encumbered with any deed restrictive land.

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

- a. Shall be a minimum of five acres.
- b. Shall be viable farmland as determined by the Township Board.
- c. Irrespective of (9) above; no buildings shall be allowed.

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

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

The maximum acreage area that is allowed to be built upon is 12.36 acres or 538,401 square feet which constitute fifteen (15) percent of the entire property within the SUP.

- 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

- 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 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 will be recorded upon approval & signatures of the authorized boards and agents of the township.

No. 13 (a through c) are not applicable to this development or the requested amendment as the property is surrounded by R-1A and R-1B residentially zoned districts and the setbacks from the adjacent property lines have already been established.

13. Section 7.7 Development 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.

August 11, 2023

Peninsula Township
Jenn Cram, Director of Planning & Zoning
13235 Center Road
Traverse City MI, 49686

**RE: Peninsula Shores, PUD #123
Application for Amendment #4**

Dear Jenn,

On behalf of the O'Grady family, please find the following additional information and exhibits in response to your June 24th and August 9th emails:

Open Space and Lot Coverage Calculation Update

Amendment #4 is a request to add one additional residential lot (lot 42) within the Peninsula Shores PUD. The request maintains the 65% (54.26 acres) of preserved common open space within the development by balancing the 4,652 additional square feet of area required to create lot 42 with a reduction of 4,718 square feet within lots 25-29 along the high bluff line. The result is an even swap of open space with the benefit of pushing the existing building envelopes for lots 25-29 farther back off the bluff line.

The following supporting documents are attached:

- Document A an open space exhibit and lot coverage calculations for all 42 lots as proposed, as well as calculations from the previously approved PUD amendment #3 with 41 lots for comparison.
- Document B detailed exhibits showing the additional square footage of the area to be preserved (4,718sf) along bluff edge near lots 25-29.
- Document C a detailed exhibit showing the additional square footage required (4,652sf) west of the existing lot 41 to create a new lot 42.

Soil Conditions and Suitability Update

A USDA soils map indicating that most of the project site consists of sandy and gravelly soils suitable for residential lot development and road construction was provided as part of the original PUD submittal package. A wooded wetland pocket along Boursaw Road near the entrance, a steep bluff and 1,500 lineal feet of East Grand Traverse Bay water frontage were preserved and remain undisturbed.

In 2015, geotechnical engineers, Otwell Mawby provided an analysis of slope stability of the site.

Over the years, numerous additional soil borings have been dug in relation to Grand Traverse County Health Department permitting, Township Storm Water permitting, and State/Federal Community Sanitary permitting. None have identified any concerning soil conditions for construction.

The following supporting documents are attached:

- Document D Grand Traverse County Soils Map
- Document E Construction Plan Sheet C6.0 dated 6/24/20 showing soil boring locations and soil boring log data
- Document F Otwell Mawby Geotechnical, P.C. Slope Stability Reconnaissance report dated June 15, 2015

Well and Septic Update

Lots 1-4 and 25-29 are serviced by individual on-site septic systems and private wells as permitted by the Grand Traverse County Health Department. Of these, lots 2-4 have obtained Land Use Permits and are in various stages of construction/completion.

Lots 5-24 and 30-41 are serviced by the community sewer system and private wells. Of these, lots 6, 8-10, 15-19, 22-23, and 30-38 and 40 have obtained Land Use Permits and are in various stages of construction/completion.

To facilitate this PUD amendment #4 request adding lot 42 to the residential development, existing lot 24 would be serviced by an individual on-site septic system so that lot 42 could be serviced by the community sewer system. The Grand Traverse County Health Department has provided preliminary approval of the location for a drain field. A new sanitary sewer easement south of lot 42 would accommodate the sewer lead connection from the new lot to the sewer main.

The following supporting documents are attached:

- Document G -Grand Traverse County Health Department preliminary approval for individual drain field on lot 24.
- Document H -Exhibit plan sheet, Peninsula Shores -PUD #123, Proposed PUD Amendment #4 Site Plan dated 8/10/23

Storm Water Update

Peninsula Shores PUD was issued Storm Water permit number SR 2018-03 in May 2018 and most recently updated and reviewed by the Township engineer in August 2019. The permitted Storm Water infrastructure includes grading for drainage, storm sewer, conveyance systems, and storm water detention basins seamlessly engineered for the entire PUD.

Storm water runoff is managed in two detention basins including one large basin located at the center of the site and a smaller basin located at the end of Shoreline Court. The existing stormwater infrastructure was designed to accommodate all roadways, driveways, residential homes on the upper ridge (lots 1, 30-41), and the west facing roof pitches of lots located along the waterfront (lots 2-10) and the high bluff (lots 11-29). Storm water generated by east facing roof pitches along the waterfront and bluff is retained in individual basins located on each lot and is permitted through the Land Use Permitting process for each individual lot.

The development site has no defined drainage outlet feature, only overland flow and ground infiltration into existing sandy soils so there is no danger of stormwater having any off-site impact. Site stormwater calculations indicate that the engineered basin provides an excess of storage of 1,112 cubic feet.

Stormwater runoff generated by the new lot 42 would be directed towards the large storm water basin at the center of the development site. It is most likely that all storm water generated by the impervious surface of this new lot 42 will have naturally infiltrated back into the ground as it flows over land 300+ feet through natural common open space area before ever reaching the storm water basin.

The following supporting documents are attached:

- Document I -Site Storm Water Calculations: PUD, dated 1/16/2015
- Document J -Lot 42 Hypothetical Storm Water Calculations, dated 8/11/23

Traffic Update

The addition of one residential lot within Peninsula Shores represents only a 2.44% increase in trip generation for the development.

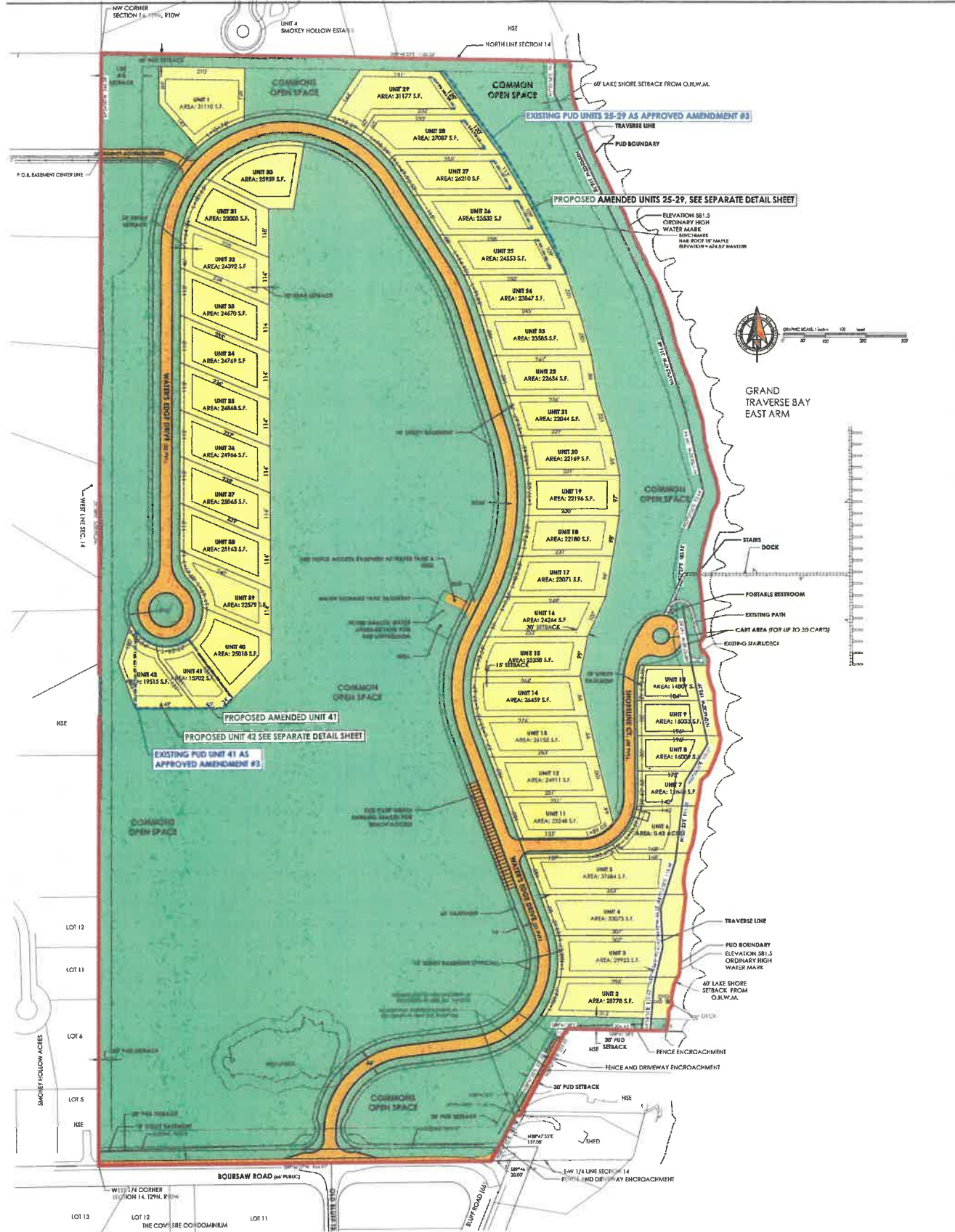
The following supporting documents are attached:

- Document K -Trip Generation Memo, dated 8/10/23

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

Sincerely,
Mansfield Land Use Consultants


Doug Mansfield



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

NON-OPEN SPACE PROVIDED
UNITS 23.21 ACRES
ROADS 4.98 ACRES
28.19 ACRES
NON-OPEN SPACE (34.19%) PROVIDED

OPEN SPACE PROVIDED
54.26 ACRES (65.81%)

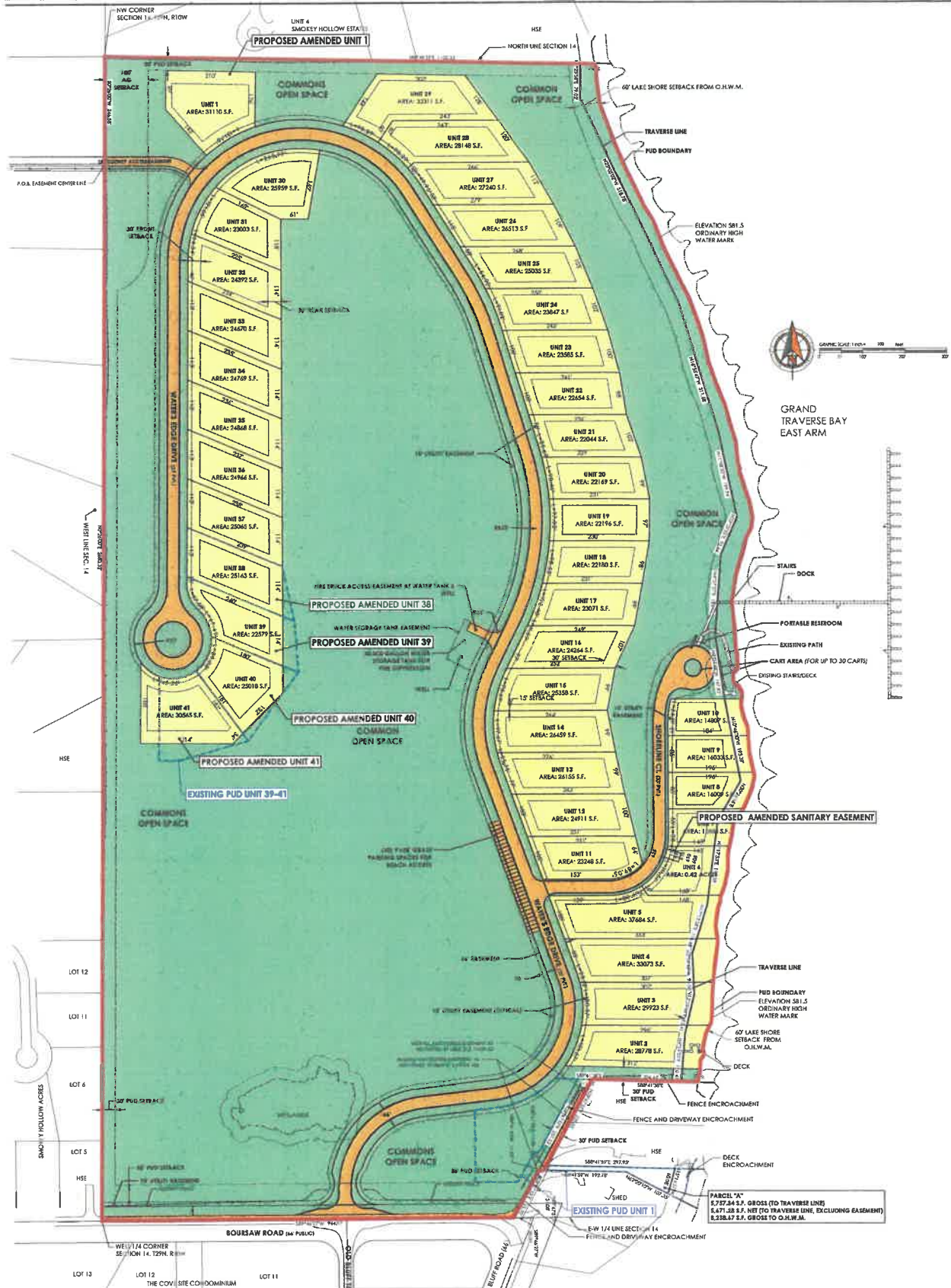
NOTES:
 PER THE PENINSULA TOWNSHIP ZONING ORDINANCE, SECTION 8.8 QUALIFYING CONDITIONS
 (A) FOR THE PURPOSE OF THIS SECTION 8.3, OPEN SPACE DOES NOT INCLUDE BUILDING ENVELOPES, PARKING LOTS AND ROADS, (ROAD BED PLUS TWO (2) FOOT SHOULDER EACH SIDE)

PRELIMINARY
 14016
 1/2" = 1'-0"

THE 81 DEVELOPMENT COMPANY, LLC
 PENINSULA SHORES - PUD #123
 PROPOSED PUD AMENDMENT #4 - OPEN SPACE PLAN
 SECTION 14, T29N, R10W
 PENINSULA TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN

REV	DATE	DES	CHK	APP	DESC
1	10-25-21	PNC	PNC		Initial Draft 11.38-41 and sanitary easement on Unit 8
2	10-25-21	PNC	PNC		Revised Draft 11.38-41 and sanitary easement on Unit 8
3	10-25-21	PNC	PNC		Revised Units 25-29 & v1. add Unit 42
4	10-25-21	PNC	PNC		PUD Amendment #4
5	10-25-21	PNC	PNC		PUD Amendment #4

Mansfield
 Land Use Consultants
 230 Conner Drive, Ste. 201
 P.O. Box 4015
 Traverse City, MI 49605
 Phone: 231-946-9310
 www.mansfield.com
 info@mansfield.com



PUD BOUNDARY		NON-OPEN SPACE PROVIDED		OPEN SPACE PROVIDED	
82.44 ACRES TOTAL GROSS (TO O.H.W.M.)		UNITS 23.21 ACRES		54.26 ACRES (65.81%)	
OPEN SPACE REQUIRED-MINIMUM 53.59 ACRES (65%)		ROADS 4.98 ACRES			
NON-OPEN SPACE ALLOWED-MAXIMUM 28.85 ACRES (35%)		28.19 ACRES			
		NON-OPEN SPACE (34.19%) PROVIDED			

NOTES:
FOR THE PENINSULA TOWNSHIP ZONING ORDINANCE, SECTION 8.4.8 QUALIFYING CONDITIONS:
(6) FOR THE PURPOSE OF THIS SECTION 8.3, OPEN SPACE DOES NOT INCLUDE BUILDING ENVELOPES, PARKING LOTS AND ROADS (ROAD RED PLUS TWO (2) FOOT SHOULDER EACH SIDE).

PREPARED BY:
JAG
10/20/2016

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

REV	DATE	BY	CHK	DESCRIPTION
41	10-20-2016	JAG	JAG	Revised Unit 18, 38-41 and sanitary easement on Unit 4
42	10-10-2016	JAG	JAG	Revised Unit 18, 38-41 and sanitary easement on Unit 4

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



Open Space (Section 8.3.3(6)):

	<u>acres</u>	
Total project site net acres	82.44	
Residential Units	minus 23.21	
Parking Lot (waterfront access, grass)	minus 0.15	
Roads (roadbed +2' shoulder)	minus 4.83	
total remaining open space	54.25	= 65.81% open space provided
		65% open space required

Lot Coverage by Structures (Section 8.3.7(1)):

	<u>acres</u>	
Single Family Homes (area of building envelope)	11.63	
Total Lot Coverage	11.63	+ 82.44 acres = 14% lot coverage
		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	31,109.56	17,023.29
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	23,247.97	11,439.23
UNIT 12	24,910.89	12,996.75
UNIT 13	26,154.69	13,878.04
UNIT 14	26,459.18	14,258.23
UNIT 15	25,358.22	13,390.51
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	24,553.01	12,477.12
UNIT 26	25,533.23	12,998.26
UNIT 27	26,210.27	13,399.02
UNIT 28	27,086.54	14,196.63
UNIT 29	31,177.14	17,258.39
UNIT 30	25,959.20	12,958.85
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	24,867.54	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	7,720.95
UNIT 42	19,515.14	9,950.16
Total S.F.	1,010,991.21	506,765.25
Total Acres	23.21	11.63
% of net total site	28%	14%

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

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

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

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

Section 8.3.7**Maximum Percentage of Lot Area Covered by all Structures**

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

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

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

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

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

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

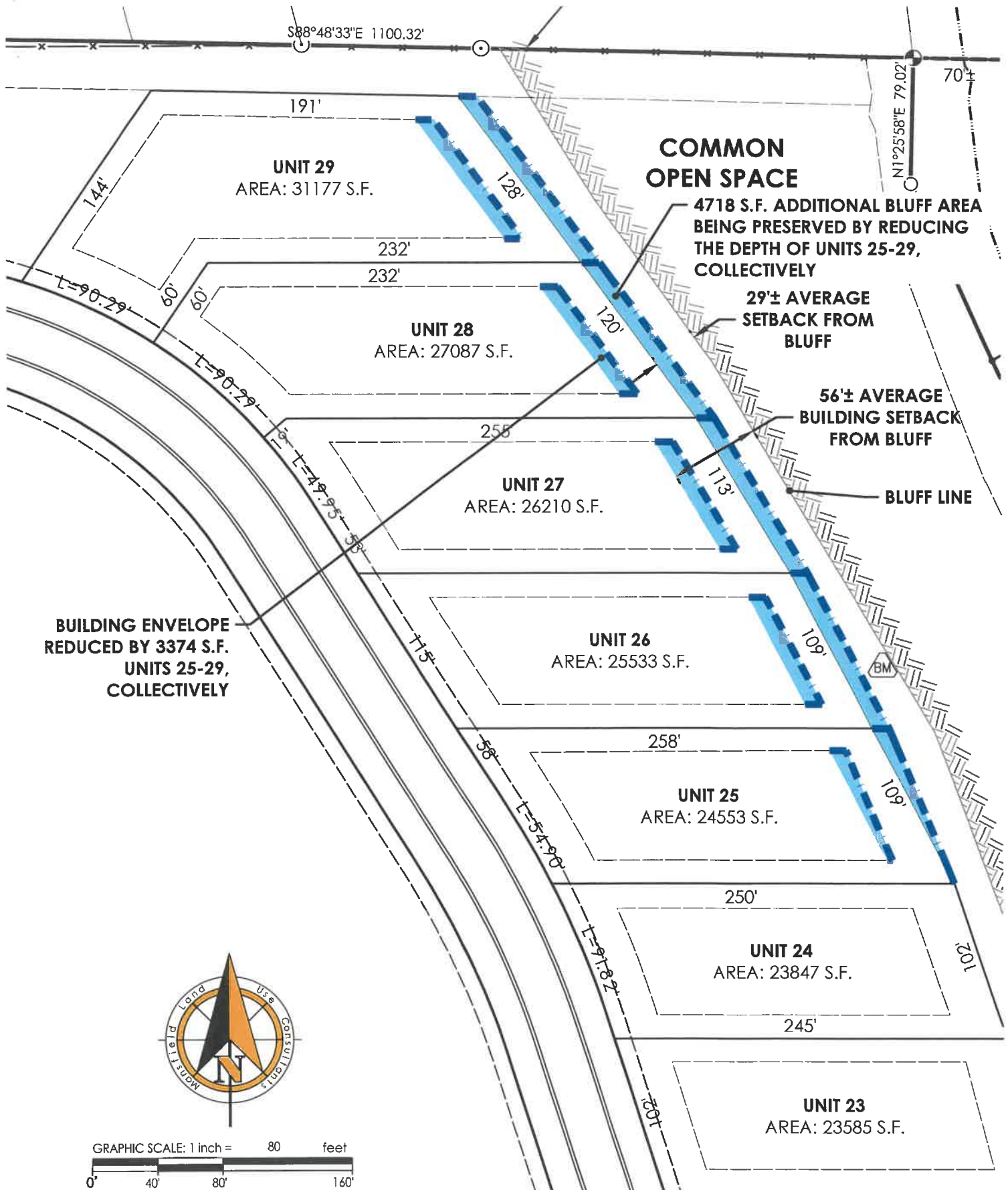
23 acres

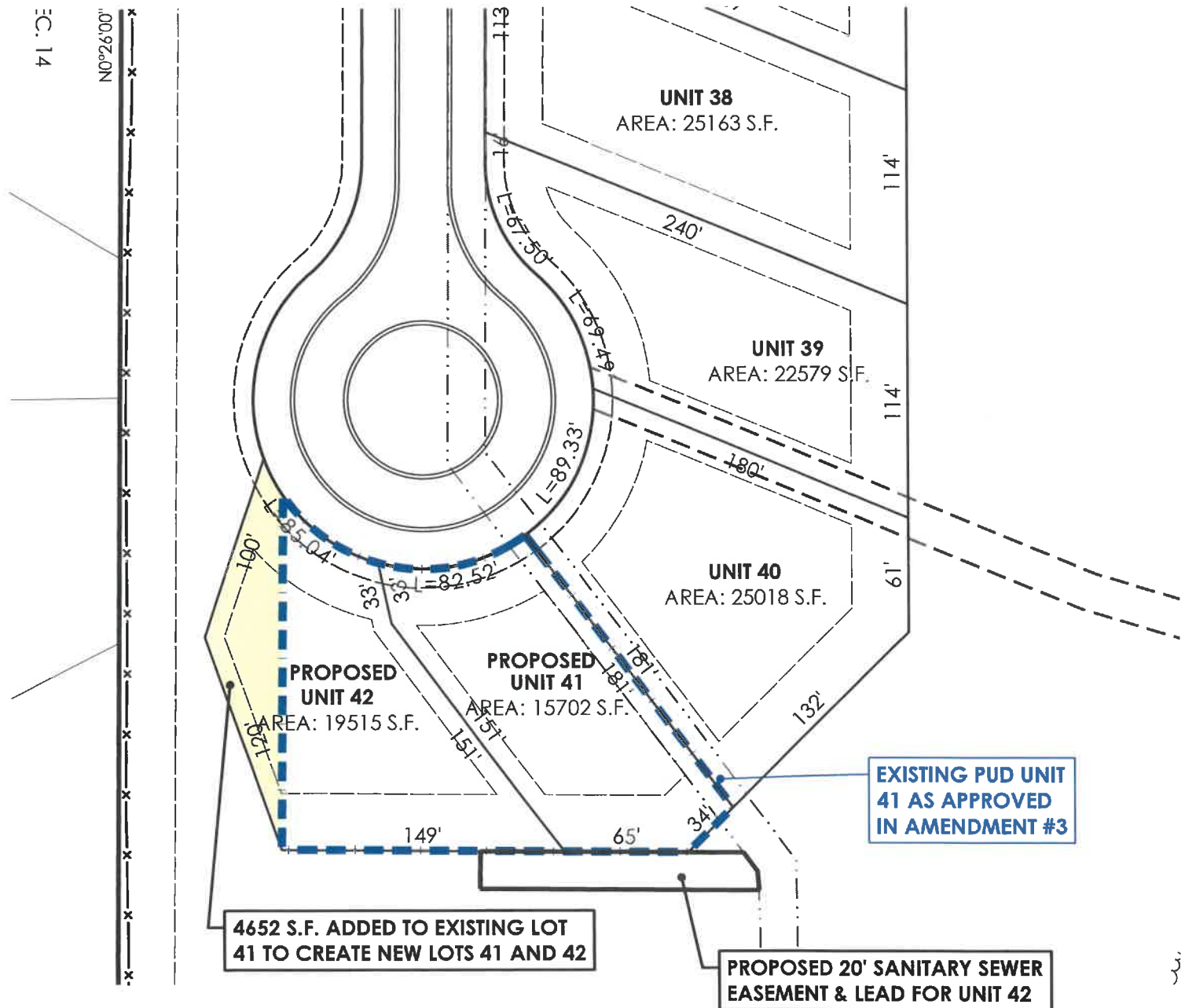
12 acres buildable area

82 acres total project site

14% of the site is buildable area

but only a fraction of the buildable area
will be covered in structures





GRAPHIC SCALE: 1 inch = 80 feet
0' 40' 80' 160'

Mansfield
Land Use Consultants

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Traverse City, MI 49685
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info@maaeps.com

PENINSULA SHORES-PUD #123

DRN:mmm CKD:phk

EXHIBIT PROPOSED UNIT 42 DETAIL
PROPOSED PUD AMENDMENT #4

Peninsula Township, Grand Traverse County, Michigan

08.08.23












14016

SHT 2 OF 2

Soil Map—Grand Traverse County, Michigan



MAP LEGEND

 Area of Interest (AOI)	 Spoil Area
 Soils	 Stony Spot
 Soil Map Unit Polygons	 Very Stony Spot
 Soil Map Unit Lines	 Wet Spot
 Soil Map Unit Points	 Other
 Special Point Features	 Special Line Features
 Blowout	 Water Features
 Borrow Pit	 Streams and Canals
 Clay Spot	 Transportation
 Closed Depression	 Rails
 Gravel Pit	 Interstate Highways
 Gravelly Spot	 US Routes
 Landfill	 Major Roads
 Lava Flow	 Local Roads
 Marsh or swamp	 Background
 Mine or Quarry	 Aerial Photography
 Miscellaneous Water	
 Perennial Water	
 Rock Outcrop	
 Saline Spot	
 Sandy Spot	
 Severely Eroded Spot	
 Sinkhole	
 Slide or Slip	
 Sodic Spot	

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

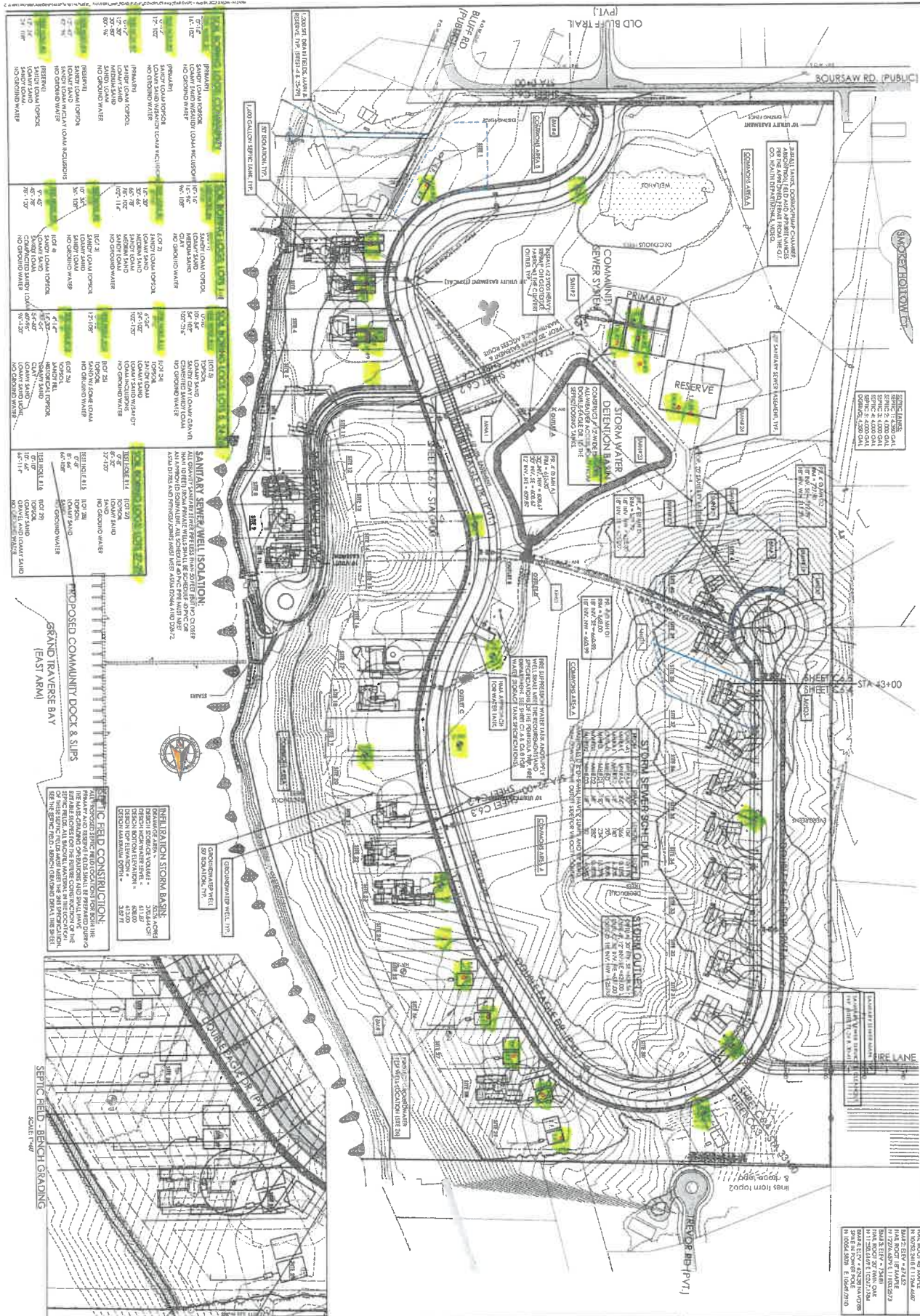
Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

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%



Lot	Area	Proposed Use	Notes
101	0.10	Residential	NO CLOSING WATER
102	0.10	Residential	NO CLOSING WATER
103	0.10	Residential	NO CLOSING WATER
104	0.10	Residential	NO CLOSING WATER
105	0.10	Residential	NO CLOSING WATER
106	0.10	Residential	NO CLOSING WATER
107	0.10	Residential	NO CLOSING WATER
108	0.10	Residential	NO CLOSING WATER
109	0.10	Residential	NO CLOSING WATER
110	0.10	Residential	NO CLOSING WATER
111	0.10	Residential	NO CLOSING WATER
112	0.10	Residential	NO CLOSING WATER
113	0.10	Residential	NO CLOSING WATER
114	0.10	Residential	NO CLOSING WATER
115	0.10	Residential	NO CLOSING WATER
116	0.10	Residential	NO CLOSING WATER
117	0.10	Residential	NO CLOSING WATER
118	0.10	Residential	NO CLOSING WATER
119	0.10	Residential	NO CLOSING WATER
120	0.10	Residential	NO CLOSING WATER

Lot	Area	Proposed Use	Notes
121	0.10	Residential	NO CLOSING WATER
122	0.10	Residential	NO CLOSING WATER
123	0.10	Residential	NO CLOSING WATER
124	0.10	Residential	NO CLOSING WATER
125	0.10	Residential	NO CLOSING WATER
126	0.10	Residential	NO CLOSING WATER
127	0.10	Residential	NO CLOSING WATER
128	0.10	Residential	NO CLOSING WATER
129	0.10	Residential	NO CLOSING WATER
130	0.10	Residential	NO CLOSING WATER
131	0.10	Residential	NO CLOSING WATER
132	0.10	Residential	NO CLOSING WATER
133	0.10	Residential	NO CLOSING WATER
134	0.10	Residential	NO CLOSING WATER
135	0.10	Residential	NO CLOSING WATER
136	0.10	Residential	NO CLOSING WATER
137	0.10	Residential	NO CLOSING WATER
138	0.10	Residential	NO CLOSING WATER
139	0.10	Residential	NO CLOSING WATER
140	0.10	Residential	NO CLOSING WATER

Lot	Area	Proposed Use	Notes
141	0.10	Residential	NO CLOSING WATER
142	0.10	Residential	NO CLOSING WATER
143	0.10	Residential	NO CLOSING WATER
144	0.10	Residential	NO CLOSING WATER
145	0.10	Residential	NO CLOSING WATER
146	0.10	Residential	NO CLOSING WATER
147	0.10	Residential	NO CLOSING WATER
148	0.10	Residential	NO CLOSING WATER
149	0.10	Residential	NO CLOSING WATER
150	0.10	Residential	NO CLOSING WATER
151	0.10	Residential	NO CLOSING WATER
152	0.10	Residential	NO CLOSING WATER
153	0.10	Residential	NO CLOSING WATER
154	0.10	Residential	NO CLOSING WATER
155	0.10	Residential	NO CLOSING WATER
156	0.10	Residential	NO CLOSING WATER
157	0.10	Residential	NO CLOSING WATER
158	0.10	Residential	NO CLOSING WATER
159	0.10	Residential	NO CLOSING WATER
160	0.10	Residential	NO CLOSING WATER

Lot	Area	Proposed Use	Notes
161	0.10	Residential	NO CLOSING WATER
162	0.10	Residential	NO CLOSING WATER
163	0.10	Residential	NO CLOSING WATER
164	0.10	Residential	NO CLOSING WATER
165	0.10	Residential	NO CLOSING WATER
166	0.10	Residential	NO CLOSING WATER
167	0.10	Residential	NO CLOSING WATER
168	0.10	Residential	NO CLOSING WATER
169	0.10	Residential	NO CLOSING WATER
170	0.10	Residential	NO CLOSING WATER
171	0.10	Residential	NO CLOSING WATER
172	0.10	Residential	NO CLOSING WATER
173	0.10	Residential	NO CLOSING WATER
174	0.10	Residential	NO CLOSING WATER
175	0.10	Residential	NO CLOSING WATER
176	0.10	Residential	NO CLOSING WATER
177	0.10	Residential	NO CLOSING WATER
178	0.10	Residential	NO CLOSING WATER
179	0.10	Residential	NO CLOSING WATER
180	0.10	Residential	NO CLOSING WATER

Lot	Area	Proposed Use	Notes
181	0.10	Residential	NO CLOSING WATER
182	0.10	Residential	NO CLOSING WATER
183	0.10	Residential	NO CLOSING WATER
184	0.10	Residential	NO CLOSING WATER
185	0.10	Residential	NO CLOSING WATER
186	0.10	Residential	NO CLOSING WATER
187	0.10	Residential	NO CLOSING WATER
188	0.10	Residential	NO CLOSING WATER
189	0.10	Residential	NO CLOSING WATER
190	0.10	Residential	NO CLOSING WATER
191	0.10	Residential	NO CLOSING WATER
192	0.10	Residential	NO CLOSING WATER
193	0.10	Residential	NO CLOSING WATER
194	0.10	Residential	NO CLOSING WATER
195	0.10	Residential	NO CLOSING WATER
196	0.10	Residential	NO CLOSING WATER
197	0.10	Residential	NO CLOSING WATER
198	0.10	Residential	NO CLOSING WATER
199	0.10	Residential	NO CLOSING WATER
200	0.10	Residential	NO CLOSING WATER

The 81 Development Company, LLC
 Peninsula Shores - PUD
OVERALL UTILITY PLAN
 Section 14, Town 29 North, Range 10 West
 Peninsula Twp., Grand Traverse County, Michigan

Lot	Area	Proposed Use	Notes
201	0.10	Residential	NO CLOSING WATER
202	0.10	Residential	NO CLOSING WATER
203	0.10	Residential	NO CLOSING WATER
204	0.10	Residential	NO CLOSING WATER
205	0.10	Residential	NO CLOSING WATER
206	0.10	Residential	NO CLOSING WATER
207	0.10	Residential	NO CLOSING WATER
208	0.10	Residential	NO CLOSING WATER
209	0.10	Residential	NO CLOSING WATER
210	0.10	Residential	NO CLOSING WATER
211	0.10	Residential	NO CLOSING WATER
212	0.10	Residential	NO CLOSING WATER
213	0.10	Residential	NO CLOSING WATER
214	0.10	Residential	NO CLOSING WATER
215	0.10	Residential	NO CLOSING WATER
216	0.10	Residential	NO CLOSING WATER
217	0.10	Residential	NO CLOSING WATER
218	0.10	Residential	NO CLOSING WATER
219	0.10	Residential	NO CLOSING WATER
220	0.10	Residential	NO CLOSING WATER

Mansfield
 Land Use Consultants
 830 Convergence Dr., Ste. 301
 P.O. Box 4015
 Traverse City, MI 49783
 Phone: 231-946-9310
 www.mansfield.com
 info@mansfield.com

Document E



Otwell Mawby, Geotechnical, P.C.
Consulting Engineers

June 15, 2015

Mr. Doug Mansfield
Mansfield Land Use Consultant
P.O. Box 4015
Traverse City, Michigan 49685

EMAIL: doug@maaeps.com

**RE: THE 81 ON EAST BAY
SLOPE STABILITY RECONNAISSANCE, G 15-118**

Dear Doug:

In response to your request, Otwell Mawby, Geotechnical, P.C. has completed a geotechnical reconnaissance for the proposed 81 on East Bay development. The objective of the geotechnical reconnaissance has been to explore the concerns for slope stability related to relatively steep slopes located within the development near the current and former shorelines of East Bay. Included herein is a description of our project understanding, site observations, and discussion.

Project Understanding

We have been provided the following information for our project understanding:

- Preliminary Open Space Plan, dated April 27, 2015, indicating proposed lot locations, drives, and setbacks.
- Preliminary Overall Grading Plan, dated April 27, 2015, indicating proposed lot locations with existing and proposed ground surface contours.
- Water Well Log dated March 5, 2015.

The 81 on East Bay is proposed to include a total of 41 lots within a PUD. The majority of the development will be provided as open space (65.63 percent). The site includes an upland area with rolling to hilly topography terminating at a bluff leading down to the shoreline. The bluff has a relatively level terrace for most of the length of the property approximately 20 ft above the lake level. The bluff is relatively steep from the terrace down to the beach level. The bluff is also steep extending up from the terrace to the upland level. The upper bluff is higher, extending up to approximately 90 ft above the terrace. The upper bluff is also relatively steep, on the order

of 35 to 40 degrees based on the provided topographic information. A ridge is present along portions of the bluff.

Building lots will be located primarily near the upper bluff (approximately Sites 11 through 29), along a lower area of the bluff and the terrace (Sites 1 through 10), and in the upland area (Site 30 through 41). Significant earthwork is planned to achieve the proposed grades including up to approximately 30 ft of cut along the ridgeline of the upper bluff. The ridge will generally be leveled to achieve desired views and individual site topography. Balancing the cut will require placement of fill generally grading up and away from portions of the bluff at a relatively shallow slope. The maximum proposed fill depth is on the order of 5 ft within 50 ft of the bluff. Approximately 15 to 20 ft of fill is also proposed to establish grades for the access drive down to the waterfront.

Site Reconnaissance

Melzar L. Coulter, P.E. completed a site reconnaissance on June 7, 2015 that included a site walk of the beach, lower terrace, bluff ridge, and upland. The water front generally consisted of a narrow, sand beach protected by rock jetties. The jetties were located on approximate 75 to 100 ft spacing along the shoreline and were constructed of cobble and boulder (likely native). The south half of the development's shoreline was protected with imported, quarried stone and boulders. The stone was overgrown though an erosion control blanket was occasionally evident behind the material. The bank was relatively steep up to the lower terrace with signs of surface instability including leaning or down trees, curvilinear growth, undermined roots or sod, etc. The frequency of downed trees was higher to the north where the shoreline was not protected with imported stone and it was frequently difficult to walk along the shoreline. Where exposed in several locations on the bank, the soil varied from clay to sand. Two existing stairways were present leading down to the waterfront and both were abandoned and in disrepair. A ramp had been cut into the slope and protected with additional stone near the northernmost stairway. Figure No. 1 below shows the typical condition of the waterfront area where the toe of the slope is protected.



Figure No. 1 – Waterfront, Toe of Slope Protected with Imported Stone

The terrace between the upper bluff and the slope to the lake was typically wooded with mature deciduous trees, hemlock, etc. A two-track drive was present from the beach ramp extending south along the terrace. The ground surface of the terrace was relatively level, sloping up dramatically at the toe of the upper bluff. The upper bluff was also wooded with mature deciduous trees. The bluff was steep with a relatively uniform grade, culminating in a ridge with a well-defined crest. The ground surface also sloped down to the west but at a gentler grade. Sand and gravel was present at the ground surface of the ridge. The ridge is shown in Figure No. 2 below.



Figure No. 2 – Ridgeline, Looking North

The ridge became less prominent to the north where the terrain became more rolling. Trees were frequently leaning, exhibiting curvilinear growth, or exhibited undermined root systems at the edge of the bluff. The rolling terrain extended south through the upland portion of the property with additional hilly areas present in the northwest quadrant of the development. The areas of rolling terrain were generally grass covered with occasional mature trees. Aspen was present at the margins of the wooded areas.

Discussion

The prominent terrace and uniform, steep slope are characteristic of wave-cut bluffs formed by erosion due to current or former lake levels. The Map of Quaternary Geology of Southern Michigan indicates that the upland areas of the site are characterized as coarse textured glacial till, consisting of non-sorted glacial debris dominated by sandy clay loam, sandy loam, or loamy sand texture; however, clay deposits were present in exposed areas of the bluff and were also encountered in the water well. The Map also indicates a former shoreline corresponding with the lower terrace level, possibly of Glacial Lakes Algonquin or Nipissing.

As the toe of the bluff was eroded by lake action, slope failures occurred followed by subsequent erosion to establish the existing topography. In consideration of this geology and observations of the slope and vegetation, the existing slope is considered to have a slope stability factor of safety near 1.0 and is marginally stable. The relatively steep slope (approximately 35 to 40 degrees) indicates that the soil has relatively good strength properties (angle of internal friction, cohesion). Failure surfaces that extend from the toe to points farther behind the crest will have increasing slope stability factors of safety.

The proposed units above the upper bluff (Units 11 through 29) will have a minimum 30 ft “backyard” setback from the lot line adjacent to the bluff. Additionally, the lot lines are located 10 ft or more behind the crest, effectively adding to the distance from the crest to the dwelling. The Michigan Residential Code addresses setbacks from descending slopes (R403.1.7.2). The descending slope setback requirement is that the face of the footing be a minimum of $\frac{1}{3}$ of the slope height behind the slope at the corresponding elevation (Figure No. 3 below); however, the distance need not exceed 40 ft ($H/3$ but need not exceed 40 ft max). In consideration of the observed conditions and the building code, we expect that these lots will be buildable in accordance with building code and accepted engineering practice. Including the “backyard” setback and the distance from the lot lines to the crest, the effective setback is expected to be 40 ft or more – equal to or greater than required by code. Grade changes above the upper bluff will primarily consist of cut, and removal of the soil weight will increase slope stability. Where fill is planned, the fill depth is expected to increase gradually from the existing crest and is not expected to substantially affect the slope stability as far back as the residences. Due to the current marginal stability, shallow (surficial) slope failures and erosion should be expected to continue.

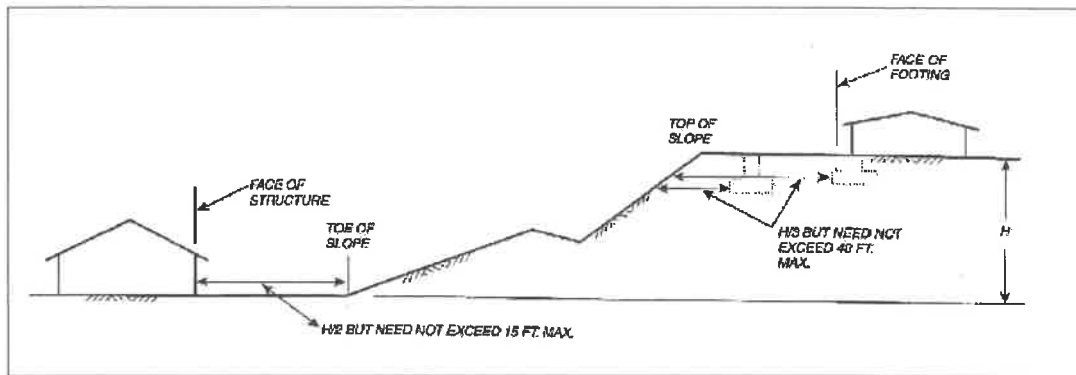


Figure No. 3 – Building Code Requirements for Slopes

Units 2 through 15 will be located on the terrace above the lower ridge and setback requirements for ascending and descending slopes will apply. Alternate setback requirements are permitted subject to the approval of the Building Official. A further consideration for units sited above the lower bluff is that additional erosion may occur as the lake level rises. The shoreline in front of these units is protected with imported stone; however, the shoreline should be monitored and additional protection may be needed in the future. Units 6 and 7, with dwellings likely to be constructed at the terrace level, will include significant fill placement to allow for construction of the drive. The fill slope is expected to be shallower than 1 unit vertical for 3 units horizontal and therefore the setback for descending slopes ($H/2$ but need not exceed 15 ft max, shown in Figure No. 3) will not apply.

Closure

This reconnaissance and review has been performed to provide general comments regarding slope stability for the proposed development. Setback beyond the code requirement will achieve a higher factor of safety for individual units. This document is not a geotechnical report and there will be earth related considerations that will be unique to each site, such as requirements for placement of engineered fill beneath structures. It is recommended that prospective purchasers of each unit review geotechnical conditions with respect to the proposed construction.

Very truly yours,

OTWELL MAWBY GEOTECHNICAL, P.C.

Melzar L. Coulter

Melzar L. Coulter, P.E.
Senior Geotechnical Engineer

Roger L. Mawby

Roger L. Mawby, P.E.
President

August 11, 2023

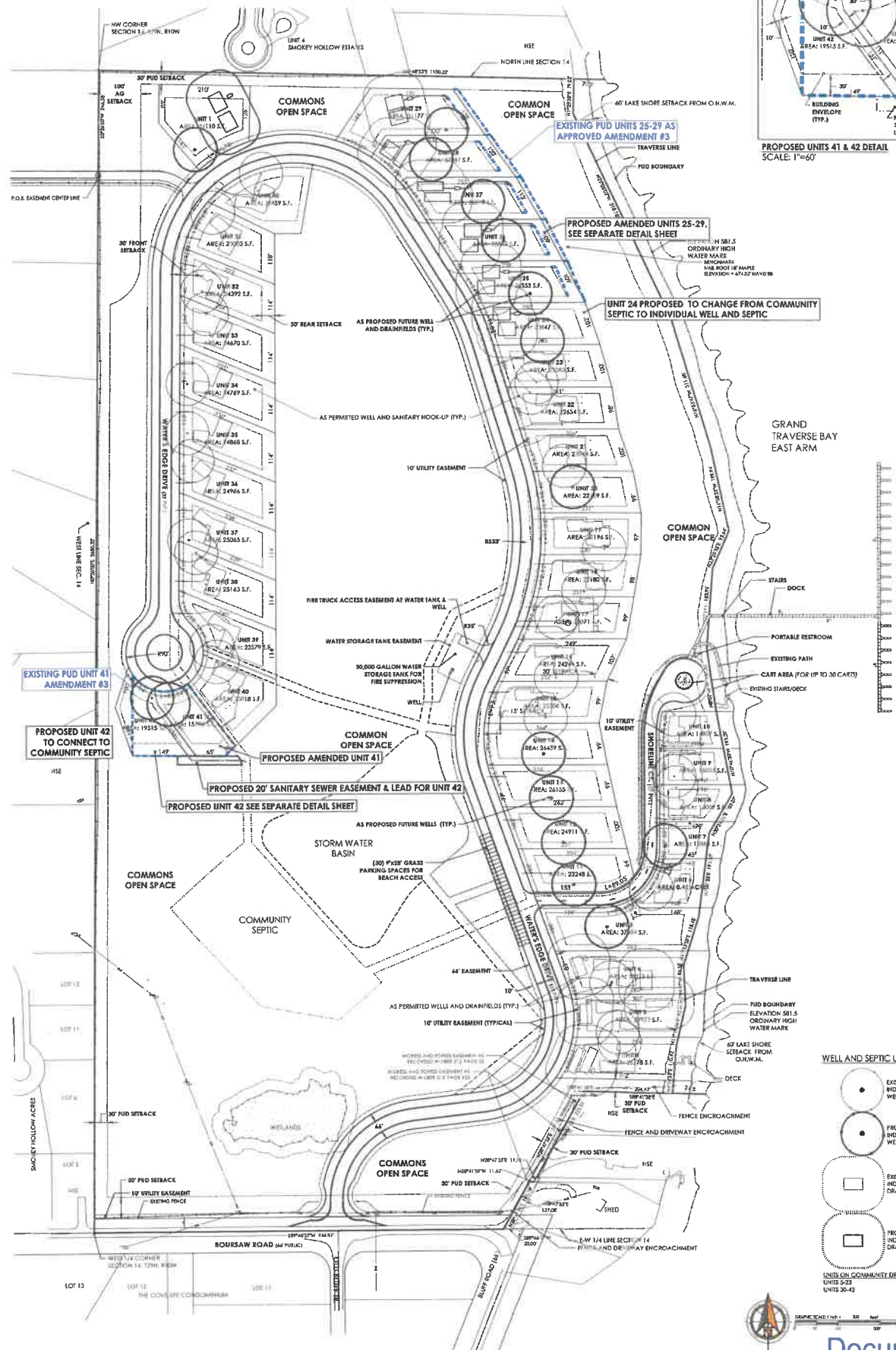
Re: Suitability of On-Site Wastewater Disposal System, Lot 24, Peninsula Shores Condo Development

On August 1st, 2023, the Grand Traverse County Environmental Health Department met O'Grady Development Co. at Lot 24 in Peninsula Shores Site Condo Development to assess Lot 24's suitability for an on-site wastewater disposal system. Currently, this parcel is approved as part of the community septic system. O'Grady Development Co. is requesting that this parcel be approved for an on-site septic system instead of hooking to the community septic system. A perk test was completed on August 1st, 90 ft east of Waters Edge Dr centerline and 70 ft north of the southern lot line. Soil conditions were found to be 12 inches of topsoil followed by 60 inches of loamy sand. The soils were found to be suitable for on-site wastewater disposal. The well on Lot 23 is located on the southeast portion of the property, and thus, the septic system on Lot 24 will be required to be on the western portion of the lot with the well on the eastern portion of the lot in order to meet the 50 ft minimum isolation distance between the septic system and the well. Lot 24 is approved by Grand Traverse County Environmental Health Department for on-site wastewater disposal.



Brent Wheat

Environmental Health Director





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-yr, 24-hour duration = 2.09 in (Bulletin 71)

Intensity i = 0.087 in/hr

Coefficient = C = weighted C (Per Table 2: Runoff Coefficients)

Area = A = 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.
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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 \geq 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-yr, 24-hour duration =

5.08 in (Bulletin 71)

Intensity $i =$ **0.212 in/hr**

Coefficient = $C =$ weighted C (Per Table 2: Runoff Coefficients)

Area = $A =$ 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	34.06 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**

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 \geq 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.

Pre Development Q = **72923 cft**

Required Storage = **488237 cft**

Provided Storage = **489349 cft**

Excess Storage = **1112 cft**

Peninsula Shores PUD Amendment #4

8/11/23

Storm Water Update for an additional lot #42

The development site has no defined drainage outlet feature, only overland flow and ground infiltration into existing sandy soils exist at the large basin, so there is no danger of stormwater having any off-site impact.

Stormwater runoff generated by the new lot 42 would be directed towards the large storm water basin at the center of the development site. The basin is sized to accommodate full build-out of the 41-unit PUD with an excess storage capacity of 1,112 cubic feet. However, it is most likely that all storm water generated by the impervious surface of this new lot 42 will have infiltrated back into the ground as it flows 300+ feet over land through the naturally vegetated common open space area before ever reaching the storm water basin.

8/10/2023

Storm Water Run-Off Calculations for Unit 42 (hypothetical based on unit 39 volumes)

Rainfall Intensity for (2x) 100-yr/24-hour events = 10.16 in/48hrs = 0.21 in/hr

Volume = $CiA = 0.98 \times 0.21 \text{ in/hr} \times \text{ acres} \times 86,400 \text{ conversion factor}$

Soil Type: Loamy sand and sandy loam

Infiltration Volume Reduction: 1" per hour over the wetted area of containment.

Infiltration = $(1"/12") \text{ ft} \times 24 \text{ hours} \times \text{ area sft} = \text{cft}$

Roof

3,592sf of roof, patio, deck, sidewalk
300ft long x 2ft wide overland flow to large basin

hard surface
infiltration

C	i	A	86400	Q (cft)	
0.98	0.21	0.0820	86400	1458	+
		600		1200	- infiltration volume
				258	<-- volume required

Driveway

1,515sf of driveway
300ft long x 2ft wide overland flow to large basin

hard surface
infiltration

C	i	A	86400	Q (cft)	
0.98	0.21	0.0348	86400	619	+
		600		1200	- infiltration volume
				-581	<-- volume required

Total cf volume Lot 42 = -323

NOTE:

Storm water from the upper ridge lots flows to the east and then south, over land through the grassy meadow open space towards the large/main storm water basin as engineered and permitted as part of the overall PUD. Although the basin is sized to accommodate full building-out of the PUD, it is most likely that all storm water generated by the impervious surface on these lots will have naturally infiltrated back into the ground before ever reaching the storm water basin.

Mansfield

Land Use Consultants

August 10, 2023

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

RE: Peninsula Shores PUD Amendment #4
Traffic Generation

Dear Jennifer

The following is in response to your request for *"a narrative on existing traffic generated from the development and the estimated increase in traffic for adding Lot #42."*

The existing PUD includes 41 lots and is not currently fully developed. The amendment proposes to add 1 lot for a total of 42 lots, once fully developed.

Excluding construction traffic, the typical residential household, on average, generates just over 10 trips per day. Variances to that average exist; with variables such as occupancy, age, proximity to commercial and retail areas, distance from work, time of year, seasonal occupancy, weather, etc. The location of Peninsula Shores, with respect to work location, restaurants, grocery stores, distance from town, etc. is somewhat lengthy. The existence of lengthy trips tends to reduce the number of trips made per day per household. Therefore, it is assumed that on average the trips from Peninsula Shores would likely be at or below the national average, and not above.

Assuming the average, the proposed Lot #42 would generate approximately 10 additional trips per day for Peninsula Shores. That represents only a 2.44% increase in trip generation.

The original PUD "The 81" was also approved by the Twp. as a platted subdivision. A total of 55 lots were proposed within the preliminary plat. By comparison, the 55 lot subdivision, on average, would have produced ~31% more traffic (130 additional trips per day) than the proposed, amended Peninsula Shores PUD with 42 lots.

There is simply no practical reason for concern from the approximate 10 additional trips generated from the proposed Lot #42. Its impact would be no more and no less than any house proposed to be constructed on the Old Mission Peninsula between the lighthouse and the mainland.

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

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

p 231.946.9310
f 231.946.8926

Peninsula Shores PUD
SUP #123 Amendment #3
Condition #2



PENINSULA TOWNSHIP

MEMO

To: Planning Commission
From: Jenn Cram, AICP, Director of Planning and Zoning
Date: August 16, 2023
Re: Peninsula Shores PUD, SUP #123, Amendment #3 – Tree Plantings

The Peninsula Shores PUD, SUP #123, Amendment #3 was approved on May 10, 2022. A copy of the signed Findings of Fact and Conditions is attached for reference.

Condition #2 on page 11 requires that the applicant plant a double row of evergreens a minimum of eight feet tall at planting spaced 8-10 feet apart within the 30-foot PUD buffer north of unit 1. The purpose of this condition of approval was to create a year-round buffer from the Peninsula Shores development to neighbors to the north.

The applicant has planted one row including six (6) evergreen trees that are approximately 20-feet tall within the 30-foot PUD buffer north of unit 1. Photos are attached for reference.

Staff would like to know if the Planning Commission believes that these six evergreens of a taller size meet the intent of the condition, or if additional evergreen trees are needed to fulfill the condition of approval.





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

Special Use Permit (SUP)/Planned Unit Development (PUD) Amendment
FINDINGS OF FACT AND CONDITIONS
SUP #123, Amendment #3 - Peninsula Shores (Formerly The 81) PUD Condominium Subdivision
May 10, 2022

PENINSULA TOWNSHIP BOARD

Applicant: The 81 Development Company, LLC
Kevin and Kyle O'Grady, Owners

Hearing Date(s): Planning Commission: December 20, 2021 (Introduction), January 24, 2022 (Public Hearing), February 28, 2022 (Public Hearing Continued) and March 21, 2022 (Findings of Fact and Conditions)

Township Board: May 10, 2022

PROPERTY DESCRIPTION

Parcel ID#: 28-11-609-001-00 through 28-11-609-041-00 and 28-11-609-900-00
Total Acreage: ~81-acres
Property Address: Waters Edge Drive and Shoreline Court
Zoning: R-1A – Rural and Hillside Residential & R-1B - Coastal Zone Residential
Adjacent Zoning: R-1A – Rural and Hillside Residential to the north and west (northwest corner = A-1 – Agricultural), R-1B - Coastal Zone Residential to the south and East Grand Traverse Bay to the east

Water: Individual Wells
Sewage Disposal: Community Septic Facility and Individual On-site Septic Systems
Access: Water's Edge Drive via Boursaw Road

INTRODUCTION AND BACKGROUND

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

On September 10, 2019, the Township Board approved the first amendment to SUP #123 that included shifting the private road (currently Shoreline Court) to the west that enlarged Units 5-9, adjusting the lot widths of Units 1-9 to be more uniform, eliminating the landscaped area along the private road to enlarge Units 4 and 10, reducing the lot size of Units 11-28 along the easterly side to meet the 65% open space requirement, and realigning the emergency access to the south.

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

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

The Planning Commission recommended approval of the proposed amendments at their regular meeting on March 21, 2021. Minutes from that meeting are available on the Township website.

SECTION 8.1.3 BASIS FOR DETERMINATIONS

FINDINGS - SECTION 8.1.3 (1) GENERAL STANDARDS

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

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

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

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

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

The PUD process allows for flexibility in the physical development pattern in exchange for preserving open space. Had the property utilized the standard land division process the total density allowed on the ~81 acres was estimated at 55 units with no requirement to preserve

any open space. Per Section 8.3.2. one of the objectives of a PUD is to cluster the location of residential uses. As such, the approved development generally clustered the 41 residential units around the perimeter of a large tract of open space located centrally on the property. Open space was also maintained along the eastern side of the property to preserve an area of steep shoreline. Both locations of Unit 1, existing and proposed are located slightly outside of the cluster on the perimeter of the development. Relocating Unit 1 to the northwest corner is therefore negligible. Please see (*EXHIBIT 2*) prepared by staff that demonstrates how residential units are clustered around the larger tracts of open space.

In addition, the minimum setback for any new residence on Unit 1 as proposed in the northwest corner is 60-feet (30-foot PUD buffer + 30-feet from property line to building envelope), where 30 feet is the required rear setback in both the R-1A and R-1B zone districts. The applicant has also proposed to plant 6 evergreen trees within the northern 30-feet to provide a buffer to adjacent residences to the north. A condition of approval proposed by the Planning Commission on March 21st increased this buffer to a double row of mature evergreen trees to be planted eight to ten feet on center. The applicant has not objected to the condition.

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

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

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

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

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

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

Section 8.3.2. encourages developers to use a more creative and imaginative approach in the development of residential areas. Relocating Unit 1 to the northwest corner creates a larger block of open space at the primary entrance to the development and preserves a view to the bay. This creates a more desirable and usable open space area for the development as opposed to being tucked in the northwest corner detached from the other open space areas. In addition, the existing access to the shoreline that is attached to the existing location of Unit 1 shown as Parcel A is eliminated. This removes potential disturbance to steep slopes along the shoreline.

The Township Board finds that the proposed amendments will not be hazardous or disturbing to existing or future uses as the area allows for residential development and has been developed with single-family residences. The spirit and intent of the original approval is also maintained with residential units clustered around larger tracts of open space. Furthermore, the amendments are a substantial improvement as they preserve a view to the bay for the entire community to enjoy, increase the size of the open space in the southeast corner for the benefit of the entire development, and preserves a sensitive area of steep shoreline.

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

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

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

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

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

The Township Board finds that the proposed amendments to the approved PUD will not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by fumes, glare or odors. Nor is it anticipated that there will be any negative impacts from particulates leaving the property with proper dust suppression and storm water management practices that are required as part of the issuance of a land use permit for each individual residential unit to be constructed within the development.

FINDINGS - SECTION 8.1.3(3) SPECIFIC REQUIREMENTS:

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

- (a) That the applicant may legally apply for site plan review.*** The 81 Development Company as the property owner and developer/applicant may legally apply for an amendment to the SUP and PUD to amend the site plan.
- (b) That all required information has been provided.*** The Township Board finds that the application for the requested amendments to be complete along with additional requested information to assist staff, Planning Commission and the Township Board of Trustees with their analysis of the proposed amendments.

- (c) ***That the proposed development conforms to all regulations of the zoning district in which it is located.*** The Township Board finds that all existing approved uses and proposed amendments conform to the requirements of the R-1A and R-1B zone districts. The Township Board also finds that the requested amendments conform to the requirements associated with a PUD per Section 8.3 as discussed in detail below.
- (d) ***That the plan meets the requirements of Peninsula Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage and other public facilities and services.*** The Township Board finds that the proposed amendments to the development conform to the requirements associated with a PUD per Section 8.3. There are no changes proposed that will impact fire and police protection, water supply, storm drainage or other public facilities and services. The proposed amendment to the sanitary easement on Unit 6 does not impact adequate sewage disposal or treatment.
- (e) ***That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.*** The Township Board finds that the proposed amendments to the SUP/PUD meet requirements or standards of other governmental agencies consistent with the original approval and subsequent amendment.
- (f) ***That natural resources will be preserved to a maximum feasible extent, and that areas to be left undisturbed during construction shall be so located on the site plan and at the site per se.*** The Township Board finds that the proposed amendments do not negatively impact prior approvals with respect to natural resource preservation. The open space for the development continues to meet the 65% requirement. The proposed relocation of Unit 1 to the northwest corner improves the open space at the entrance of the development and minimizes disturbance to a sensitive area with steep slopes.
- (g) ***That the proposed development property respects flood ways and flood plains on or in the vicinity of the subject property.*** The Township Board finds that the proposed plan amendments do not impact flood ways and flood plains.
- (h) ***That the soil conditions are suitable for excavation and site preparation, and that organic, wet or other soils which are not suitable for development will either be undisturbed or modified in an acceptable manner.*** The Township Board finds that the proposed amendments do not impact prior approvals with respect to soil suitability.
- (i) ***That the proposed development will not cause soil erosion or sedimentation problems.*** The Township Board finds that the proposed amendments do not negatively impact prior approvals with respect to soil erosion or sedimentation. A condition of approval is proposed that requires that the applicant receive a Land Use Permit prior to construction that covers these items.

- (j) ***That the drainage plan for the proposed development is adequate to handle anticipated stormwater runoff, and will not cause undue runoff onto neighboring property or overloading of water courses in the area.*** The Township Board finds that the proposed amendments do not negatively impact prior approvals with respect to stormwater. Again, a condition of approval has been proposed that requires that the applicant receive a Land Use Permit prior to construction of a single-family residence on Unit 1 that covers storm water management. The Director of Zoning confirms that all required permits from Grand Traverse County have also been obtained that also includes soil erosion and sedimentation control.
- (k) ***That grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring properties.*** The Township Board finds that the proposed amendments will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring properties with regard to grading and filling. The underlying zoning allows for residential uses and the PUD as approved allowed for 41 residential units within the development. Construction of a single-family residence is normal for areas that allow for residential uses. A condition of approval is proposed that notes that no fill will be allowed and sets a reasonable finished floor elevation with existing natural grade. The area where Unit 1 is proposed to be relocated has a gradual slope and contains no mature tree stands that will be removed. The applicant has proposed a buffer of evergreen trees along the northern property line as well to improve the character of the area.
- (l) ***That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.*** The Township Board finds that the proposed amendments will not disrupt air drainage systems necessary for agricultural uses.
- (m) ***That phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility service, drainage or erosion control.*** The Township Board finds that the proposed amendments will not impact any project phasing.
- (n) ***That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities.*** The Township Board finds that the proposed amendments will not change plans to expand existing facilities such as public streets, drainage systems and water sewage facilities.
- (o) ***That landscaping, fences or walls may be required by the Town Board and Planning Commission in pursuance of the objectives of this Ordinance.*** The Township Board finds that the proposed amendments will not change any requirements for fences or walls.
- (p) ***That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.*** The Township Board finds that the proposed amendments will not adversely affect the flow of traffic within the site, or to and from 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.* The Township Board finds that the proposed amendments will not change vehicular and pedestrian traffic flow within the development. Eliminating Parcel A improves pedestrian circulation by minimizing disturbance to a sensitive area with steep slopes.
- (r) *That outdoor storage of garbage and refuse is contained, screened from view and located so as not to be a nuisance to the subject property or neighboring properties.* The Township Board finds that the proposed amendments will not change plans for addressing outdoor storage of garbage and refuse.
- (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.* The Township Board finds that the proposed amendments are in accordance with the spirit and purpose of this Ordinance and past approvals of the SUP/PUD.

SECTION 8.3 PLANNED UNIT DEVELOPMENTS

FINDINGS – 8.3.2 OBJECTIVES

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

1. *To provide a more desirable living environment by preserving the natural character of open fields, stand of trees, steep slopes, brooks, ponds, lake shore, hills, and similar natural assets.* The Township Board finds that the proposed amendments do not change the initial determination that the project creates a desirable living environment by preserving the natural character of open fields, stand of trees, steep slopes, brooks, ponds, lake shore, hills, and similar natural assets. This is accomplished by clustering the residential development sites around large tracts of open space that meet the 65% requirement.
2. *To provide open space options.* The Township Board finds that the proposed amendments do not change the intent of open space areas being preserved. The relocation of Unit 1 to the northwest corner of the development improves open space at the entrance of the development and a view to the bay. Proposed amendments do not require the removal of mature tree stands.

3. ***To encourage developers to use a more creative and imaginative approach in the development of residential areas.*** The Township Board finds that the proposed amendments do not change the initial determination that the development offers a more creative and imaginative approach in the development of residential areas. Furthermore, the open space at the entrance of the development is improved, potential disturbance to steep shoreline is removed and the clustering of residential development sites around larger tracts of open space is maintained. The overall density allowed by the approved PUD is less than what could have been achieved using the standard land division process. Proposed amendments do not increase density or reduce the amount of open space being preserved.
4. ***To provide for more efficient and aesthetic use of open areas by allowing the developer to reduce development costs through the by-passing of natural obstacles in the residential project.*** The Township Board finds that the proposed plan amendments do not change the initial determination that the development offers a more efficient and aesthetic use of open areas. The Township Board further finds that the proposed amendments are a substantial improvement to the designated open space as the size of the open space in the southeast corner of the development is increased for the benefit of the entire development and preserves a sensitive area of steep shoreline.
5. ***To encourage variety in the physical development pattern of the Township by providing a mixture of housing types.*** The Township Board finds that the proposed amendments do not change the initial determination that the development offers a variety in the physical development patterns. Forty-one residential units were approved with 65% open space where 55 units with no associated open space could have been developed under the Land Division Act.
6. ***To provide for the retention of farmland by locating the allowed number of housing units on the agricultural parcels of land in clusters which are suitable for residential use and keep the remaining agricultural land in production or fallow and available for production.*** The Township Board finds that the proposed amendments do not change the initial determination that the development locates the allowed number of housing units on the residentially zoned property in clusters which are suitable for residential use and keeps the remaining open space protected from development with residential uses. The 41 units are clustered around two large tracts of open space.

FINDINGS – 8.3.3 QUALIFYING CONDITIONS

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

1. ***The planned unit development project shall not be less than twenty (20) acres in area, shall be under the control of one owner or group of owners, and shall be capable of being planned and developed as one integral unit.*** The Township Board finds that the development area is still far more than 20 acres in size at ~81 acres.

2. ***The planned unit development project shall be located within a Residential or Agricultural District, or a combination of the above Districts.*** The Township Board finds that the development area remains residential (R-1A and R1-B) and has an approved PUD that allows the development of 41 residential units by virtue of past approvals.
3. ***Water and waste disposal shall comply with the Township Master Plan and be approved by Grand Traverse County or State of Michigan requirements.*** The Township Board finds that the proposed amendments do not change past approvals of water and waste disposal systems.
4. ***The proposed density of the planned unit development shall be no greater than if the project were developed with the lot area requirements of the particular zone district or districts in which it is located subject to the provisions of Section 8.1. except as provided by Section 8.3.5 (1).*** Forty-one units were approved and 41 units still exist as a result of requested amendments. Approximately 55 units could have been developed using the standard land division process with no requirement for open space. The Township Board finds that the proposed amendments do not change past determinations of equivalent density.
5. ***Open space shall be provided according to Section 8.3.6.*** The Township Board finds that the proposed plan amendments positively change the open space configuration such that a larger tract of open space is provided at the entrance of the development.
6. ***For purposes of this Section 8.3, Open Space does not include building envelopes, parking lots and roads (roadbed width plus two (2) foot shoulders on each side).*** The Township Board finds that the proposed amendments do not include building envelopes, parking lots and roads within the designated 65% open space.
7. ***The proposed planned unit development shall meet all of the standards and requirements outlined in this Section 8.3 and also Section 8.1. and Article VII.*** The Township Board finds that the proposed amendments do not change prior determinations that the proposed planned unit development meets the standards and requirements outlined in Section 8.3, Section 8.1. and Article VII.

COMPLIANCE WITH GOVERNMENTAL REGULATIONS:

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

APPROVAL CONDITIONS AND SAFEGUARDS:

Conditions and Safeguards: The Township Board may require such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for ensuring that the intent and objectives of the ordinance will be observed. The breach of any condition, safeguard, or requirement shall automatically invalidate the permit granted. Specific conditions include:

1. All prior findings, conditions and safeguards imposed by the Circuit Court and the Peninsula Township Board of Trustees that apply to this amendment remain in effect.
2. A landscape plan shall be submitted to the Director of Planning for approval that includes a double row of evergreen trees a minimum of 8-feet tall at planting that are spaced eight to ten feet on center to be located in the 30-foot PUD buffer north of Unit 1 prior to issuance of a Land Use Permit.
3. The easement from the former Unit 1 to the shoreline shall be sold to an adjacent property owner and/or extinguished.
4. Approval of a Land Use Permit is required prior to any construction of residential units within the development. Such Land Use Permit will include review and approval of dust suppression, storm water management, soil erosion control, and Grand Traverse County Environmental Health requirements.
5. No fill shall be placed on Unit 1. The single-family residence shall be sited to utilize the existing topography of the lot. The finished floor elevation of the residence on Unit 1 shall be no greater than two feet above the existing grade elevation of approximately 765.
6. The Master Deed shall be updated to be consistent with the approved amendments.

COMMENCEMENT AND COMPLETION

The commencement and completion of special land uses are governed by Section 8.1.2(5) of the Peninsula Township Zoning Ordinance. Violations of the special land use and accompanying site plan are enforceable and remedies available under Section 4.2 of the zoning ordinance.

TOWNSHIP BOARD FINDINGS:

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

RECOMMENDATION:

Staff and the Planning Commission recommend that the Township Board of Trustees approve the Peninsula Shores PUD, SUP #123, Amendment #3 based on the Findings of Fact and six conditions of approval.

SUGGESTED MOTION:

I move that we the Township Board of Trustees approve the Peninsula Shores PUD, SUP #123, Amendment #3 based on the Findings of Fact and six conditions of approval.

EXHIBITS:

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

EFFECTIVE DATE OF SPECIAL LAND USE:

The special land use permit for the Peninsula Shores PUD, SUP #123, Amendment #3 shall be effective when the application has been approved by the Peninsula Township Board of Trustees, subject to the above conditions. The board approves by a vote of:

AYES
NAYS
ABSTAINING
ABSENT

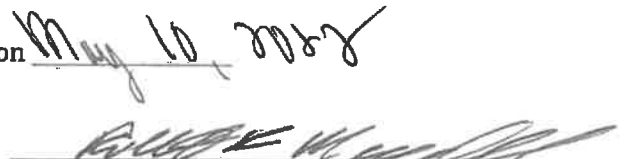
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The undersigned hereby certifies that she is the clerk for the township of Peninsula, Grand Traverse County, Michigan, and that the foregoing special use permit was approved by the Peninsula Township Board of Trustees on May 10, 2028.

The undersigned further certifies that a quorum was present at said meeting and that said meeting complied with all applicable laws and regulations.



Rebecca Chown, Peninsula Township Clerk

Approved by the Peninsula Township Board on May 10, 2028


Rob Manigold, Peninsula Township Supervisor

THIS PERMIT SHALL BE ATTACHED TO THE SITE PLAN AND BECOME A PART THEREOF.

I hereby acknowledge that I have received a true copy of the special land use permit and I have been informed of said requirements of this special land use permit and of the requirements of the Peninsula Township Zoning Ordinance.



The B1 Development Company, LLC
Kyle O'Grady
901 S Garfield, Suite 202,
Traverse City, MI 49686

Policy Discussion

Building Height

- **Walk through definitions of basement, building height of and Section 6.8 maximum height of structures stories and feet.**
- **Review Township Board comments from May 9, 2023 meeting.**
- **Discuss issues and process for amendments.**

Shoreline Regulations

- **Walk through Sections 6.2.2 (2)(c), 7.4.2, 7.4.3, 7.4.4 and 7.4.7 (B).**
- **Discuss issues, issuance of land use permits and process for amendments to Sections 6.2.2 (2)(c) and 7.4.2.**

Adjacent - Adjoining Area: That area of the Township bounded by major thoroughfares as described in the Township Major Thoroughfare Plan requiring the same land use designation in the Comprehensive Land Use Plan of Peninsula Township.

Adult Foster Care Facility: A governmental or nongovernmental establishment having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care facility shall include homes for the aged.

Agricultural Labor Camp: An agricultural labor camp means a tract of land and all buildings or other structures pertaining thereto, all or part of which is established, occupied, or used as living quarters for less than five (5) migrant farm laborers engaged in agricultural activities, including related food processing. **(ADDED BY AMENDMENT 90) (REVISED BY AMENDMENT 166B)**

Licensed Agricultural Labor Camp: An agricultural labor camp for migrant farm laborers licensed by the State of Michigan. **(ADDED BY AMENDMENT 90)(REVISED BY AMENDMENT 166B)**

Alterations: Any modification, additions, or change in construction or type of occupancy, any change or rearrangement in the structural parts of a building; any enlargement of a building, whether by extending a side or by increasing in height; or the moving from one location to another.

Bed and Breakfast Establishment: Means a private residence that offers sleeping accommodations to transient tenants in 3 or fewer rooms for rent, is the owner's residence in which the owner resides while renting the rooms to transient tenants, and serves breakfasts at no extra cost to its transient tenants. **(REVISED BY AMENDMENT 136)**

Basement: A story having part, but not more than one-half (1/2) of its height below finished grade. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if used for business or dwelling purposes.

Board of Appeals: Peninsula Township Board of Appeals.

Boarding of livestock: Providing care, custody and control of livestock for others, with or without remuneration, on agricultural land or in buildings incidental to the use for agricultural purposes but not for hourly rental of animals and not a petting farm. **(ADDED BY AMENDMENT 155A)**

Boat Hoist: A devise to raise and/or store boats above or out of the water. Included are shore stations, hoists, inclined ramps with carts on rails or similar devices. **(REVISED BY AMENDMENT 109A)**

Boat House: An enclosed structure designed for the use and storage of private boats and marine equipment having a maximum height of eleven (11) feet and a maximum area of 300 square feet.

Boat Livery: A boat livery is hereby defined and declared to be any structure, site or tract of land utilized for the storage, servicing or rental of boats and for the sale of hunting and/or fishing tackle, equipment, boats and etc.

Building: Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This shall include tents, awnings and vehicles situated on private property and used for purposes of a building, whether or not mounted on wheels.

Building Area: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

Building Envelope - An area identified on a site plan within which a building or structure may be located. **(ADDED BY AMENDMENT 151)**

Building, Front line of: The line that coincides with the face of the building nearest the front line of the lot. This face includes sun parlors and enclosed porches, but does not include steps.

Building, Height of: The vertical distance measured from the mean elevation of the finished grade line of the ground about the front of the building to the highest point of the roof.

Building Lines: A line defining the minimum front, side and rear yard requirement outside of which no building or structure may be located.

Building, Principal: A building in which is conducted the main or principal use of the lot on which it is located.

Campground: Means any parcel or tract of land under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for five (5) or more recreational units.

Cellar: A story having more than one-half (1/2) of its height below the average finished level of the adjoining ground. A cellar shall not be counted as a story for the purposes of height measurement in stories.

Child Care Organization: A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act 116 of the Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

- (1) "Child care center" or "day care center" means a facility, other than a private residence, receiving more than 6 pre-school or school age children for group care for period of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day.

SECTION 6.8 SCHEDULE OF REGULATIONS (REVISED BY AMENDMENT 91) (AMENDMENT 107D)

The Regulations contained herein shall govern the Height, Bulk, and Density of Structures and Land Area by Zoning Dist.

Zoning District	Minimum Zoning			Maximum			Maximum %		
	Lot Size Per Dwelling Unit			Height of Structures			Normal of lot area Covered by All Structures		
	Area	Width in Feet	Stories Feet	Minimum Yard Setback Per Lot in Feet from Each	Front Side	Rear	High Water Mark	Principal Structure	Elevational Width of a
R-1A, Rural & Hillside	1 Acre	150 (b)	2 ½ (c)	35	30 (j)	15 (j)	30 (j)	15	24'
R-1A, PUD; R-1B PUD	(e)	(e)	2 ½ (c)	35	30 (e)	15 (e)	30 (e)	15	24'
R-1C, PUD; R-1D PUD	(e)	(e)	2 ½ (c)	35	30 (e)	15 (e)	30 (e)	15	24'
R-1B, Coastal Zone									
Single and Two-Family	25,000	100 (b)	2 ½ (c)	35	30 (j)	15 (j)	30 (j)	15	24'
R-1C, Suburban Residential									
Single and Two-Family	20,000	100 (b)	2 ½ (c)	35	25 (j)	15 (j)	30 (j)	25	24'
R-1D, Community Residential									
Single and Two-Family	15,000	100 (b)	2 ½ (c)	35	25 (j)	15 (j)	30 (j)	30	24'
C-1 Commercial	25,000	150	2 ½ (c)	35	35	10	30	35	
A-1, Agricultural	5 A.	330 (g,h,i)	2 ½ (c)	35	35 (j)	50 (f,j)	50 (f,j)	60 (d)	

Section 6.8.1 Schedule Limiting Height, Bulk, Density, and Area by Zoning District. Footnotes -- Additional Requirements

- (b) In the case where curvilinear street pattern produces irregularly-shaped lots with nonparallel side lot lines, a lessor frontage width at the street line may be permitted provided that the lot width at the building line is equal to the lot width for that district.
- (c) Allowable height variations are subject to the provisions of Article VII, Section 7.3
- (d) Does not include fishing, boating or swimming docks, open decks, and boat hoists as provided in Section 6.2.2(2) (c) and 6.2.2(2) (d).
- (e) As approved under Section 8.3.
- (f) The minimum setback for other than residential structures shall be fifteen (15) feet. PROVIDED, HOWEVER, the minimum side yard setbacks for residences shall be fifteen (15) feet on lots of record with lot widths of one hundred ninety-nine (199) feet or less that were recorded prior to the adoption of Amendment No. 91 by the Township Board on June 9, 1992. (REVISED BY AMENDMENT 108)
- (g) Where a lot in the Agricultural District has its access on a public road, the lot shall have a minimum lot width and frontage width of 330 feet. Where a lot in the Agricultural District has as its access a frontage road, that lot shall have a minimum lot width and frontage width of 100 feet and if the lot also abuts a public road, the lot shall also have a width of not less than 330 feet on the public road side of the lot. Where a lot has been created by Planned Unit Development, the minimum frontage width shall be that which is approved by the Township Board.
- (h) REQUIRED LOT SHAPE A lot in the Agricultural District shall be of such shape that a square measuring 210 feet on a side can be located within the parcel. The square has no relevance to structure location or setbacks. (REVISED BY 107D)
- (i) Access to residential building sites on farmland subject to a recorded Conservation Easement consistent with the intent of Ordinance No. 23 shall be regulated by the provisions of Section 6.7.5. (ADDED BY AMENDMENT 117B)
- (j) See Section 7.7.1.1 for required setbacks of residences adjacent to agricultural lands. (ADDED BY AMENDMENT 138A)

PENINSULA TOWNSHIP

13235 Center Road, Traverse City
MI 49686

www.peninsulatownship.com

Township Board Regular Meeting

May 9, 2023, 7:00 p.m.

Township Hall

Minutes

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

2. **Pledge**

3. **Roll Call**

Present: Wunsch, Achorn, Sanger, Rudolph, Chown

Absent: Wahl, Shanafelt

4. **Citizen Comments**

Ken Pratt, 12155 Bluff Road: I am a native of Traverse City, having been born here more than seven decades ago. I am a resident of Old Mission Peninsula and the third-generation owner and occupant of the house my grandmother built at 12155 Bluff Road. I have three grown children and three grandchildren plus numerous friends and other relatives who enjoy visiting me throughout the year. However, it is neither practical nor possible to accommodate them within the one-bedroom house my grandmother built. My property includes 1.77 acres of land and has 250 feet of frontage along Bluff Road. It is zoned R-1B, Single and Two-Family. My proposed building plan includes expanding the existing garage and adding a carriage house space above the garage to accommodate guests. The building plan meets all existing building requirements. It exceeds the minimum setback requirements on all sides. The proposed height is below the two and a half story height restriction of 35 feet. The square footage to acreage ratio is well below the allowable limit of 15 percent. I have ample acreage to accommodate the required septic field. My proposed land use application is no different than others that have previously been approved within the township. There is precedent for approval of this sort of request. Some may suggest that approving this type of project will open the door to short-term rentals. The fact of the matter is that I have no intention of engaging in any such activity, and I am willing to sign an affidavit to that effect. To deny my application based on short-term rental concerns would be equivalent to telling me that I may not own a Corvette because someday I might go speeding down Center Road at 100 miles an hour. Another possible objection to my proposal relates to the undefined concept of ADUs [accessory dwelling units], which at this time is not addressed in any of the township regulations or restrictions. This is in reference to agenda item number six to occur this evening. In order for property owners to fully enjoy parcels zoned as R-1B, Single and Two-Family, I fully support the proposal to incorporate accessory dwelling units wording into the township zoning ordinance. I look forward to working with you on this project while at

Cram: the current definition of building height under section 3.2 is, “The vertical distance measured from the mean elevation of the finished grade line of the ground about the front of the building to the highest point of the roof.” This definition conflicts with what section 6.8 says, which clearly notes, “The maximum building height in all zone districts is two and a half stories and 35 feet.”

The previous zoning administrator was only looking at building height for the front elevation. As a result, we have structures that have been built that are three and four stories. What creates issues is that in order to achieve these false walkout situations, people are either cutting into natural grade or filling. Looking from the road or the front elevation, it's maybe one and a half stories. From the sides and the rear, you end up with three and four stories. Dave [Sanger] and I are dealing with four situations right now where, because of the additional fill that was brought in, there are stormwater issues. In my role as interim zoning administrator, I have been requiring plans to come in that show the maximum building height on all the elevations and making sure it is two and a half stories or 35 feet based on section 6.8. I would like to update our definition of building height. We had a good start on that with the proposed rewrite that we could work from. Having a graphic of how we measure building height will be helpful.

Achorn: what about measuring from before rather than after all the fill is put in?

Cram: the way I've handled it in the past is that you measure the maximum building height from existing or proposed grade, whichever is greater. If you had to bring in some fill, we would look at the topography of the site and that could count against your building height. Thank you; I'll get to work.

8. Update from Grand Traverse County Road Commission (Kluczynski and Leman)

Jay Saksewski: as of last Monday, we've reorganized the road commission. I'm now the director of operations. Previously I was superintendent. All things field operations, engineering, fleet facilities, are under my guise. Tonight we'll talk about road kill, dust control brine, updates from EGLE, and updates on Bluff Road.

In the past 60- 90-day news cycle, EGLE attempted to revise its stormwater discharge regulations pertaining to mineral well brine. This is not an immediate concern for Grand Traverse County as we don't use mineral well brine – we use a calcium chloride product made by Oxy Corp – but it could have long-standing applications. If mineral well brine use is restricted by EGLE, then the demand for the product that we use, 30 percent calcium chloride, could increase pretty dramatically. When you see that demand increase without a sharp increase in supply, obviously that could have strong repercussions on the price. We tried to understand what EGLE's concerns were in terms of mandating some of these decisions and restricting use. Candidly, we didn't understand it. There wasn't a lot of data behind it. It seemed a little near-sighted and arbitrary. So a number of our legislators sent a letter to EGLE saying, “Hey, what is going on?” so they put a moratorium on it. Unfortunately, there's no date or explanation for how long that pause will be. It's a good interim measure. Dust control starts in a few weeks. It's unfortunately not a permanent solution. We're going to continue to play a supporting role.

Regarding road kill, there's not a whole lot of news in regard to the DNR's feedback. If you've not had an opportunity to watch that recorded meeting, we certainly encourage everybody to do so. I can share that link. To preface this, the road commission would not

Section 6.2 R-1A Districts: Rural and Hillside Residential:

Section 6.2.1 Intent and Purpose: This section establishes the R-1A Rural and Hillside Residential District to set 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.

Section 6.2.2 Uses Permitted by Right:

(1) Single Family Dwellings:

(2) Customary Uses and Structures

- (a) Accessory Buildings: Accessory buildings such as farm buildings and a detached garage for the storage of automobiles shall be permitted with a single-family dwelling; provided, however, that the farm buildings and garage shall comply with the setback restrictions and side yard requirements.
- (b) Guest Houses: A guest house detached from the dwelling shall not be permitted on the same lot with a single-family dwelling unless the lot has a width twice the normal width, and the guest house is so located as to be qualified as a single-family dwelling in its own right on one-half the width of the lot of the principal dwelling.

(c) Boat Hoists and Docks:

- 1. A maximum of one (1) dock per parcel plus one boat hoist, is permitted per fifty (50) feet of shore line, measured at the ordinary high water line, provided that a pre-existing lot of record is allowed at least one dock and one boat hoist.
- 2. Boat hoists and docks are allowed on properties of insufficient size for a single-family dwelling, provided the lot is a pre-existing lot of record or has a minimum width of fifty (50) feet and also provided that provision is made for a minimum of two (2) parking places off the adjacent road right-of-way. In the event of properties owned by the same party being separated by a thoroughfare, parking may be provided on the inland parcel and need not be in excess of that required for a single-family dwelling.
- 3. No dock shall be wider than seven (7) feet and no longer than necessary to provide adequate water depth for the boat using the dock or boat hoist.
- 4. Shared waterfront ownership is allowed pursuant to Section 7.4.2.
(REVISED BY AMENDMENT 109C)

Section 7.3 Supplementary Height and Area Regulations:

Section 7.3.1 Permitted Exceptions: When a given use is permitted in any District, the following kinds of structural appurtenances shall be permitted to exceed the otherwise required height limitations for authorized uses, provided that they shall not be used for human occupancy:

- (1) Ornamental church steeples and cupolas.
- (2) Functional chimneys, ventilators, television aerials and ham radio antenna.

(REVISED BY AMENDMENT 159)

Section 7.3.2 Permitted Exceptions, Agricultural Districts: In the agricultural district, traditional agriculture related buildings, such as barns and silos, may be constructed to heights in excess of that specified for the district, provided they are first granted a special use permit for such exception under the procedures and requirements of Section 8.1 of this Ordinance.

Section 7.3.3 Individual lot areas in plats abutting certain agricultural lands described in Section 4.7.10 of the Township Subdivision Control Act recorded subsequent to the date of this amendment may be less than the required minimum PROVIDED the average lot size in the recorded plat is not less than the required minimum and PROVIDED FURTHER that any reduced lot size is not less than Seventy (70) percent of the required lot area. Provision for reduced lots shall be stated on the recorded plat so that minimum average lot sizes will be maintained in the event of any subsequent amendments to the plat. No more than twenty (20) percent of the total lots in the plat shall contain less than the required minimum lot area.

Section 7.3.4 Any lot existing and of record on the effective date of this original Ordinance may be used for any permitted use specified for the District in which such lot is located whether or not such lot complies with the lot area and width requirements of this Ordinance, PROVIDED that all other requirements of this Ordinance are complied with, and PROVIDED FURTHER that not more than one (1) dwelling unit shall occupy any lot except in conformance with the required lot area for each dwelling unit.

Section 7.4 Supplemental Great Lake Shoreland Regulations:

Section 7.4.1 Intent and Purpose: It is the intent and purpose of this Ordinance to protect water quality and land resources related to the Great Lakes Shoreland for the future health, safety and welfare of Township residents.

Section 7.4.2 Shared Waterfront Ownership: Any waterfront land that is to be used by more than one family shall meet the following requirements:

- (1) Intent It is the intent of this section to reduce the conflicts that occur between residential single family use and shared waterfront use, such as a number of families using the beach, making noise, trespassing, temporarily storing boats, boat hoists and other equipment.

- (2) Land Use Permit Where more than one family has Shared Waterfront Ownership in the waterfront property, a land use permit shall be obtained from the Zoning Administrator. The application for land use permit shall indicate the number of families with access rights, the name and address of a principal family member for each family, the name and address of one person who shall receive the tax bill in the event that all families do not have taxable real property in Peninsula Township and a site plan showing compliance with the minimum requirements of this Section 7.4.2. The Zoning Administrator shall be notified of any change in ownership.
- (3) Minimum Lot Widths and Vehicle Parking Space Requirements:
- | | | |
|-----|---|------------------|
| (a) | <u>No. of Families</u> | <u>Minimum</u> |
| | <u>With Access Rights</u> | <u>Lot Width</u> |
| | Two Families | 100 |
| | Three Families | 150 |
| | Four Families | 200 |
| | Over Four Families
(Five additional feet per family) | |
- (b) One parking space for each boat hoist shall be provided off the traveled portion of the road such that all portions of a parked vehicle are at least five (5) feet from the driving lane to provide safe egress from the vehicle.
- (c) Each parking space shall be a minimum of twenty-three (23) feet in length. The parking space does not have to be paved or graveled. **(REVISED BY AMENDMENT 122) REVISED BY AMENDMENT 190)**
- (4) Group docking, hoist and other related facilities and boat hoists shall not exceed one dock per parcel and one boat hoist per fifty (50) feet of shore line, measured at the ordinary high water mark, and shall be located as near as possible to the center of the parcel.
- (5) No dock shall be wider than seven (7) feet and no longer than necessary to provide adequate water depth for the boat using the dock or boat hoist.
- (6) No dwelling units or clubhouses are allowed on shared waterfront parcels.

- (7) The area within fifteen (15) feet of side lot lines shall not be used for the permanent or temporary placing or storage of boats, boat hoists and other equipment, nor for locating fire pits or decks flush with the ground.
- (8) A portable toilet is allowed, provided it is not placed within a road right-of-way, and not closer than twenty (20) feet from the water's edge. Also provided that screened shall be between the toilet and the nearest property line, the road and the water.
(REVISED BY AMENDMENT 109B)

Section 7.4.3 Filling and Grading Within 200 feet of Normal High Water Mark: The following rules shall apply to any filling, grading or other earth movement within 200 feet of the normal high water mark to prevent harmful erosion and related sedimentation:

- (1) The smallest amount of bare ground shall be exposed for as short a time as feasible.
- (2) Temporary ground cover such as mulch must be used as soon as possible and permanent cover such as sod be planted.
- (3) Diversions, silting basins, terraces and other methods must be used to trap any sediment.
- (4) Fill must be stabilized according to accepted engineering practices.
- (5) The Zoning Administrator may issue a land use permit for a sea wall without regard to the Minimum yard setback from the ordinary high water mark otherwise required in Section 6.8.1 when a sea wall is necessary to protect or prevent structures on the premises from erosion damage caused by high water.

Section 7.4.4 Removal of Shore Cover: Regulation of tree cutting along the Great Lakes shoreline is necessary to protect scenic beauty, control erosion and reduce effluent and nutrient flow from the shoreland. These provisions shall not apply to the removal of dead, diseased or dying trees at the discretion of the landowner, or to silvicultural thinning upon recommendation of a forester. Tree cutting in a strip paralleling the shoreline and extending thirty-five (35) feet inland from all points along the normal high water mark of the shoreline shall be limited in accordance with the following provisions:

- (1) No more than 30% of the length of this strip shall be clear cut to the depth of the strip.
- (2) Provided, further that cutting of this 30% shall not create a clear cut opening in this strip greater than thirty (30) feet wide for every one hundred (100) feet of shoreline.
- (3) In the remaining 70% length of this strip cutting shall leave sufficient cover to screen cars, dwellings, accessory structures, as seen from the water; to preserve natural beauty and to control erosion.
- (4) Natural shrubbery shall be preserved as far as practicable, and where removed it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty.