

**Packet Addition  
August 21, 2023,  
Planning Commission Regular Meeting**

# Public Comment

## Jennifer Cram

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**From:** chaddox75@gmail.com  
**Sent:** Friday, August 18, 2023 12:34 AM  
**To:** Becky Chown; Robin Noval  
**Cc:** shipman.parks@gmail.com; rand.plancom@gmail.com; lwdloski@gmail.com; acouture@need-lawyer.com; jualexanptpc@gmail.com; dsh\_44@yahoo.com; armen.peninsulatrustee@gmail.com; Jennifer Cram  
**Subject:** Peninsula Shores amendment #4 and conditions to amendment # 3

Please include the below in a packet for the 8/21 23 Planning Commission meeting.

Dear Planning Commission Members:

It has come to our attention that Peninsula Shores is seeking an amendment to its PUD/SUP to add an additional unit to the development and is trying to change the requirements set forth in the prior amendment as to the tree buffer at unit 1. We were not aware of this until the meeting packet came out, so we were not able to comment before then.

### Amendment to add a new unit

We strongly object to the addition of another unit to the development. This development was originally sold to the community and the township as a development that would have only 41 units instead of 55 lots. A development of 41 units was approved, but the approved 41 units were smaller and in a much more favorable layout for the developer than would have been permitted under general zoning. The developer's main argument now seems to be that they could have put 55 units in the development before the SUP/PUD was approved, so now they should be permitted to add a 42<sup>nd</sup> unit. If this approach is approved by the Township, then this will set the precedent for this developer (and other developers) to come back and get additional units approved up to what was allowed prior to their original PUD being approved. If the fact that 55 units could have been developed on this property before is the justification for adding the 42<sup>nd</sup> unit, then the precedent will be set to allow this developer to keep coming back and adding more units and increasing the density over what this project was originally approved for. If you approve this amendment, the precedent will be set for developers to get the special benefits of a PUD by proposing a lower density, and then later come back again and again to get back the additional units and the density that they gave up in the beginning to get the PUD benefits.

Further, this additional unit will adversely affect both the owners adjoining the development and the property owners within the development by increasing traffic through the development, and it is not an improvement to the community as a whole. The amount of additional traffic is not huge. However, if you say it is not enough to matter here, then you set the precedent that it won't be enough to matter when a developer comes back to add another lot, and then another, and then another. Section 8.1.3(1)(b) of the zoning ordinance requires that the use of the proposed location will be a substantial improvement to property in the immediate vicinity and the community as a whole. Adding another unit in this location will be a detriment rather than an improvement to the property in the immediate vicinity (including both the units within the development and the properties around the development). Adding another unit to this development is not a substantial improvement to the community as a whole which is seeking to preserve its rural character.

### Attempt to change prior PUD amendment tree buffer condition

We were very surprised to see that the staff thinks that one row of trees might meet the express PUD/SUP condition that two rows of trees be planted. We were also disappointed (but not surprised) that neither staff nor the developer consulted us about this issue. The condition is clear – two rows of trees are required, and the trees should be 8-10 feet apart. This is the condition that the developer agreed to at the meeting. One row of trees will never provide the same degree of buffering as two rows over the long term.

Please feel free to reach out to me if you have any questions. Thank you for your consideration.

Craig Haddox (614-361-5196)

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OLSON, BZDOK & HOWARD

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August 18, 2023

Peninsula Township  
Planning Commissioners  
13235 Center Road  
Traverse City, MI 49685

via Email to: [planner@peninsulatownship.org](mailto:planner@peninsulatownship.org)

Re: Proposed changes to Peninsula Shores

Dear Planning Commissioners:

I am writing on behalf of Craig and Megan Haddox of Smokey Hollow Road to oppose the addition of another unit to the Peninsula Shores Planned Unit Development (PUD) and object to any possibility that the Planning Commission would find that planting a single-row tree buffer satisfies a condition to plant a double-row tree buffer.

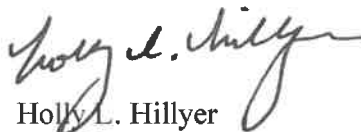
The addition of Unit 42 in proposed Amendment #4 to the developer's Special Use Permit (SUP) #123 will not be a "substantial improvement to the property in the immediate vicinity and to the community as a whole" as required by Peninsula Township Zoning Ordinance (PTZO) Section 8.1.3(1)(b). Rather, it will increase the overall intensity of the land use and add traffic traveling to, from, and within the PUD. When the developer proposed its last SUP amendment, the Haddoxes and other Township residents raised concerns about its apparent strategy of proposing one plan to secure SUP approval and using amendments to achieve another that the community would not have approved in the first place. This latest proposal demonstrates the validity of those concerns. If the Township approves another lot simply because its addition would not cause the PUD to exceed the maximum number of lots allowed if the property were developed as a use by right, it will set further precedent encouraging this abuse of the amendment process.

The Planning Commission must also ensure that the developer comply with all previous SUP and amendment conditions, including planting a double-row tree buffer as a condition of the Township's approval of Amendment #3. The packet for the Planning Commission meeting to be held Monday, August 21, 2023, contains a memorandum from the Director of Planning and Zoning asking the Planning Commission if it believes planting a single row of 20' evergreen trees would satisfy the "intent" of a condition requiring planting two rows of evergreen trees at least 8' tall. First, the condition must be satisfied as written regardless of the Planning Commission's present belief about its intent. Second, a single row of trees cannot satisfy the condition. The trees being taller than 8' when planted does not mean they exceed the condition's height requirement, which establishes 8' as the *minimum* for compliance. A single row of trees will never be as wide or effective a buffer as a double row, regardless of the height of the trees when planted.

*Planning Commission*  
*August 18, 2023*  
*Page 2 of 2*

Thank you for your attention to this matter and your consideration of our concerns.

Sincerely,



Holly L. Hillyer  
[holly@envlaw.com](mailto:holly@envlaw.com)

HLH/klg

# **Policy Discussion Definition of Building Height**

**Definition of Half Story:**

From Merriam Webster –

noun. an uppermost story which is usually lighted by dormer windows and in which a sloping roof replaces the upper part of the front wall.

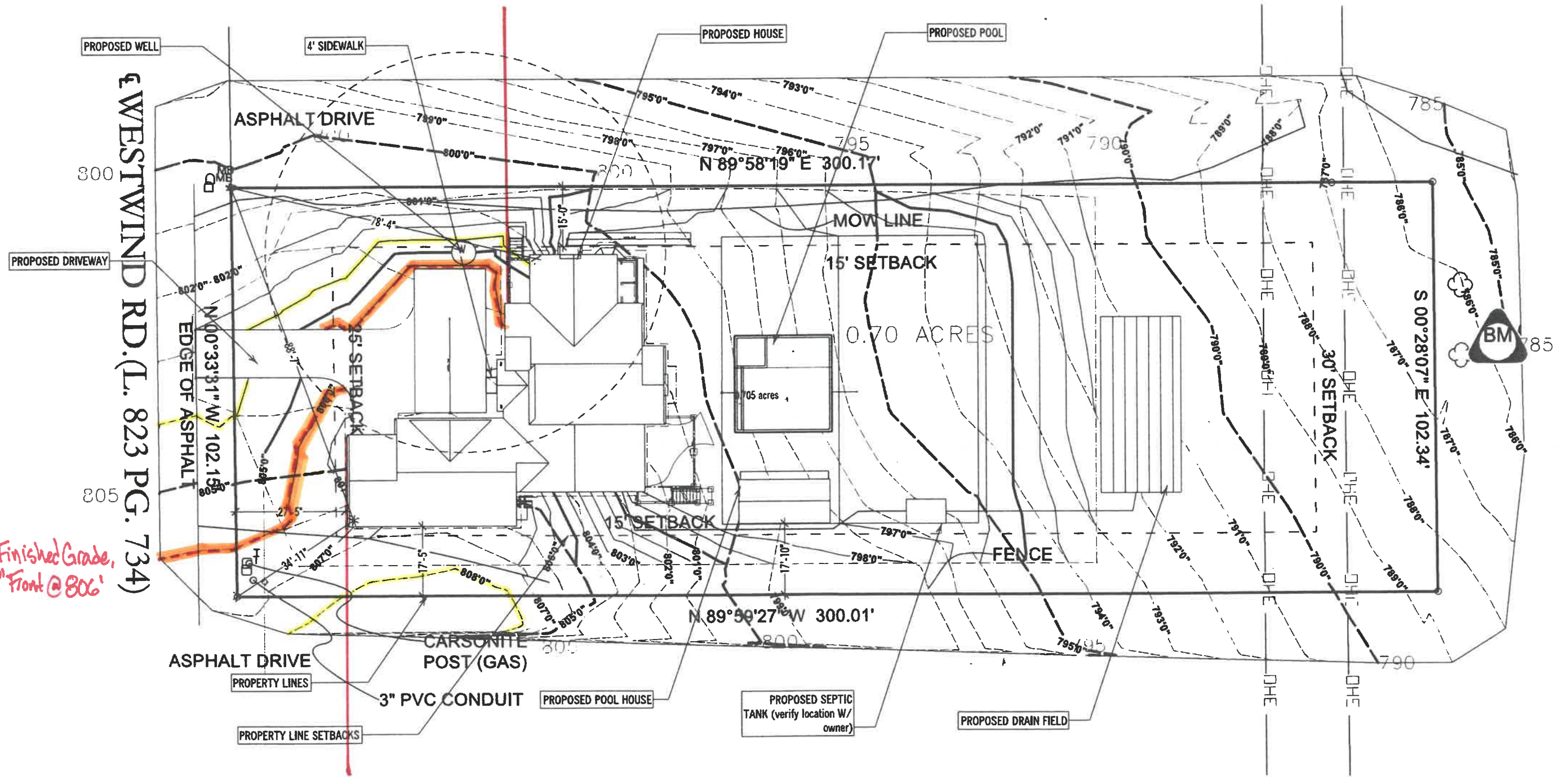
From Law Insider -

**Half Story** means the portion of a building immediately under a sloping roof which has the point of intersection of the top line of the rafters and the face of the walls not to exceed three (3) feet above the top floor level;

**Half Story** means a story under a gable, hip or gambrel roof, the wall plates of at least two (2) of the exterior walls being not more than three (3) feet above the floor of such story.



Finished Grade Elevation,  
Trailing Front Wall @ 804.5'



Mean Finished Grade,  
"About" Front @ 806'

Finished Grade Elevation,  
Leading Front Wall @ 807.5'

**SITE PLAN**  
Scale: 1" = 20'-0"



Highest Point of Roof, NTE 35'

(Maximum Building Height; 2.5 stories, NTE 35')

806'

Mean Finished Grade, "About" Front @ 806'

Side Elevation

3 NORTH ELEVATION  
Scale: 1/4" = 1'-0"

Highest Point of Roof

NTE 35'

"Height of Building,"  
Determining Mean Finished Grade Elevation  
about the front of the building.

Mean Finished Grade,  
"About" Front @ 806'

807.5'

809.5'

806'

Front Elevation 4 WEST ELEVATION  
Scale: 1/4" = 1'-0"

