

# PENINSULA TOWNSHIP

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## PENINSULA TOWNSHIP PLANNING COMMISSION AGENDA

September 18, 2023

7:00 p.m.

1. Call to Order
2. Pledge
3. Roll Call
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 August 21, 2023
8. Business
  - a. Special Use Permit (SUP) – Peninsula Shores Planned Unit Development (PUD) #123, Amendment #4 – Public Hearing (Waters Edge Drive and Shoreline Court)
9. Reports and Updates
  - a. Special Use Permit (SUP) – Peninsula Shores Planned Unit Development (PUD) #123, Amendment #3 – Update on condition of Approval #2 / Evergreen Plantings (Waters Edge Drive and Shoreline Court)
10. Public Comments
11. Other Matters or Comments by Planning Commission Members
12. Adjournment

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

# Minutes

## **PENINSULA TOWNSHIP**

13235 Center Road, Traverse City MI 49686

Ph: 231.223.7322

### **PENINSULA TOWNSHIP PLANNING COMMISSION MINUTES**

August 21, 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, Hornberger; Also present: Jenn Cram, Director of Planning and Zoning, Nicholas Wikar, Planning and Zoning Administrator, and Beth Chan, Recording Secretary

**4. Approve Agenda:**

**Moved by Dloski to approve the agenda as amended, seconded by Couture**  
**approved by consensus**

**Cram:** added introduction of Nicholas Wikar.

**Cram:** introduced Wikar, planning and zoning administrator who joined the township on July 10, 2023.

**Wikar:** stated he is happy to work for Peninsula Township and briefly describes his education and work history.

**Cram:** noted there are two vacancies on the planning commission. It will be Al Couture's last meeting, we thank him for his service. Donna Hornberger plans to reapply. The vacancy will be posted on the website, and letters of interest are due on September 5, 2023.

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

**Kevin Beard, 221 Mathison Road:** addressed the planning commission on the township's lighting and dark sky ordinance. He lives close to Vineyard Ridge where the homes are lit with LED lights. Explained that the Vineyard Ridge homes are lit with LED lights that are not shielded or downward facing. When Beard spoke with Sanger, he said they are exempt. Beard is concerned with the front-facing, glaring driveway lights. As soon as the leaves drop the lights will appear brighter. Feels the ordinance needs to be looked at for lumens and perhaps bright lights should be on timers or dimmers. Will be happy to join a sub-committee to address this issue.

**Curt Peterson, 1356 Buchan Drive:** thanks Al Couture for his service to Peninsula Township.

**6. Conflict of Interest: None**

**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.

**Moved by Hornberger to approve the consent agenda as presented, seconded by Hall  
approved by consensus**

**8. Business:**

**a. Special Use Permit (SUP)-Peninsula Shores Planned Unit Development (PUD) #123  
Amendment #4-Introduction (Waters Edge Drive and Shoreline Court)**

**Cram:** summarizes the third Amendment, approved on May 10, 2022. The applicant is now requesting a fourth amendment. Proposing to add another lot/unit for a total of forty-two units. To maintain the required sixty-five open space, units twenty-five through twenty-nine 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 forty-one is also reduced to create unit forty-two. Units twenty-five through twenty-nine will utilize an on-site septic system and new unit forty-two will tap into the community on-site septic system. The applicant has submitted a complete application and additional information: a traffic study, a geotechnical report, and detailed open space calculations (for the third and fourth amendments).

**Dloski:** why are they reducing the building envelopes for lots twenty-five through twenty-nine and in turn getting another unit?

**Cram:** the reduction in lot size for lots twenty-five through twenty-nine is required to maintain the 65% open space and they believe there is also public benefit to moving the lots away from the bluff.

**Kyle O'Grady, 901 S. Garfield Road, Suite 202, Traverse City:** when working on a project, things change on a day-by-day basis. For the next phase, lots twenty-four through twenty-nine, it is in the best interest to build closer to the road. Space is not needed for lots twenty-four-twenty-nine to go all the way to the ridge. Lot forty-one is a large lot with great views, to take advantage of these views, we came up with the idea to reduce lot forty-one and add lot forty-two. Lot twenty-four is currently on the community septic system, the plan is to take this off and lot forty-two will connect to the septic system; the Grand Traverse Health Department has been consulted.

**Dloski:** supported the movement of unit one and commented on the landscaping plan from amendment three.

**Cram:** the landscaping plan will be discussed during business item b.

**Shanafelt:** understand moving the homes away from the bluff, why another lot?

**O'Grady:** due to the views from lot forty-one, the decision was made to add another lot.

**Shanafelt:** do not see how moving lots away from bluff justifies adding another lot, why not leave it as is?

**O'Grady:** could come forward with only a request to add a lot, but decided to change lots twenty-four through twenty-nine.

**Shanafelt:** does not understand the logic, is it the right thing to do?

**Alexander:** unsure if it is a substantial improvement.

**O'Grady:** feels it benefits the community. In the process of development, lot lines are moved. It is a benefit to add another homeowner.

**Shipman:** for the next step, a public hearing will occur.

**Cram:** after tonight's introduction, if the commission feels they have the information they need, a public hearing can be scheduled.

**Shanafelt:** what are the criteria to move to a public hearing?

**Cram:** applications have an introduction to the planning commission, and then a public hearing is held to provide the commission with information. According to Michigan law, only one hearing is required which could then be the township board meeting. It is up to the planning commission to notify staff to move forward to a public hearing.

#### **Discussion**

**Hall:** at what stage should the township legal counsel be consulted?

**Alexander:** for lots forty-two and forty-one and the changes made, is an updated stormwater review needed?

**Cram:** preliminary stormwater calculations have been provided and will be reviewed by engineering. The fire chief will also review.

**Discussion of the setbacks and size for lots forty-one and forty-two.**

**Moved by Dloski to hold a public hearing on Special Use Permit (SUP)-Peninsula Shores Planned Unit Development (PUD) #123 Amendment #4 in September during the planning commission meeting, seconded by Hall.**

**approved by consensus**

**Cram:** a site visit can occur for commission members in the afternoon before the meeting on September 18, 2023.

#### **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)**

**Cram:** a landscape plan was submitted that was presented for Amendment 3; six spruce trees were proposed, but a condition of approval was for two rows of eight-foot evergreen trees spaced eight to ten feet apart for a year-round buffer to the properties to the north. Six large evergreens were planted, approximately twenty feet tall. Do you believe this meets the intent of the condition of approval?

**Shanafelt and Dloski:** do not agree that this meets the condition of approval.

**Dloski:** it is clear that it does not meet the condition of approval. is this a formal request to change the condition of approval?

**Discussion**

**Hall:** the trees will grow but the condition is not fulfilled.

**Dloski:** the plan should be on record with the township.

**Cram:** will meet with O'Grady to meet the conditions.

**9. Reports and Updates:**

**a. Bowers Harbor Boat Works SUP #14, Amendment #1 - withdrawn**

**Cram:** the property has sold, and the original applicant has withdrawn. Have been told the office is no longer used as a dwelling.

**b. Update on Resolution RE: U-Pick and Farm Stand Signage**

**Cram:** in July, the township board paused enforcement of temporary signs for u-pick and farmstands. There was hope that the sign ordinance would be updated. From May to November signage will not be enforced for u-pick and farm stands to support agriculture. This was formalized on August 8, 2023.

**Discussed sign options for visibility**

**b. Policy Discussion – Building Height and Shoreline Regulations**

**Cram:** presented definitions of basement, building height, and half story (included in the packet). Walked through a site plan example from an LUP to explain how building height is determined (diagram is in the packet). There is a misunderstanding on how building height is measured. Maximum is thirty-five feet and two and a half stories to meet the requirement of Section 6.8. A definition of a half story should be added, see packet addition for examples of the definition.

**Discussion**

**Cram:** for shoreline regulations, page eighteen of the summer newsletter gives an update that any grading, filling, or earthmoving within two hundred feet of the shoreline requires a land use permit for properties under section 7.4.3. Section 7.4.7 restricts any fill in the floodplain and restricts its uses. Walked through Sections 6.2.2(2)(c), 7.4.2, 7.4.3, 7.4.4 and 7.4.7(B). FEMA has updated their floodplain maps adopted as of April 19, 2023; the base floodplain increased for most of the peninsula several feet in some areas. Land Use Permits were not consistently issued for shoreline work in the past. A certified survey indicating the ordinary high-water mark and the base floodplain elevations are required for review and approval of a permit. Conversations were had with Grand Traverse County Soil Erosion and Sedimentation Control to notify that these measurements are needed and the applicant needs to confirm uses allowed. Conversations occurred with EGLE and the Corp of Engineers and they support the ordinances. A mailer will go out to shoreline landowners and contractors. In addition, neighbors are not placing docks appropriately with consideration to neighbors and this topic will be addressed this fall/winter with amendments to the zoning ordinance.

**Alexander:** requests the chapter from the master plan for this topic.

**Cram:** will look at the additional resources for shoreline regulations

**Hall:** suggested looking at other jurisdictions with navigable waters, and docks used in connection to real estate. Examples are Acme Township and Coral Gables, Florida.

#### **10. Public Comments:**

**William Walsh, 8522 Eastbeach Trail:** representing Underwood Farms, with approximately five hundred and ninety feet of beachfront and allowed 11 hoists. Approved for docks and hoists originally in 2010. In 2022, the association asked for 12 hoists and was not approved. The homeowner's association accepts the township's decision. The Army Corp approved twenty-two hoists in 2022, which expires in 2027, but local zoning must be followed. EGLE stated the Army Corp has the determination. Discussed the storage of hoists, east of Center Road and docks, west of Center Road. Finally, the association would like to add 3 hoists in the future.

**Curt Peterson:** Old Mission Estates is responsible for approximately two hundred and fifty feet of shoreline. We have been responsible. Each member of the association has a 1/26 share in the shoreline and so far, it is not an issue. It could become an issue because more residents may want to have a boat; as part of the value of the property is the ability to have a boat. There is a limit to the number of boats. If the property is sold and no space is available for a boat, the value goes down. Asks that the property owners be considered as the board moves forward with decision-making. The Great Lakes change every year and dock placement varies from year to year; would like to work with the township on new regulations.

**Shipman:** There is a letter of public comment that will be attached to the minutes. Read a letter from Andy Valdmanis.

**Cram:** will work with property owners and contractors on shoreline regulations.

#### **11. Other Matters or Comments by Planning Commission Members:**

**Dloski:** asked for updates on board actions on amendments and the zoning rewrite.

**Cram:** the Farm Processing Amendment #201 passed, as well as, the farm stand amendment, both are effective. An RFP to hire a consultant to assist with a complete zoning ordinance update is going out in an RFP soon.

**Discussion of details for the September meeting**

#### **12. Adjournment: 8:28 p.m.**

**Moved by Dloski to adjourn, seconded by Hall**

**approved by consensus**

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





# PENINSULA TOWNSHIP

## MEMO

**To:** Planning Commission  
**From:** Jenn Cram, AICP, Director of Planning and Zoning  
**Date:** September 14, 2023  
**Re:** Peninsula Shores PUD, SUP #123, Amendment #4 – Public Hearing

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There has been no new information received from the applicant since the introduction on August 21, 2023.

Engineering and Fire are still reviewing the proposed amendments. We do not anticipate any major concerns.

We have had several neighbors come in to review the proposed plans, none expressed concerns after reviewing the plans. We have received one email opposed to the proposed amendment and a letter noting that they are not opposed to the proposed amendments. Written correspondence is included in the packet under Exhibit #2.

Draft Findings of Fact and Conditions have been included for discussion. We look forward to hearing public comment and discussing the application further at the September 18 meeting.

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

**Special Use Permit (SUP)/Planned Unit Development (PUD) Amendment**  
**DRAFT FINDINGS OF FACT AND CONDITIONS**  
**SUP #123, Amendment #4 - Peninsula Shores (Formerly The 81) PUD Condominium Subdivision**  
**September 18, 2023**

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**PENINSULA TOWNSHIP BOARD**

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

**Hearing Date(s):** Planning Commission: August 21, 2023 (Introduction), September 18, 2023  
(Public Hearing)

Township Board: TBD

**PROPERTY DESCRIPTION**

**Parcel ID#:** 28-11-609-001-00 through 28-11-609-041-00 and 28-11-609-900-00

**Total Acreage:** ~81-acres

**Property Address:** 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 were 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.

On May 10, 2022, the Township Board approved the third amendment to SUP #123 (The 2<sup>nd</sup> amendment was withdrawn.) The third amendment approved the relocation of Unit 1 from the southeast corner of the development to the northwest corner, removed Parcel A from the SUP/PUD eliminating the lakefront access from Unit 1, modified the sanitary easement for Unit 6 and adjusted the lot lines of Units 38-41.

The 81 Development Company has submitted an application and supporting materials attached as **(EXHIBIT 1)** to amend SUP #123 that will amend the approved PUD. This is the fourth proposed amendment. The current request for Amendment #4 is summarized below.

1. Lot line adjustments to Units 25-29 and 41.
2. Addition of one development site proposed as Unit 42.
3. Proposed sanitary easement for Unit 42.

## **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 increase the number of single-family residential units but maintains the required 65% open space. The proposed use of the property for single-family residences does not change because of the requested amendments to modify the PUD. As such, the existing character of the general vicinity will not change.

- (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 to reconfigure existing lots and add one lot will not change the overall residential 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.

However, it is not clear what the substantial improvement is for properties in the immediate vicinity and to the community as a whole. Although it may be nominal, one additional single-family residence will increase traffic, light, noise, etc. within the neighborhood and 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.***

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, or schools. One additional lot will utilize a well and individual on-site septic system if the request is approved.

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

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

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

The proposed amendments to the 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 to modify the PUD site plan.
- (b) ***That all required information has been provided.*** The application for the requested amendments is 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 proposed amendments conform to the requirements of the R-1A and R-1B zone districts. The requested amendments appear to conform to the requirements associated with a PUD per Section 8.3. Engineering is still reviewing the open space calculations to confirm the 65% requirement. If there is an issue, we believe that it can be addressed with additional modification to the lot configurations of Units 24-29.
- (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.*** To date, we have not received comments from engineering regarding the preliminary storm water calculations. We have also not received written comments from the fire chief although he has done a high-level review and did not have concerns. We believe that if either engineering or fire has concerns, they can be addressed via modifications to the plans. Grand Traverse County Environmental Health has provided a letter noting that soils on Unit 24 are suitable for an individual on-site septic system.
- (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.*** As discussed above, the proposed amendments to the SUP/PUD should meet the requirements or standards of other governmental agencies consistent with the original approval and subsequent amendments.
- (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 proposed amendments do not negatively impact prior approvals with respect to natural resource preservation. The open space for the development as proposed will continue to meet the 65% requirement. The reconfiguration of Units 24-29 will move development further away from the bluff. The new unit will not result in the loss of trees or negatively impact the wetland within the development.
- (g) ***That the proposed development property respects flood ways and flood plains on or in the vicinity of the subject property.*** The proposed plan amendments do not impact flood ways or 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 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 proposed amendments do not negatively impact prior approvals with respect to soil erosion or sedimentation. A condition of approval will be included 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 proposed amendments do not negatively impact prior approvals with respect to stormwater. Engineering is still reviewing preliminary storm water calculations. Proposed plans can be modified to address any concerns prior to approval, or as a condition of approval.
- (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 proposed amendments will not destroy the character of the property or the surrounding area, as the area has been developed with single-family residences.
- (l) ***That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.*** 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 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 proposed amendments will not require any changes to existing streets. Storm water control is being reviewed for compliance by our engineer. One new well and one additional individual on-site septic system will be utilized within the development if the requested amendments are approved.
- (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 proposed amendments will not change any requirements for fences or walls. We do not believe that additional buffering is needed, but welcome input from the Planning Commission.
- (p) ***That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.*** The proposed amendments will create additional traffic. Per national averages, one single-family residence generates approximately 10 vehicle trips per day. This is an approximately 2.4% increase to the estimated total trips generated from 41 single-family residences.
- (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 proposed amendments will not change vehicular and pedestrian traffic flow within the development.

- (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 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.*** There are currently some items that need further discussion to demonstrate that the proposed amendments are in accord 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 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 proposed amendments do not change the intent of open space areas being preserved. The open space calculations will be confirmed prior to approval. 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 proposed amendments do not change the initial determination that the development offers a more creative and imaginative approach in the development of residential areas. As proposed, density will increase, but the 65% open space will be maintained.
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 proposed plan amendments do not change the initial determination that the development offers a more efficient and aesthetic use of open areas.
5. ***To encourage variety in the physical development pattern of the Township by providing a mixture of housing types.*** The proposed amendments do not change the mixture of housing types. One additional unit is proposed that modifies the approved physical development within the PUD plan.

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 proposed amendments do not change the initial determination that the development is clustered around 65% 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 proposed 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 development area remains residential (R-1A and R1-B) and has an approved PUD that allows the development of 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 proposed amendments require one new well and one additional individual on-site septic system. Grand Traverse County has noted that soils are suitable for an on-site septic system. A well permit will be required prior to any construction.
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. Forty-two units are proposed. Approximately 55 units could have been developed using the standard land division process with no requirement for open space. The proposed amendments do not change past determinations of equivalent density.
5. ***Open space shall be provided according to Section 8.3.6.*** The proposed plan amendments will provide the required 65% open space. This will be confirmed prior to approval.
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 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.*** There are still items that need to be discussed and/or confirmed prior to determining that all standards within Section 8.3, Section 8.1. and Article VII have been met.



## **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. 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.
3. The Master Deed shall be updated to be consistent with the approved amendments.
4. Others TBD

## **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.

## **RECOMMENDATION:**

Staff does not recommend that the Planning Commission take action at the September 18 meeting unless there is consensus that the intent of Section 8.1.3 (1)(b) has been met. We believe additional information is needed to demonstrate that the addition of one residential unit is a substantial improvement for properties in the immediate vicinity and for the community as a whole.

## **EXHIBITS:**

1. Original Application Materials + Additional Materials Provided by the Applicant for the Introduction.
2. Public Comments

# Exhibit #1

**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 orders.

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

## **ORDINANCE REFERENCE – SECTION 8.1.3**

### **STATEMENT OF HOW THE PROPOSED PROJECT MEETS THE STANDARD:**

10.

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

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

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

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

*The applicant is still the majority 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*



*County Construction permits.*

- f. That natural resources will be preserved to a maximum feasible extent, and that areas to be left undisturbed during construction shall be so located on the site plan and at the site perse.

*The Peninsula Shores' PUD offers reduced residential density by preserving 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:**

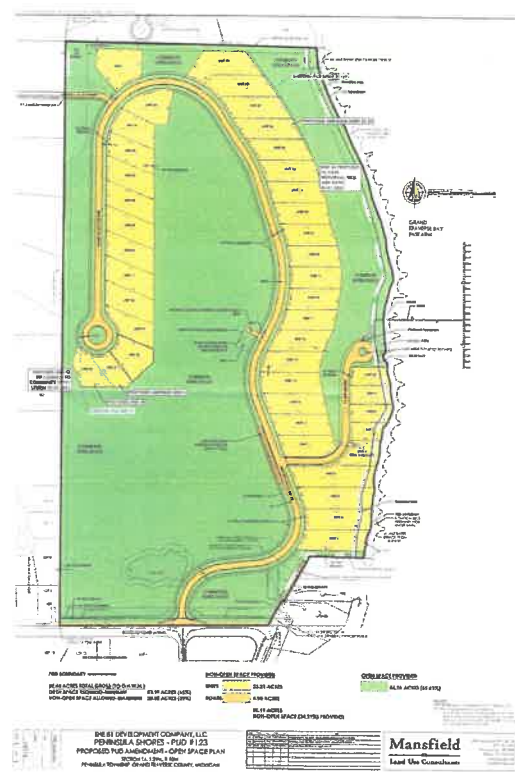
- 1. Provides a more desirable living environment by preserving the natural character of open fields, stand of trees, brooks, ponds, lake shore, hills, and similar natural assets.

*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 24<sup>th</sup> and August 9<sup>th</sup> 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











**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	
<b>total remaining open space</b>	<b>54.25</b>	<b>= 65.81% open space provided</b>
		<b>65% open space required</b>

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

	<u>acres</u>	
Single Family Homes (area of building envelope)	11.63	
<b>Total Lot Coverage</b>	<b>11.63</b>	<b>+ 82.44 acres = 14% lot coverage</b>
		<b>15% lot coverage allowed</b>

*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
	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
<b>Unit Totals</b>	<b>1,016,167 sf</b>	<b>512,273 sf</b>

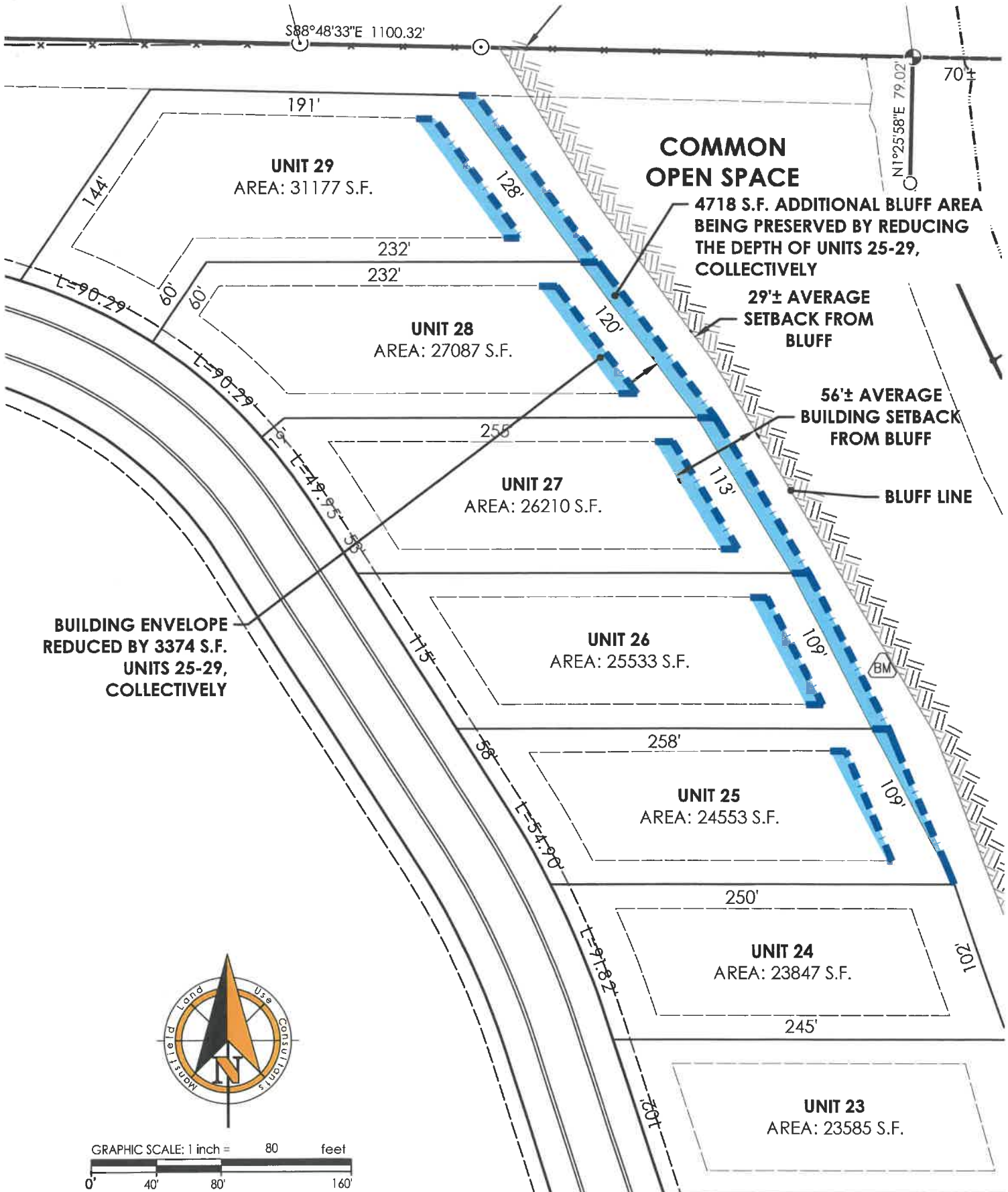
23 acres

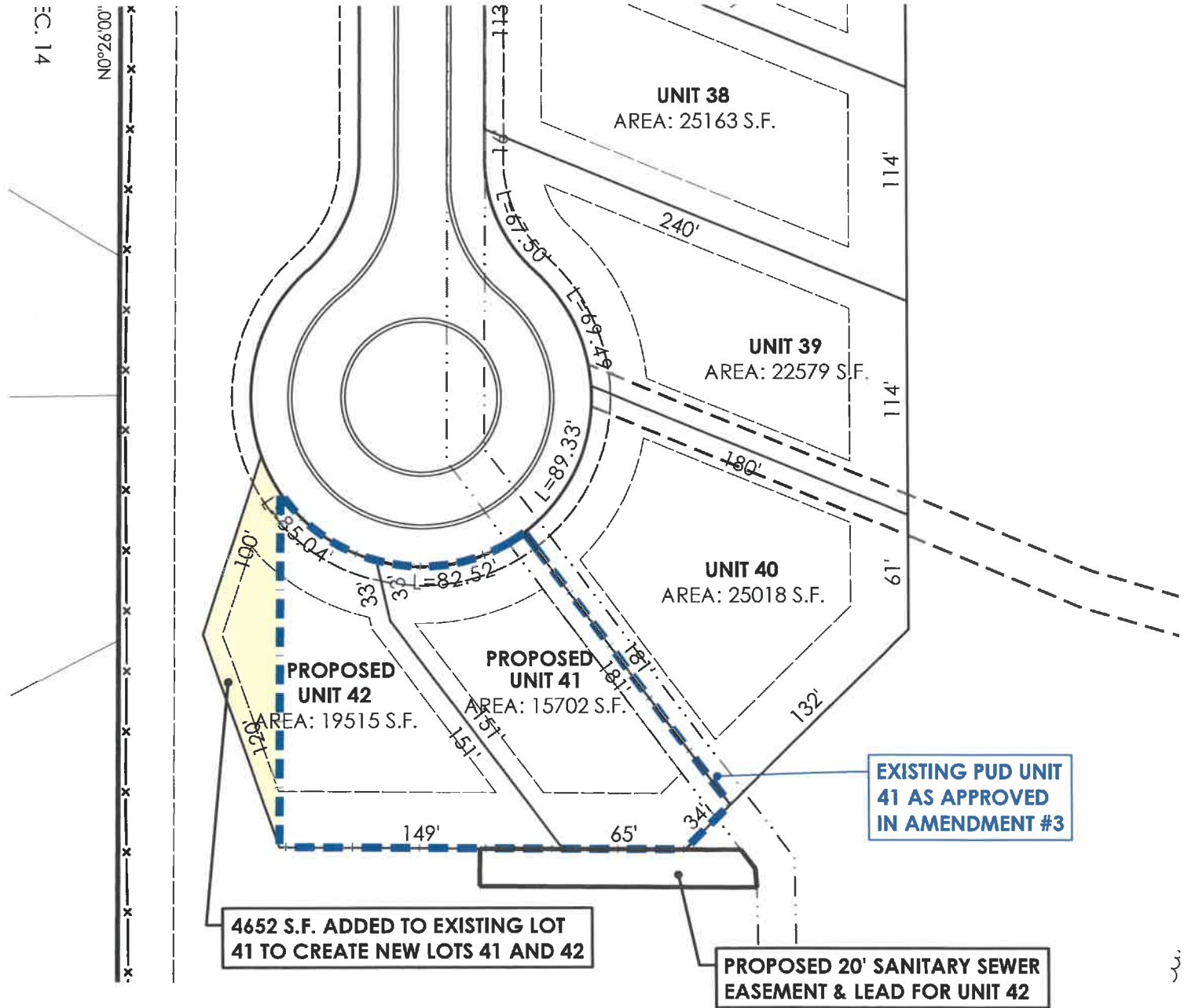
12 acres buildable area

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

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

PENINSULA SHORES-PUD #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	
 Sodid 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.

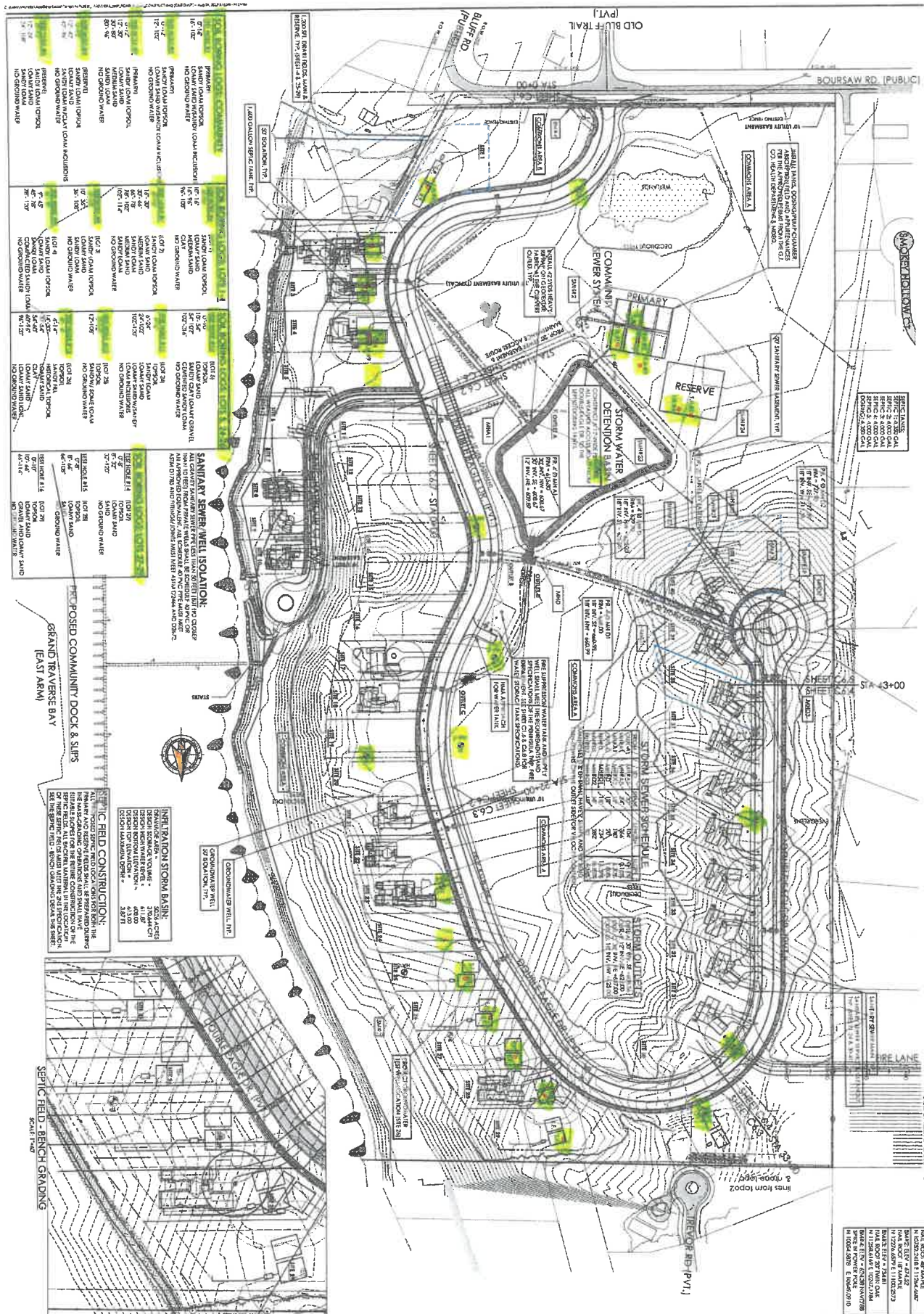
Date(s) aerial images were photographed: Data not available.

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%
<b>Subtotals for Soil Survey Area</b>		<b>99.7</b>	<b>86.4%</b>
<b>Totals for Area of Interest</b>		<b>115.5</b>	<b>100.0%</b>





NO.	DESCRIPTION	DATE	BY	CHECKED BY
1	PRELIMINARY	10/1/14	JL	ML
2	REVISED	10/1/14	JL	ML
3	REVISED	10/1/14	JL	ML
4	REVISED	10/1/14	JL	ML
5	REVISED	10/1/14	JL	ML
6	REVISED	10/1/14	JL	ML
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98	REVISED	10/1/14	JL	ML
99	REVISED	10/1/14	JL	ML
100	REVISED	10/1/14	JL	ML

**PROPOSED COMMUNITY DOCK & SLIPS**  
(EAST ARM)

**SEPTIC FIELD - BENCH GRADING**  
SCALE: 1"=40'

**INITIAL STORM BASIN:**  
DESIGN FLOW: 100 CFS  
DESIGN STORAGE: 100,000 GALLONS  
DESIGN DETENTION TIME: 10 MINUTES  
DESIGN INLET: 18" DIA.  
DESIGN OUTLET: 18" DIA.  
DESIGN ELEVATION: 100.00

**SEPTIC FIELD - CONSTRUCTION:**  
DESIGN FLOW: 100 CFS  
DESIGN STORAGE: 100,000 GALLONS  
DESIGN DETENTION TIME: 10 MINUTES  
DESIGN INLET: 18" DIA.  
DESIGN OUTLET: 18" DIA.  
DESIGN ELEVATION: 100.00

**SEPTIC FIELD - BENCH GRADING:**  
DESIGN FLOW: 100 CFS  
DESIGN STORAGE: 100,000 GALLONS  
DESIGN DETENTION TIME: 10 MINUTES  
DESIGN INLET: 18" DIA.  
DESIGN OUTLET: 18" DIA.  
DESIGN ELEVATION: 100.00

**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

**Mansfield**  
Land Use Consultants

8301 Congress Dr., Ste. 301  
P.O. Box 4815  
Traverse City, MI 49685  
Phone: 231-946-9310  
www.mansfield.com  
info@mansfield.com

SCALE: 1"=40'

DATE: 10/1/14

BY: JL

CHECKED BY: ML

PROJECT: C6.0

NO. 1001

DATE: 10/1/14

BY: JL

CHECKED BY: ML

PROJECT: C6.0

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](mailto: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**

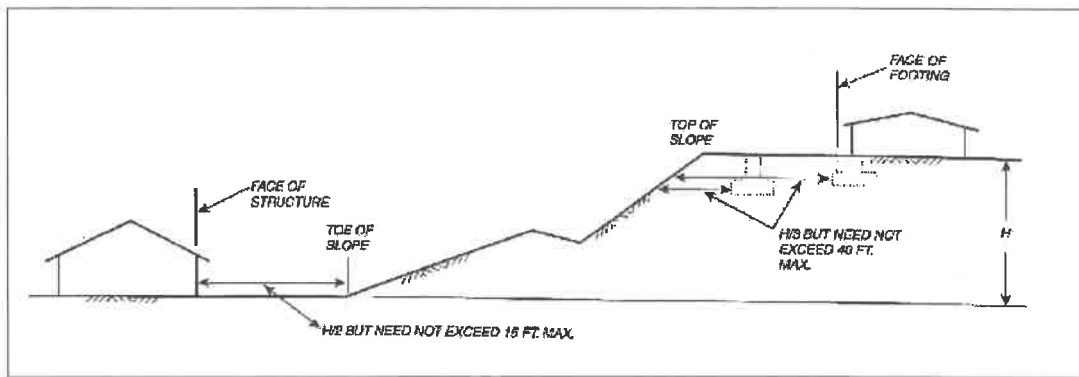
The ridge became less prominent to the north where the terrain became more rolling. Trees were frequently leaning, exhibiting curvilinear growth, or exhibited undermined root systems at the edge of the bluff. The rolling terrain extended south through the upland portion of the property with additional 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

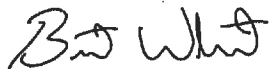
*Roger L. Mawby*

Roger L. Mawby, P.E.  
President

August 11, 2023

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

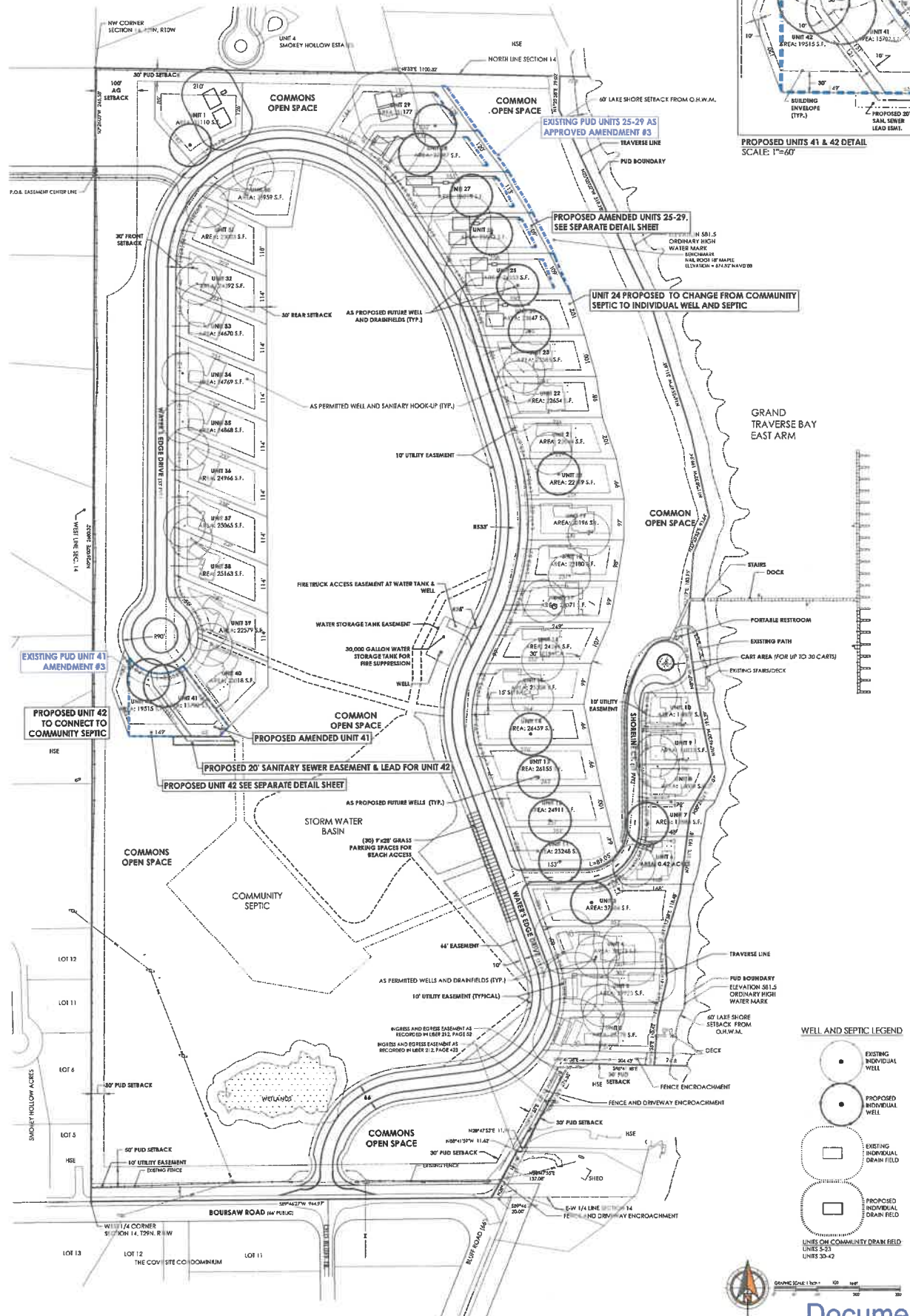
On August 1<sup>st</sup>, 2023, the Grand Traverse County Environmental Health Department met O'Grady Development Co. at Lot 24 in Peninsula Shores Site Condo Development to assess Lot 24's suitability for an on-site wastewater disposal system. Currently, this parcel is approved as part of the community 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 1<sup>st</sup>, 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.

A handwritten signature in black ink, appearing to read "Brent Wheat".

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) =	<b>3511807 sft</b>	OR	<b>80.62 ac.</b>
----------------	--------------------	----	------------------

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 x 0.21 in/hr x \_\_\_ acres x 86,400 conversion factor

Soil Type: Loamy sand and sandy loam

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

Infiltration= (1"/12") ft x 24 hours x area sft = 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

## **Exhibit #2**





SEPT 11, 2023

Peninsula Township Hall

13535 Center Road

Traverse City MI 49686

Ref: Jennifer Cram, AICP Director of Planning and Zoning

Special Use Permit (SUP) – Peninsula Shores Planned Unit Development (PUD) #123

Amendment #4 proposes the following modifications to the PUD Site Plan; Lot line adjustments to units 25-29 and 41 . Addition of one development site, Unit 42. Proposed sanitary easement to new Unit 42. Property Location on Waters Edge Drive and Shoreline Court, Traverse City Mi 49686. Parcel Id# c 28-11-609-900-00; 28-11-609-001-00 to 28-11-609-041-00

To Whom It May Concern,

Upon reviewing the above notice, I would like to express my view on the above request. Haggard's Plumbing & Heating is not opposed to the changes of the property and or the request. If a property owner is fortunate enough to have the ability and the resources in this time to either build and or improve their existing property, it would only help the economy continue to grow. It would prove positive for the local, county and state to do all we can to improve and promote in any way possible.

Sincerely,



John Haggard

*Haggard's Plumbing & Heating*



## Jennifer Cram

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**From:** chaddox75@gmail.com  
**Sent:** Wednesday, September 13, 2023 2:30 PM  
**To:** Becky Chown; deputyclerk@peninsulatownship.com  
**Cc:** shipman.parks@gmail.com; rand.plancom@gmail.com; lwdloski@gmail.com; jualexanptpc@gmail.com; dsh\_44@yahoo.com; Jennifer Cram; armen.peninsulatrustee@gmail.com  
**Subject:** Peninsula Shores amendment #4

Please include the below in a packet for the 9/18/23 Planning Commission meeting for the public hearing.

Dear Planning Commission Members:

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. 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.

The developer claims some benefit to the community by moving some lot lines a few feet further from the shoreline. When this development was originally approved, the developer indicated (and the township concluded) that the shoreline would be adequately protected. To say moving a few houses a few feet further from the shoreline is a substantial improvement is really stretching it when the developer and the township previously concluded that the shoreline was adequately protected under the existing development plan.

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, keep housing density neutral, and keep traffic at a manageable level.

Further, this development has regularly violated the legally permitted construction hours. We have not been able to be at our cottage as much the last several years, but several times when we have been there we have had to call the zoning inspector or the deputy because of loud construction noises due to heavy equipment/earth moving activities occurring after permitted hours, and it always seems to be Decker. The zoning inspector would call the developer, the developer would call the contractor so that it would not happen again, and then it would happen again. If the developer cannot control its contractors and require them to meet their legal requirements, but instead continues to use contractors who don't abide by those requirements, the developer should not be granted the right to add another house to this project.

Thanks for your consideration.

Craig Haddox

**Peninsula Shores PUD  
SUP #123, Amendment #3  
Condition #2/Evergreen Buffer**





