

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

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**PENINSULA TOWNSHIP
PLANNING COMMISSION MEETING AGENDA
February 22, 2021, 7:00 p.m.**

Virtual Meeting Via Zoom-Link Provided Below:

Agenda

- 1. Call to Order**
- 2. Pledge**
- 3. Roll Call**
- 4. Review for Conflict of Interest**
- 5. Brief Public Comments**
- 6. Additions to Agenda/Approval**
- 7. Consent Agenda**
 - a. Approval of Meeting Minutes: Planning Commission Meeting, January 21, 2021
- 8. Reports**
 - a. Zoning Board of Appeals (Couture)
- 9. Business Items**
 - a. Bella Vue PUD/SUP #137– Public Hearing Continuation / Discussion
 - b. 7-Hills SUP #139
 - c. Zoning Ordinance Update
 - d. Master Plan/Participate Old Mission
 - e. SUP Process – Discussion
- 10. Public Comments**
- 11. Other Matters or Comments by Planning Commission Members**
- 12. Adjournment**

To join using the Zoom App on a computer, tablet, or smartphone click the following link:

<https://us02web.zoom.us/j/89262394603>

To join by dialing in, call:

(312) 626-6799 followed by the Webinar ID: 892 6239 4603, followed by the # key.

Minutes

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PENINSULA TOWNSHIP PLANNING COMMISSION MEETING MINUTES

VIA ZOOM FORMAT

13235 Center Road

Traverse City, MI 49686

January 25, 2021, 7:00 p.m.

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

2. **Pledge**

3. **Roll Call:** Present via Zoom: Hornberger, Hall, Dloski, Shipman, Couture, Oosterhouse, Wunsch; also present: Mielnik, Deeren

Hornberger: The meeting is being conducted virtually because of COVID-19 and all of the members of the planning commission reside in Peninsula Township.

Roll Call:

All reside in Peninsula Township

4. **Review for Conflict of Interest:** None

5. **Brief Public Comments:**

Led by Jim Muratzki, LIAA, acting as Zoom facilitator for the meeting.

Deb Larimer, 3802 Blue Water Road, Traverse City: While reading the *Old Mission Gazette*, Larimer noticed the increase in developments such as Bella Vue. As a thirty-year resident, extremely concerned about Bella Vue and the original master plan not being followed by the township officials. Also concerned about the Peninsula Farms subdivision and the ten-unit hotel. Urges the township to follow the master plan and not approve all of the special use permits.

Jan Beckett, 671 Hidden Ridge Drive, Traverse City: For the zoning rewrite, Beckett asked questions in November and December and did not receive answers for section 2.02, the definition of structure. The change is detrimental and controversial. Asks that it be set aside for further review.

Brit Eaton, 1465 Neahtawanta Road, Traverse City: Approves of the website, *Participate Old Mission*. In the zoning rewrite, there is a concerning change of the five-acres required for a hotel. In the new zoning rewrite, there are no restrictions, only thirty- and fifteen-foot setbacks.

Leslie Young, 10720 Center Road, Traverse City: For the Bella Vue PUD, questions the twenty-acre minimum has been changed to five acres or less.

6. **Additions to Agenda/Approval:**

Moved by Dloski to approve agenda as presented, seconded by Oosterhouse.

Roll Call:

Pass unan

7. **Consent Agenda:**

a. **Approval of Meeting Minutes: Planning Commission Meeting, December 21, 2020**

Hornberger: Corrections to the December 21, 2020 minutes to include the following:

Page 1, last line of roll call the word "in" appears twice...in in Peninsula Twp. Remove one of them.
Page 2, in Miehn's comments: There is not anyone present that does not have some indirect conflict of interest at some point in time. If it is such, they should remove themselves from the discussion. The sentence needs to be modified (remove "that" and insert comma) Page 2, item 7: Fix it to read "Approval of agenda and consent agenda "Also on p. 2 when Hornberger says "To summarize" please change "will" to "wish to" On page 5, add a sentence after passing the tabling motion. Hornberger opens the regular meeting. Hornberger closes the regular meeting."

Moved by Wunsch to approve consent agenda, as amended, seconded by Hall.

Roll Call:

Pass unan

8. Reports:

a. Zoning Board of Appeals (Couture)

Couture: The ZBA heard a request for a variance on a garage on a non-conforming lot.

b. Master Plan/Participate Old Mission Update (Mielnik)

Mielnik: *Participate Old Mission* was introduced in the January newsletter. This is connected to the development of the ten-year-old master plan; the intent is to gather public opinion and to share ideas. Gave an update on the process.

9. Business Items:

a. Staff Update on Zoning Ordinance Revisions

Mielnik: The public hearing was held over three consecutive months. The staff has organized the comments and the issues to resolve. A committee will convene to work on the issues.

b. Bella Vue PUD/SUP – Public Hearing on Revised Plan - SUP #137

Hornberger: Last month, there was not enough information and the public hearing was tabled.

Hornberger closes the regular meeting and reopens the Public Hearing on Revised Plan - SUP #137.

Mielnik: Summarizes the history of the Bella Vue SUP, referring to the memo in the packet. On January 12, 2021, the township board allowed a PUD on this site with the requirements listed in the memo. Because this PUD has changed, we are redoing the public hearing.

Dan Leonard, 1256 Fairwood Drive, East Bay Township, Coldwater Development: Highlights the changes in the development plan, referring to the information in the packet. The density calculations have been changed, and best practices have been put in place to minimize the disturbances to the land and vegetation. Kama Ross, from the Grand Traverse Conservation District, and Tim Taylor, an arborist, are helping address the need for a management plan for the open space. In addition, the drive has been relocated, the amount of earth that needs to be moved is minimized, and land balancing will take place.

Tim Taylor, arborist: Consumers Energy powerlines run through the property, there are trees in this area that are diseased due to the pine borer.

Leonard: For the project, density was discussed, as well as reducing parking spaces. The topography lines were updated. Soil stabilization methods will be used.

Bill Smethells, 10547 Bluff Road, Traverse City: His property shares 200 feet with the proposed development and it runs along the bluff on the bayside. When comparing the plans, the new plans show units one and two closer to the edge of the bluff. Concerned to have it so close, and would like to have that reconsidered. Mentions the seven items from the township board should be considered.

Leonard: Shows a video illustrating Bella Vue.

Hornberger closes the public meeting and opens the regular meeting.

Dloski: Refers to the letter in the packet from a homeowner with concerns about the adjoining property septic and well.

Mielnik: This will go through the review of the health department.

Leonard: The health department has been out to the site, currently waiting for the preliminary report, and we will be in compliance with their review.

Dloski: Where is this well on the lot next door? Refers to bullet point number four, will the planned septic field restrict the water well next door?

Deeren: It is south on Center Road.

Jennifer Hodges, Gourdie-Fraiser: This concern will be reviewed through the Gourdie-Fraiser and the health department review. There is a standard setback and isolation zone.

Dloski: The owners with the properties on the bluff will want to cut or trim trees to improve their view of the bay. It does not appear that they currently have a view of the bay.

Leonard: Working with Tim on a site management plan. The tree management would be managed by the association and built into the condo docs. The southern slope will have heavier management.

Dloski: The residents are concerned about the steep slope, erosion, and tree cutting.

Mielnik: Refers to number four in the packet from the township board. There is a "no disturb" area shown on the plan to be managed. That is why an arborist was called in - to articulate how vegetation on that slope will be preserved.

Hornberger: Preservation language is needed in the condo docs for the vegetation.

Hall: To follow up on the tree issue. The condo docs can be drafted and the homeowners could change it and clear cut the slope. The condition for approval for the PUD will be for them to have a specific maintenance plan to preserve the bluff. How can it be enforced (hypothetical) down the line?

Mielnik: The township attorney will be involved in reviewing the language. One of the application approval conditions will be linked to this management plan.

Hall: Would the adjacent property owners have a private right of action?

Dloski: Generally, no.

Mielnik: There can be conditions and if they are violated, the township can take action. The attorney will be involved in this. The forested bluff is a functional part of the landscape and without it, there is a concern that the vegetation will be removed. Refers to number four.

Discussion of conditions and how they can be enforced.

Leonard: We have reached out to the GTRLC for language for the condo docs.

Dloski: Signage should be used along that bluff.

Hornberger: Five houses are being built, how many for use by right?

Leonard: Six.

Discussion of use by right.

Shipman: The bluff is the greatest concern. Do the condo documents get filed with the deed? Is there a stronger mechanism to protect vegetation?

Leonard: They get filed together. Will clarify the language.

Hall: If you were not looking for a PUD approval, but on a use by right basis, would the same tree issue exist?

Leonard: They could cut everything. The PUD is more restrictive.

Deeren: Regarding the driveway, it looks to cross the property line at Center Road in the drawing. Could that be clarified? Can you provide measurements?

Leonard: That will be clarified.

Mielnik: In the three-dimensional rendering, can an addition be made to get perspective from Center Road and Bluff Road to appreciate the slopes?

Leonard: I will look into it.

Discussion of an additional rendering of the development.

Hall: For potential erosion, will the forested bluff be a common element?

Leonard: Yes.

Hall: From an enforcement point of view, requiring that in the master deed and by-laws, it will be identified as a common element and maintained as a forested bluff. If trees are cut, the adjacent homeowner could act. That is a possibility.

Deeren: This occurred on Birch Drive. The correct language will be needed to protect the bluff.

Hall: Whatever we can do for prevention is important. The people outside of the project will have concerns.

Hornberger: Summarized the process so far for this development.

Discussion of the 81 and this development.

Shipman: What is the timeline to get through the requirements? Suggests a site visit.

Leonard: Currently working on condo docs for the February meeting for the township attorney and township review. Happy to schedule potential site visits.

Mielnik: Will work on findings and conclusions if given required documentation.

Hornberger: Send public comments to the planner and he will distribute them to the planning commission members.

Wunsch: The public hearing should be back up for comments since we are doing this remotely and more changes are being made.

Moved by Wunsch to table (continue) the Bella Vue PUD/SUP Public Hearing SUP/PUD #137 to the February meeting, seconded by Dloski.

Roll Call: Pass unan

c. Zoning Ordinance Amendment #200 - Regulation of Free-Standing Solar Panels

Mielnik: Refers to the memo in the packet concerning solar panels. This has been approved by the township attorney. In *Participate Old Mission*, there is a section for public input for alternative energy.

Moved by Hall to approve Zoning Ordinance Amendment #200 - Regulation of Free-Standing Solar Panels, seconded by Couture.

Roll Call: Pass unan

d. Election of Officers/Recommendation of Member to Serve as ZBA Representative

Hornberger: The nominating committee met and the slate of candidates is: Susie Shipman, chair; Randy Hall, vice-chair, and Larry Dloski, secretary.

Moved by Wunsch to accept the slate of candidates for the Peninsula Township Planning Commission, seconded by Couture.

Roll Call:

Pass unan

Hornberger: The officers will begin in February and end in August. A nominating committee should be appointed to allow for the appointment of officers in September. Al Couture has agreed to be the ZBA Representative.

e. Annual Report

Mielnik: Discusses the annual report found in the packet.

Moved by Shipman to give the annual report to the township board, seconded by Wunsch.

Roll Call:

Pass unan

10. Public Comments:

Brit Eaton: Will the homes in Bella Vue be single-family?

Mielnik: Yes, single-family units.

Monnie Peters, 1425 Nehtawanta Road, Traverse City: *Participate Old Mission* looks good. It isn't clear how to find out what other people have said. It is a way to have comments among the citizenry.

Bill Smethels: Concerned about the stability of the bluff for Bella Vue. His home is below three of the five units. The bay could be seen if the trees are cut down. Discusses the level of the condominium homes.

11. Other Matters or Comments by Planning Commission Members:

Hornberger: When will Seven Hills development return?

Mielnik: In February, the hotel has been dropped.

Hornberger: The February meeting is on the 22nd.

Couture: Thanks Donna Hornberger, for her time as the chair, and the officers on the planning commission.

12. Adjournment:

Moved by Dloski to adjourn, seconded by Wunsch.

Roll Call:

Pass unan

Adjournment at 8:46 p.m.

Bella Vue

SUP #137

memo

To: Planning Commission
From: Randy Mielnik, AICP
Date: February 16, 2021
Re: Bella Vue

At the last meeting, I reported that the town board approved allowing a PUD on fewer than 20 acres in this case and was very specific about expectations for approval parameters. Most have been met, but two important ones have not. These include:

1. A grading and stabilization plan depicting areas of proposed earthwork and slope reinforcement.
2. A site plan and written management plan for all open space, including the undisturbed forested bluff based on recommendations from the district forester and a professional arborist. More specifically, plans should describe proposed tree and vegetation removal, native replacement plant material, and allowed activities during pre- and post-construction.

At this point, we do not have a grading and stabilization plan or written management plan for all open spaces. It is understood that there is a connection to legal involvement for the preparation of condo docs and a master deed, but the need to understand what the management plan and grading and stabilization plan contains are important approval elements. We also hope to see the written recommendations from the arborist.

Some planning commission member site visits were conducted on 2-9-21, and this item is on the agenda for more discussion and a continued public hearing. When all information is provided and found to be acceptable, we can move on to preparing the findings and conclusions document for action.

7 Hills
SUP #139

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

SPECIAL USE PERMIT (SUP)
FINDINGS OF FACT AND CONCLUSIONS
SUP #139 7 Hills Redevelopment
February 22, 2021

PENINSULA TOWNSHIP BOARD

Applicant: Twin Bay Holdings – (Jordan Valdmanis, Brian Peace, Troy Daily and Jay Milliken)
16330 Peninsula Drive
Traverse City, Michigan 49684

Hearing Date(s): December 21, 2020 - Planning Commission
TBD – Township Board

PROPERTY DESCRIPTION

Parcel ID#: 28-11-128-002-00
Property Address: 13795 Seven Hills Rd
Zoning: C-1 Commercial District

GENERAL INTRODUCTION AND BACKGROUND

The applicants proposed to redevelop an existing commercial site that contains 2.05 acres (including the R.O.W). This site is zoned C-1 (Commercial District). This zoning district is Peninsula Township's only commercial district and the combined total of all C-1 zoned land in Peninsula Township is about 25 acres. All land uses listed in the C-1 zone are special uses that require compliance with Article VIII and site development requirements contained in Section 6.6. Interior and exterior modifications of the existing buildings are proposed as part of this project, along with some demolition activity. The existing driveway to the site from Seven Hills Road would remain the same.

The submitted application (as revised) is provided in [EXHIBIT 1](#).

SECTION 8.1.3 BASIS FOR DETERMINATIONS

FINDINGS - SECTION 8.1.3 (1) GENERAL STANDARDS

General Standards. The Peninsula Township Board of Trustees 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 character of the area surrounding the project site is generally agricultural in nature. Surrounding property is mostly wooded and Bowers Harbor Vineyard is located to the north and west. This site has been commercially-zoned for many years which has accommodated the existing commercial structures. Some building construction on the site dates back to the late 1970's.

- 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 project includes both building removal and updates to interior and exterior elements of existing structures. Exterior façade renovations are aimed at replicating the style of the Old Mission Peninsula Library following a pattern of clean exterior elements and white/neutral colors.

- 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 uses will be served adequately by essential services as the proposed uses do not place any additional burden on adjacent roadways, public emergency services, public utilities, or schools. The fire department has been on site and provided a preliminary review and defined specific requirements for final approval (EXHIBIT 2).

The Grand Traverse County Health Department has reviewed the proposed plans and has articulated necessary steps before permits may be issued (EXHIBIT 4). Compliance with these requirements are included among approval conditions.

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

The proposed uses do not create excessive additional requirements at public cost as all uses are private and do not increase the need for public facilities or 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 uses do not include 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.

One part of building to the far west includes 1,200 square feet for storage. Specific types of storage materials and quantities are unknown. A condition of approval is that all storage of materials on-site complies with all applicable OSHA regulations, EPA regulations, state of Michigan (EGLE) regulations and the International Fire Code.

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 applicant has a purchase contract with the existing owner.**
- (b) That all required information has been provided. **All required information is provided as part of this application. (EXHIBIT 1).**
- (c) That the proposed development conforms to all regulations of the zoning district in which it is located. **The proposed development conforms to regulations of the C-1 zoning district, subject to the approval conditions listed on page 5.**
- (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. **GFA has reviewed the submitted plans (EXHIBIT 3) along with other review agencies (EXHIBIT 1) and the fire chief (EXHIBIT 2). Elements of this review to be completed are approval conditions.**
- (e) That the plan meets the standards of other governmental agencies, where applicable, and that the approval of these agencies has been obtained or is assured. **The proposed uses, along with plans and relevant information, have been supplied to the necessary governmental agencies for review and approval. Communication with the Grand Traverse County Health Department is provided (EXHIBIT 1).**
- (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 subject site is largely developed and will remain as such. There will be less building mass on the site after the project is complete since the pole building will be removed and a portion of the area devoted to a restaurant/coffee shop will be converted to an open area with pervious pavers.**
- (g) That the proposed development property respects floodways and floodplains on or in the vicinity of the subject property. **There are no flood ways or flood plains in the vicinity of this site.**

- (h) That the soil conditions are suitable for excavation and site preparation and that organic, wet, or other soils that are not suitable for development will either be undisturbed or modified in an acceptable manner. **These soils are suitable for construction activities. Soil types are identified on page 2.0 of the drawings submitted (EXHIBIT 1).**
- (i) That the proposed development will not cause soil erosion or sedimentation problems. **The maximum disturbance area in total is less than one acre. See letter from GFA.**
- (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 uses will not cause any increase in off-site storm water runoff. The site plan illustrates a stormwater detention basin. See letter from GFA (EXHIBIT 3).**
- (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. **Proposed grading is limited to the north of the site and is associated with drainage and septic system activities. The general character of the site remains essentially unchanged.**
- (l) That structures, landscaping, landfills, or other land uses will not disrupt air drainage systems necessary for agricultural uses. **Proposed grading as part of this project will not change the general cold air drainage flow of the site.**
- (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. **According to the application, this project will not be developed in phases.**
- (n) That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems, and water sewage facilities. **No expansion of public streets, drainage systems, or utility systems is proposed.**
- (o) That landscaping, fences, or walls may be required by the town board and planning commission in pursuance of the objectives of this ordinance. **A landscape plan is provided by the applicant which shows new trees and shrubs throughout the site. Implementation of this plan is a condition of approval.**
- (p) That parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets. **The parking lot layout is similar to the existing layout - except for the addition of six new spaces in front of the proposed coffee shop/restaurant. Those six spaces include use of pervious pavers.**
- (q) That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient. **Vehicular traffic will enter and exit the property on Seven Hills Road. According to a message contained in the application, this existing drive meets Grand Traverse County Road Commission standards and no improvements are necessary (EXHIBIT 1).**

- (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. **One single dumpster is located behind the proposed coffee shop/restaurant. The submitted plans show that this location includes a dumpster enclosure – sheet 3.0. (EXHIBIT 1).**
- (s) That the proposed site is in accord with the spirit and purpose of this ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this ordinance and the principles of sound planning. **The proposed development meets the objectives of the ordinance and the principles of sound planning by maintaining the existing character of the subject parcel while providing for opportunities to update and renovate existing commercial space.**

COMPLIANCE WITH GOVERNMENTAL REGULATIONS:

The petitioner shall comply with all state, county, township, and other governmental regulations relative to the establishment of the special use for a parcel zoned A-1, 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:

Pursuant to Section 8.1.3 (2), the board may require such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for ensuring that the intent and objectives of the ordinance will be observed. The breach of any condition, safeguard, or requirement shall automatically invalidate the permit granted. Specific conditions and requirements for a land use permit include:

- 1) Uses approved as part of this SUP conducted within buildings include the following:
 - a. Restaurant/Coffee Shop
 - b. Tasting Room/Bar/Tavern/
 - c. Professional Office/Artist Studio
 - d. Recreational Equipment Rental
 - e. Contractor Storage Space / Office (Approved under SUP #35).
- 2) Uses approved as part of this SUP conducted outside of buildings include the following:
 - a. A farmer's market operating generally at times apart from normal business hours from other uses on the site, and not exceeding 1,000 square feet of sale area and occurring not more than twice a week.
 - b. The Restaurant/Coffee Shop/Bar/Tavern/Tasting Room includes an open-air space with pervious pavers. This area is now part of an enclosed building.
- 3) Continued compliance with permitting necessary with the Grand Traverse County Health Department and Construction Code before a land use permit(s) is granted.
- 4) No outside storage of contractor equipment or construction materials is permitted.
- 5) No external illumination of buildings is allowed other than fixtures attached to the exterior of the building and compliant with Section 7.14.

- 6) Existing signage near Seven Hills Road is reduced to one sign no taller than 5 feet and no larger than 30 square feet.
- 7) Full implementation of the proposed landscape plan (Sheet 5.0) of the drawings submitted.
- 8) Regarding the 1,200 square feet of storage space shown on the plans, a condition of approval is that all storage of materials on-site complies with all applicable OSHA regulations, EPA regulations, state of Michigan (EGLE) regulations and the International Fire Code.
- 9) Full compliance with all fire department review requirements stipulated in the letter dated February 10, 2021 **(EXHIBIT 2)**.
- 10) Compliance with review requirements stipulated in the letter from GFA **(EXHIBIT 3)**.

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 permit and accompanying site plan are enforceable, and remedies are available under Section 3.2 of the zoning ordinance.

EFFECTIVE DATE OF SPECIAL LAND USE:

The special land use shall be effective when the application has been approved by the Peninsula Township Board of Trustees, subject to the above conditions. The board approves by a vote of:

AYES	_____
NAYS	_____
ABSTAINING	_____
ABSENT	_____

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

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

Rebecca Chown, Peninsula Township Clerk

Approved by the Peninsula Township Board on _____

Rob Manigold, Peninsula Township Supervisor

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

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

Twin Bay Holdings – (Jordan Valdmanis, Brian Peace,
Troy Daily and Jay Milliken)

DRAFT

Exhibit 1

Application

Special Use Permit Application
13795 Seven Hills Rd
Parcel Code #28-11-128-002-00

Mission Statement

To create a well curated, community center for Old Mission Peninsula residents and visitors to gather, socialize, shop and dine. Optimal geographical location, centrally located among many Old Mission landmarks, Seven Hills will add value to the community through highly aligned offerings.

Business Overview

The property is located at 13795 Seven Hills Rd in Traverse City, Michigan. A 12 mile drive out Old Mission Peninsula. The property is centrally located and one of the only existing commercially zoned (C-1) properties on the peninsula. The project is helmed by four long-term residents of the Old Mission Peninsula, Jordan Valdmanis, Brian Peace, Troy Daily and Jay Milliken, who share a love and dedication to responsible growth, and development. The intent of Seven Hills is to create a focused, well-curated experience rooted in local commerce and exceptional hospitality.

Ordinance Reference Statement

Section 8.1.3

General Standards:

The project at 13795 Seven Hills Rd, an **existing commercially zoned property** will be upgraded, re-designed, constructed and maintained in a harmonious way with the natural surroundings. Our design intention is to improve our facade, replicating the style of the Old Mission Peninsula Library. A proposed, clean exterior in white/neutral colors.

Our improvements to the property will not negatively impact the surrounding vicinity or be disturbing or hazardous to the community as a whole. In fact, we will be lessening the building footprint of the property and actually adding quite a bit more "green space", trees and vegetation. We will also be updating and improving the infrastructure of the property through a full renovation of the buildings, both inside and outside as well as the property itself.

Working with our engineering and architectural team we will be updating and improving our infrastructure including but not limited to drainage systems, septic capacity, fire protection, and parking requirements to meet all current Peninsula Township and Grand Traverse County code requirements for the applied project. It is our intention to meet and/ or exceed the township and

county codes and not create any excessive, additional requirements at a cost to the public, instead, adding value to the community.

The new use at Seven Hills will be transitioning from previous industrial, manufacturing and commercial/ office services use, to a more community-oriented use. Through this transition of uses we will eliminate any conditions that could be deemed detrimental to the community. There will be no fumes, odors or glares produced from the property. Uses will include mixed retail, hospitality (food and beverage: coffee shop, alcoholic beverage tasting room, food court, quick service restaurant), health and wellness (massage studio, yoga and HIIT fitness studio), farmer's market, art gallery and studio (existing) and outdoor recreation (rentals: bikes, stand up paddle boards, kayaks, ice skates, snowshoes, xc skiing. On-site: ice skating, hiking) and self-accessible storage units.

In addition to the new uses covered in our Special Use Permit we will also be utilizing all existing, approved uses under SUP #35 filed with the Peninsula Township which include: offices for business such as, plumber, heating and cooling contractor, cleaning and home maintenance service, builder, carpenter, landscaping contractor, along with accessory storage of material and equipment used for those businesses.

Specific Requirements:

- a. We, the applicants are legally able to apply for site plan review. We are currently under purchase contract with the existing owner.
- b. All required information is provided as part of this application.
- c. Our proposed development conforms to regulations of the C-1 zoning district.
- d. Our Engineer has determined the proper septic system and fire suppression for all proposed changes. Our plan is in compliance with Peninsula Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage and all other public facilities and services.
- e. The proposed plan meets the standards of other governmental agencies where applicable. The approval of such agencies has been obtained or is assured.
- f. Development respects floodways and flood plains on and in the vicinity of the property. We are proposing to remove building(s) and some hard surface area to allow for more green space.
- g. Soil conditions are suitable for excavation and site preparation. Organic, wet and other soils which are not suitable for development will be undisturbed or modified in an acceptable manner.
- h. Development will not cause soil erosion or sedimentation problems.
- i. Drainage plan for proposed development will be adequate to handle anticipated stormwater runoff and will not cause undue runoff onto neighboring property or overloading of water courses in the area. The proposal is to remove building(s) and some hard surface area to allow for more green space.

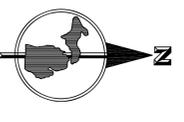
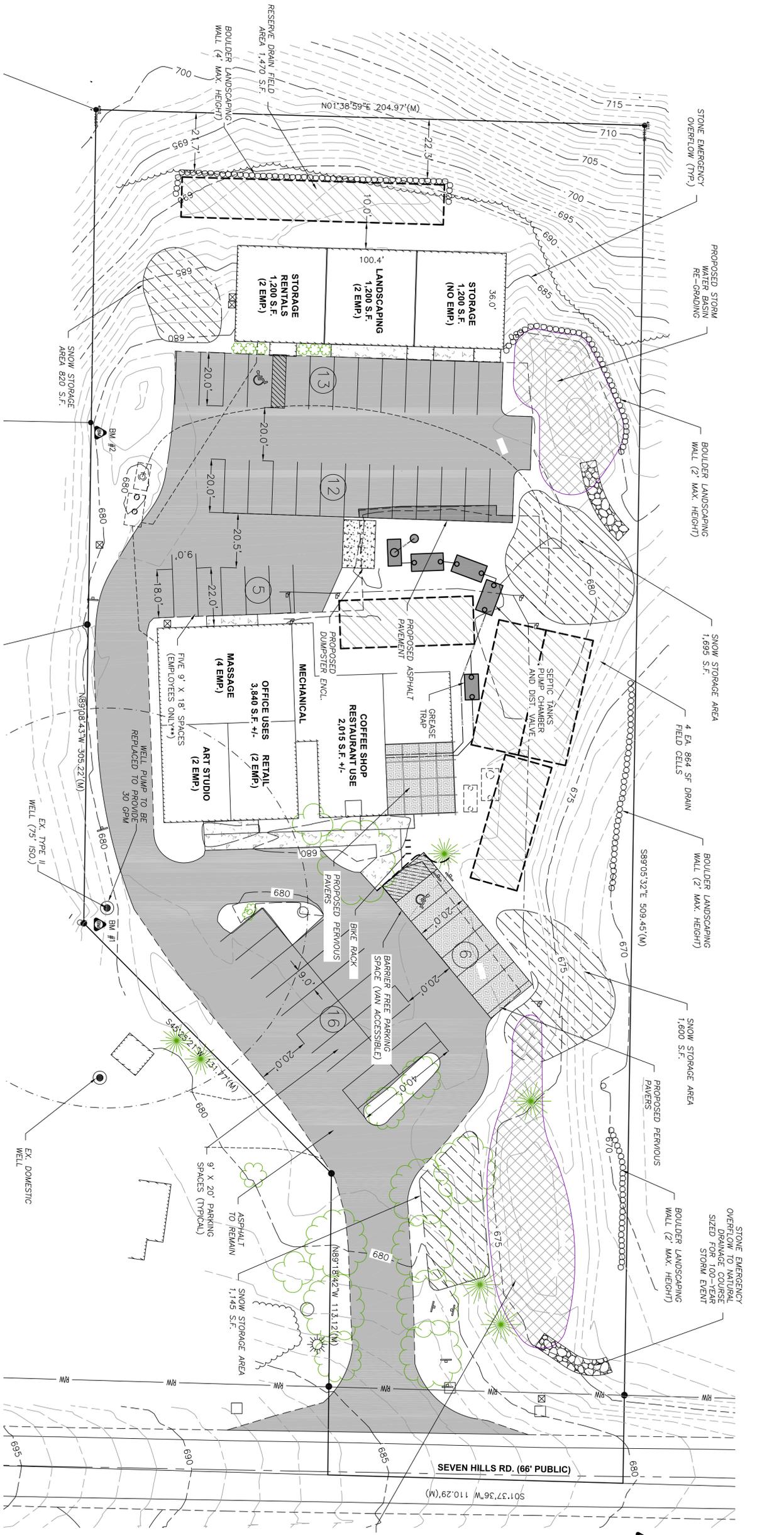
- j. No grading or filling will destroy the character of the property or surrounding areas and will not adversely affect any adjacent or neighboring properties.
- k. No structures, landscaping, landfills, or other land uses will disrupt air drainage systems necessary for agricultural uses. Some of the unhealthy trees within the parking lot will be removed and replaced with healthy specimen trees. Landscaping and additional plants will fit in with the requirements of the township.
- l. Any phases of development to the property will be in logical sequence so that any one phase will not depend upon a subsequent phase for adequate access, public utility service, drainage or erosion control.
- m. Per specifications dictated by engineer, the site plan provides for proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities. Landscaping , fences or walls may be required by the Town Board and Planning Commission in pursuance of the objectives of this ordinance.
- n. Parking layout will not adversely affect the flow of traffic within the site or to and from adjacent streets. All parking requirements will be adhered to.
- o. Vehicular and pedestrian traffic within the site and relation to streets and sidewalks serving the site, shall be safe and convenient.
- p. Outdoor storage of garbage and refuse will be contained, screened from view and located so as not to be a nuisance to the property or neighboring properties. Location of garbage and refuse has been changed from current location on property to be less obtrusive.
- q. 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.

Present 8 copies of Site plan, plot plan, development plan

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

- a. Location of abutting streets
- b. Location of all existing and proposed structures and their uses
- c. Location and extent of all above ground development, both existing and proposed.
- d. Preliminary plans and specifications of the proposed development. This preliminary plan shall be in a form that can be easily reproduced on transparencies that can be used for public presentation.

Project will not be developed in phases



BENCHMARK DATA

BM #1: FND. IRON EL.: 581.85
 BM #2: FND. IRON EL.: 680.38
 SCALE: 1" = 20'
 BEARING BASE: MICHIGAN STATE PLANE - CENTRAL ZONE
 VERTICAL DATUM: NAVD83



SITE INFORMATION

SITE ADDRESS
 13795 SEVEN HILLS ROAD
 TRAVERSE CITY, MI 49686
 PARCEL NO. 28-11-128-002-00
 DEVELOPER: OMP SEVEN HILLS
 CONTACT: JORDAN VALDMANIS: 231-590-6904

ZONING: C-1 COMMERCIAL
 PARCEL AREA: 89,385 S.F. +/- = 2.05 ACRES (INCL. ROW)

PROPOSED SITE TO INCLUDE THE FOLLOWING USES:
 - TASTING ROOM/LIMITED FOOD SERVICE
 - OFFICE SHOP/LIMITED FOOD SERVICE
 - OFFICE STUDIO
 - CONTRACTOR STORAGE SPACE/OFFICE

SETBACK REQUIREMENTS
 FRONT: 35 FEET; SIDE: 10 FEET; REAR: 30 FEET (SETBACKS MET)

PERCENT LOT COVERAGE: 35%

PARKING REQUIREMENTS
 ASSUMPTION: PARKING BASED ON 75% USEABLE AREA IN THE BUILDING
 COFFEE SHOP AND RESTAURANT OCCUPY THE SAME SPACE

RESTAURANT: 1 SPACE PER 75 SFT OF USEABLE FLOOR AREA
 FLOOR AREA = 1,515 SF = 20 SPACES

OFFICE/RETAIL: 1 SPACE PER 200 SF OF USEABLE FLOOR AREA
 USEABLE FLOOR AREA = 5,592 SF = 28 SPACES

TOTAL SPACES REQUIRED = 48 SPACES
TOTAL SPACES PROVIDED = 52 SPACES TOTAL (NOTE: 5 EMPLOYEES ONLY)
ADA ACCESSIBLE SPACES = 2 TOTAL
BIKE RACK SPACES = 6 SPACES

LAND USE TABLE

SITE CONDITIONS	ASPHALT	CONCRETE	GRAVEL	BLD. AREA	PERVIOUS PAVERS	PERCENT LOT COVERAGE	% BLD. LOT COVERAGE
EX. CONDITIONS	26,921 SF	5,432 SF	630 SF	12,226 SF	NONE	45,209 S.F. = 50.57%	12,226 SF = 13.7%
PROP. CONDITIONS	25,320 SF	4,163 SF	NONE	9,670 SF	1,951 SF	39,153 S.F. = 43.80 %	9,670 SF = 10.8%
PERCENT CHANGE	5.9% RED.	23.3% RED.	100% RED.	20.9% RED.	100% INCREASE	6.77% DECREASE	2.9%

*PERCENT LOT COVERAGE CALCULATED BASED ON HARD IMPERVIOUS SURFACES (ROOF, ASPHALT, CONCRETE AND GRAVEL).
 ASPHALT IN ROAD RIGHT OF WAY WAS NOT INCLUDED.

SNOW STORAGE CALCULATIONS

PARKING AREAS ARE BROKEN IN TO TWO DISTRICTS

DISTRICT NO. 1 AREA = 16,668 S.F.
 SNOW STORAGE REQUIRED = 2,500 S.F.
 SNOW STORAGE PROVIDED = 1,600 S.F. + 1,145 S.F. = 2,745 S.F.

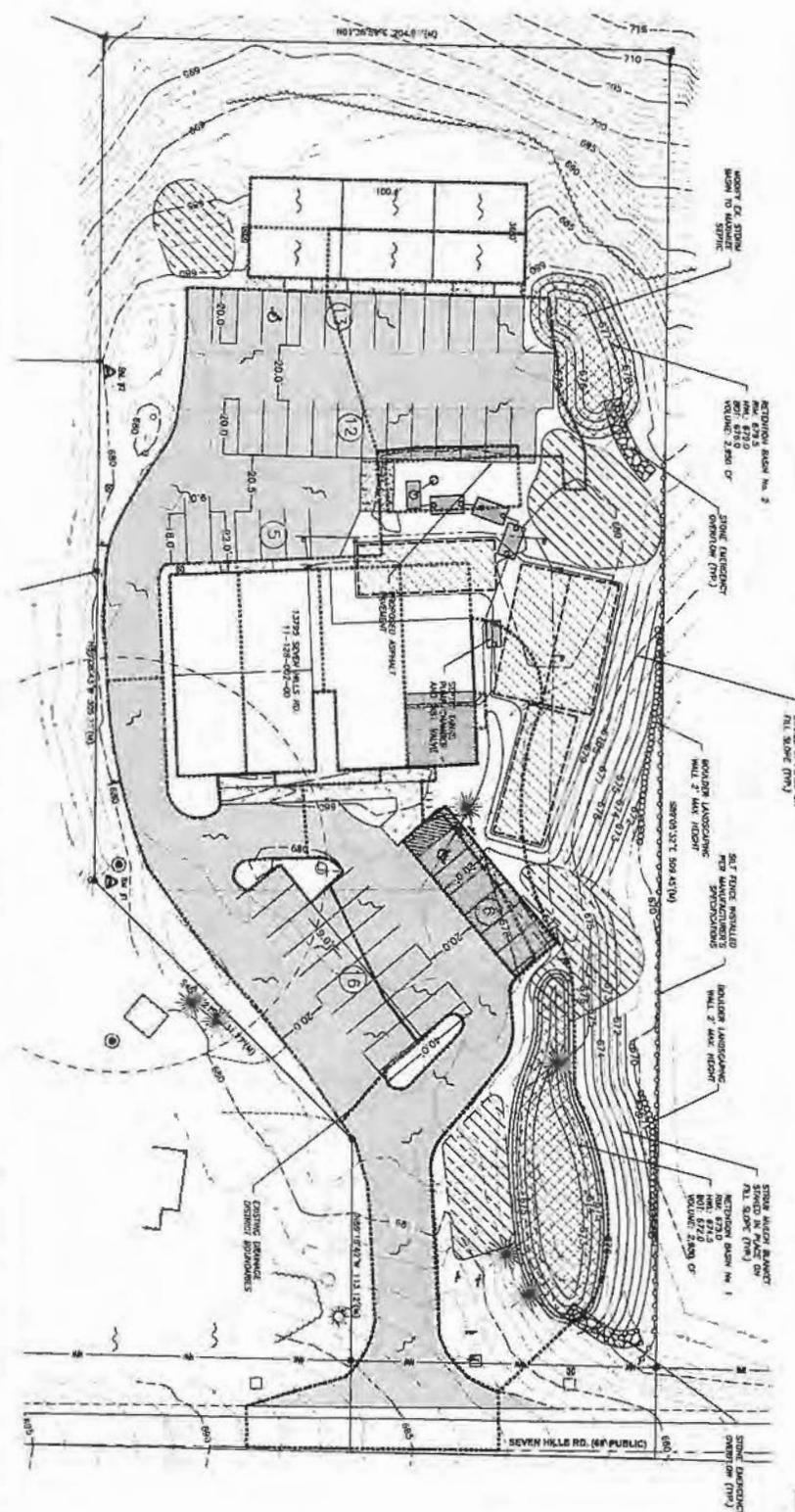
DISTRICT NO. 2 AREA = 12,391 S.F.
 SNOW STORAGE REQUIRED = 1,859 S.F.
 SNOW STORAGE PROVIDED = 1,695 S.F. + 820 S.F. = 2,515 S.F.

SITE REQUIREMENTS

1. PARKING LOT LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH ORDINANCE SECTION 7.6.4 (3).
2. ALL PROPOSED SITE LIGHTING SHALL BE IN ACCORDANCE WITH ORDINANCE SECTION 7.14 AND SHALL BE APPROVED BY THE ZONING ADMINISTRATOR.
3. ANY NEW SIGNAGE SHALL BE IN ACCORDANCE WITH ORDINANCE SECTION 7.11 AND SHALL BE APPROVED BY THE ZONING ADMINISTRATOR.



811
 Know what's below.
 Call before you dig.



GRADING AND PAVING NOTES

1. ALL GRADE CHANGES SHALL BE MADE IN ACCORDANCE WITH THE CITY ENGINEER'S APPROVAL. ALL GRADE CHANGES SHALL BE MADE IN ACCORDANCE WITH THE CITY ENGINEER'S APPROVAL.
2. THE PROPOSED PAVING SHALL BE MADE IN ACCORDANCE WITH THE CITY ENGINEER'S APPROVAL.
3. ALL PAVING SHALL BE MADE IN ACCORDANCE WITH THE CITY ENGINEER'S APPROVAL.
4. ALL PAVING SHALL BE MADE IN ACCORDANCE WITH THE CITY ENGINEER'S APPROVAL.
5. ALL PAVING SHALL BE MADE IN ACCORDANCE WITH THE CITY ENGINEER'S APPROVAL.
6. ALL PAVING SHALL BE MADE IN ACCORDANCE WITH THE CITY ENGINEER'S APPROVAL.

RETENTION BASIN CALCULATIONS

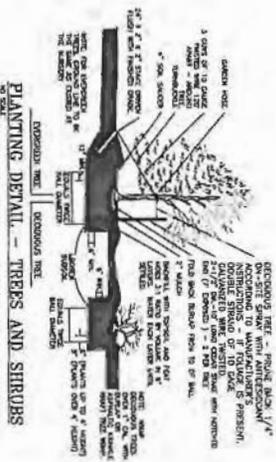
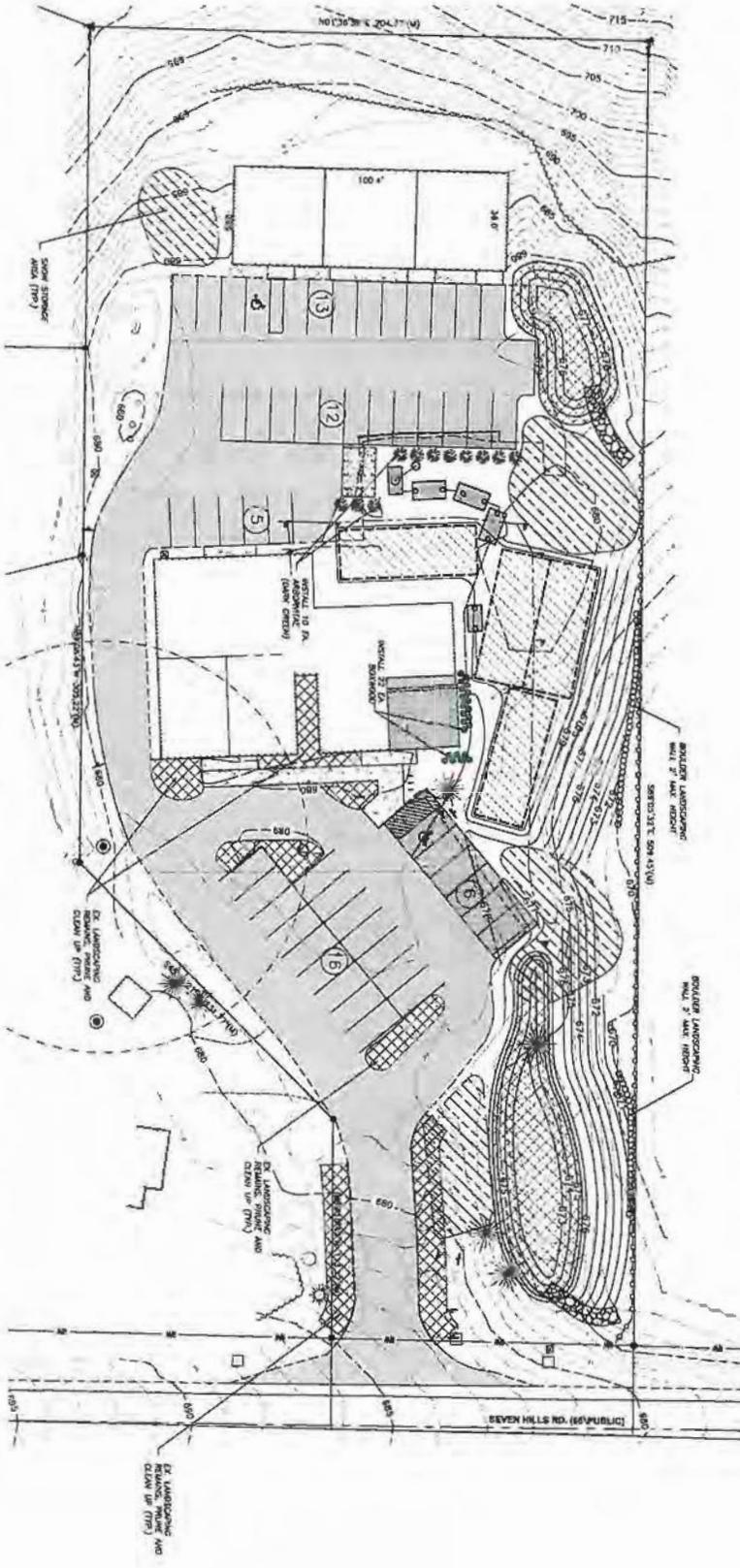
RETENTION BASIN NO. 1
 VOLUME = 1,500 SF
 RETENTION BASIN NO. 2
 VOLUME = 1,500 SF

RETENTION BASIN VOLUME COMPARISON

SITE CONDITIONS	BASED ON	EX. VOLUME	PROJ. VOLUME	INCREASED VOLUME
EX. CONDITIONS	NO. 1	5,412 SF	800 SF	
PROJ. CONDITIONS	NO. 2	5,412 SF	800 SF	



Know what's below.
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PLANTING DETAIL - TREES AND SHRUBS

LANDSCAPING NOTES

1. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF TRAVISSE, MISSOURI, LANDSCAPING ORDINANCE.
2. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF TRAVISSE, MISSOURI, LANDSCAPING ORDINANCE.
3. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF TRAVISSE, MISSOURI, LANDSCAPING ORDINANCE.
4. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF TRAVISSE, MISSOURI, LANDSCAPING ORDINANCE.
5. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF TRAVISSE, MISSOURI, LANDSCAPING ORDINANCE.
6. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF TRAVISSE, MISSOURI, LANDSCAPING ORDINANCE.
7. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF TRAVISSE, MISSOURI, LANDSCAPING ORDINANCE.

IRRIGATION SYSTEM

THE IRRIGATION SYSTEM SHALL BE DESIGNED TO MAINTAIN THE LANDSCAPE IN A HEALTHY AND ATTRACTIVE MANNER. THE SYSTEM SHALL BE DESIGNED TO MAINTAIN THE LANDSCAPE IN A HEALTHY AND ATTRACTIVE MANNER. THE SYSTEM SHALL BE DESIGNED TO MAINTAIN THE LANDSCAPE IN A HEALTHY AND ATTRACTIVE MANNER.

PLANT SCHEDULE

ITEM	SCIENTIFIC NAME	COMMON NAME
1
2
3
4
5
6
7
8
9
10

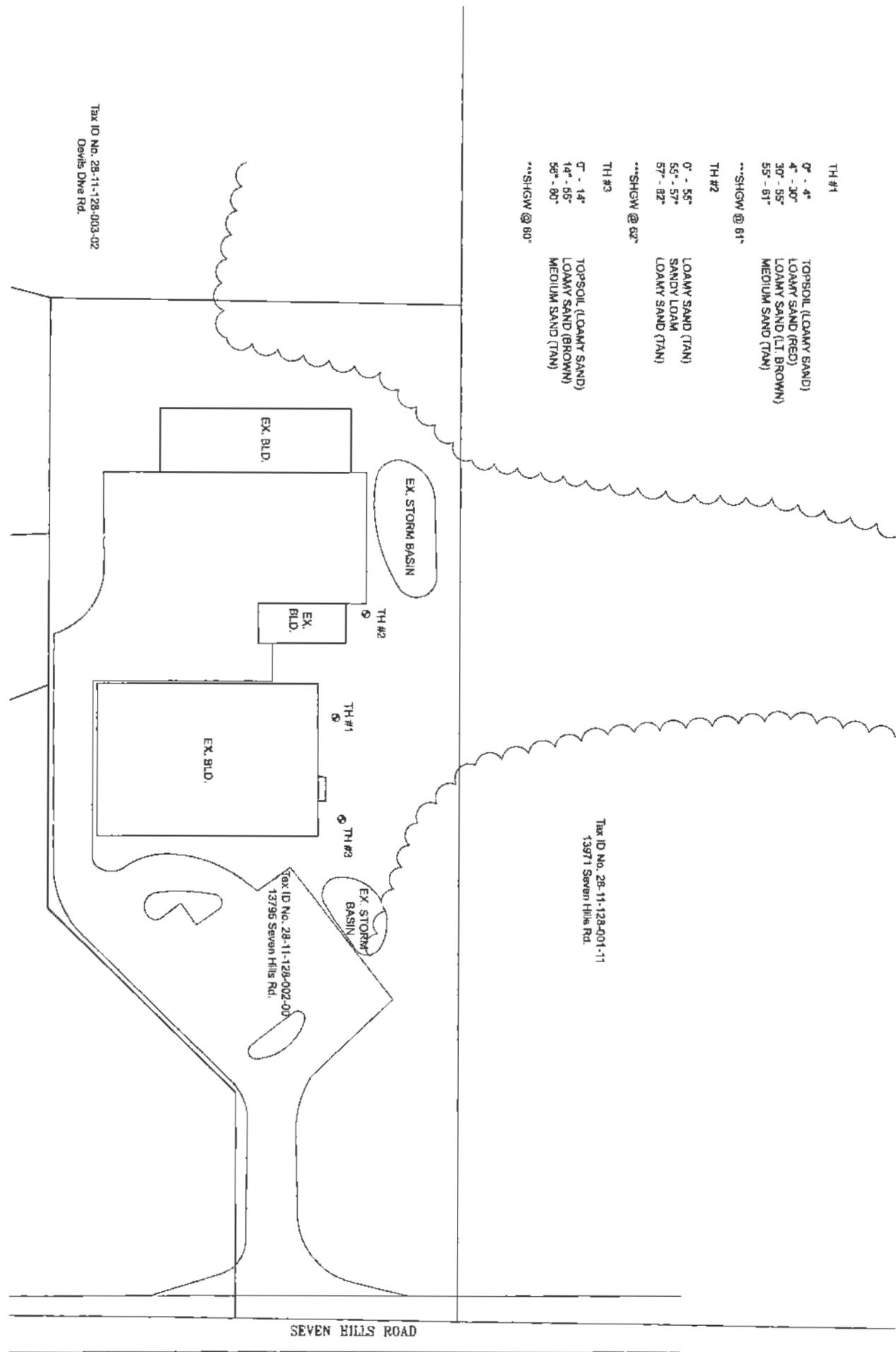
BENCHMARK DATA

DATE: 11/15/2011
 TIME: 10:00 AM
 LOCATION: SEVEN HILLS DEVELOPMENT GROUP
 PROJECT: SEVEN HILLS DEVELOPMENT GROUP
 DRAWING: LANDSCAPE PLAN

TH #1
 0' - 4' TOPSOIL (LOAMY SAND)
 4' - 30' LOAMY SAND (RED)
 30' - 55' LOAMY SAND (LT. BROWN)
 55' - 61' MEDIUM SAND (TAN)
 ***SHGW @ 61'

TH #2
 0' - 55' LOAMY SAND (TAN)
 55' - 57' SANDY LOAM
 57' - 62' LOAMY SAND (TAN)
 ***SHGW @ 62'

TH #3
 0' - 14' TOPSOIL (LOAMY SAND)
 14' - 65' LOAMY SAND (BROWN)
 65' - 80' MEDIUM SAND (TAN)
 ***SHGW @ 80'



Tax ID No. 28-11-128-003-02
 Devils Dike Rd.

Tax ID No. 28-11-128-001-11
 13971 Seven Hills Rd.

Tax ID No. 28-11-128-002-00
 13795 Seven Hills Rd.

SEVEN HILLS ROAD

[Print](#) | [Close Window](#)

Subject: Fwd: 13795 Seven Hills

From: Brian Peace <bp777@teameimers.com>

Date: Tue, Jan 19, 2021 10:05 am

To: "jordan@oldmissionlandscapes.com" <jordan@oldmissionlandscapes.com>, "Troy com" <Troy@dailymedias.com>

Cc: Ryan Cox <ryancoxme@gmail.com>

FYI

Sent from my iPhone

Begin forwarded message:

From: Ron Rohloff <RRohloff@gtrc.org>
Date: January 19, 2021 at 11:39:27 AM EST
To: Brian Peace <bp777@teameimers.com>
Subject: 13795 Seven Hills

Brian,

The commercial development at this address has an existing drive that meets GTCRC standards and will not require any improvements as a commercial drive.

Ron Rohloff
Traffic Services Supervisor
Grand Traverse County Road Commission
1881 LaFranier Rd
Traverse City, Mi. 49696
231-922-4849 ext 212 ph.
231-929-1836 fax

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[Print](#) | [Close Window](#)

Subject: RE: Preliminary Plans 7 Hills: Fire Chief
From: "Fred" <firechief@peninsulatownship.com>
Date: Wed, Feb 03, 2021 2:14 pm
To: "'Jordan Valdmanis'" <jordan@oldmissionlandscapes.com>
Attach: image001.jpg

Thanks Jordan. I will take a look and forward a copy of my findings to Randy and yourself. Have a great night.

From: Jordan Valdmanis <jordan@oldmissionlandscapes.com>
Sent: Wednesday, February 03, 2021 3:24 PM
To: Fred <firechief@peninsulatownship.com>
Subject: Preliminary Plans 7 Hills: Fire Chief

Thanks for taking my call earlier, always good to chat!

Attached are the prints that we talked about (I will get larger ones printed and dropped by as well). The one major change since our on-site meeting on November 6th, is that we removed the motel/lodging portion from the plans at this time.

Appreciate your time with this, and let me know if you need to meet on-site.

Jordan Valdmanis
Owner, Old Mission Associates LLC
(cell) 231-590-6904
(office) 231-223-9222

----- Original Message -----

Subject: Preliminary Plans 7 hills
From: Ryan Cox <Ryan.cox@gtecusa.com>
Date: Tue, February 02, 2021 12:24 pm
To: "Jay@jmilli.com" <Jay@jmilli.com>, Jordan Valdmanis <jordan@oldmissionlandscapes.com>

Gentleman,

See attached preliminary plans. I have sent these to GFA to discuss a few questions and get an opinion on the current layout and design. As I look further in to things, there are a few concerns. The storm water systems are undersized especially the basin at the northeast corner of the site. This is making it a bit difficult to fit everything in to this tight space. I should have an answer back from Jennifer on whether or not she is going to agree with how we are proposing to handle the stormwater runoff by tomorrow and will then be able to submit the final preliminary plans to her and the township.

Take a look at the plans and lets all try to go over things this evening or tomorrow to make sure that you guys are good with how everything is laid out. The existing site is working, we are reducing hard surfaces but getting it all to fit in the site is proving to be a bit interesting.



February 4, 2021

Mr. Brent Wheat, Env. Sanitarian
Grand Traverse County Environmental Health Dept.
2650 LaFranier Rd.
Traverse City, MI 49686

RE: Preliminary Basis of Design, 13795 Seven Hills Rd., Traverse City, Michigan

Dear Mr. Wheat,

Enclosed please find a preliminary concept plan for the revitalization project proposed at 13795 Seven Hills Road. Per our discussion on site, the developers would like to add a tasting room with limited food service and a coffee shop to this existing facility.

Background Information

The site includes various tenants that are all sharing an existing well and drain field that is approximately 20' x 50' in size. This system was originally permitted for the south half of the front building and the western most building under permit No. 23733 in 1995. This system was approved for a maximum of 20 employees. At that time, the northern half of the primary building was utilizing an older system that appears to have been installed in 1971 per original permit No. 943. Currently, it appears that all the spaces occupied on this site utilize the drain field shown in permit No. 23722 from 1995.

The existing well serves the entire development. The well log indicates that it was installed in 1991 under permit No. 20042.

Proposed Redevelopment Plan

Sheet 3.0 shows the updated redevelopment plan. The Primary building up front will undergo some limited demolition and a change in use. The uses will include a tasting room/restaurant and coffee shop. These two uses will occupy the same space. At this time a true layout and floor plan of this building space has not been completed. Once the developer has secured approvals from the township to move forward with the preliminary plans and the change in use final design plans will be developed. The remainder of the building includes an art studio, massage therapy and a retail space.

The building on the west side of the site will be utilized for storage of landscaping materials and construction equipment along with a landscaping service area and the third space will be occupied by a rental company and will have bicycle and kayak rentals.

Basis of Design

Design Criteria:

- Michigan Criteria for Subsurface Sewage Disposal
- USEPA Onsite Wastewater Treatment Systems Manual

Soil Loading Rate: 0.5 gal/sf/day

Pretreatment: None

Tank Capacity: 72-hour min. retention

Use 1: Coffee Shop

Use	Coffee shop with limited menu. Primarily premade goods, coffee, tea				
Fixtures	3 comp. sink, mop sink, bar sink, ADA Bathroom				
Seating	Both Indoor and Outdoor seating available.				
Waste Source	Clients, Employees, coffe cups and silverware				
Estimated WW Flows	6 gal/seat.day	USEPA			
Employees	10 gal/emp./day	USEPA			
Hours of Operation	6 AM - 3 PM				
				Design	Estimated
		Shifts	Turnovers	Flow	Flow
				(GPD)	(GPD)
No. of Seats	40		1	6	240
Employees	3	1		10	30
Total Estimated Daily Flow Rate					270 GPD

Use 2: Spirits Tasting Room / Restaurant

Use	Spirits Tasting Room (restaurant , clean healthy, short order type, no fryers)			
Fixtures	3 comp. sink, mop sink, bar sink, Separate ADA Bathroom			
Seating	Both Indoor and Outdoor seating available.			
Waste Source	Clients, Employees, limited washing of dishes, tables, coffe cups and silverware			
Customers	7 gal/seat.day	USEPA		
Employees	10 gal/emp./day	USEPA		
Hours of Operation	2 PM - 12 AM			
		Shifts	Turnovers	
				Design Flow (GPD)
				Estimated Flow (GPD)
No. of Seats	40		4	7
Employees	7	2		10
Total Estimated Daily Flow Rate				1260 GPD

Use 3: Art Studio, Business Spaces, Massage, Storage

Use	Office, Retail, Art Studio, Massage, Business Space			
Fixtures	Kitchenette ADA Bathroom			
Waste Source	Employees, Visitors, Coffee Cups			
Employees	13 gal/emp./day	USEPA		
Hours of Operation	8 M - 5 PM			
		Shifts	Turnovers	
				Design Flow (GPD)
				Estimated Flow (GPD)
Employees	12	1		13
Total Estimated Daily Flow Rate				156 GPD

Total Estimated Daily Flow Rate = 1,686 GPD

Min. Drain Field Size @ 0.5 gal./day/sf = 3,372 S.F.

Drain Field Area Provided = 3,456 S.F.



The applicant is working through the township review and approval process and we are anticipating being on the February 2021 Planning Commission Meeting in the next few weeks. We are hopeful that you can provide some initial feedback on this design in the form of a written response so that we can provide this information to the township prior to the meeting.

We would like to thank you in advance for your efforts and recommendations. If you have any questions or would like to discuss the information that has been submitted, please contact me at your earliest opportunity at 231-218-0590.

Sincerely,

Ryan A. Cox, PE



February 16, 2021

Mr. Brent Wheat, Env. Sanitarian
Grand Traverse County Environmental Health Dept.
2650 LaFranier Rd.
Traverse City, MI 49686

RE: Initial Comments, 13795 Seven Hills Rd., Traverse City, Michigan

Dear Mr. Wheat,

The following responses will hopefully address the questions that you provided in your initial review of the proposed redevelopment plan for the Seven Hills Property. These clarifications are being provided in the order that you directed your questions.

1. Currently the developers do not appear to have a fully defined plan for the coffee shop and tasting room improvements to be made at this facility. We understand that this will need to be nailed down before a final permit can be issued from your office but I can provide this proposed plan of action at this time.
 - a. coffee shop will be open from 7 am – 7 pm. This is slightly different from the original proposal. With this change we have added a second turnover and have reduced the number of available seats from 40 to 32 seats.
 - b. The tasting room will operate from 11 am – 12 am. 4 turn overs are proposed, and the number of seats has been reduced from 40 to 32 seats.
 - c. The food service component for the tasting room will operate from 12 pm – 10 pm.
2. Food services options proposed by the developer include fast casual, clean deli style food options. No deep fryers or heavy grease composed foods are proposed. Currently the developer does not have a tenant for this service component but they do understand that they will need to work within the conditions of what is agreed upon in the final permit.
3. Dishes for the coffee shop and food service will primarily be disposable biodegradable cups and containers. Glassware for the tasting room will be needed and will be cleaned at the bar and a bar sink.
4. At this time there is not a new fixture count or floor plan developed for the north half of the building where the food service, coffee shop and tasting room component will be located.

5. Additional testing and evaluation of the existing well will be necessary to convert the well over to a Type II water supply. Once the developer puts together a new floor plan a fixture count can be developed to determine the estimated peak flow needed for the system. We understand that until a floor plan identifying the number of fixtures and components of the water system is prepared that the review of this can only be preliminary in nature. It is understood that additional research on the existing well and pump performance testing will likely be necessary to confirm the water quality and capacity of the water supply to ensure that the well can safely be converted to a type II supply. If it is determined that the well is not capable of meeting the demands of this development, or if the well is inadequate due to, water quality, performance, protection or excessive drawdown a new well would need to be drilled that would meet Type II standards. Historically, a well with 4 feet of 4" screen is capable of providing a volume that is greater than 30 GPM. There is not pumping data on the well log but as long as the pump does not excessively draw down the water column during a pump test, I believe that this well could be converted to a Type II well due to the geology, grouting and materials utilized for the well.

6. A reserve drain field area for the new uses is proposed behind the west building on this site. To meet the 10-foot setback from the basement foundation wall a boulder landscaping wall will be constructed to limit the grading of the existing hill behind the building. The wall would be a maximum height of 4 feet with an average height of approximately 2.5 feet. Sheet 3.0 shows the updated redevelopment plan including the location of the proposed reserve drain field area for the new uses.

Updated Basis of Design

Use 1: Coffee Shop

Use	Coffee shop with limited menu. Primarily premade goods, coffee, tea					
Fixtures	3 comp. sink, mop sink, bar sink, ADA Bathroom					
Seating	Both Indoor and Outdoor seating available.					
Waste Source	Clients, Employees, coffe cups and silverware					
Estimated WW Flows	6 gal/seat.day	USEPA				
Employees	10 gal/emp./day	USEPA				
Hours of Operation	7 AM - 7 PM					
				Design	Estimated	
		Shifts	Turnovers	Flow	Flow	
				(GPD)	(GPD)	
No. of Seats	32		2	6	384	
Employees	3	1		10	30	
Total Estimated Daily Flow Rate					414	GPD

Use 2: Spirits Tasting Room / Restaurant

Use	Spirits Tasting Room (restaurant , clean healthy, short order type, no fryers)				
Fixtures	3 comp. sink, mop sink, bar sink, Separate ADA Bathroom				
Seating	Both Indoor and Outdoor seating available.				
Waste Source	Clients, Employees, limited washing of dishes, tables, coffe cups and silverware				
Customers	7 gal/seat.day	USEPA			
Employees	10 gal/emp./day	USEPA			
Hours of Operation	11 AM - 12 AM				
				Design	Estimated
		Shifts	Turnovers	Flow	Flow
				(GPD)	(GPD)
No. of Seats	32		4	7	896
Employees	7	2		10	140
Total Estimated Daily Flow Rate					1036 GPD

Use 3: Art Studio, Business Spaces, Massage, Storage

Use	Office, Retail, Art Studio, Massage, Business Space				
Fixtures	Kitchenette ADA Bathroom				
Waste Source	Employees, Visitors, Coffee Cups				
Employees	13 gal/emp./day	USEPA			
Hours of Operation	8 AM - 5 PM				
				Design	Estimated
		Shifts	Turnovers	Flow	Flow
				(GPD)	(GPD)
Employees	12	1		13	156
Total Estimated Daily Flow Rate					156 GPD

Total Estimated Daily Flow Rate = 1,606 GPD

Min. Drain Field Size @ 0.5 gal./day/sf = 3,212 S.F.

Drain Field Area Provided = 3,456 S.F.



Septic Tank Sizing = Minimum 72-hour Detention = 1,606 gpd x 3 = 4,818 gallons

Proposed Septic Tanks in series: 2,000 gallon single; 2,000 double and 1,000 single with outlet filter. Note, plumbing from the south half of the existing office space as well as the 3 spaces in the building on the west side of the site drain to a septic tank and pump chamber located on the south side of the parking lot between the two buildings. This is schematically shown on sheet 2.0.

Pump Chamber: 750-gallon tank with duplex pumps and zone distribution valve

If it would be possible to discuss this basis of design with you once you have had the chance to review the proposed revisions and responses to your original comments that would be great. We understand that this is a very tight site and that without final documents outlining the floor plan and fixtures proposed in the redevelopment of the property that there is some additional information that will be necessary for final permits and approvals from your office. With the resubmittal of this information we are hoping to establish the acceptance of the basis of design parameters and preliminary tank and field layout. This will allow the developer and township the confidence to move forward through the Special User Permit process knowing that the project as it is laid out is feasible and that no major changes to the plans would be necessary that could affect any zoning requirements.

Thank you in advance for your time and efforts with this project. If you have any questions or would like to discuss the information that has been submitted, please contact me at your earliest opportunity at 231-218-0590.

Sincerely,

Ryan A. Cox, PE

Exhibit 2

Fire Department Review



Peninsula Township Fire Department
14247 Center Rd.
Traverse City, Michigan 49686
PH: 231-223-4443
firechief@peninsulatownship.com



PRELIMINARY SITE PLAN REVIEW

Permit Number: 2021-002

Date: February 10, 2021

Site: Seven Hills Renovation Project

Location: 13795 Seven Hills

Township: Peninsula

Use Group: Business

Construction Type: Ordinary

Applicable Codes: International Fire Code (2015)

Reviewer: Fred Gilstorff -Fire Chief

This preliminary review is based on preliminary plans submitted for review and does not reflect any changes made without submittal of update information. Final approval is based on submitted sealed plans. Compliance with all applicable codes and standards is the responsibility of the applicant, and items not listed within the review do not negate any requirements of the code or its referenced standards. Please notify the fire department within 48 hours in advance for request of inspections. This plan review is based on current Peninsula Township Fire Ordinance and the International Fire Code (2015).

SITE ACCESS:

Fire access roads shall be designed to support the imposed load of a fire apparatus weighing 75,000 lb. gross vehicle weight. (503.2.3)

Access roads shall have a minimum of 13 feet 6 Inches of vertical clearance and 20 feet unobstructed width. (503.2.1) Additional road width of (26 feet) may be required for buildings that require aerial apparatus access. Required access roads should not travel through parking stalls, stacking lanes, loading areas or other designated use areas.

Fire access roads shall be constructed of an all-weather driving surface such as asphalt, concrete, chip-seal (oil matting) or similar surface along an approved route around the exterior of all buildings. Grass pavers may be permitted for secondary access roads no longer than 200 feet in



Peninsula Township Fire Department
14247 Center Rd.
Traverse City, Michigan 49686
PH: 231-223-4443
firechief@peninsulatownship.com



length with a low 6-inch concrete curb provided along the edges to outline and identify the driving area along with fire lane signage. (503.2.3)

All portions of the building's exterior walls shall be within 150 feet of the fire access road. (503.1.1) Access roads may be extended to 200 feet for buildings equipped with an approved automatic sprinkler system installed. When fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, an approved alternative means of fire protection may be approved.

Turnarounds shall be provided for any dead-end road in excess of 150 feet in length. (503.2.5) Dead-end roads in excess of 150 feet resulting from a phased project are required to be provided with temporary approved turnarounds.

Additional access road(s) may be required by the fire official based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climate condition or other factors that could limit access. (503.1.2) Commercial buildings may require additional access depending on design.

Fire apparatus access road(s) maximum grade shall not exceed 9 percent unless otherwise approved by township ordinance office. See township ordinance for direction.

The turning radius for the emergency apparatus road(s) shall be in accordance with Peninsula Township Fire Department Turning radius for all apparatus. Overlays of the template shall be shown on the plans with turning in both directions. (503.2.4) Final approval for all turning radii shall be field verified by the fire department prior to construction of street. Currently, the longest length Peninsula Twp. apparatus is approx. 33 feet with a turning radius of 78 feet.

The angles of approach and departure for fire apparatus access shall be within the limits established by the fire code official based on the fire department apparatus. (503.2.8)

A plan for fire access during construction shall be provided. (501.4)

Details for No Parking Fire Lane signage including road striping (cross-hatching) area shall be indicated on the plans. (503.3)

Building review

Sealed plans for all building renovations and construction will be submitted to the fire department for review prior to any construction or renovation. All applicable IFC codes for Use Group will be followed. Limited building planned renovation and demolition were presented in



Peninsula Township Fire Department
14247 Center Rd.
Traverse City, Michigan 49686
PH: 231-223-4443
firechief@peninsulatownship.com



initial drawings. Before construction is approved, sealed plans will need to be submitted to the fire department for review.

Building will be required to have a KNOX BOX placed on the building for fire department use that will have keys to every space in the building.

Building may have to be fire sprinklered, county code office to make determination.

Need more information on what will be stored in the storage areas as the area will have to meet all IFC codes as it pertains to material stored.

All business areas will need to have a calculated occupancy load and be posted.

Submitted sealed plans will show a fire safety plan that meets current IFC code.

A safety plan during construction and demolition will be provided according to IFC Chapter 33.

UTILITY EQUIPMENT & IDENTIFICATION:

1. Utility Identification

All gas shut offs, electric meters, service switches and other utility equipment shall be clearly marked to identify the unit or space that it serves. Identification shall be made in an approved manner, readily visible and shall be maintained. IFC 509.2 Protection for above ground gas meters must comply with IFC 603.9.

2. Upon completion of all construction the fire department will inspect the building for approval for a Certificate of Occupancy. At this time the occupant will be required to develop an emergency evacuation plan for the structure and post in visible areas.



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firechief@peninsulatownship.com



NOTE: All codes reference in this document are preliminary and are subject to change once sealed plans are received by the Peninsula Township Fire Department and reviewed.

Yours in Life Safety,

Fire Chief Fred Gilstorff

Peninsula Township Fire Department

14247 Center Rd.

Traverse City, Michigan 49686

firechief@peninsulatownship.com

Ph. 231-223-4443

Cell- 231-463-0330

Fax- 231-223-4697

Exhibit 3

GFA Review



February 17, 2020

Randy A. Mielnik, AICP
Director of Planning
Peninsula Township
13235 Center Road
Traverse City MI, 49686
Phone - 231-223-7314
planner@peninsulatownship.com

RE: 13795 Seven Hills Road – Ordinance Plan Review for Special Use Permit Application
Peninsula Township, MI
Parcel ID: 28-11-128-002-00

Dear Randy,

We have reviewed the submitted plans for improvements to 13795 Seven Hills Road Development. The plans were prepared by GTEC and dated 02-15-2021. We have examined the plans for preliminary compliance with Township and County standards.

Existing Conditions:

The subject parcel is located about 400-ft north of the intersection of Seven Hills Rd and Devils Dive Road. The property consists of approximately 2.0 acres with frontage on Seven Hills Rd. There are currently four (4) buildings on the site of commercial, office, and storage type use. Three (3) are located in the middle of the property and one (1) located in the rear. There is paved parking located in the front and rear of the front buildings with access off of Seven Hills with about 47 spaces. Storm water drainage from the buildings and paved parking is managed within existing retention basins located around perimeter of the parking areas. The existing terrain is rolling and drops away from Seven Hills Road then pick back up at the rear of the property. The site ultimately sheds to the north. There are no public utilities available to this property with service private with onsite septic / drainfield and well.

Proposed Improvements:

The plans show demolition of the central storage building to allow space for new on-site septic facilities. The rear building will remain unchanged. Major renovations are scheduled for the front building that reduce its footprint of the north half of the building. No discernable change is proposed within the parking lot. The application states new commercial uses of tasting room & coffee shop (with limited food services), office, studio, contractor storage space/office and seasonal open market.



General Review of Site Improvements:

The plans reflect the existing buildings maintaining the same layout with the modification to provide the replacement of pervious pavers of existing impervious area (asphalt). Grading work is noted on the north side of the property and includes several 2-ft high bolder grading walls. This work is needed to make space for improvements to the retention basins and the proposed/reworked septic drain fields. In addition, an expanded sanitary drain fields area is shown along the north property line and a new pump is proposed for the existing on-site well to accommodate the proposed use.

Preliminary Ordinance Compliance Review:

Reviewed for general compliance with zoning ordinances.

1. The proposed use is a continuation of a special uses for the underlying zoning of C1. These include restaurant, retail, office, and storage uses.
 - a. Please confirm if outdoor storage is anticipated. It appears none is proposed.
2. Lot coverage calculation were provided and is compliant.
3. Parking space calculations were provided.
 - a. Smaller than standard parking is noted on the plans for employees only (18x9' spots) and recommended the applicant modify to 10x20 to comply with the ordinance .
4. A reduction in the area used for calculating the restaurant-use parking requirement is proposed. The assumption of 75% of usable space is indicated. This seems acceptable considering the proposed food service is stated as limited.
5. Lot set backs are listed and appear to be compliant.
6. There does appear to be some discrepancy in the cited use of the development as noted on the application versus the plans, specifically related to the open market place. The applicant shall clarify and update the plans to match as applicable.
7. Landscaping is shown. Additional plantings are indicated in the interior of the site. No changes are proposed along the property lines or at the drive entrance.
8. Sheet 3 Site Requirements Note 1 states all proposed parking lot landscaping will comply with 7.6.4 (3). Future plans shall include this information for compliance and final review.
9. No proposed lighting details were provided for review.
10. Sheet 3 Site Requirements Note 2 states all proposed site lighting will comply with 7.14 as approved by the zoning administrator. Future plans include this information for compliance and final review.
11. No proposed signage was provided for review.
12. Sheet 3 Site Requirements Note 3 states any new signage will comply with 7.11. Future plans shall include this information for compliance and final review.
13. Sheet 4 Grading and Paving Notes 1 indicate new pavers to meet ADA requirements for the barrier free space. Future plans shall include detailed information for compliance and final review.
14. Road Commission drive way permit and comments of the development impacts will be need to be incorporated as needed for this project. We have not received any preliminary acceptance letters at this point.
15. Health Department review and acceptance for the septic and water systems will be required for this site. Preliminary review and comments have been received and addressed by both the applicant and Health Department.



Preliminary Storm Water Review:

Reviewed for general compliance with Ordinance #33 and County SESC Requirements.

1. The plans indicate that existing storm water retention basins are going to be used.
2. Storm water calculations are provided as the plans as follows:
 - The calculations are based on the original design requirements.
 - Original plans dated 7-23-91 for are based on the 2" short hand method and is not the current standard.
 - The applicant verified that the existing north ponds were not constructed per plan.
 - Therefore, adjustments to the ponds are shown to meet and exceed the existing design.
 - The applicant verified the system does not have any indications of flooding or erosion.
 - The applicant shall perform onsite testing compliant with the current standards to demonstrate the infiltration capacity and further data that the ponds will function well. This information shall be provided when final review is to be completed.
 - It is noted the original calculations did not deduct infiltration volume.
3. An evaluation per current standards was not provided. However, as the system is a retro-fit and includes reducing the existing impervious area, it can be shown that the improvements should decrease the amount of runoff seen off-site. This is acceptable.
4. Overflow routes are indicated on the plans. It appears that if the basins are breached overflows and would shed to the wooded area north neighboring property. No existing or structures would be directly impacted.
5. SESC measures are shown on the plans such as silt fence and mulch blanket. The applicant shall obtain permits from County SESC and provide copies to the Township.
6. Snow storage calculations are provided and appears that adequate space is provided and will not inhibit drainage.
7. Upon final review, the applicant shall provide a recorded maintenance plan to the Township for their files.

At this point we recommend the Township use this letter as a "preliminary site plan approval" to allow for consideration of the special use permit. There is sufficient information on the current set of plans to indicate the intent and ability to comply with the Ordinances. Upon approval as noted in the Findings of Fact, the applicant would be required to submit finalized plans, calculations for a more in-depth review by GFA.

We appreciate the opportunity to assist the Township during the approval of this project. If you have any questions, please don't hesitate to contact me at (231) 946-5874.

Respectfully Submitted,
GOURDIE-FRASER

Jennifer Hodges, P.E.
Sr. Project Manager

Mark Maguire, P.E.
Project Engineer

cc: Ryan Cox, GTEC
Jay Milliken, JMILLI

Exhibit 4

Health Dept. Review

From: [Brent Wheat](#)
To: planner@peninsulatownship.com; [Ryan Cox](#)
Subject: Re: 7-Hills
Date: Tuesday, February 9, 2021 4:37:57 PM

Hi Randy, my coordinator and I had the opportunity to review the plans submitted by GTEC. We also talked with Ryan Cox of GTEC regarding our thoughts and findings. Ryan is also included in this email so that he can relay our findings to the developers.

Ryan and I met onsite a while back walked the site and performed the three test holes shown in the plan set. The soils and conditions outlined in the plans match what was observed during our meeting. The infiltration rate is set between medium and loamy sand conditions. Because the space is very limited the infiltration rates determined by the engineer will be approved by our office for sizing the drain. The area is very tight and grade will need to be raised slightly due to water table constraints. We did find some items that need to be addressed before we would be able to issue a permit.

- Better defined plan for the coffee shop, food service, tasting room that better outlines the hours for each service. A second turnover may be required for the coffee shop.
- Description of what will be served ie sandwiches, pizza.
- Will dishes such as plates, coffee cups and utensils be washed or will they be disposable.
- A plan that outlines fixtures ie. dishwasher, number of bathrooms.
- Right now the well is not on the type 2 list. The well must meet certain flow capacity limits to be approved for type 2 use (contact Eric Burt in our office). Based on a rough calculation the well will need to produce ~30 gpm plus to be approved for type 2 use. Currently the well is at 12 gpm. It is likely that a pump yield test will need to be performed to see if the existing well will be able to be used for type 2 use or if a new well will be required.
- Because the retail, art studio and massage studio are existing we will bypass the need for a septic reserve area for these facilities, however under the state of Michigan's criteria any existing structure that has a new use and/or an increase in flow requires a reserve septic area. A septic reserve area will be required for the restaurant, coffee shop and tasting room. This may require some building removal towards the back of the lot for additional space as the property is very tight.

Let me know if you have any questions

Brent

Brent Wheat

Environmental Sanitarian
Grand Traverse County Health Department
Environmental Health Division
Phone: 231.995.6015
Fax: 231.995.6033

On Mon, Feb 8, 2021 at 3:27 PM <planner@peninsulatownship.com> wrote:

Hello Brent –

I have a copy of a letter sent to you regarding the proposed development at 7 Hills (attached). Could you please let us know when you are able to provide some feedback on this. We plan to have this on the PC agenda on 2-22-21.

Thanks

Randy

Randy A. Mielnik, AICP

Director of Planning
Peninsula Township

13235 Center Road

Traverse City MI, 49686
Phone - 231-223-7314

Fax – 231-223-7117
planner@peninsulatownship.com

Regular Office Hours:

Mon: 7:30am – 6:30pm

Tues – Thur: 7:30am – 5:00pm
Closed Friday.



February 16, 2021

Mr. Brent Wheat, Env. Sanitarian
Grand Traverse County Environmental Health Dept.
2650 LaFranier Rd.
Traverse City, MI 49686

RE: Initial Comments, 13795 Seven Hills Rd., Traverse City, Michigan

Dear Mr. Wheat,

The following responses will hopefully address the questions that you provided in your initial review of the proposed redevelopment plan for the Seven Hills Property. These clarifications are being provided in the order that you directed your questions.

1. Currently the developers do not appear to have a fully defined plan for the coffee shop and tasting room improvements to be made at this facility. We understand that this will need to be nailed down before a final permit can be issued from your office but I can provide this proposed plan of action at this time.
 - a. coffee shop will be open from 7 am – 7 pm. This is slightly different from the original proposal. With this change we have added a second turnover and have reduced the number of available seats from 40 to 32 seats.
 - b. The tasting room will operate from 11 am – 12 am. 4 turn overs are proposed, and the number of seats has been reduced from 40 to 32 seats.
 - c. The food service component for the tasting room will operate from 12 pm – 10 pm.
2. Food services options proposed by the developer include fast casual, clean deli style food options. No deep fryers or heavy grease composed foods are proposed. Currently the developer does not have a tenant for this service component but they do understand that they will need to work within the conditions of what is agreed upon in the final permit.
3. Dishes for the coffee shop and food service will primarily be disposable biodegradable cups and containers. Glassware for the tasting room will be needed and will be cleaned at the bar and a bar sink.
4. At this time there is not a new fixture count or floor plan developed for the north half of the building where the food service, coffee shop and tasting room component will be located.

5. Additional testing and evaluation of the existing well will be necessary to convert the well over to a Type II water supply. Once the developer puts together a new floor plan a fixture count can be developed to determine the estimated peak flow needed for the system. We understand that until a floor plan identifying the number of fixtures and components of the water system is prepared that the review of this can only be preliminary in nature. It is understood that additional research on the existing well and pump performance testing will likely be necessary to confirm the water quality and capacity of the water supply to ensure that the well can safely be converted to a type II supply. If it is determined that the well is not capable of meeting the demands of this development, or if the well is inadequate due to, water quality, performance, protection or excessive drawdown a new well would need to be drilled that would meet Type II standards. Historically, a well with 4 feet of 4" screen is capable of providing a volume that is greater than 30 GPM. There is not pumping data on the well log but as long as the pump does not excessively draw down the water column during a pump test, I believe that this well could be converted to a Type II well due to the geology, grouting and materials utilized for the well.

6. A reserve drain field area for the new uses is proposed behind the west building on this site. To meet the 10-foot setback from the basement foundation wall a boulder landscaping wall will be constructed to limit the grading of the existing hill behind the building. The wall would be a maximum height of 4 feet with an average height of approximately 2.5 feet. Sheet 3.0 shows the updated redevelopment plan including the location of the proposed reserve drain field area for the new uses.

Updated Basis of Design

Use 1: Coffee Shop

Use	Coffee shop with limited menu. Primarily premade goods, coffee, tea				
Fixtures	3 comp. sink, mop sink, bar sink, ADA Bathroom				
Seating	Both Indoor and Outdoor seating available.				
Waste Source	Clients, Employees, coffe cups and silverware				
Estimated WW Flows	6 gal/seat.day	USEPA			
Employees	10 gal/emp./day	USEPA			
Hours of Operation	7 AM - 7 PM				
				Design	Estimated
		Shifts	Turnovers	Flow	Flow
				(GPD)	(GPD)
No. of Seats	32		2	6	384
Employees	3	1		10	30
Total Estimated Daily Flow Rate					414 GPD

Use 2: Spirits Tasting Room / Restaurant

Use	Spirits Tasting Room (restaurant , clean healthy, short order type, no fryers)				
Fixtures	3 comp. sink, mop sink, bar sink, Separate ADA Bathroom				
Seating	Both Indoor and Outdoor seating available.				
Waste Source	Clients, Employees, limited washing of dishes, tables, coffe cups and silverware				
Customers	7 gal/seat.day	USEPA			
Employees	10 gal/emp./day	USEPA			
Hours of Operation	11 AM - 12 AM				
				Design	Estimated
		Shifts	Turnovers	Flow	Flow
				(GPD)	(GPD)
No. of Seats	32		4	7	896
Employees	7	2		10	140
Total Estimated Daily Flow Rate					1036 GPD

Use 3: Art Studio, Business Spaces, Massage, Storage

Use	Office, Retail, Art Studio, Massage, Business Space				
Fixtures	Kitchenette ADA Bathroom				
Waste Source	Employees, Visitors, Coffee Cups				
Employees	13 gal/emp./day	USEPA			
Hours of Operation	8 AM - 5 PM				
				Design	Estimated
		Shifts	Turnovers	Flow	Flow
				(GPD)	(GPD)
Employees	12	1		13	156
Total Estimated Daily Flow Rate					156 GPD

Total Estimated Daily Flow Rate = 1,606 GPD

Min. Drain Field Size @ 0.5 gal./day/sf = 3,212 S.F.

Drain Field Area Provided = 3,456 S.F.



Septic Tank Sizing = Minimum 72-hour Detention = 1,606 gpd x 3 = 4,818 gallons

Proposed Septic Tanks in series: 2,000 gallon single; 2,000 double and 1,000 single with outlet filter. Note, plumbing from the south half of the existing office space as well as the 3 spaces in the building on the west side of the site drain to a septic tank and pump chamber located on the south side of the parking lot between the two buildings. This is schematically shown on sheet 2.0.

Pump Chamber: 750-gallon tank with duplex pumps and zone distribution valve

If it would be possible to discuss this basis of design with you once you have had the chance to review the proposed revisions and responses to your original comments that would be great. We understand that this is a very tight site and that without final documents outlining the floor plan and fixtures proposed in the redevelopment of the property that there is some additional information that will be necessary for final permits and approvals from your office. With the resubmittal of this information we are hoping to establish the acceptance of the basis of design parameters and preliminary tank and field layout. This will allow the developer and township the confidence to move forward through the Special User Permit process knowing that the project as it is laid out is feasible and that no major changes to the plans would be necessary that could affect any zoning requirements.

Thank you in advance for your time and efforts with this project. If you have any questions or would like to discuss the information that has been submitted, please contact me at your earliest opportunity at 231-218-0590.

Sincerely,

Ryan A. Cox, PE

ZONING ORDINANCE UPDATE

memo

To: Planning Commission
From: Randy Mielnik, AICP
Date: February 16, 2021
Re: ZONING ORDINANCE UPDATE

In January 2020, the planning commission reviewed the updated draft zoning ordinance, considered it ready for initial public review, and posted it on the township website. After taking public comment for the next eight months, the need for additional edits was apparent. At its September 2020 meeting, the planning commission approved these edits and decided that the Draft of Peninsula Township Zoning Ordinance (09-21-2020), was ready for a formal public hearing. This document was accompanied by a separate list of additional edits staff generated and proposed to add to the draft. A formal public hearing occurred on October 19, 2020, and was continued in November and December of 2020.

Purpose of the Public Hearings: public hearings are held to obtain feedback before action is taken. Because zoning ordinances can't be retroactive, it's important to anticipate issues. When public hearings conclude, planning commission members reflect on the input they have received and sometimes make further changes to the draft. Planning commission members traditionally place a high value on public input and want to hear residents' thoughts on how the township can develop effective regulations and development standards that maintain and protect the township now and in the future.

The Current Status: based upon comments received at the October, November, and December 2020 public hearings, several portions of the ordinance rewrite are temporarily being set aside so that the bulk of the update can move forward (see the winter 2021 township newsletter article written by Isaiah Wunsch for a more detailed explanation). The non-controversial material that is ready to move forward is included in the document [Peninsula Township Zoning Edits 2/16/21](#) attached.

The Process Going Forward: once the planning commission approves this latest draft, it will be forwarded to the township board, where another formal public hearing and deliberation will occur before the township board takes final action to approve the zoning ordinance. Members of the township board have expressed a desire to delay taking action until summer 2021 so that seasonal residents have an opportunity to comment before the town board takes final action. The sections that were set aside will be dealt with individually and incorporated into the official zoning ordinance as they are approved.

PENINSULA TOWNSHIP ZONING EDITS (2/16/21)

Edits to DRAFT ZONING ORDINANCE - Dated 9/21/2020

i The following material uses the Draft Zoning Ordinance dated 9/21/2020 as the basis for edits. This is in terms of both additions and deletions to this document. Edits are listed in no particular order of significance and reflect comments and discussions that have taken place during the public hearings conducted by the Planning Commission in October, November, and December. As discussed, the goal is to set aside more difficult/controversial issues from the draft to be resolved at a later time.

1 AFFILIATED FARM

Page #	Language in 9/21/2020 Draft	Issue	Proposed Edit
2-2	N/A	Section 6.27 (A) includes the use of the term "affiliated farm." This is an important term that should be defined. The definition proposed is based on language from the GAAMPS for Farm Markets (1/2019).	Add the following definition to Article 2 (6) Affiliated Farm. Affiliated Farm means a farm in Peninsula Township under the same ownership or control (e.g., leased) as the farm market, whether or not the farm market is located on the property where production occurs. However, the market must be located on land where local land use zoning allows for agriculture and its related activities.

2 DECK DEFINITION

Page #	Language in 9/21/2020 Draft	Issue	Proposed Edit
2-5	(34) Deck. A platform, either freestanding or attached to a building, that is supported by pillars or posts.	Not all decks are supported by pillars or posts.	Amend #34 as follows: (34) Deck. A platform, either freestanding or attached to a building, at or above grade.

3 ROADSIDE STAND DEFINITION

Page #	Language in 9/21/2020 Draft	Issue	Proposed Edit
2-13	(113) Roadside Stand. A structure or display area used for selling fresh or processed farm produce and products grown on the Old Mission Peninsula. Such farm stands must be operated as an accessory use of a farm.	Best zoning practices include removing requirements or standards from definitions (where they can be overlooked). Requirements and standards should be the body of the zoning ordinance.	Amend #34 as follows: 113) Roadside Stand. A structure or display area used for selling fresh or processed farm produce.

DRAFT

4 UPDATE STRUCTURE DEFINITION

Page #	Language in 9/21/2020 Draft	Issues	Proposed Edit
2-14	<p>(133) Structure. Anything constructed or erected, the use of which requires a temporary or permanent location on the ground or is attached to something having a permanent location in, on, or below the ground. Structures shall include but not be limited to buildings, manufactured homes, decks, patios, sidewalks, driveways, walls (including seawalls), fences more than four feet in height, poles, antennae, swimming pools, billboards, signs, boat and jet ski hoists, and towers but shall not include access steps required to negotiate changes in site elevation and landscape mounds.</p> <p>Language in Current Zoning Ordinance</p> <p>Structure: A structure is any production or piece of material artificially built up or composed of parts joined together in some definite manner; any construction, including dwellings, garages, building, mobile homes, signs and sign boards, towers, poles, antennae, landfill, sea walls, weirs, jetties, swimming pools, stand pipes; fences over four feet in height above final grade and earth sheltering for earth-sheltered structures or other like objects, but not including: (a) a temporary fence; (b) agricultural fences that are used for general farming and horticultural uses, field crop and fruit farming, raising and keeping of small animals, and raising and keeping of livestock; (c) access steps required to negotiate changes in site elevation; (d) landscape mounds; and (e) sidewalks, drives, and paved areas which do not protrude above the finished site grade.</p>	<p>Need to delete <u>on, or below the ground</u> in the first sentence. No land use permits should be required for things constructed below ground.</p> <p>The definition of "structure" also relates to the standard of "lot coverage." See below.</p>	<p>(133) Structure. Anything constructed or erected using any materials, the use of which requires a temporary or permanent location on the ground or is attached to something having a permanent location on the ground. Structures shall include but not be limited to buildings, manufactured homes, decks, patios, sidewalks (including pavers), driveways, walls (including seawalls), fences more than four feet in height, poles, antennae, free-standing solar panels, swimming pools, billboards, signs, boat and jet ski hoists, and towers but shall not include access steps required to negotiate changes in site elevation and landscape mounds.</p>

5 LOT COVERAGE

Page #	Language in 9/21/2020 Draft	Issue	Proposed Edit
2-9	(77) Lot Coverage. The amount of a lot, stated in terms of percentage, that is covered by all above-grade structures. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.	As the definition of structure changes (issue #4 above) the meaning of maximum lot coverage is impacted. The maximum lot coverage varies from 15-35% among zoning districts. Need to clarify that lot coverage excludes all at-grade improvements such as patios, sidewalks (including pavers) and driveways.	(77) Lot Coverage. The amount of a lot, stated in terms of percentage, that is covered by all above-grade structures. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof. Lot coverage does not include at-grade improvements such as patios, sidewalks (including pavers), driveways, docks and hoists, or access steps required to negotiate changes in site elevation and landscape mounds.

6 UPDATE SHARED WATERFRONT DOCKS 3.13 (E) (2) (e)

Page #	Language in 9/21/2020 Draft	Issues	Proposed Edit
3-13	(e) Shared Waterfront Docks. Docks and hoists on shared waterfront properties are allowed provided that each property owner provides to the zoning administrator such owner's written consent to the sharing arrangement and provided that such arrangement does not result in any more docks or hoists than would otherwise be allowed.	There has been confusion between requirements associated with waterfront docks shared by two or more adjacent <u>waterfront</u> properties and shared waterfront ownership associated with a development in which multiple dwellings share access to a single waterfront lot. This section only deals with waterfront docks shared by two or more adjacent <u>waterfront</u> properties. Requirements associated with shared waterfront access are found in Section 3.13 (I)	(e) Dock Sharing by Adjacent Waterfront Properties. Two or more adjacent waterfront properties may enter into a written agreement to share docks and hoists provided such arrangement does not result in more docks and hoists than would otherwise be permitted (compared with individual properties) and that such docks and hoists meet all setback and related requirements. Written agreements must be provided to the zoning administrator indicating written consent to a sharing arrangement.

7 ELIMINATE ENGINEERING APPROVAL

Page #	Language in 9/21/2020 Draft	Issues	Proposed Edit
3-15	(a) A registered engineer has submitted a certified report that all other options have been reviewed to protect the property and a seawall is the only feasible option. This report must be submitted to the zoning administrator and must be approved by the township engineer;	Delete required approval by Township Engineer; adds unnecessary cost and time delay.	(a) A registered engineer has submitted a certified report that all other options have been reviewed to protect the property and a seawall is the only feasible option. This report must be submitted to the zoning administrator.

DRAFT

8 SCHEDULE OF REGULATIONS ADD MINIMUM PRINCIPAL STRUCTURE WIDTH IN AG AND CHANGE STRUCTURE COVERAGE IN A-1

NEED TO DECIDE IF THIS IS A MAJOR CHANGE OR NOT

Existing

Zoning District	Minimum Zoning Lot Size per Dwelling Unit		Maximum Height of Structures		Minimum Yard Setback per Lot in Feet from Each			Ordinary High Water Mark Setback	Maximum % of Lot Area Covered by All Structures	Minimum Building Width (Principal Structure)
	Area	Width (ft.)	Stories	Feet	Front	Side	Rear			
R-1A, Rural and Hillside	One acre	150	2.5	35	30	15	30	60	15%	24 feet
R-1B, Coastal Zone, One- and Two- Family	25,000 sq. ft.	100	2.5	35	30	15	30	60	15%	24 feet
R-1C, Suburban Residential, One- and Two-Family	20,000 sq. ft.	100	2.5	35	25	15	30	60	25%	24 feet
R-1D, Community Residential, One- and Two-Family	15,000 sq. ft.	100	2.5	35	25	15	30	60	30%	24 feet
R-1A PUD; R-1B PUD; R-1C PUD; R-1A PUD			2.5	35	30	15	30	60	15%	24 feet
C-1, Commercial	25,000 sq. ft.	150	2.5	35	35	10	30	60	35%	N/A
A-1, Agricultural	Five acres	330	2.5	35	35	50	50	60	N/A	N/A

Proposed

Zoning District	Minimum Zoning Lot Size per Dwelling Unit		Maximum Height of Structures		Minimum Yard Setback per Lot in Feet from Each			Ordinary High Water Mark Setback	Maximum % of Lot Area Covered by All Structures	Minimum Building Width (Principal Structure)
	Area	Width (ft.)	Stories	Feet	Front	Side	Rear			
R-1A, Rural and Hillside	One acre	150	2.5	35	30	15	30	60	15%	24 feet
R-1B, Coastal Zone, One- and Two- Family	25,000 sq. ft.	100	2.5	35	30	15	30	60 <i>Error! Reference source not found.</i>	15%	24 feet
R-1C, Suburban Residential, One- and Two-Family	20,000 sq. ft.	100	2.5	35	25	15	30	60	25%	24 feet

R-1D, Community Residential, One- and Two-Family	15,000 sq. ft.	100	2.5	35	25	15	30	60	30%	24 feet
R-1A PUD; R-1B PUD; R-1C PUD; R-1A PUD			2.5	35	30	15	30	60	15%	24 feet
C-1, Commercial	25,000 sq. ft.	150	2.5	35	35	10	30	60	35%	N/A
A-1, Agricultural	Five acres	330	2.5	35	35	50	50	60	25% if lot area is less than 5 acres. Otherwise, N/A	24 feet if lot is less than 5 acres. Otherwise, N/A

9 MINIMUM SITE AREA (PUD) – CLARIFY

Page #	Language in 9/21/2020 Draft	Issues	Proposed Edit
5-2	<p>(D)(1) Minimum Site Area. The planned unit development project shall not be fewer 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. In unique circumstances, the project acreage requirement may be reduced if an applicant can clearly and convincingly demonstrate that a PUD development scenario would be significantly superior to a conventional development scenario in terms of the objectives and intent of a PUD.</p> <p>Existing Ordinance Language</p> <p>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</p> <p>(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. PROVIDED that the project acreage requirement may be reduced by the Township Board if the Board determines</p>	<p>Given the ambiguity of existing language and the recent problems with creating extra review steps between the town board and the planning commission, better language is needed. The proposed edit circles back to the intent, purpose and objectives of a PUD.</p>	<p>(D)(1) Minimum Site Area. The planned unit development project shall not be fewer 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. In unique circumstances, the project acreage requirement may be reduced if an applicant can clearly and convincingly demonstrate that a PUD development scenario would be significantly superior to a conventional development scenario in terms of the intent, purpose and objectives of a PUD pursuant to Section 5.01(A) and (C).</p>

	that the proposed use is a suitable and reasonable use of the land.		
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10 HOME OCCUPATIONS AND GARAGE SALES.

Page #	Language in 9/21/2020 Draft	Issues	Proposed Edit
6-8	<p>(B) Allowable Uses Not Requiring a Permit. The following incidental uses are allowed and do not need a permit:</p> <p>(1) Garage sales, provided they occur not more than twice in any calendar year.</p>	<p>Remove garage sales from uses not requiring a permit and create a more generic category of land use called yard sales. Update use table accordingly.</p>	<p>(B) Allowable Uses Not Requiring a Permit. The following incidental uses are allowed and do not need a permit:</p> <p>(1) Garage sales, provided they occur not more than twice in any calendar year.</p> <p>7.13 Yard Sales</p> <p>Yard sales, including garage sales or estate sales, do not require a land use permit and may take place for a duration of up to three consecutive days and up to twice per calendar year. All items offered for sale or free must be located within the required setbacks for a principal structure in the zoning district in which it is located. Vehicles for sale, including cars, boats, and recreational vehicles, may not be located within a road right-of-way.</p> <p>Tables in Section 3.06 – 3.12</p> <p>In each table, add under (B) Uses by right add - Yard Sales (Section 7.13)</p>

11 IN MOBILE HOME PARK SECTION – REPLACE TERMS

Page #	Language in 9/21/2020 Draft	Issues	Proposed Edit
6-15	<p>(a) Each mobile home park shall be provided with a paved entrance or exit drive off a public thoroughfare.</p>	<p>The term “public thoroughfare” is undefined in the zoning ordinance. Should replace it with “Primary Road” – which is defined.</p>	<p>(a) Each mobile home park shall be provided with a paved entrance or exit drive off a primary road.</p>

12 DWELLING RENTALS

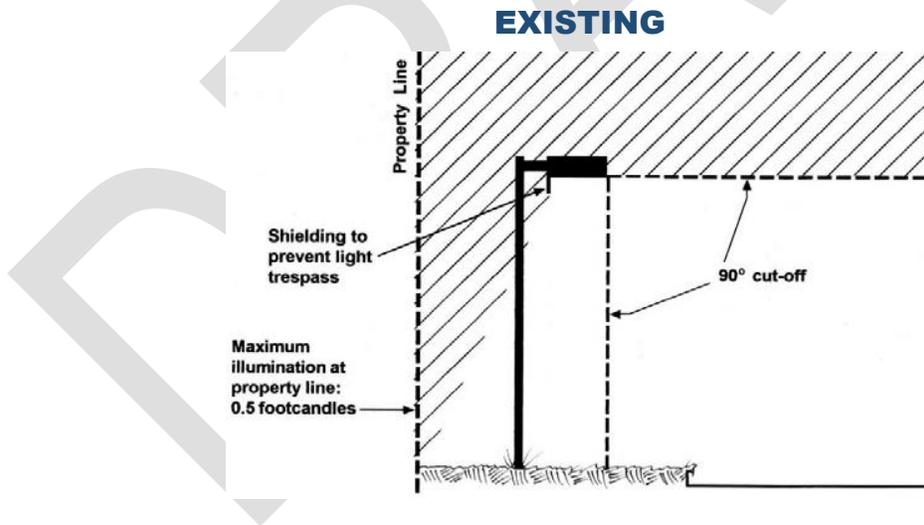
Page #	Language in 9/21/2020 Draft	Issues	Proposed Edit
6-20	Section 6.26 Rental of Dwellings: The minimum length of time that a dwelling may be rented, in conformance with the intent of the ordinance, is 30 days. This does not include rental of units within a bed and breakfast or guest rooms at a winery-chateau.	Dealing with this issue requires more community dialog.	Leave existing language as is.

13 EXTERIOR LIGHTING STANDARDS:

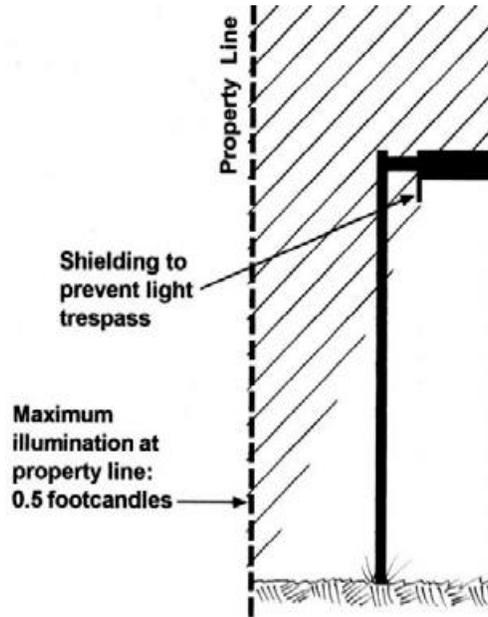
Page #	Language in 9/21/2020 Draft	Issues	Proposed Edit
8-6	(3) Full Shielding. A technique or method of construction that causes light emitted from an outdoor light fixture or any bright reflecting section to be such that the light source and any bright reflecting surface is not visible above the shield horizontal plane or beyond the boundaries of the property.	Full shielding needs to be more fully described and connected to a quantifiable and commonly used light intensity standard.	(3) Full Shielding. A technique or method of construction that causes light emitted from an outdoor light fixture or any bright reflecting section to be such that the light source and any bright reflecting surface is not visible above the shield horizontal plane, or boundaries of the property, with luminous intensity exceeding 0.5-foot candles at ground level.

Page #	Language in 9/21/2020 Draft	Issues	Proposed Edit
8-7	(a) All new outdoor light fixtures shall have full shielding unless otherwise permitted. Full cut-off fixtures shall be used to prevent light from projecting above a 90-degree horizontal plane. Additionally, the light trespass from a property shall not exceed 0.5 foot candles at the property line, measured five feet from the ground (see Figure 8-1, below);	Need to improve the graphics (below) and terminology	a) All new outdoor light fixtures shall have full shielding. The light trespass from a property shall not exceed 0.5-foot candles at the property line (see Figure 8-1, below).

Amend graphic (8-1) to eliminate ambiguity with regard to light spillover



Proposed



14 PROHIBITED SIGNS

Page #	Language in 9/21/2020 Draft	Issues	Proposed Edit
10-8	(S) Signs within a road right-of-way except traffic direction and control signs placed by the Grand Traverse County Road Commission or Michigan Department of Transportation;	Need to clarify enforcement issues	(S) Signs within a road right-of-way except traffic direction and control signs placed by the Grand Traverse County Road Commission or Michigan Department of Transportation are prohibited. The township zoning administrator and/or ordinance enforcement officer, upon the direction of the GTCRC or MDOT, has the authority to impound and hold as evidence any sign in the ROW that is a "prohibited sign."

15 NON-CONFORMING PARCELS

Page #	Language in 9/21/2020 Draft	Issues	Proposed Edit
11-1	<p>A) Notwithstanding limitations imposed by other provision of this ordinance, a principal building and customary accessory buildings may be erected on a parcel. This provision shall apply even though such parcel fails to meet the requirements for area or width or both that are generally applicable in the district, provided that yard setbacks and lot coverage and other requirements not involving area, width, or both of the parcel conform to the regulations for the district in which the parcel is located.</p> <p>EXISTING LANGUAGE</p> <p>No clear existing provision exists for how to deal with nonconforming lots.</p>	<p>Concerns have been raised about this provision as it could produce considerable density. However, more detailed study is needed to fully evaluate the number and location of non-conforming parcels in several areas in Peninsula Township.</p>	<p>Leave language in 9/21/20 draft as is – pending further study.</p>

16 SITE PLAN REVIEW

Page #	Language in 9/21/2020 Draft	Issues	Proposed Edit
13-6	(A) Uses Requiring Site Plan Review. In the case of minor projects such as remodeling or re-occupancy, site plan review procedures may be modified at the discretion of the zoning administrator or planning director to provide an administrative review by township staff in lieu of a more formal review by the planning commission and township board. Administrative review procedures are not intended to modify any ordinance, regulation, or development standard. The type of review is based on the development activity as follows:	Need to clarify site plan review necessary for administrative review and SUP/PUD site plan Reviews.	(A) Uses Requiring Site Plan Review Site plans are required with all applications for land use permits and special use permits. The required content of site plans is indicated in (B) below and site plans are approved either as part of a special use approval or may be administratively approved as part of a land use permit application process. Administrative review procedures do not modify any ordinance, regulation, or development standard. The type of review is based on the development activity as follows:

Current

Development Activity	Site Plan Review	Administrative Review
1. All uses except single-family and two-family residences in the R-1A, R-1B, R-1C, and R-1D zoning districts, and their customary permitted and accessory uses.	✓	
2. All uses except single-family and two-family residences in the A-1 zoning district, and their customary permitted and accessory uses and farm buildings and operations.	✓	
3. All uses in the C-1 zoning district.	✓	
4. Any use or development involving a special land use	✓	
5. Re-occupancy of a building, provided all of the following are true: <ul style="list-style-type: none"> No variances to the ordinance are required; Such use is conducted within a completely enclosed building; Re occupancy does not create additional parking demands; and Re occupancy does not substantially alter the character of the site. 		✓
6. Remodeling or construction of an addition to an existing building or use, provided all of the following are true: <ul style="list-style-type: none"> No variances to the ordinance are required; and The proposed new construction would be interior only and would not increase the total square footage of the building. 		✓
7. Co-location of wireless communication facilities		✓
8. Wireless communication facilities or replacement of an existing wireless communication support structure	✓	

Proposed

Development Activity	SUP.PUD Site Plan Review	LUP Administrative Review
1. Single-family and two-family residences in the R-1A, R-1B, R-1C, and R-1D zoning districts, and their customary permitted and accessory uses.		✓
2. Single-family and two-family residences in the A-1 zoning district and their customary permitted and accessory uses and farm buildings and operations.		✓
3. All uses in the C-1 zoning district.	✓	
4. Any use or development involving a special land use.	✓	
5. Re-occupancy of a building, provided all of the following are true: <ul style="list-style-type: none"> No variances to the ordinance are required; Such use is conducted within a completely enclosed building; Re-occupancy does not create additional parking demands; and Re-occupancy does not substantially alter the character of the site. 		✓
6. Remodeling or construction of an addition to an existing building or use, provided all of the following are true: <ul style="list-style-type: none"> No variances to the ordinance are required; and The proposed new construction would be interior only and would not increase the total square footage of the building. 		✓
7. Co-location of wireless communication facilities.		✓
8. Wireless communication facilities or replacement of an existing wireless communication support structure.	✓	

17 VIOLATIONS

Page #	Language in 9/21/2020 Draft	Issues	Proposed Edit
13-21	(A) Violations and Penalties Any person, firm, association, corporation, company, or other entity that fails to comply with any Peninsula Township ordinances, Michigan law, or any regulatory measures or conditions imposed by the planning commission, zoning board of appeals, or township board shall be found in violation. If such violation has not abated, ceased to exist, or otherwise been remedied within seven days after written notice of the violation has been sent, the violator will be deemed to be responsible for a municipal infraction as defined by Michigan statute. This infraction shall be punishable by a civil	Need to be more specific with regard to enforcement.	A) Violations and Penalties. The purpose of this provision is to set forth the remedies Peninsula Township might take with regard to violations of this zoning ordinance. Nothing in this section is intended to nor shall violate Michigan's Right to Farm Act. B) Any person, firm, association, corporation, company, or other entity that fails to comply with any Peninsula Township ordinances, Michigan law, or any regulatory measures or conditions imposed by the planning commission, zoning board of appeals, or township board shall be found in violation. A violation of this ordinance shall be deemed to be a municipal civil infraction as defined by Michigan statute. This infraction shall be punishable by a civil fine in an amount to be determined for each

	<p>fine in an amount to be determined for each violation. The amount will be determined by the township violation fee schedule or in an amount determined by the court, along with all expenses (direct and indirect) incurred by the township. Each day that a violation continues to exist shall constitute a separate violation of this ordinance. A violator of this ordinance shall also be subject to such additional sanctions and judicial orders as authorized under Michigan law. Provisions of this ordinance may also be enforced by suit for injunctive relief.</p>		<p>violation. The amount will be determined by the township violation fee schedule or in an amount determined by the court, along with all expenses including reasonable attorney's fees (direct and indirect) incurred by the township. Each day that a violation continues to exist shall constitute a separate violation of this ordinance.</p> <p>C) A violator of this ordinance shall also be subject to such additional sanctions and judicial orders as authorized under Michigan law.</p> <p>D) In addition to the rights set forth above, and not to the exclusion of such rights, Peninsula Township may, in addition to pursuing a civil infraction as set forth above, also seek enforcement of the violation by suit in the Circuit Court for equitable and/or injunctive relief.</p>
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18 NON-CONFORMING USE DEFINITION

Page #	Language in 9/21/2020 Draft	Issues	Proposed Edit
2-11	(87) Nonconforming Building, Nonconforming Structure, or Nonconforming Use. A building, structure, or use of land existing at the time of enactment of this ordinance that does not conform to the regulations of the district or zone in which it is situated.	Minor improvement to the definition	(87) Nonconforming Building, Nonconforming Structure, Nonconforming Lot, or Nonconforming Use. The condition of a building, structure, lot, or use of land existing on the effective date of this ordinance that does not conform to one or more of the applicable zoning regulations.

19 HOTELS

Page #	Language in 9/21/2020 Draft	Issues	Proposed Edit
6-10	<p>(3) Minimum Lot Area. The minimum lot size shall be sufficient to meet applicable building setbacks.</p> <p>Original Language</p> <p>(3) Minimum Lot Area: The minimum lot size shall be five (5) acres with a minimum width of three hundred (300) feet.</p>	<p>The lot area and frontage requirements for “hotels, motels and tourist courts” was changed in the current draft to support the following perspective:</p> <ol style="list-style-type: none"> 1. It is odd for a zoning ordinance to specify a minimum lot size for a commercial use. The intensity of a commercial use is dictated by more by lot coverage, setbacks, and height limits. Hotels, motels, and tourist courts vary greatly in size and there are no planning principles that align with a five-acre minimum lot size. 2. Most importantly, having a five-acre minimum lot size means that someone looking to create such a use would likely propose a large facility to justify the land expense. A hotel on a five-acre site would not be appropriate in Peninsula Township, so why require it? The old Holiday Inn in Traverse City is about five to seven acres. 3. The work on the master plan includes a focus on what kind of strategy Peninsula Township should follow regarding lodging. Participate Old Mission specifically asked residents for input on this issue. Results are just now coming in. 4. There may be other lot size requirements for commercial uses that should be reviewed in terms of appropriateness. This review should occur with the mindset of the objective for the standard and understanding that there might be unintended consequences associated with lot size requirements. 	<p>Leave as is for now.</p>

20 FRONT, SIDE AND REAR YARD DEFINITIONS

Page #	Language in 9/21/2020 Draft	Issues	Proposed Edits
2-15 and 2-16	<p>(144) Yard, Front. A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the principal structure (see Figure 2-4 below). On a corner lot, a front yard exists along both road frontages.</p> <p>(145) Yard, Rear. A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear line of the lot and the rear line of the nearest principal structure. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the principal structure (see Figure 2-4 below).</p> <p>(146) Yard, Side. A yard between the building and the side line of the lot and extending from the front yard to the rear yard. Any yard not defined as a front yard or rear yard shall be deemed a side yard (see Figure 2-4 below).</p>	<p>There are instances in Peninsula Township where past approvals of site plans, plats, PUD's, recorded surveys and condominium subdivisions have included a designation of building envelopes with identified front, side and rear yards. In such cases, the designated building envelopes and yards associated with such site plans, plats, PUD's, recorded surveys and condominium subdivisions should control and supersede those as may be defined in the zoning ordinance.</p>	<p>(144) Yard, Front. A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line(s) and the nearest line of the principal structure (see Figure 2-4 below). On a corner lot, a front yard exists along both road frontages unless a front line is defined otherwise in a previously approved site plan, plat, PUD, recorded survey, or condominium subdivision.</p> <p>(145) Yard, Rear. A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear line of the lot and the rear line of the nearest principal structure. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the principal structure (see Figure 2-4 below). A rear yard may be defined otherwise in a previously approved site plan, plat, PUD, recorded survey, or condominium subdivision. If so, such prior approved delineation of a rear yard on a given lot shall govern.</p> <p>(146) Yard, Side. A yard between the building and the side line of the lot and extending from the front yard to the rear yard. Any yard not defined as a front yard or rear yard shall be deemed a side yard (see Figure 2-4 below). A side yard may be defined otherwise in a previously approved site plan, plat, PUD, recorded survey, or condominium subdivision. If so, such prior approved delineation of a side yard on a given lot shall govern.</p>

21 DRIVEWAY SETBACKS

Page #	Language in 9/21/2020 Draft	Issues	Proposed Edits
9-4	9.06 (B) Minimum Setback. Minimum setback of driveways and aprons from property lines shall be five feet.	The existing zoning ordinance does not contain a minimum setback for driveways from side lot lines (except for gas stations). A side yard setback of 5 feet is desirable from the standpoint of snow storage and drainage.	Keep as is. Just clarify that the setback is 5 feet from side property lines. 9.06 (B) Minimum Setback. Minimum setback of driveways and aprons from side property lines shall be five feet.

FORMAT / TYPO ISSUES

Page 2-3	(16) Base Flood Elevation (BFE). The computed elevation to which floodwater is anticipated to rise during the base flood. Base flood elevations (BFEs) are shown on flood insurance rate maps (FIRMs) and on the flood profiles. The base flood is a flood having a one percent chance of being equaled or exceeded in any given year and is commonly known as a 100-year flood .
Page 2-3	(21) Buffer Strip. Open space, landscaped areas, fences, walls, berms, or a combination thereof used to physically and visually separate one use or property from another in order to mitigate potential land use impacts such as noise or levels of illumination .
Article 13	Correct page numbers at the bottom of each page. Should begin with 13-1.
Whole Document	Replace "MDEQ" or "DEQ" with "EGLE"

SUP Process

memo

To: Planning Commission

From: Randy Mielnik, AICP

Date: February 16, 2021

Re: SUP PROCESS

Peninsula Township relies heavily on the Special Use Permit (SUP) tool in the zoning ordinance to manage and control development. The process by which an individual pursues SUP approval is not always easily communicated, nor is it universally understood, especially for those only involved periodically. For some time, we have had a checklist to follow to make sure all essential elements are completed. However, we have not had something that describes the necessary process/steps.

The attached material aims to provide a more complete picture of the Special Use Permit approval process. Naturally, each project may be different, but all should follow a general process. The attached material is in draft form as I see room for conversation about when the public hearing should be held. Please review.

Peninsula Township's Special Use Permit Process

What is a Special Use Permit?

Like most zoning ordinances, the Peninsula Township Zoning Ordinance divides the township into several zoning districts (agricultural, residential, commercial). These districts align with the character of various areas of Peninsula Township and they include land uses that are permitted "as of right" and uses that must be approved by a special use permit (SUP). Land uses categorized as "as of right" receive a land use permit after administrative review and approval. SUPs are approved only after review by both the planning commission and township board. SUPs are categorized as such because they are more generally more extensive activities and could impact adjacent properties in terms of traffic, noise, or other considerations. Consequently, public hearings are required prior to the approval of a SUP to allow residents to share support for and/or concerns. At the end of the process, a signed document is prepared that describes the approved use and applicable approval conditions.

To learn which uses require SUP approval and which are "as of right," consult the zoning ordinance, which is available at www.peninsulatownship.com. Projects for either category require an application to be submitted for review and potentially outsourcing to the township engineering and attorney for review of engineering or legal issues.

SUP APPROVAL PROCESS

The SUP approval process can take several months; a summary of the steps that occur follow:

Step 1: Preliminary Staff Consultation

Applicants are encouraged to meet with the township planner and zoning administrator to ask questions and review draft documents.

Step 2: Introductory Planning Commission Meeting

Applicants are encouraged to attend a planning commission meeting to introduce the project to the Peninsula Township Planning Commission. This event can occur before formal submission of an application and serves two main purposes. First, it helps familiarize the members of the planning commission with the project. Second, it helps identify issues or problems before the applicant incurs costly design expenses.

At the end of the introductory meeting, three outcomes are possible:

1. If the project is complicated, the planning commission may wish to form a committee including staff, the township engineer, and the applicant to help the project develop and move forward. This step saves time in the long run, allowing complex issues to be addressed more efficiently between monthly meetings. If this is the case, a committee meeting would be scheduled in the near term to discuss next steps.
2. If a complete application has already been submitted, the planning commission may direct the planner to schedule a public hearing for the next meeting. This event requires a public notice to be published in the newspaper 15 days prior to the hearing and notices to be sent to all property

owners within 300 feet of the project site. A copy of the submitted application is provided to the township engineer for review. If it is determined that engineering reviews are necessary, the applicant shall provide necessary escrow funds to cover these costs as determined by the engineer. The hearing will not be scheduled until escrow funds are received.

3. The planning commission may find that more information is needed before the public hearing is scheduled. In this case, the process may not move forward until the project can be properly presented to the public. Residents who are notified as adjacent property owners or otherwise learn about the project may visit the township offices, see material online, and obtain the information they need to understand the proposed project.

Step 3: Public Hearing

At the scheduled public hearing, the applicant should be prepared to present the project and respond to questions from residents. At this point, the planning commission takes no position on the project. The purpose of the hearing is to learn of concerns and issues from residents so that necessary project design changes can be made. Typically, no action is taken on the project until the following meeting. If, at the end of the hearing, it appears that any outstanding issues can or will be soon resolved, the planning commission may ask the planning director to prepare a draft statement of findings and conclusions relative to the special land use specifying the basis for the decision and any conditions imposed.

Step 4: Development of Findings and Conclusions and PC Action

At the meeting following the public hearing, a statement of findings and conclusions forming the basis for the decision and conditions imposed is presented for consideration. Evidence of consultation with other review authorities such as the township engineer, road commission, health department, etc. is required as part of the draft statement of findings and conclusions. If approved, the matter moves to the township board.

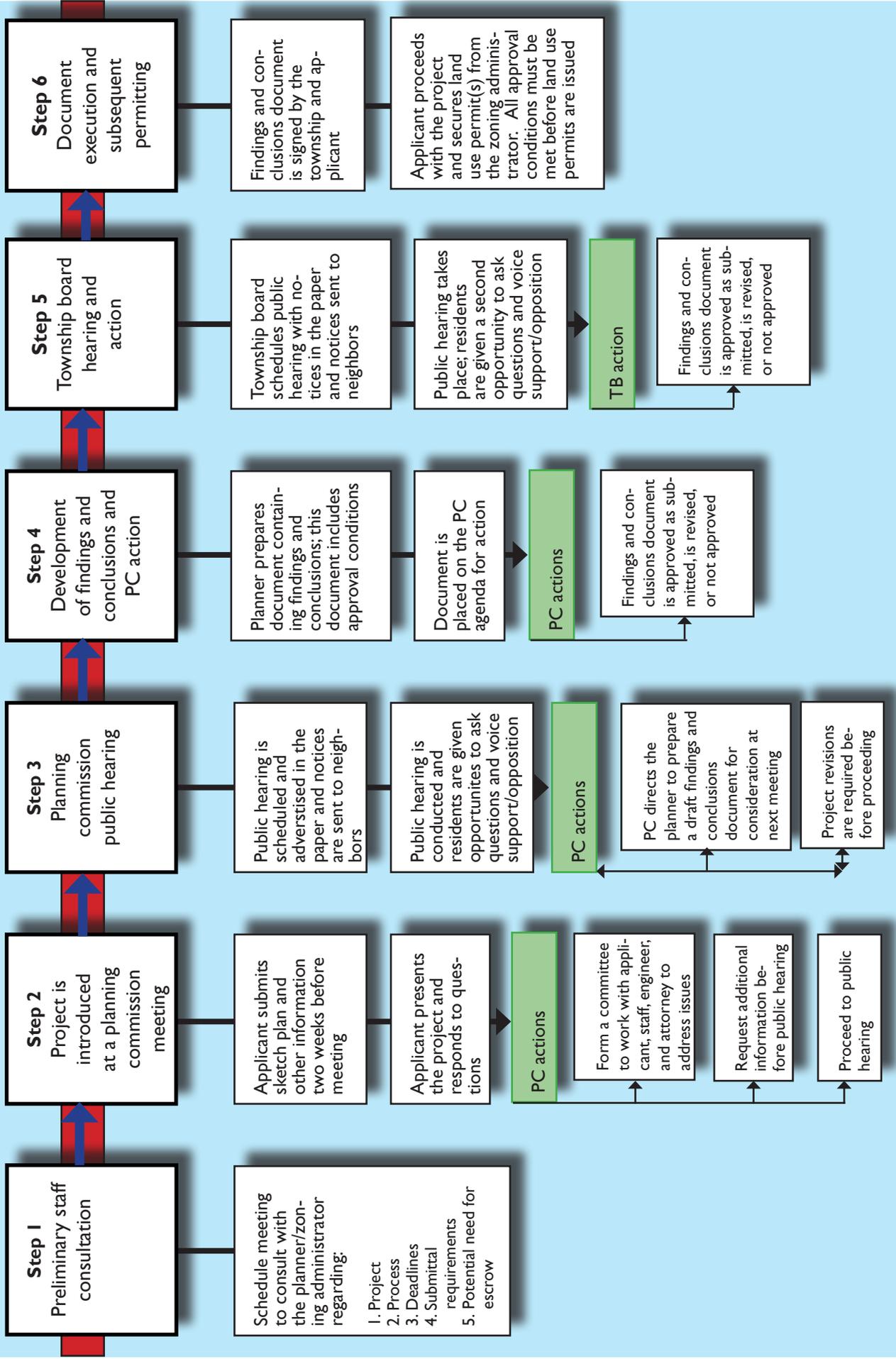
Step 5: Township Board Hearing and Action

The township board receives the statement of findings and conclusions and schedules a second public hearing to once again allow residents and neighbors to comment on the project. The township board may, but is not required, to act on the proposed SUP the same night as the hearing. This hearing must also be publicly posted in the newspaper 15 days prior to the hearing.

Step 6: Document Execution and Subsequent Permitting

When approved, the statement of findings and conclusions and list of conditions is signed by the township and the applicant. Any changes to the project going forward require a formal amendment to the SUP. Additionally, a land use permit(s) is required from Peninsula Township before any construction may proceed; no land use permit will be issued until there is evidence that all SUP approval conditions have been met.

Peninsula Township Special Use Permit (SUP) Process



ITEMS REQUIRED TO BE SUBMITTED FOR STAFF / PC CONSIDERATION

	Responsible (Contact) Person	Status	Date	Notes
Application				
Fee				
Escrow Fee Deposit				
Site Plans				
Complies with Zoning Ordinance				
Landscape Plan				
Visual illustration provided including elevations of buildings / exteriors				
Exterior Lighting Plan				
Outdoor Garbage / Refuse Containment				
Soil Information / Borings				
Environmental Assessment				
Traffic Study				
Preliminary Site Plan Review / Approval				
County Health Department (well & septic)				
County Health Department (SESC)				
Twp Engineer (Stormwater)				
Fire Department				
County Road Commission (driveway)				
Sheriff Department				
ITEMS REQUIRED TO BE SUBMITTED PER PC / BOARD APPROVAL TO OBTAIN LAND USE PERMIT				
Clearing / Earth Change Approval				
Soil Erosion Control / NPDES NOC Permit (Permit on file with Twp)				
Installation of SESC Measures				
Stormwater Control Review / Approval (Twp Engineer)				
Storm Water Control Permit Issued by ZA				
Storm Water Bond / Escrow Provided				

ITEMS REQUIRED TO BE SUBMITTED FOR STAFF / PC CONSIDERATION

	Responsible (Contact) Person	Status	Date	Notes
Final Site Plan Submission				
Planning Dept Review / Approval				
PERMITS				
Health Department Permits Received and on file with Twp (Well & Septic)				
GTCRC Driveway Permit Received and on file with Twp				
DEQ Notice of Coverage Permit Received and on file with Twp				
Fire Dept Approval – Power lines to meet International fire code				
ESCROW AND/OR BOND				
Storm water				
INSPECTION				
GTCRC Approval prior to Paving (24 hour notice)				
SESC / SW (Approved by Township and reports provided)				
PROJECT CLOSEOUT				
Post Construction Compliance review by ZA				
Post Construction Compliance per Fire Dept				
Easements Recorded and on file with Twp (as applicable)				

Training Opportunity

Online OFFICIALS TRAINING

By the Michigan Association of Planning

The Michigan Association of Planning's education programs provide participants with the skills to make better land use decisions. Our knowledgeable and experienced instructors enable elected and appointed officials to better understand their roles and responsibilities, and innovative planning tools and techniques. We make it easy for you to receive the training necessary to keep up with the ever-changing land use landscape. This year, training will be live, but virtual. We are also offering recorded, hot topics for officials interested in a deeper dive into some of planning's newer trends and issues.

MANAGING RISK: MAKING SOUND PLANNING & ZONING DECISIONS

2.5 Master Citizen Planner Credits

March 9th | 6 - 8:30 PM | Member fee: \$65
Instructor: Emily Palacios, JD, Miller Canfield, PLC.

As more communities face litigation related to planning and zoning decisions, this is essential training for all elected officials, planning commissioners, zoning board of appeals members and emerging planning professionals. Topics include identifying a conflict of interest, applying discretionary standards during special land use reviews, reasonable expectations of a developer and how your comprehensive plan can minimize risk. **Course includes guidebook.**

SITE PLAN REVIEW

3.5 Master Citizen Planner Credits

March 10th and 11th | 1-3 PM | Member fee: \$85
Instructor: Leah DuMouchel, AICP, Beckett & Raeder, Inc.

This program will demonstrate the site plan review and approval process and provide practical tools and techniques on how to read a site plan. You'll discuss site design principles, such as pedestrian and traffic considerations, lighting, utilities, ADA compliance, inspections, and landscaping. **Participants receive a guidebook, in addition to an engineering scale, turning template, and a sample site plan to evaluate.**

PLANNING & ZONING ESSENTIALS

This program counts toward one session of the MSU Extension Citizen Planner Program

March 3rd and 4th | 6-8 PM | Member fee: \$75
Instructors: Rod Arroyo, AICP, Giffels Webster Jill Bahm, AICP, Giffels Webster

March 23rd and 24th | 1-3 PM | Member fee: \$75
Instructor: Adam Young, AICP, Wade Trim

The most requested training product we offer. This course is designed to boost confidence by sharpening skills, examining roles and responsibilities, identifying conflicts of interest, understanding legal foundations, and more!

This program is a robust introduction for new planning commissioners and zoning board of appeals, but also a great refresher for more experienced officials looking to build upon existing knowledge. Public hearing procedures, site plan review, master planning, zoning ordinances, variances, how to determine practical difficulty, and standards for effective decision-making are covered.

This program also provides a broad overview for students and emerging planners who want to learn about planning procedures in Michigan. **Special pricing for student members. Course includes a guidebook.**

PLANNING AND ZONING 101 FOR INSPECTORS AND CE OFFICERS

2 Master Citizen Planner Credits

March 16th | 1-3 PM | Member fee: \$45
Instructor: Andrew Moore, AICP, Williams & Works

A community's inspector is the final and often the first word in zoning enforcement. They are the ones that see and hear how the zoning ordinance is working for property owners, but are often not at the table when master plans and ordinances are being developed. This 2 hour workshop offers inspectors and officers a concise history of planning and zoning, the local players involved in the community and their roles, a tour of a typical zoning ordinance, an overview of development reviews and best practices for administration.

MASTER PLAN PROCESS

3.5 Master Citizen Planner Credits

March 30th and 31st | 6 - 8 PM | Member fee: \$75
Instructor: Kathleen Duffy, AICP, SmithGroup

This workshop is designed for those communities updating existing master plans as well as those creating entirely new ones. Roll up your sleeves and learn step-by-step about the requirements, components, and stakeholder involvement you'll need to organize when drafting or amending a master plan. **Course includes a guidebook.**

BUILD YOUR OWN WORKSHOP | Select Three Topics | \$75 (content available until August 1, 2021)

Watch on demand presentations recorded on a variety of topics from Michigan's planning experts. You choose the topics that are most relevant to your community. Detailed descriptions and registration available at www.planningmi.org/build-your-own-workshop. Sessions range from 25 minutes to 2 hours. Topics include:

- Clean Energy * Environmental Planning * Form Based Codes * Housing * Parking * Planned Unit Development * Target Market Analysis
- Tax Increment Financing * Zoning Administration * Roles and Responsibilities * Utility Basics * Asset Management and More!

Registration Policy on reverse side | **MAIL, FAX, OR EMAIL FORMS TO:** 1919 West Stadium Boulevard, Suite 4, Ann Arbor, MI 48103
 Phone: (734) 913-2000 | Fax: (734) 913-2061 | Email: info@planningmi.org | www.planningmi.org

REGISTRATION FORM

Complete one form per registrant. *Guidebooks sent to mailing address.*

NAME _____

AFFILIATION _____

EMAIL (confirmation and login instructions will be sent via email) _____

PHONE (with area code) _____

MAILING ADDRESS (include apt. or suite #) _____

CITY _____ STATE _____ ZIP _____

REGISTRATION INFORMATION: I'm a MAP Member
 Join MAP now for \$60 and receive the member discount. As a bonus, you will receive membership through June 2022.

MEMBER RATES	NON-MEMBER RATES
<input type="checkbox"/> \$75	<input type="checkbox"/> \$100
<input type="checkbox"/> \$75	<input type="checkbox"/> \$100
<input type="checkbox"/> \$65	<input type="checkbox"/> \$95
<input type="checkbox"/> \$85	<input type="checkbox"/> \$105
<input type="checkbox"/> \$45	<input type="checkbox"/> \$65
<input type="checkbox"/> \$75	<input type="checkbox"/> \$100
<input type="checkbox"/> \$75	<input type="checkbox"/> \$100
<input type="checkbox"/> \$25	<input type="checkbox"/> \$25

Apply a \$25 late fee if you register LESS THAN 5 business days before workshop

Planning & Zoning Essentials
 March 3rd and 4th | 6 - 8 PM
 March 23rd and 24th | 1 - 3 PM

Managing Risk
 March 9th | 6 - 8:30 PM

Site Plan Review
 March 10th and 11th | 1 - 3 PM

Planning and Zoning for Inspectors
 March 16th | 1 - 3 PM

Master Planning Process
 March 30th and 31st | 6 - 8 PM

Build Your Own Workshop
 Staff will email you for your session selection

Student (Full time) Member Rate
 List workshop and date: _____

PAYMENT INFORMATION: TOTAL: _____

Check enclosed Invoice Me Visa Master Card
 (Make checks payable to: Michigan Association of Planning)

Card # _____

Card Holder Zip Code _____

Expiration Date _____

Security Code _____

Signature _____

Card Holder Name _____

ON-SITE WORKSHOPS

Can't make the scheduled workshops?

Bring the training to your community through MAP's on-site program!

MAP's on-site workshops are a flexible and affordable way to bring training to your community. You pick the topic, date, location, and attendees - MAP provides the instructor and the materials. Collaborating with neighboring communities provides added value to the workshop and helps cover costs.

Contact Amy Vansen at (734)913-2000 or avansen@planningmi.org for details.

WHAT MAKES THESE WORKSHOPS VALUABLE?

MAP's credibility as a land use leader is widely recognized, assuring the highest quality educational experience.

Many workshops receive a comprehensive guidebook (noted in description)

Our new *Build Your Own Workshop* provides training using a dozen modules that can be mixed and matched to fit your needs, and viewed at your convenience.

REGISTRATION POLICY

For cancellations received in writing 10 business days prior to the workshop, a refund (minus a \$25 administration fee) will be given. Those received less than 10 days prior will not be refunded. You may identify a substitute or view the recorded workshop.

Students: The student discount is intended to make the workshops affordable for all full-time student members. Student members enrolled in a minimum of 12 undergrad credit hours or 9 grad hours are eligible. We will verify enrollment and course load.

CALENDAR OF EVENTS

Events through *May 20, 2021* held online
Events after *May 20, 2021* TBA

February 11, 2021

Transportation Bonanza 12 Conference

February 19, 2021

Student Conference

Michigan State University *Chairing Event*

March 3 & 4, 2021

Planning & Zoning Essentials Workshop

March 9, 2021

Risk Management Workshop

March 10 & 11, 2021

Site Plan Review Workshop

March 16, 2021

Planning & Zoning for Inspectors and Code Enforcement Officers Workshop

March 23 & 24, 2021

Planning & Zoning Essentials Workshop

March 30 & 31, 2021

Master Planning Process Workshop

May 20, 2021

Spring Institute

October 27-29, 2021 (tentative)

Planning Michigan Conference

WHO SHOULD ATTEND?

- Planning commissioners and zoning board of appeals members
- Elected and appointed officials
- Zoning administrators
- Emerging planning professionals
- Planning students (*special member rate!*)
- Michigan State University Extension Master Citizen Planners - *Sessions denoted for continuing education*



RANDY MIELNIK
13235 CENTER ROAD
TRAVERSE CITY MI 49686-8560

Michigan Association of Planning
1919 W. Stadium Blvd.
Suite 4
Ann Arbor, MI 48103



Michigan Association of Planning

A chapter of the American Planning Association

PLANNING & ZONING

Online TRAINING

For Elected and Appointed Officials

REGISTRATION INFORMATION



www.planningmi.org
(734) 913-2000

Correspondence

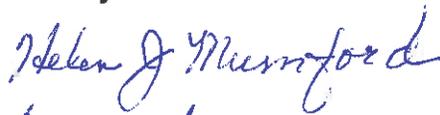
Wayne & Helen Mumford
13619 Seven Hills Rd
Traverse City MI 49686
January 14th 2021

Peninsula Township Planning Dept.

My husband and I are very concerned about the changes planned for 13795 Seven Hills Rd.

According to the Peninsula guidelines the parcel is too small for the number of buildings the owners wish to build. Our biggest concern is for their wish to build lodging (motel / hotel). If our planning commission allows this our peninsula as we know it, as a beautiful place to live, it will never be the same. Please do not destroy the beauty of our surroundings by building hotels and motel. If the planning commission allows one more will come !!!

Sincerely



Wayne and Helen Mumford

Monnie Peters
1425 Neahtawanta Road
Traverse City, MI 49686

February 16, 2021

Peninsula Township Planning Commission Members
Randy Mielnik, Township Planner
13235 Center Road
Traverse City, MI 49686

Dear Planning Commission Members and Randy,

I'm writing about a two small Zoning Rewrite items.

I gather from Randy that there were at least two others (Becky Chown and Greg Meihn) who edited the Draft Ordinance. Neither of them nor others seem to have caught the use of MDEQ rather than EGLE: Section 3-1(B) on page 3-11 and on page 3-16 (top of page). The Whitmer administration made that switch in spring of 2019. So MDEQ was correct when Randy took over the draft. You may want to do a global search to see if MDEQ or DEQ shows up anywhere else.

The other item is dropping the minimum lot area for a hotel/motel, Section 6.15(3) on page 6-10. This change was also made during 2019, maybe by staff only. I have previously suggested some minimum lot area, probably related to number of rooms. You have a maximum of five registered guests per unit/room. I think with only normal set-backs (on a minimum lot in a commercial district) there likely would not be enough space for a properly sized septic system along with parking and other aspects of this type of use. It might be that a "boutique" hotel couldn't get a health/septic permit. (We aren't in town with a city sewer system.). This is another thought on this issue. Your sub-committee on the areas which have been raised should discuss this section. Think carefully about this septic issue and think what other issues are raised by 'hotel/motel' usage.

Sincerely,

A handwritten signature in cursive script that reads "Monnie Peters".

Monnie Peters

*William and Nicole Smethells
10547 Bluff Road
Old Mission Peninsula
Traverse City, MI 49686*

February 10, 2021

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

Dear Planning Commission Members:

This letter is in regard to Bella Vue, the Planned Unit Development (PUD) under consideration located between Center Road and Bluff Road. My wife and I have our home at 10547 Bluff Road with 200 feet of property line in common with the proposed PUD. Our property was purchased by Nicole's parents in 1947 and is expected to remain in the family. In a previous letter to you, we expressed concerns regarding the development plan available at that time. Please see the attached copy of that letter. Also, we especially reference a letter, comprising a comprehensive review of concerns, written by Robert, Dawn and Grant Baetsen at about the same time. Recently one of us (William) attended the Township Board meeting on January 12, 2021 and the Planning Commission meeting on January 25, 2021.

At the meeting of the Township Board, a concept plan for the development of the Bella Vue property was included in the member's packet as part of a request to proceed with planning in spite of the property not meeting the minimum 20 acre standard. A motion was made, supported and passed unanimously that the developer adhere to a set of seven requirements in developing a detailed plan, including three dimensional rendering of the site. On that basis, planning could proceed, but there was no assurance of final acceptance.

To our minds, the concept plan was an improvement over a previous plan that we have seen in that housing units were positioned away from the crest of the bluff and reduced in number from 6 to 5. Among the details in the plan, there was also attention to maintaining the forested bluff above homes below. Combined with the requirements in the motion that was passed and an understanding of the advantages of a PUD over conventional development, we thought that the foundation had been laid for a development of the Bella Vue property that was reasonable and acceptable.

However, the plan presented at the Planning Commission meeting was changed from the concept plan presented to the Township Board: In the new plan, the housing units again appeared near the edge of the bluff. The video that was presented appeared to show three housing units at an elevation level with the crest of the bluff. Knowing the topography of the property, we question how this can be accomplished without a substantial restructuring of the land, raising the possibility of landslides and erosion. If the intent is to provide a clear view of the Bay, one also wonders about intended tree removal in the area that was to remain "as is" in the concept plan presented to the

Township Board. Emergency access to the houses is also a consideration in light of the planned elevation of three of the houses with respect to Center Road.

Recall that the Township Board required a concept plan to decide on whether to enforce the 20 acre rule for PUDs or allow planning to proceed. Hence, their decision was based, at least in part, on the concept plan presented to them for the January meeting in which housing units were located further away from the edge of the bluff. While changes are to be expected as a plan develops, it is interesting that the location of some of the residences has moved from the crest of the bluff (earlier plan), then away (concept plan provided to the Township Board), and back again (now).

We strongly recommend that the Planning Commission arrange for a tour of the Bella Vue property to assist the commission in assessing plans as they are developed and submitted for approval. We further urge that future documents provided to the commission regarding Bella Vue also be provided to the neighboring property owners in advance of commission meetings and that public comments be permitted at meetings as plans develop.

Sincerely yours,


William Smethells


Nicole Smethells

CC: Robert and Dawn Baetsen
Craig and Jackie Hyde for Dean Pfeffer
Dorothy Van Farrow

William and Nicole Smethells
10547 Bluff Road
Traverse City MI 49686

July 11, 2020

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

Dear Madams and Sirs:

This letter is in response to the call for comments issued by the Peninsula Township Planning Department in regard to the proposed construction of 6 units described as Bella Vue, Special Use Permit #137. The parcel IDs are 28-11-009-029-10 and 28-11-009-035-55. We share a 200 foot property line with the proposed development, running horizontally along a steep bluff behind our property.

One of us, Nicole, was raised in this home in the period of 1947 to 1964; she is now co-owner of the home with her husband, Bill. Nicole is very familiar with the local history of properties and people in the neighborhood; both of us consider it important that a strong sense of neighborliness continue into the future.

Regrettably, we will be not be available for the July 20 meeting, however we wish to express our concerns. Hence this letter. We are also aware that other neighbors will be writing letters and attending the meeting and hereby express our support for their concerns.

With respect to the planned development, we request that the Planning Commission seriously consider the following points:

- The bluff above the houses on Bluff Road is steep, probably near the maximum angle of repose, being held in check by the trees, vegetation, and stumps thereon. We are concerned that disturbance of this sandy bluff could lead to erosion and instability.
- The information about test holes, as presented on the latest plan available to us, shows that, geologically, the area is composed of sand in one form or another. That suggests that it is basically a dune between Bluff Road and Center Road. We request that regulations regarding construction on such land be investigated and incorporated in planning.
- The bluff is rounded; i.e., from the top of the bluff, the property descends directly toward Center Road. There is no flat area. Recontouring operations with heavy equipment combined with tree removal on such a forested dune might well lead to instability of the land and water runoff problems.

William and Nicole Smethells
10547 Bluff Road
Traverse City MI 49686

- It is not clear what the final elevations would be for the completed property. The most current plan that we have seen is not revealing. What are the planned elevations, what changes to the contour of the land are intended, to what extent is it planned that trees be removed, and how stable will be the result? We are particularly concerned that the crest of the dune above the houses on Bluff Road not be disturbed.
- In reference to the above comments, and In comparing the plan for the development available in 2019 to that now available in 2020, we see that in repositioning the planned location of units, four have been moved close to or right on the edge of the bluff, three of which are above our property. Considering the sandy geology of the land, a substantial setback from the crest would seem critical. If this positioning is based on distance from the common property line with property below, one must keep in mind that such distances are measured up a steep slope, not on the level.

Considering all of the above, to what extent has the impact on the neighborhood been taken into account? Please keep in mind that the writers of this letter and other neighbors live *below* the planned development, including the 200 feet of common property line in our case. Specifically, we are concerned about the impact of a large development squeezed into a small area among existing properties, on land that is essentially a forested dune requiring substantial re-contouring to accommodate the intended residential units, a road, and any requisite common space. Further, the plans to which we have had access (assumed to be current) place the housing units precariously close to the crest of the bluff.

These concerns alone suggest that placing 6 housing units on this property may not be wise or possible and needs to be reconsidered.

Thank you for your attention and consideration of these matters.

Sincerely yours,


William Smethells


Nicole Smethells