

PENINSULA TOWNSHIP

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PENINSULA TOWNSHIP PLANNING COMMISSION AGENDA

May 7, 2024

7:00 p.m.

1. **Call to Order**
2. **Pledge**
3. **Roll Call**
4. **Approve Agenda**
5. **Brief Citizen Comments (For Agenda Items Not Scheduled for Public Hearing)**
6. **Conflict of Interest**
7. **Consent Agenda**
 - a. Approval of Meeting Minutes: Planning Commission Regular Meeting, April 2, 2024.
 - b. Correspondence from Judy Spencer
8. **Business**
 - a. Special Use Permit (SUP) #123 Peninsula Shores PUD, Amendment #5 – Continued Discussion
 - b. Special Use Permit (SUP) #134 First Congregational Church, Amendment #1 – Introduction
 - c. Special Use Permit (SUP) #138 Old Mission Lavendar Farm, Amendment #1 - Introduction
 - d. Draft Master Plan – Review of Redlines and Existing Land Use Map
9. **Reports and Updates**
 - a. Shoreline Regulations Study Group – Verbal Update
 - b. Agricultural Advisory Committee – Verbal Update
10. **Public Comments**
11. **Other Matters or Comments by Planning Commission Members**
12. **Adjournment**

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

Minutes

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PENINSULA TOWNSHIP PLANNING COMMISSION MEETING

April 2, 2024, 7:00 p.m.

1. **Call to Order** by Hall at 7:01 p.m.

2. **Pledge**

3. **Roll Call:**

Present: Beard, Shanafelt, Dloski, Alexander, Hall, Shipman. Also present: Jenn Cram, Director of Planning and Zoning, and Laura Martin, Recording Secretary

Excused: Hornberger.

4. **Approve Agenda**

Shipman moved to approve the agenda with a second by Beard. Motion passed by consensus

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

Christine Sickie, 9449 Center Rd: here for the Draft Master Plan. Planning commissioners, I come before you as you are the guardians of the development on the peninsula. My family has owned their home on Center Road for 30 years. Earlier planning proposals called to redirect major traffic behind Center Road lakefront homes, but that plan was never implemented. I am making a citizens request for reasonable and safe speed limits for residents' safety and welfare in the use of their property on Center Road. There have been many changes in land use over the years. The increase of subdivisions, the sale of agricultural lands, winery tours and tourists, have caused the traffic on Center Road to dramatically increase. The speed limit of 55 miles per hour makes it dangerous and almost impossible for pedestrian traffic to walk across the road for beach and boating usage for families. This increase in traffic also restricts safety entering or exiting driveways with the sight distance and the curves. Lowering the speed limit would also increase safety for cyclists and joggers. Traffic on Center Road is 45 miles per hour at the base of the Peninsula and increases to 55 miles per hour. I am requesting that traffic remain at 45 miles per hour for the safety and welfare of residents' use and enjoyment of their homes. I realize this request will need additional approval from other agencies such as MDOT for the state highway speed adjustment. I am appealing to your desire to assist your residents with corrective action steps to move this item forward to a positive solution. This would also align with the 2021 master plan draft that residents believe the quality-of-life life has gotten worse in the past few years due to the growth over development and traffic congestion on the Peninsula. I am making this request with my 10-year experience as a former member of the city of Dearborn Zoning Board of Appeals, Planning Commissioner, Master Plan Review Committees, and Urban and Regional Studies. Thank you for your consideration on this matter.

Fred Woodruff, 48244 Forest Ave: the existing land use map and future land use map doesn't seem to recognize the private restricted properties. In Leffingwell for example, 80 acres of property zoned residential development has been deemed restricted, so absolutely nothing can be built on it. There may be similar parcels of property in Neahtawanta, maybe in Illini, maybe others as well. For a matter of accuracy in terms of existing land use, and future land use, might reflect those, especially when they're 80 acres.

Hall: interesting point.

Cram: ties in with the conversation we had at the last meeting about showing the current existing land use and including the APA boundary, the conservation easements that have been preserved and having a color that stands out for the public lands and things like that.

Shanafelt: comment about the speed limits. When they were redoing Center Road, we brought that up. MDOT is in control of what the speed limits are, and they were unable to do anything about the speed limit without a traffic study. The issue with a traffic study is it's designed to show how fast you can go, not what we can lower it to. Conflict in trying to make a change there. Acutely aware of it at the board level and have tried to do something about it.

6. **Conflict of Interest:** none

7. **Consent Agenda**

a. Approval of Meeting Minutes: Planning Commission Regular Meeting, March 18, 2024.

Beard moved to approve the consent agenda as presented with a second by Shanafelt Motion passed by consensus

8. **Business**

a. Special Use Permit (SUP) #123 Peninsula Shores PUD, Amendment #5 - Introduction

Cram: the Peninsula Shores SUP #123, amendment #3, was approved on May 10, 2022. That amendment changed the location of unit 1 from the southeast corner to the northwest corner. It also eliminated a steep shoreline access. The blue outline in this corner is where unit 1 was moved to. The applicant submitted a fourth amendment which the planning commission recommended denial of in December. It was scheduled to go to the board on February 13 of 2024. Some new information was presented so the item was tabled to the March 12 meeting. At the March 12 meeting, the applicant Kyle O'Grady noted he had listened to what he heard during the public comments and from the planning commission regarding proposed amendment number four and has looked at things in a different way after being out on site with his partners in the business. Would like to pause the review of amendment number four, so the planning commission can consider amendment number five. Our fee schedule allows someone to propose a major amendment prior to final approval. At some point, we do need to formally withdraw one of the amendments. My suggestion was that if the planning commission after the introduction tonight felt comfortable with moving this forward to a public hearing, we would formally withdraw amendment number four. The applicant would like to keep amendment number four tabled indefinitely to move amendment number five through the process and a condition of approval of amendment number five would be that number four would be withdrawn at that time.

Amendment number four proposed a new unit of development. The original approval allowed for 41 units of development; amendment number four considered 42 units of development. Details of this fifth amendment include keeping the units of development at 41. They would like to relocate or adjust where the lots are. Right now, there are two lots in this location [blue line in packet]. The one

lot would move up to where unit 1 moved, so there would be two units in the northwest corner. Unit 30 gets reduced. The advantage is the open space increases slightly from 65 percent to 66 percent. That equals approximately .75 acres of open space to the center of the development. By not having a development unit at the corner of Waters Edge and Shoreline Court, open space is preserved. This move also helps to connect the area of open space along the shoreline with the open space in the center and preserves a view from a public right of way to the shoreline. The applicant has proposed a planting plan for that area to formalize it as a pollinator garden. I have forwarded the application to our engineer Gourdie-Fraser, they are reviewing. Had an initial conversation with Fred Gilstorff, Fire Chief. He has been up to the property and met with Kyle and verbally noted he didn't have any concerns with the proposed rearrangement of the units. I will request written comments from him via email. The only concern I had initially reviewing this is the proposed setback for unit 11, proposed at 15-feet which would be consistent with a side yard setback. I would consider that to be a rear yard, because generally speaking, the rear yard is opposite of the front yard. There's a 30-foot setback for front and rear, and 15-feet on each side. However, the way the applicant has configured these setbacks is consistent with previous approvals. As your current planner and zoning administrator, I have a different interpretation. The applicant would like to maintain that at a 15-foot setback because it provides more building space. I would like the planning commission's input on that interpretation. Otherwise, I did not have any major concerns with things as proposed and if the planning commission is comfortable, could move this forward to a public hearing at the May 7 meeting. Applicant is here.

Kyle O'Grady, 901 South Garfield Avenue suite 202: thank you for coming in this storm, and your efforts on the review so far. This is hopefully a good example of the planning commission giving an applicant feedback and the applicant learning and understanding that and coming back with adjustments according to the recommendations. On the record we believe [amendment #4] meets the zoning ordinance. It was shared with us by a majority of votes that it was not believed to do so. We went back to the drawing board to take the feedback that was given to us to make an adjustment. If you have any specific questions, happy to address them. Thanks for the oversight and I echo the points Jenn made. Thanks for your consideration again. Appreciate it.

Dloski: we went through quite an ordeal citing unit 1 at the north end. Now it appears they want to put two units there, and they're taking a unit out of the building envelope for old unit 1 and put it into open space. Is that what's happening?

Cram: unit 1 gets reconfigured, it shrinks. If you look at the total square footage-

Dloski: they're putting buildable area in open area. Look at unit 11, half of it is in the common space.

Cram: yes. They're also reducing unit 30 and adding more open space, see more green there. South of the property, they're also reducing one and a half units there.

Dloski: the issue we had with the neighbors was with unit 1. Now unit 11 is going to be further into their back lots. Does it exceed the landscaping boundary?

Cram: no, it does not. The landscaping was provided within the 30-foot PUD setback. The units don't get any closer to the north than they currently exist now. The open space actually increases from 65 percent to 66 percent. And they still meet the lot coverage requirements.

Shipman: when we approved unit 1 being there, what was the setback?

Cram: the 30-foot PUD setback was maintained.

Shipman: I've been to the site a few times, but I would want to do another visit.

Cram: I was going to recommend that. Neighbors have expressed concerns around the area where unit 41 is located, based on the topography and vegetation.

Beard: which neighbors?

Cram: neighbors to the west. Mention again, this proposal meets the zoning ordinance. They are maintaining the 30-foot PUD setback, and the proposed property line is inside of that. In addition, there is the required 15-foot setback. There's at least 45 feet from the edge of the lot line for proposed unit 1 to the property line of the development.

Shanafelt: a lot of discussion when we moved unit 1 up to this area. One of the main concerns was the buffer. The trees were planted to help with that and there was the 30-foot setback. Having two units there increases the intensity of use. I actually would be inclined towards your interpretation that the back is in fact the back against the buffer. Given the idea we want a buffer, I was surprised there wasn't a proposal to add additional trees. I will say it's very creative, trying to do it this way. My compliments on that. But I think that intensity of use issue is real. I also want to make sure that the dock complex as drawn is consistent with our current zoning. Do they have enough shoreline to allow 20 hoists? Don't want to inadvertently approve this outside of our current zoning.

Cram: I'll review that.

Alexander: concern for the trees, just put those in and now a proposal to increase the amount of building there.

Cram: highly unlikely the construction will affect the roots. We could add a condition of approval that they be protected during construction though.

Alexander: these two lots have individual septics, two individual septics for this right?

O'Grady: yes, two additional. I did have Grand Traverse Health Department at the site for preliminary approval of those.

Cram: this proposal doesn't add any additional on-site septic systems because it maintains the 41 units.

O'Grady: addressed Armen's [Shanafelt] comment. Respect where you're coming from. Jenn put on the record at the township board meeting regarding that neighbor who had some input on this project, fairly enough being a neighbor. It's been stated on the record that the condition of approval to plant those trees and the spacing of those trees for amendment number three has been met. This same neighbor is sending certified mail to our township stating that he had a professional to measure the trees on our property without our permission. If there was contact, a meeting scheduled or "Hey, do you mind if we take a look at this?" That's one thing. I just want to tread lightly. We all know and love our neighbors, but this particular circumstance is a little bit troubling given the extreme extents this individual has gone to continue fighting a condition of approval that our planner has stated has been met. I appreciate the input.

Shanafelt: my comment had nothing to do with any interaction going on. It was just a reaction to the footprint of unit 11 moving over. My memory of the site is not strong enough, I don't know what the actual buffer looks like there. Trying to be consistent with what was done with unit 1, to make it consistent with what you do with 11 and 12.

Cram: a site visit will be helpful, to see there really aren't impacts to that neighbor. Kyle can provide some additional information to show you where the views are located for that neighbor and what they've done to obtain those views.

Shanafelt: has not escaped me that putting trees there might be a bad thing.

O'Grady: when we're on this site visit and you're driving into the subdivision, see what we're highlighting in our main objectives of the amendment, preserving that view shed when you're on Boursaw. When we were going for amendment number three to move unit 1 to the north side of the development to protect those views along the road. You'll notice when you're driving on Boursaw that instead of seeing those units 11 and 12 from the road, will be shifted towards the northern part of the subdivision to keep out of the public view. I would encourage that visit. I have all of the properties staked to show what we're proposing and how it's different than what exists. Both the existing as well as the proposed outline staked. We hired a landscape architect to put together what Jenn was referring to, an open space plan. Instead of having this lot 11 at the corner of Shoreline Court and Water's Edge, this intersection will be much more user friendly when turning that corner. There's not a house there, open space instead. Our goal was to eliminate the clutter in that area, increase the safety, move those lots to a different location. Anytime I can make myself available to meet you out there, more than happy to do so.

Beard: amendment 4 took what was lot 41 and split that to create 41 and 42. Looking at this site plan for that end of the cul-de-sac, does this amendment five maintain the square footage of those two lots that you proposed in amendment four?

O'Grady: same as proposed in previous amendment. Overall, the open space has increased, given the adjustment to the other lots that have been referenced. We have 15 percent lot coverage with the approval of our PUD, that is also decreasing to 14 percent.

Shipman moved to schedule Special Use Permit #123 Peninsula Shores PUD, Amendment #5 for a public hearing at the next planning commission meeting with a second by Beard. Motion passed by consensus.

Cram: would like to organize a site visit, could advertise that as a special meeting of the planning commission so you could all meet together.

b. Draft Master Plan – Vision Statements and Action Steps - Discussion

Cram: discuss what is currently called "Vision Elements". The master plan committee includes, Sara Kopriva from Beckett and Raeder, Kevin Beard, Randy [Hall], Maura [Sanders], and me suggested to change "Elements" to "Statements." Is the planning commission okay with this? [heads nod yes]. Tonight, I'd like to walk through the 12 vision statements and the action steps to make sure they make sense and we're accounting for everything. The vision statements are organized into three categories: Land Use, Mobility, and Places, Character and Governance. As we're going through these, think about whether or not these statements should be in order of priority, or just organized by Land Use, Mobility and Places with no priority for the action steps, as they're currently presented a little unorganized. On page 49 in your packet, number one through five relates to Land Use, six and seven relates to Mobility, eight is Places, Character and Governance, then nine jumps back to Land Use. To keep the similar vision statements together, I would recommend putting them in order. When you get to chapter nine, Implementation and Summary, the vision and organizing principles are all over the place.

Hall: what is the order in principle?

Cram: they would be organized by their subject area in chapter six, and then in number order when we get to the implementation in chapter nine.

Shanafelt: like your use of going to "Statement." To make it not seem like prioritization, say; "Twelve vision statements in three distinct categories." Then you have clearly defined groups that can be dealt with as units.

Cram: thank you. Add "three distinct categories."

Beard: do away with the numbering. Some of these are under the purview of the planning commission. Some belong to the board with our input or advice. Eliminate numbering scheme.

Hall: in favor of not having prioritization. I am curious, to the extent that the master plan is reflecting the survey results, did the survey attempt to prioritize citizen goals or desires?

Cram: I don't think so.

Shipman: we looked at answers to individual questions, then we took that information to form this.

Shanafelt: wasn't a large enough sample.

Hall: in favor of not having prioritization.

Cram: put them in order by distinct category and get rid of the numbers.

Beard: referred to as three categories in the paragraph above.

Shanafelt: leave the "Island like geography" first.

Cram: leave them in their current order, other then move the land use together.

Commission agrees.

Cram: moving on to page 50. Under the vision statement, "Continue to implement any and all steps that reduce build out potential." Received comments from the community that they thought this was maybe a bit harsh or could be worded differently.

Hall: seems overly restrictive.

Cram: "Continue to implement steps that reduce build out potential."

Shanafelt: I wouldn't change it too much. We've had this draft master plan for five years, it's gone through revisions and this language hasn't changed. As soon as you start changing intent, open the rest of the document to changes. I like the little softening that still keeps the intent.

Commission agrees.

Hall: should 'Steps' be 'Policies?'

Commission agrees.

Cram: I believe the summary missed something important. If trying to implement policies to reduce build out potential, look at land division ordinance and PUD regulations to encourage people to pursue PUD and cluster development and preserve open space. Look at all tools to reduce buildout.

Shipman: looking at the action steps further along, it just says; "Park Land Additions."

Cram: I think that's a mistake. I made the same note under chapter 9.

Shanafelt: bring back proposed language?

Hall: make it short.

Cram: yes, I think it could be a sentence. Number three; "Ensure that future development is constructed in ways that thoughtfully balance all land use needs." Under the first sentence; "Even with potentially new PDR activity resulting from a third levy." Call that a millage?

Commission agrees.

Cram: number four; “Constructively and collaboratively work toward the goal of adding commercial value to local agricultural products without creating areas that add noise and congestion.” I would recommend removing “Commercial” and just say “Value”. Value added agriculture is a thing.

Commission agrees.

Cram: I included the version from the original master plan, for clarity purposes. Know there were some typos and changes that were picked up in this. Because the page numbers changed, I thought it would be easier for people following along to use this version. The typos and corrections we went over at the last meeting will be carried forward.

Shipman: jumping ahead, but the action step numbers will go away as well, correct?

Cram: with your approval, yes, I made that assumption.

Commission agrees.

Cram: page 51. Under current number five, “Protect the shoreline and wetlands to the maximum extent possible through both regulation and education centered on vegetation protection and enhancement areas like Pyatt Lake Natural Area, and other beach and coastal wetlands are an important buffer against pollution and flooding.” I feel that rambles, maybe stop after “Enhancement.”

Commission agrees.

Hall: to say; “Maximum extent possible,” then you can’t do anything with them.

Cram: I've been getting pushback from the contractors because our zoning ordinance is currently consistent with this and I would think any proposed amendments would be that we don't allow fill in the wetland, we don't allow fill in the floodplain. We haven't been since the floodplain elevation increased; it changed the location of where some improvements may be located.

Shanafelt: once it's gone, it's gone. Problematic from an ecological preservation standpoint, and “Maximum extent possible” doesn't necessarily mean do nothing. It actually says maximum extent possible as a function of regulation.

Shipman: hot topic in the survey as well. There was a strong response.

Beard: how many of the wetlands that you just referred to fall into the category of state or federally regulated wetlands?

Cram: we have both.

Beard: most of that can't be filled or adjusted or modified without some sort of mitigation.

Cram: EGLE regularly issues permits to fill, one went to the ZBA with no mitigation. The state actually looks to local zoning and supports it being more restrictive than the state because the state doesn't have the resources to have people out there reviewing and inspecting. They'll send us a permit application to review and make comment though.

Beard: sentences like “Areas like Pyatt Lake” could be moved over to summary section.

Cram: agree. I also think the summary should include something with regard to shoreline development. It talks about, “but it is prudent to improve regulations and education efforts regarding vegetation removal.” What about adding additional impervious surfaces through shoreline development with patios and decks?

Shanafelt: has to do with storm water run off, better to capture in that sense?

Cram: bring you a draft that moves “Areas like Pyatt lake” over, adds something about the proposed development, balancing proposed shoreline development with preservation of natural resources.

Commission agrees.

Cram: number eight, "Operate under the best possible form of government with suitable and essential public facilities." Under the summary, second sentence, should it be "Increasingly people are asking if a general township-" add "General" because that would describe what we currently are?

Commission agrees.

Beard: leads to the next question; "State options." What are those options?

Shanafelt: three other options. Either you list all three or you say, "State law provides."

Cram: "State laws provide three options?"

Hall: I like it how it is.

Dloski: keep it simple.

Shanafelt: ambiguous here; "State law provides options for changing the structure of local government." Which is true, we have two options for changing our current local government, one is by vote of the board one is by vote of the people. But are we trying to say we have options for changing, or trying to say, there are different types of government?

Hall: I think that's what the intent is.

Shanafelt: drop "Provide options" and drop "Changing" and just say; "For the structure of local government."

Cram: "State laws provide options for the structure of local government."

Hall: "Provide different options for structure of government."

Cram: got it. On page 52, I noted for number 11; "Continue developing an outstanding park system throughout the township with hubs at Mission Point Lighthouse Park, Bowers Harbor Park, and Pelizzari Natural Area, discussed under Places, Character and Governance, not Land Use.

Mary Morgan provided a comment to me on Monday; "Hi Jenn, I believe I took this snapshot from the draft master plan document that was part of a recent packet. I don't know if it's necessary or appropriate but wanted to ask if adding some blurb about the Peninsula Community Libraries local history room should be included in this line item. Many are still not aware of this resource, and I would like to see more people visit as well as donate items of interest."

Commission agreed could be included in item 12.

Beard: go back to nine; "Continue to view alternative energy as having a potential role in Peninsula Township." There was legislation introduced at the state level that would preempt local control, over approving or siting solar farms and wind turbine wind farms. I'm not sure that is something the township would want to give up the ability to control that.

Cram: we will have to look at amendments to our zoning ordinance. I think that will change things for us.

Beard: it hasn't passed yet and may not pass, but if it's not passed this session, it will be introduced again in future sessions, because the momentum for alternative energy generation facilities is out there, and it's going to continue. I think we have to look at that issue of what the state could do to preempt, but also how we can control the location of turbines, the height of turbines, and any potential agricultural land being used or leased for either of these purposes.

Shanafelt: the last sentence, change the word "allow" to "regulate"? That captures the whole thing you just talked about.

Cram: our zoning ordinance has relatively new amendments, amendment 199 and 200 were specific to solar. But we have not updated our zoning ordinance with regard to wind. When you read through the master plan it talks about making those similar updates. We are tracking this legislation moving through and know we may have to move sooner than later.

Beard: there's legislation pending, that would preempt local ability to control short term rentals. We made a couple of edits to the language in the plan regarding that. Should be looking at, how they could be used, who could use them, for what length of time.

Shanafelt: include a specific statement about short term rentals and accessory buildings here? The description talks about what we want, but we don't talk about what we're trying to avoid.

Cram: got it. Page 55. We noted at the last meeting we are going to update this to show the Agricultural Preservation area plus PDR, create an existing land use legend that is more generalized, so it's not confused with the existing zoning district map. Beckett and Raeder is working on that and we'll have a draft to show you at the next meeting. Page 57, label the zoning district map as unofficial and for reference only. Page 58 started initiatives and action steps. On page 60 under shoreline regulations, update shoreline regulations. This is in progress. Study group is meeting, and policy recommendations will be moving forward shortly.

Beard: the illustration at the bottom of page 60 with a 35-foot shaded area and the language about the normal high watermark. What does that illustration show?

Hall: text above refers to limitation on tree cutting.

Shanafelt: maybe in parentheses, "illustrated in the figure below."

Cram: ok. On page 66, "Pursue development of updated zoning to address winery and winery issues and add more flexibility to other agricultural businesses." This is in progress; a lot has been completed because we did adopt amendment 201 which repealed winery chateaus and amended wholesale and retail farm processing. Amendment 203 updated our farm stands. This spring and summer I'll be bringing forward some other value-added uses as well. Under 67, there's the initiatives and action steps to develop updated regulations for B&B's which we have discussed at the planning commission level. Talked about creating a more streamlined process for it and updated the fee for it.

Future land use would look very similar to existing land use with the agricultural preservation area. Noted the acres that have been preserved and the future land use map would highlight that with the renewal of PDR, more land would be preserved through the PDR program. Otherwise, minimal changes because based on the vision statements, we're not supporting up-zoning and increased density.

Page 75; "Pursue development of a corridor plan and a study of local roads focused on the identified strategy elements." I can't stress how important this is. This is one thing we need to move forward with. Has been talked about at the planning commission level and the board level.

Page 77; "Forming a working group to begin developing a non-motorized transportation plan to represent an amendment to this master plan. This plan includes exploring options for safe routes to school funding and zoning amendments to require bike parking improvements related to new construction." Also in process. The non-motorized study group started meeting in January of 2021. Thanks in large part to the leadership of Susie Shipman, and many others in the community. We have support from TART and Cherry Capital Cycling. The group has been active in applying for grants

to create a non-motorized plan. Love to schedule time for Susie to come before the planning commission and the board to update them on what's happening with non-motorized.

Shipman: I would love to, coinciding with receipt of a grant.

Cram: page 81; "Continue steps towards developing an updated Park and Recreation plan." That has been completed. The non-motorized plan is in progress. On page 82, under Governance, there is a study group that has convened and is working on that. I missed including that in my prologue but made a note of it, so I won't forget it.

Page 85, get rid of the numbers to make things clearer. The action steps would be consistent with other areas. Number two for instance, Parkland Additions, doesn't belong there. Noted under number 11, so it's a duplicate. I would remove that and add a note about looking at revisions to the land division ordinance and PUD to try to minimize build out and/or provide creative options to cluster development.

Shanafelt: make sure to include in your prologue the Meeker Addition happened.

Alexander: in number one we said nothing about a traffic study. But if we look at the summary it talks about the importance of traffic studies. Consider as an action step?

Hall: Jenn, what do you think the timeline looks like right now to complete edits and adopt this?

Cram: we will look at this again at our May meeting. Our plan was to bring back the draft existing land use map and future land use map to get your input on that. Also bring back an updated redline of changes that have been made thus far to reconcile this. From there, see how many additional changes need to be made. Potentially schedule a special meeting in May to do a public hearing. I'm thinking May/June at this point, depending on what happens at the May 7 meeting.

If you want to review the prologue I drafted, I welcome your feedback. I thought it would be helpful to include the date and a brief description on what was accomplished. I will be adding the study group related to governance and the completion of the Meeker addition to this and the timeframe.

Beard: I had envisioned in your prologue an opening narrative of a paragraph or two. I'll type this up and send it off to you. I have a few lines here, an introduction to the timeline that you provided. On page 80, when we start talking about public facilities. I want to make sure when we're talking about a CIP, it's clear we're talking about a Capital Improvements Program. There's only one little line in here that references that.

Shanafelt: currently our funding doesn't allow us to have a capital improvement plan.

Beard: doesn't allow us to, or no available funds?

Shanafelt: the latter. Until we figure out how we fund ourselves going forward, if we get an idea of what we can fund, then it makes absolute sense to go full force into it.

Beard: would identify the outstanding needs in the township. With or without an identifiable funding source, to be able to present that to the community would be a valuable thing.

Shanafelt: an example of doing that well is our fire chief and fire department, in their planning for fire station one. Obvious need but did work setting us up to review that realistically.

Beard: more general comment, it shows up a couple of places in the bigger document talking about townships and why we have townships. A couple places in the document try to answer that. The real answer is, it's because of the Northwest Ordinances in 1785 and 1787, where congress dictated a method of surveying Michigan, Wisconsin, and Indiana on a square mile by square mile grid pattern. Identified townships as being a 36 square mile, a six mile by six mile boundary, and identifying that

as the local form of government. The planning document hints at that historical reference, but it doesn't articulate it well. I'm hoping we can include something of a history lesson as to why Michigan looks the way it does, and why townships exist the way they do. True that the model of government does follow the New England style of town hall meetings and the like. But this whole idea of the survey, driving the definition of a township, and then identifying the township as the local form of government, is pretty unique. When we start talking about the forms of government, Dr. Lynn Harvey, who was the professor and director of the MSU Extension, made the point that our forefathers and mothers never envisioned a situation where townships would be as heavily populated or have as much political power as they have today. The thought was that the cities would be the centers of population and the townships would be the agricultural areas. And as the population drifted to the cities, they would grow and annex portions of the townships. That all went out the window following World War Two, with the extensive use of the personal automobile that allowed people to drive miles and miles between home and work. Population centers shifted from the cities out into the townships. And with that came the political influence that townships now have.

Hall: draft a short paragraph about the history and suggest where it could be inserted?

Dloski: the master plan is not a history book. The master plan is a vision for the future. Focus on the mission. If we start doing this, we're never going to get the plan finished.

Cram: Kevin [Beard] did give me his history lesson and I thought we had agreed to consider in the next master plan. If we want a short statement, I welcome that as well.

Hall: we'll get to it but I'm comfortable leaving it out of this version of this master plan.

Cram: the discussion the subcommittee had is, there's been a lot of work and effort that has gone into this master plan. Looking at moving this forward, prioritizing our revisions. Number one, it makes sense to capture typos, formatting, simple things like that, that doesn't change content. We've addressed that. The most important things about the master plan are the future land use and the vision statements. Important for us to make sure we get it right, to influence the next five years.

Hall: important to have this finalized and adopted no later than June.

Cram: on every agenda until we get it adopted.

Beard: required to distribute this to the surrounding jurisdictions for their review and input?

Cram: already done that. Received no comment. Just required to schedule at least one more public hearing with the planning commission.

Shanafelt: timing would be then, look at the final form at our June planning commission meeting, and then send it to the board for approval?

Cram: yes. Look at the changes we discussed today and last time at the meeting. Maybe have a special meeting in May that is the public hearing so that it could go to the board in June.

9. Reports and Updates

a. Shoreline Regulations Study Group – Verbal Update

Cram: the shoreline regulation study group has had four meetings. At the last planning commission meeting on March 18, Judy Spencer came and made public comments. Prior to the fourth meeting on March 21st, she resigned. There will be some additional information from her in the May 7 [planning commission] packet. My hope is we continue to hear from Judy because she did provide valuable input in this process. Our next meeting is on April 8. We leave time at the end of each

meeting to take public comments. At the April 8 meeting I'll be presenting policy direction for single waterfront ownership. That will move back to the planning commission at the May 7 meeting. At the March 18 planning commission meeting, talked about a letter to all the shoreline owners. That is in process. Because of all the conflict issues we have, the existing zoning ordinance notes that a land use use permit is required before putting in any docks and hoists for shared waterfront. The letter may request that people who have shared waterfront ownership come in and apply for those land use permits. We may not have amended regulations passed prior to docks and hoists going in, we can at least look at the configuration and learn from what's happening this summer to influence future zoning ordinance amendments.

b. Agricultural Advisory Committee/Value Added Agriculture – Verbal Update

Cram: based on what I've learned from participation on the Citizens Agricultural Advisory Committee, the farm operators on that committee wanted to have a voice. They felt the policy direction moved forward differently because there were citizens also on that committee. And that is true. The purpose of that study group was to hear from a diverse group, the residents as well as the farmers. While I was working for Larimer County, I was the staff liaison to the Agricultural Advisory Board, an appointed board that advised the county commissioners on all matters related to agriculture. That was an opportunity for those operators to prepare reports and plans for the county commissioners of things that were important. If we don't have agriculture, the rural-agricultural character of this area will go away. Ask for letters of interest, members will be appointed by the board. I'm recommending 9 to 11 members, a diverse group of farmers. There would be a board liaison so committee members may ask questions of a board member. Likewise, there would be a planning commission liaison who would come back and report every other month to update the planning commission as we work on zoning ordinance amendments.

10. Public Comments

Fred Woodruff, 48244 Forest Ave: I would suggest you think about Kelley Park and Haserot Beach with the new boat launch, and the other facilities that are at least thought about going there. Besides the launch, that would be a significant park hub. With regard to the PDR, transfer of development rights and donation of development rights, does the future land use plan contemplate expanding those programs beyond the purchase of residential development rights from farmland? My understanding is the ordinance and historically the PDR program, has been focused on purchase of residential development rights from existing farmers. Doesn't deal with any other development rights. Nor does it apply to residentially zoned property. You were talking about wanting to cluster housing and transfer development rights. I would suggest you think about that. I don't know if that's beyond the scope of what you're trying to do today.

Cram: with the update to the PDR ordinance number 23, amendment number three, we did add the potential if someone wanted to sell more than their residential development rights that they could. In round five we received a couple [applications] that are looking into that. It proved to be challenging in doing the appraisals. Thus, the delay in getting the appraisals completed. We plan to show on the future land use map that we anticipate more land will be preserved because of the PDR millage being renewed. We want to show land has been preserved through a conservation easement, so the use of that land must support agriculture or open space. The future land use map should show in the next five years we're able to purchase the lands people are interested in putting into the program.

Shipman: I looked where we talk about the hub parks, and in some places, we say the three names, and in some places we say four and include Haserot Beach as the fourth. Check for consistency.

11. Other Matters or Comments by Planning Commission Members: none

12. Adjournment

Beard moved to adjourn with a second by Dloski.

Adjourned at 8:41 p.m.

DRAFT

Correspondence

Jennifer Cram

From: Spencer, Judy <judy.coffman@hp.com>
Sent: Thursday, March 21, 2024 12:39 PM
To: Jennifer Cram; Isaiah Wunsch; Becky Chown
Cc: jordan oldmissionlandscapes.com; Randy Hall (rand.plancom@gmail.com); Julia Alexander (jualexanptpc@gmail.com); Rudy; jdolton@charter.net; sally sallyerickson.net; Michael Gano; Brandon R. McDowell; David Sanger; Monnie Peters; Lauren Tucker; Andrew Luea; Scott Duensing; maura.peninsulatwptrustee@gmail.com; armen.peninsulatrustee@gmail.com
Subject: Declining my participation in the Shoreline Regulation Study Group
Attachments: Judy Spencer Public Comment. Planning Commission Meeting 3.18.24.docx; Peninsula Township Board Adoption of Resolution re Zoning Ordinance Amendment.doc; Memo from Michele Reardon 4-7-2016 (1).jpg

Hi Jenn, Isaiah, and the Shoreline Study Group,

In addition to the Public Comment I recently made at the Planning Commission Meeting on Monday, March 18, attached for convenience, I regret to inform you I am declining my participation in the Shoreline Study Group going forward.

Personally, I felt that I gave it my "all" to not only try to resolve matters outside of court as it pertains to our Shoreline ordinances, but also reflect that the current ordinance, and what I believe will be the recommendations for future ordinances, significantly impacts the wellbeing of so many families who have enjoyed why we live here. We live here year round to enjoy the 3 months of summer, owning a boat to be enjoyed with our family and loved ones on the beautiful great lakes.

The idea of more boat owners having to use already crowded boat launches, would not improve safety. Anyone who has trailered and launched boats with young kids being present, and especially by busy streets, would know! Furthermore, increased mooring as a result of less docks, also does not improve general safety especially for swimmers. Lastly, our use of our land is not going to change regardless of owning a boat or not; if anything, it will make our shared frontage more crowded around busy streets such as Peninsula Dr, East Shore Drive, Center Road, Etc. instead of enjoying a day in nature on the waters safe from traffic, also does not improve safety.

Unfortunately, I do not feel the Study Group or Planning committee is proceeding in such a way that improves safety, nor proceeding in such a way that listens to the diverse opinions from citizens *outside the Township government* and representative of what most citizens want....

There are simply a LOT of citizens who want the Township to act more reasonably and be more conservative (i.e. less bearing), and consider changes to ordinances that are drafted in such a way to avoid litigation where possible.

The idea the Township may consider ordinances on mooring boats - the MDEQ governs the mooring of boats in the great lakes - tells me the township is headed in the wrong direction to avoid litigation. The idea the Township will continue with ordinances regulating docks on the Great Lakes, which many of us believe is outside the Township's jurisdiction, and not even considered drafting ordinances that may accomplish the same desired objective but be within their jurisdictional boundaries, shows they are not drafting ordinances that will avoid litigation and conflict. The Study Group would not even entertain some of us proposing changes to the ordinances to be well within their jurisdiction of the Township, that yet might accomplish the same objective, like addressing the *storage of docks on land*, or alternatively, *where the docks hit the shore above the ordinary high water mark*.

I had joined the Study Group to advocate for regulations we think are actually enforceable – meaning that regulate use on land inside the township boundaries to achieve the desired objective, but I feel I can no longer sway those involved. On record, attached is a proposed ordinance change I would hope the Committee will consider. It limits the storage of hoists to the number of lots that share access for parcels that have current usage and going forward limits storage of hoists to the old formula.

Before I sign off, I want to leave you with one last thing, what was never discussed in the Shoreline Study Group, nor amongst the Committee: it is the pretenses that so many of us made huge, significant financial decisions (buying lots, building homes, buying boats, hoists, etc.) based on the pretenses of previous Planning Commissioners stating they do not have jurisdiction over The Great Lakes. For example, the attached is the 2016 memo in which my family based many significant financial decisions on. Also attached. Some citizens who I have spoken to have operated under such conditions for decades longer than even my family!

The idea of having something taken away from my family like this is truly something too much for my own health to bare, and it is for that reason I have to decline to be a part of the Study Group.

If the Townships legal council would like to have a cordial discussion with our lawyer, his contact information is below.

VARNUM

Varnum LLP
333 Bridge Street NW, Suite 1700
Grand Rapids, Michigan 49504
varnumlaw.com

Jon M. Bylsma
Partner

Direct: 616-336-6530
Cell: 616-481-0488
Email: jmbylsma@varnumlaw.com



[@Jennifer Cram](#) and [@Becky Chown](#) please kindly include this email and its attachments in the next Planning Committee Packet and Board Meeting Packet.

Thank you and best of luck,
Judy

Judy Spencer | Global Business Development Manager
Cell +1 (720) 273-0383 | she/her/hers | judy.coffman@hp.com | www.hp.com

My name is Judy Spencer, and I live at 6450 Peregrine Court. I had further introduced myself during the December 18 Planning Commission meeting, where I provided the perspective from my family, and my KIDS, of what it has meant to us to have a boat with shared frontage for the last 6 years. A perspective that is shared by so many of us citizens on the Peninsula. And it is for that reason, I have volunteered to be a part of the Shoreline Regulations Study Group.

While I appreciate being a part of this Study Group, and sincerely appreciate the time the group is putting into this complex topic, I want to publicly and respectfully say I am completely disappointed and deflated with this whole process.

I went in thinking the intent of the Study group was to get a diverse group of citizens to discuss potential changes to the current ordinances, so we can "minimize conflict."

My FIRST disappointment was when I learned that half of the Study Group were individuals from the Township's Planning Committee already. And during most Study Group Meetings, the Planning Committee members made up the majority of the Study Group meeting attendees.

While I appreciate their continued time commitment of those Committee members, I can't help but be disappointed we are not approaching this with a diverse set of opinions from various citizens.

SECONDLY, it was made very clear early on in the Study Group that there are two distinct legal opinions on the matter of jurisdiction over the Great Lakes:

ONE, that the township can regulate the number of boat hoists beyond the Ordinary High Water Mark, on the Great Lakes. And the other opinion, that the Township cannot regulate beyond the Ordinary High Water Mark, as the Great lakes is outside of the Township's jurisdictional boundaries

I was optimistic at the beginning of this Study Group process, that maybe we could propose a recommendation that accomplished the same intent- minimizing boat density and increasing safety, but while staying within the Township's jurisdictional boundary. A proposal and recommendation that would result in less legal disputes for the Township and "minimize conflict."

However, I was very disappointed to learn during our second Study Group meeting, that we were mandated by Jenn Cramm and Randy Hall to proceed with the assumption the township has jurisdiction beyond the OHM (based on the direction they received from the Township's legal counsel), And we were asked not to bring up other ideas that would assume otherwise.

Ideally, this Study Group exercise would have enabled a process to layout various options for the revised ordinances based on the varying opinions of the legal matter (similar to what was seen with the building heights), and let the Planning Commission discuss at the public hearing. However, that is not the case.

So while the Study Group may come up with a recommendation to bring back to this Committee, I want to make it public, that any recommendation or conclusion was not holistic, and not all opinions are being heard. Unfortunately, the way in which the Study Group is heading will not minimize conflict, but rather increase ongoing legal disputes for the Township in the years to come, which leaves me very sad and disappointed.

Draft Proposed by Jon Bylsma
on behalf of
Hidden Ridge

TOWNSHIP OF PENINSULA
COUNTY OF GRAND TRAVERSE MICHIGAN

ORDINANCE NO. [REDACTED]

At a _____ [regular/special] meeting of the members of the Township Board of the Township of Peninsula, Grand Traverse County, Michigan, held at the Township offices in said Township on _____ day of _____, 2023, there were:

PRESENT: _____

ABSENT: _____

The following Ordinance was offered for adoption by Board Member _____ and seconded by Board Member _____:

**AN ORDINANCE TO AMEND ARTICLE VII,
SECTION 7.4.2(4) OF THE PENINSULA
TOWNSHIP ZONING ORDINANCE**

THE TOWNSHIP OF PENINSULA (the "Township") ORDAINS:

Section 1. Article VII, Section 7.4.2(4) of the Township Zoning Ordinance is hereby amended as follows:

- (4) Temporary and Seasonal Outdoor Storage on Shared Waterfront Property. Temporary and seasonal outdoor storage of docks and boat hoists on shared waterfront property shall be limited to the greater of:
- (a) Not more than one dock per parcel of shared waterfront property, and not more than one boat hoist per each existing parcel with the right use to the shared waterfront property on _____, 2023; or
 - (b) Not more than one dock per parcel of shared waterfront property, and one boat hoist per fifty (50) feet of shore line of shared waterfront property, measured at the ordinary high water mark.

All such storage shall be located as near as possible to the center of the shared waterfront property. For purposes of this Article VII, Section 7.4.2(4) "shared waterfront property" means upland areas of waterfront property in Shared Waterfront Ownership.

Draft Proposed by Jon Bylsma
on behalf of Hidden Ridge

Section 2. Severability. Should any portion of this Ordinance be declared by a court of competent jurisdiction to be invalid, that shall not affect the balance of this Ordinance or any other portion of the Ordinance, which shall remain in full force and effect.

Section 3. Continuation. Except as otherwise amended by this Ordinance, the balance of the Peninsula Township Zoning Ordinance remains unchanged and in full force and effect.

Section 4. Effective Date. This Ordinance shall take effect seven (7) days after a copy of this Ordinance (or a summary thereof) appears in the newspaper as provided by law.

The vote on this Ordinance was as follows:

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an ordinance adopted by the Peninsula Township Board at a [regular/special] meeting held on _____, 2023 pursuant to the required statutory procedures.

Dated: _____, 2023

[Name]
Peninsula Township Clerk

To: File

From: Michelle Reardon, Planning & Zoning Department

Re: Zoning District Boundary along the shoreline

Date: April 7, 2016

Per Section 6.1.3 Interpretation of District Boundaries Subsection (5) of the Peninsula Township Zoning Ordinance, boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines; on the Great Lakes, the boundaries shall be the ordinary high water mark, elevation 579.8 feet above sea level, International Great Lakes Datum of 1955.

Therefore, the Township does not hold zoning jurisdiction over structures completely outside of this boundary, as defined.

Feel free to contact me should you have any questions.

Business

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

PENINSULA TOWNSHIP

MEMO

To: Planning Commission
From: Jenn Cram, AICP, Director of Planning and Zoning
Date: May 1, 2024
Re: Peninsula Shores PUD, SUP #123, Amendment #5 – Continued Discussion

The Peninsula Shores PUD, SUP #123, Amendment #5 was introduced to the planning commission at the April 2, 2024, regular meeting.

A site visit with the planning commission is scheduled for Tuesday May 7 from 5:30 to 6:30 pm.

Discussion will continue at the May 7 regular meeting to allow the commission to ask questions of the applicant and provide input following the site visit.

A copy of the proposed site plan has been included in the packet for reference. A summary of the request is provided below.

The public hearing will take place at a special meeting on Thursday, May 23.

Amendment #5 Request:

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

**First Congregational Church
SUP #134, Amendment #1**

PENINSULA TOWNSHIP

MEMO

To: Planning Commission
From: Jenn Cram, AICP, Director of Planning and Zoning
Date: May 1, 2024
Re: First Congregational Church, SUP #134, Amendment #1 – Introduction

The First Congregational Church, SUP #134 was approved by the board on January 14, 2020. A copy of the approved findings of fact and conditions is attached as [Exhibit #2](#).

The original approval included the construction of a 5,600 square foot addition to the northwest corner of the existing building and a new patio, outdoor park and play area along with relocating an existing pavilion.

First Congregational Church would like to add onto the outdoor park and play area including a play structure, swing set, shade structure and fencing to enclose the expansion area consistent with existing fencing. A copy of the application is included as [Exhibit #1](#).

This request has been scheduled for an Introduction at the May 7 regular meeting. Both staff and the applicant will be present to walk through the requested amendment and answer questions.

Exhibit 1

FIRST CONGREGATIONAL CHURCH
6105 Center Rd Traverse City, Michigan 49686 231.947.6698 FCCTC.ORG

March 27, 2024

Jennifer Cram, Director of Planning
Peninsula Township
13235 Center Road
Traverse City, MI 49686

Re: First Congregational Church Application for Minor Amendment to Special Use Permit (SUP #134)

Dear Jenn:

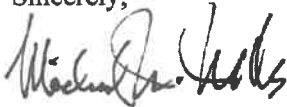
I am pleased to submit this special use permit application package on behalf of the First Congregational Church Board of Trustees. As discussed at the introduction meeting on March 20, the application is being submitted as a Minor Amendment to SUP #134 issued January 14, 2020. The following items are included:

- Special Use Permit Application
- Special Use Permit Application Checklist Statement w/ attachments:
 - Overview of Proposed Project from Michael Wills
 - (2) full size 24"x36" sets and (7) 11"x17" sets of the following drawings:
 - Existing Site plan drawings (sheet numbered C1)
 - Playground Expansion Drawing (Sheet numbered S1)
 - Play Structure Photo Sheet

CD with electronic pdf's of submitted documents.

We are looking forward to the introduction to the Planning Commission at the May 7th Planning Commission meeting. Please contact me with any questions or comments. If additional copies of any item are needed, please let me know and I will provide them.

Sincerely,



Michael W Wills
Chair, FCC Infrastructure Task Force



SPECIAL USE APPLICATION CHECKLIST STATEMENT

FCC Playground Expansion Minor Amendment to SUP #134

To: Peninsula Township
Jenn Cram, Planner

Date: March 26, 2024

Prepared By: Michael Wills

RE: FCC Playground Expansion, SUP
#134, Minor Amendment

By: Chair, FCC Infrastructure Task Force

This statement is prepared as required by the Peninsula Township Special Use Permit Application and Checklist documents and included as part of the application.

First Congregational Church sits on 15.6 acres along Center Road at the base of the peninsula. The property is located in the R-1C zoning district and the church is a long-standing existing use permitted by Special Use Permit and re-issued January 14, 2020 with the KidZone addition. The church proposes a shade structure inside one of the existing outdoor fenced play areas, a minor expansion of the playground area with a swing set and climbing structure within a new 2600 sf granular rubber mulch fall protection zone and an ornamental fence to match the existing play area fences around the expanded area for the safety of the children while playing, which are presented in the application drawings. Currently, children have been found wandering into the parking lot and neighboring properties due to the lack of a containment fence.

The addition proposed in this application is intended primarily for use of the children attending the Community Childrens Center (CCC) daycare program to allow more children to be outside with proper supervision and containment to satisfy Day Care regulations. The playground is also open to the public when not in use by CCC. More specific information on this addition can be found within the project overview attached to this document.

This proposed expansion is insignificant relative to the existing site and facilities and there is zero impact to parking requirements as the additional outdoor play area will simply accommodate children that occupy the existing classrooms.

Statements regarding how the project meets the general standards and specific requirements of Section 8.1.3 follows.

Section 8.1.3 (1) General Standards

b. 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 existing church site is located at the base of the Old Mission Peninsula just outside the Traverse City city limits within a primarily suburban area. The underlying zoning district is the R-1C, Suburban Residential district. The proposed play equipment was chosen to be similar in colors and design to the existing shade and play structures. The proposed additions are an extension of the existing use and will not change the character of the area in which it is proposed.

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

The proposed playground additions will allow the church to continue to provide valuable ministries to its congregation and the greater Peninsula Township community. Hazardous or disturbing activities are not part of the existing church use and will not be part of the additions.

d. 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 site is located on Center Road (state highway) just north of the traffic signal at Peninsula Drive. Access to the site from Center Road is provided by a curbed driveway meeting MDOT standards for a commercial driveway. Grand Traverse County Sheriff's Department is the local police agency and Peninsula Township provides fire protection. Storm water drainage is currently provided on site with a large detention area at the low area of the site along Center Road. A small retention area exists in the rear area of the church where the existing basement roof drains. Stormwater calculations for the proposed developments are included on the plans and show the existing areas are sufficient. Water and sewer are currently provided by municipal water and sewer services. Refuse generated at the site is currently handled with a small dumpster unit and totes from a local waste service.

The playground expansion does not impact parking or traffic in any way, as it will serve the daycare operations and children for which parking is already provided. As future additions to the building are contemplated, traffic and parking issues will be revisited and addressed in the future at such time another amendment to the SUP is applied for another larger addition.

e. Not create excessive additional requirements at public cost for public facilities and services.

All the development required for this proposed use will be funded by First Congregational Church without additional cost to Peninsula Township.

f. 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 existing and proposed church use does not include any uses, activities, processes, materials, equipment, or conditions of operation that generate fumes, glare, or odors.

Section 8.1.3 (3) Specific Requirements

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

First Congregational Church owns the parcel and existing building where the expansion project is proposed.

b. That all required information has been provided.

A site plan and preliminary plans for the proposed expansions have been provided as outlined in the "Application Requirements".

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

The proposed building and site conforms to all regulations including minimum lot size, structure height, setbacks, and lot coverage for the R1-C, Residential Suburban zoning district.

d. That the plan meets the requirements of Peninsula Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage and other public facilities and services.

The site is adequately served by police and fire protection. Municipal sewer and water are currently provided.. Storm drainage is currently provided on-site and is capable of handling the proposed additions.

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.

Construction plans will be provided to the following applicable agencies for permit as required prior to construction.

- i. Grand Traverse County Road Commission/MDOT – No Permit Required for existing driveway*
- ii. Grand Traverse County Drain Commissioner – N/A*
- iii. County DPW standards for sewer and water if public. - currently served by both. No changes needed.*
- iv. Grand Traverse County Health Department for private systems – N/A*
- v. State and Federal Agencies for wetlands, public sewer and water. – N/A*

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 existing site is extensively developed with building and parking. The proposed additions fit logically with the existing structure and site improvements. There is also extensive landscaping throughout the site that is maintained by the Garden and Grounds Committee. Similar landscaping will be provided to fit the existing site. Only areas necessary for the construction of the proposed improvements will be disturbed.

g. That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property.

The site is not known to be located within any floodway or floodplain.

h. That the soil conditions are suitable for excavation and site preparation, and that organic, wet or other soils which are not suitable for development will either be undisturbed or modified in an acceptable manner.

The existing soils on site are identified as Kalkaska Sand, Leelanau-Kalkaska loamy sand, and Richter loams according to the USDA Soil Survey. These soils are suitable for construction activities. Wetlands or other wet soils are not known to be present on this site.

i. That the proposed development will not cause soil erosion or sedimentation problems.

The proposed construction limits are the least required to build the project. If a permit is required from Grand Traverse County Soil Erosion and Sedimentation Control it will be obtained prior to construction.

j. That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff, and will not cause undue runoff onto neighboring property or overloading of water courses in the area.

The storm water runoff generated from this project is proposed to be maintained by the existing stormwater detention and retention areas located on the site.

k. That grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring properties.

The site grading is minimal, and only needed to smooth the proposed new 2600 sf mulch area within the existing topography. New and reshaped slopes are intended to be minor in nature to achieve a 2% maximum grade under the new play structures and blend into existing slopes on the site. Grading limits are contained to this site and neighboring properties will be unaffected by the site grading of this project.

l. That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.

The playground additions will not disrupt any air drainage systems necessary for agricultural uses.

m. That phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility service, drainage or erosion control.

There is no phasing anticipated but, if necessary, dependent on available funding, any phase or element within phases can stand on its own.

n. That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities.

No public utilities requiring expansion, now or in the future, are necessary.

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

Required landscaping along Center road is currently provided on the site to shield the existing and proposed parking area. There is an existing vegetation buffer and chain link fence between the playground and neighboring Walnut Ridge subdivision.

p. That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.

The parking provided is appropriate in amount, flow on site, and access from the streets to serve the existing church and day care program.

q. That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.

The traffic circulation on site, and access from the streets to serve the church and proposed additions is appropriate. Sidewalks are provided to direct users in a safe and convenient manner from the parking area to the building.

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.

Refuse generated at the site is currently handled with a small dumpster unit, refuse, and recycling totes from a local waste service. A designated area currently on site is shown on plans.

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.

It is believed this project meets the spirit, purpose, and principles of this Ordinance.

FIRST CONGREGATIONAL CHURCH

6105 Center Rd Traverse City, Michigan 49686 231.947.6698 FCCTC.ORG

March 27, 2024

Overview of Proposed Playground Expansion First Congregational Church Peninsula Township, Michigan

First Congregational Church desires to expand the playground area on the North side of the building, adding a swing set, an additional play structure, a shade structure and a fence to enclose the area and contain the children for their safety. By doing so, we will be able to safely accommodate more children from our daycare program at any given time in outdoor play activities. It also provides more play facilities for children of its congregants and the surrounding community. These additions are referred to as the KidZone Playground Expansion, Minor Amendment to SUP #134 issued Jan 14, 2020.

I. Overview

A. Existing Church Campus

1. **Existing Building** (with 580-Seat Sanctuary and including the 2020 KidZone Addition)
 - Main Floor 45,420 sf
 - Lower Level 11,530 sf
 - Balcony N/A
 - Total 56,950 sf
 - Note: 13,030 sf of this is shared-use space for the church's kid's programs and child care center. This area includes ten classrooms, nursery suite, lower level play area and small restrooms.
2. **Existing Parking Lot**
 - 299 Parking Spaces, including 10 Accessible Spaces

B. Proposed Playground Expansion

1. 20'x20' shade structure placed within existing fenced play area
2. Addition of 2600 sf granular rubber mulch safe play area containing
 - 4'-7" x 13'-10" Big Bend Swing set
 - 21'-10" x 32'-3" "The Hills" Play structure,
3. 275 LF of Harmony Victorian, bronze colored ornamental fencing connected to the front corner of the building with a non-symmetrical double gate at the sidewalk, 42" side for pedestrian use and 72" side, creating a 10' wide vehicular access when opened together. Also, a pedestrian gate between the building and the existing play area near the Pavilion. This fence is the same as used to enclose the existing play areas.

C. Parking Overview**Existing**

	Seats
1. Sanctuary	
• Main Floor	388
• Balcony	150
• Chancel	<u>80</u>
• Total	618
2. Chapel	80
3. Fellowship Hall	<u>200</u>
4. Total Seating	898
5. Parking Spaces	300
6. Community Children's Center (CCC)	37
13,030 sf This area includes ten classrooms, nursery suite, lower level play area and small restrooms, resource room; not including corridors	

D. Zoning Regulations


- Churches (FCC) (Sec. 7.6.3(2)(a))
 - 1 space / 3 seats in main unit of worship
- Child Care Centers (CCC) (Sec. 7.6.3(2)(d))
 - 1 space / 350 sf of floor space
 - Playground will not impact parking, as it serves the children of the CCC and parking is already provided for that use
- Note: The CCC will not impact FCC's parking requirements, since each use has distinctly different "operating hours". This is based on the standard entitled "Joint Use of Off-Street Parking Areas". (Sec. 7.6.1(3))

PENINSULA TOWNSHIP APPLICATION FOR SPECIAL USE PERMIT NO.

Parcel Code/s #28-11-336 090 .00

Property Address: 6105 Center Rd, TC MI 49686

Applicant Address: 110 Fairway Hills Dr, TC MI 49684


Applicant's Signature

Review Fee 768.00

Check No. Date

APPLICATION REQUIREMENTS

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

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

Ordinance Reference - Section 8.1.3

Include a statement of HOW the proposed project meets the standards:

Section 8.1.3 Basis for Determinations: Before making recommendation on a special use permit application, the Town Board shall establish that the following general standards, as well as the specific standards outlined in each section of this Article, shall be satisfied.

- (1) **General Standards:** The Town Board shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that each use on the proposed location will:
 - (a) Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
 - (b) Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
 - (c) Be served adequately by essential facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.
 - (d) Not create excessive additional requirements at public cost for public facilities and services.
 - (e) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by fumes, glare or odors.
- (2) **Conditions and Safeguards:** The Town Board may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted.
- (3) **Specific Requirements:** In reviewing an impact assessment and site plan, the Town Board and the Planning Commission shall consider the following standards:
 - (a) That the applicant may legally apply for site plan review.
 - (b) That all required information has been provided.
 - (c) That the proposed development conforms to all regulations of the zoning district in which it is located.

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

- (r) That outdoor storage of garbage and refuse is contained, screened from view and located so as not to be a nuisance to the subject property or neighboring properties.
 - (s) That the proposed site is in accord with the spirit and purpose of this Ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.
7. A public hearing on a special land use request is held by the Township Board if:
- a. A public hearing is requested by the Township Board, the applicant for special land use authorization, a property owner, or the occupant of a structure located within three hundred (300) feet of the boundary of the property being considered for a special land use.
 - b. The decision on the special land use request is based on discretionary grounds.
8. Complies with Section 7.7 Developments Abutting Agricultural Lands.

Page 4 of 4

Special Use Permit - Checklist

Special Use Permit Number 134 Issued 1/14/2020, Minor Amendment to

Parcel Code/s #28-11-336-090-00

Property Address: 6105 Center Rd, Traverse City, MI 49686

Applicant: First Congregational Church

ARTICLE VIII

Ordinance Reference - Section 8.1.2 Permit Procedures:

1. **Submission of Application:**

- a. _____ Fee No part of any fee shall be refundable.

Ordinance Reference - Section 8.1.3

Section 8.1.3 Basis for Determinations: Before making recommendation on a special use permit application, the Town Board shall establish that the following general standards, as well as the specific standards outlined in each section of this Article, shall be satisfied.

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

2. **General Standards - Include a statement of HOW the proposed project meets the standards::**

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

Conditions and Safeguards: The Town Board may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property

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

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

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

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

- q. _____ That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.
 - r. _____ That outdoor storage of garbage and refuse is contained, screened from view and located so as not to be a nuisance to the subject property or neighboring properties.
 - s. _____ That the proposed site is in accord with the spirit and purpose of this Ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.
4. **Present 8 copies of Site plan, plot plan, development plan**
Drawn to scale (preferable 1"=50'), of total property involved showing:
- a. _____ the location of all abutting streets,
 - b. _____ the location of all existing and proposed structures and their uses
 - c. _____ the location and extent of all above ground development, both existing and proposed.
 - d. Preliminary plans and specifications of the proposed development. *This preliminary plan shall be in a form that can be easily reproduced on transparencies that can be used for public presentation.*

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

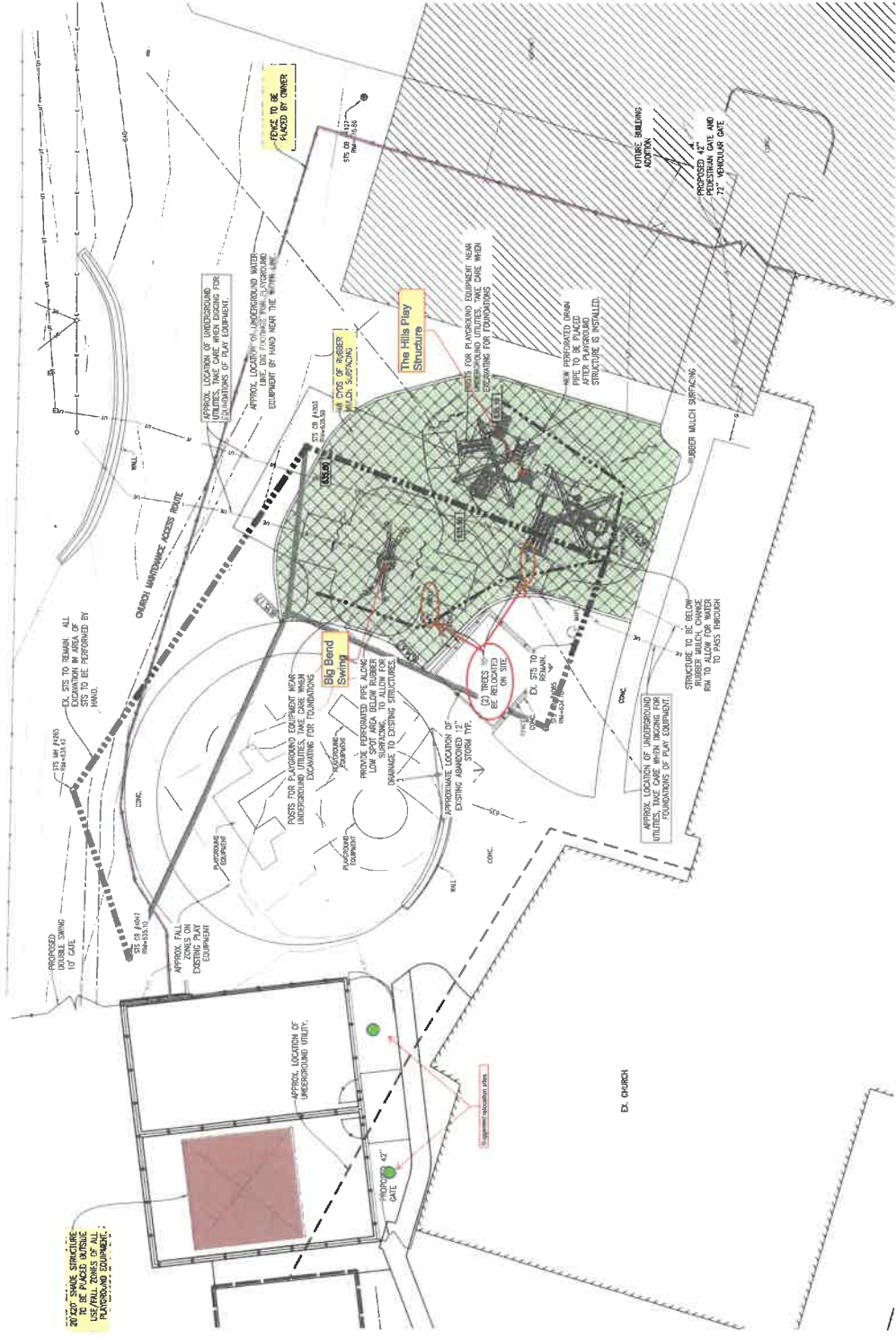
5. If the project is to be phased, provide documentation that:
- a. _____ Upon completion, each phase will be capable of standing on its own in terms of the presence of services, facilities, and open space, and contains the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the project and the residents of the surrounding area.
 - b. _____ Shows a proposed commencement date for each phase of the project.

Survey Notes

1. THIS TOPOGRAPHICAL MAP IS BASED UPON A FIELD SURVEY PERFORMED BY GEOSPIRAL CONSULTING ENGINEERS, INC. DURING SEPTEMBER 2023.
2. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT RECORD DRAWING. THE PROPERTY BOUNDARIES AND RESTRICTIONS COULD ENCUMBER THIS PARCEL OF LAND.
3. THE BEARING AND COORDINATES OF THIS DRAWING ARE BASED UPON THE MICHIGAN STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83. THE BOUNDARIES OF THIS PARCEL OF LAND HAVE BEEN DETERMINED BY GPS OBSERVATION USING THE AVAILABLE MOBILE COMMERCIAL OPERATING STATIONS (CORS).
4. THE VERTICAL DATUM OF THIS SURVEY IS BASED UPON NAVD 83. CONTROL WAS ESTABLISHED BY GPS OBSERVATION USING THE AVAILABLE MOBILE COMMERCIAL OPERATING STATIONS (CORS).
5. THE UTILITY INFORMATION SHOWN ON THIS SURVEY IS SHOWN BASED UPON THE INFORMATION PROVIDED BY THE CLIENT. GEOSPIRAL CONSULTING ENGINEERS, INC. DOES NOT GUARANTEE THAT ALL UNDERGROUND UTILITIES ARE SHOWN AND/OR POSITIONED PROPERLY ON THIS DRAWING. THE CLIENT IS RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES. THE INFORMATION SHOWN ON THIS DRAWING IS INTENDED TO BE USED AS A GUIDE FOR POSSIBLE UNDERGROUND UTILITY CONFLICTS. IT IS THE CLIENT'S RESPONSIBILITY TO VERIFY THE LOCATION AND DEPTH OF ALL UNDERGROUND UTILITY THROUGH THE MISS DIG FIELD VERIFICATION SYSTEM PRIOR TO ANY SITE EXCAVATION. CALL 811 OR 800-482-7171.

Layout Notes

1. ALL UNDERGROUND UTILITIES ARE APPROX. AND ANY WORK OR EXCAVATION IN THE VICINITY OF UNDERGROUND UTILITIES SHALL BE HAND DUG.
2. CONSTRUCTION STAKING SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. OWNER WILL PROVIDE STAKING OF PRIMARY BUILDING LINES AND PROPERTY LINES. CONTRACTOR RESPONSIBLE FOR LOCATING OF REMAINING PROJECT ITEMS.
3. DIMENSIONS ARE TO EDGE OF CONCRETE, ASPHALT, OR GRAVEL.
4. SITE CONTRACTORS SHALL COORDINATE INSTALLATION OF ALL SERVICES NECESSARY FOR IRRIGATION AND SITE ELECTRICAL DISTRIBUTION - SERVICES LOCATIONS ON THE PLANS ARE APPROXIMATE AND ARE THE MINIMUM REQUIRED.



PLAYGROUND EXPANSION LAYOUT PLAN
 SCALE: 1" = 10'

LAYOUT PLAN
PLAYGROUND EXPANSION
FIRST CONGREGATIONAL CHURCH

Date Issued:	12/20/23
Date Revises:	09/28/23
Drawn By:	DAVID
Checked By:	DAVID
Scale:	AS SHOWN
Project Number:	2023000001.00
Location:	2023000001.00
Client:	THE FIRST CONGREGATIONAL CHURCH
Address:	1280 BUSINESS PARK DR. TROY, MI 48063
City:	TROY, MI 48063
County:	DAWAD
State:	MI
Country:	USA

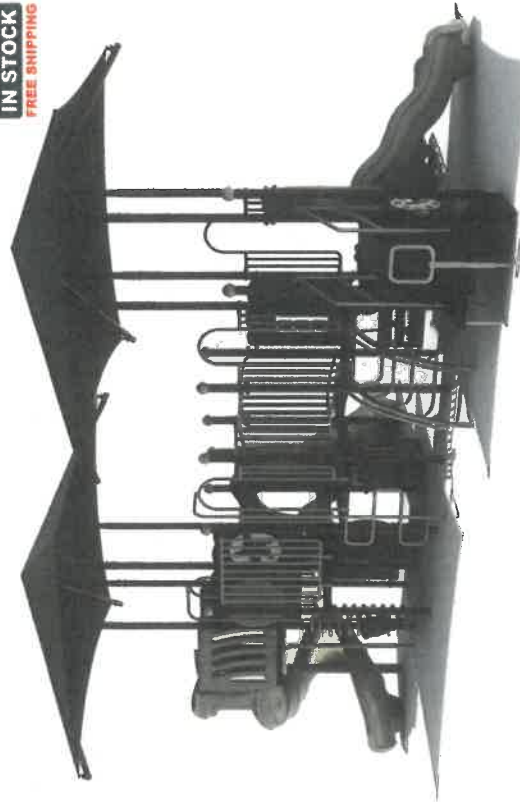


THE LOCATION OF THE UTILITY SERVICE IS SHOWN ON THIS PLAN, AND APPROXIMATE ONLY. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES. THE OWNER AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO THE START OF CONSTRUCTION.



EXISTING PLAYGROUND FENCE TO BE MATCHED

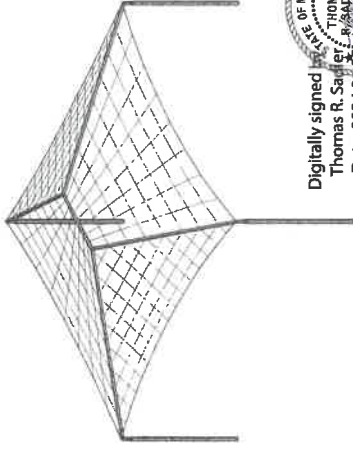
IN STOCK
FREE SHIPPING



THE HILLS PLAY STRUCTURE

PROJECT: COMMUNITY CHILDRENS CENTER
LOCATION: TRAVERSE CITY, MI

STRUCTURE: 20 ft x 20 ft x 10 ft HIP UNIT



Digitally signed by
Thomas R. Saifer
Date: 2024.01.12
'10:23:40 -0500
January 12, 2024

20' x 20' SHADE STRUCTURE



BIG BEND SWING

Exhibit 2

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

SPECIAL USE PERMIT (SUP)
FINDINGS OF FACT AND CONCLUSIONS
SUP #134 _ First Congregational Church Expansion
January 14, 2020

PENINSULA TOWNSHIP BOARD

Applicant: First Congregational Church
6105 Center Rd.
Traverse City, Michigan 49686
Traverse City, MI 49686

Hearing Date(s): November 18, 2019 – Planning Commission
January 14, 2020 – Township Board

PROPERTY DESCRIPTION

Parcel ID#: 28-11-336-090-00

GENERAL INTRODUCTION AND BACKGROUND

First Congregational Church is located on a 15.6-acre parcel and proposes an expansion with several additions and an auxiliary garden storage building shown in the application drawings. The largest addition proposed in this application is the Kid Zone. The Kid Zone will be a dedicated-use children's ministry center for newborns through 6th grade. All five components of this project are described in the application materials and illustrated on the drawings (**EXHIBITS 1-4**) submitted on October 28, 2019. These components are listed below:

1. Kid's Zone building addition will be 5,600 square feet constructed over an existing 3,700-square-foot lower level building. The lower level will have a 1,900 square foot building addition;
2. A new outdoor park with play areas and patio;
3. A reconfigured fire lane;
4. A 350-square-foot building addition for sanctuary storage;
5. A 24'x48' freestanding storage building for the community garden.

Plans were originally submitted on 10-7-19, then resubmitted on 10-28-19 with revisions. Revisions included removing a proposed Christian Life Center (CLC) and related parking lot expansion from the project.

FINAL _ TOWNSHIP BOARD MEETING – JANUARY 14, 2020

Pursuant to Sections 6.4 and 8.6 of the Peninsula Township Zoning Ordinance, “religious institutions” and “educational and social institutions” are a special use in the R-1C zoning district. Educational and social institutions include public and private schools, including day care centers, auditoriums and other places of assembly, and centers for social activities.

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 so that such a use will not change the essential character of the area in which it is proposed. **The existing church site is located at the base of the Old Mission Peninsula just outside the Traverse City municipal limits within a primarily suburban area. The underlying zoning district is the R-1C, Suburban Residential district. The architecture of the proposed additions is designed to match the existing church. The proposed additions are an extension of the existing use and will not change the character of the area in which it is proposed. (EXHIBIT 3).**
- b) Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole. **The proposed church additions will allow the church to continue to provide valuable ministries to its congregation and the greater Peninsula Township community. Hazardous or disturbing activities are not part of the existing church use and will not be part of the additions.**
- 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 site is located on Center Road (a state highway) just north of the traffic signal at Peninsula Drive. Access to the site from Center Road is provided by a curbed driveway. The Grand Traverse County Sheriff’s Department is the local police agency, and Peninsula Township provides fire protection. The Grand Traverse County Sheriff’s Department has been provided a copy of proposed plans and the project team has had several meetings with the Peninsula Township fire chief to review fire protection matters. The plans reflect the discussions of these meetings (SEE EXHIBIT 5). Storm water drainage is currently provided on site with a large detention area at the low area of the site along Center Road. A small retention area exists in the rear area of the church where the existing basement roof drains. Stormwater calculations for the proposed developments are included on the plans and have been reviewed by the Township Engineer (SEE EXHIBIT 6). Water and sewer are currently provided by municipal water and sewer services. Refuse generated at the site is currently handled with a small dumpster unit and totes from a local waste service. Traffic issues discussed as part of the original submission are related to a possible phase 2 addition, which have been removed from the proposed SUP.**
- d) Not create excessive additional requirements at public cost for public facilities and services. **The board finds**

that there will be virtually no additional requirements at public cost for public facilities and services.

- e) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by fumes, glare, or odors. **The existing and proposed church use does not include any uses, activities, processes, materials, equipment, or conditions of operation that generate fumes, glare, or odors. However, potential noise impacts from three rooftop HVAC units on the roof of the new Kids Zone have been identified. Two HVAC units are four-ton capacity and one HVAC unit has a capacity of 10 tons. An analysis of expected sound levels for residents of Walnut Ridge to the north is provided (see EXHIBIT 3A).**

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. **First Congregational Church owns the parcel and existing building where the expansion project is proposed. The board finds that the applicant may legally apply for the site plan review.**
- (b) That all required information has been provided. **The board finds that the applicant has provided all required information to review the proposed SUP. This includes all written materials and drawings provided (EXHIBIT 1-4).**
- (c) That the proposed development conforms to all regulations of the zoning district in which it is located. **The proposed building and site conform to all regulations, including minimum lot size, structure height, setbacks, and lot coverage for the R1-C, Residential Suburban zoning district.**
- (d) That the plan meets the requirements of Peninsula Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services. **The site is adequately served by police and fire protection. Municipal sewer and water are currently provided. Sufficient water service is available from the public water main along Walnut Ridge to provide fire suppression protection to meet the additional fire protection requirements. Storm drainage is currently provided on-site and is capable of handling the proposed additions.**
- (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 board finds the following circumstances with respect to other approvals necessary from other governmental agencies:**
 - o Grand Traverse County Road Commission/MDOT – No permit required for existing driveway
 - o Grand Traverse County Drain Commissioner – N/A
 - o County DPW standards for sewer and water if public – currently served by both; permit for fire service line will be obtained as required prior to construction
 - o Grand Traverse County Health Department for private systems – N/A
 - o State and federal agencies for wetlands, public sewer, and water – N/A
- (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 existing site is extensively developed with building and parking. The proposed additions fit logically with the existing structure and site improvements. There is also extensive landscaping throughout the site that is maintained by First Congregational Church's Garden and Grounds Committee. Only areas necessary for the construction of the proposed improvements will be disturbed.**

- (g) That the proposed development property respects floodways and floodplains on or in the vicinity of the subject property. **The board finds that the proposed plan amendments do not impact floodways and floodplains.**
- (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. **The existing soils on site are identified as Kalkaska sand, Leelanau-Kalkaska loamy sand, and Richter loams according to the USDA Soil Survey. These soils are suitable for construction activities. Wetlands or other wet soils are not known to be present on this site.**
- (i) That the proposed development will not cause soil erosion or sedimentation problems. **The proposed construction limits are the least required to build the project. A permit is required from Grand Traverse County Soil Erosion and Sedimentation Control and will be obtained prior to construction. According to the Township Engineer, the submitted material meets the intent of the Soil Erosion and Sedimentation ordinances, but additional information is requested (SEE EXHIBIT 6).**
- (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 stormwater runoff generated from this project is proposed to be maintained by the existing stormwater detention and retention areas located on the site. The Township Engineer has reviewed stormwater information provided by the applicant, and finds that while the plan for handling stormwater appears to be adequate and in compliance with Ordinance 33, additional information is requested (SEE EXHIBIT 6).**
- (k) That grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring properties. **The site grading is designed to fit the building and site elements into the existing topography. New and reshaped slopes are intended to be similar to existing slopes found on the site. Grading limits are contained to this site and neighboring properties will be unaffected by the site grading of this project.**
- (l) That structures, landscaping, landfills, or other land uses will not disrupt air drainage systems necessary for agricultural uses. **The board finds that the proposed plan amendments will not disrupt air drainage systems necessary for agricultural uses.**
- (m) That phases of development are in a logical sequence so that any one phase will not depend upon a subsequent phase for adequate access, public utility service, drainage, or erosion control. **The board finds that the elements of the proposed project do not include phasing. Subsequent development of this site as described in the original application may occur only as a separate amendment to this SUP.**
- (n) That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems, and water sewage facilities. **The board finds that the proposed plan will not materially change plans to**

expand existing facilities such as public streets, drainage systems, and water sewage facilities. No public utilities requiring expansion, now or in the future, are necessary.

- (o) That landscaping, fences, or walls may be required by the town board and planning commission in pursuance of the objectives of this ordinance. **The board finds that the proposed plan will not change fences or walls. However, to help screen and buffer visual and noise impacts generated by the proposed project, plant material will be added near the north property line. This plant material will include six conifers (mixed species) eight feet tall (or a greater number of smaller trees of equal value) on the Walnut Ridge side of the property line in locations to be determined by the Walnut Ridge HOA. Additionally, the one existing large conifer south of the fence will be protected from grading activity so that it can continue to provide visual screening.**
- (p) That parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets. **The board finds that the parking provided is appropriate in amount, flow on site, and access from the streets to serve the existing church and proposed expansions.**
- (q) That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient. **The board finds that traffic circulation on site, and access from the streets to serve the church and proposed additions, is appropriate. Sidewalks are provided to direct users in a safe and convenient manner from the parking area to the building.**
- (r) That outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties. **The board finds that refuse generated at the site is currently handled with a small dumpster unit and refuse and recycling totes from a local waste service. A designated area currently on site will be relocated as shown on the plans.**
- (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 board finds that the proposed plan amendments are in accord with the spirit and purpose of this ordinance.**

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 R-1C, 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) Continued compliance with permitting necessary with the Grand Traverse County DPW for sewer and water services;
- 2) Compliance with stated stormwater and soil erosion control requirements described in the letter from GFA dated December 31, 2019. Preliminary approval is recommended by GFA (EXHIBIT 6).
- 3) Creating a vegetated buffer to mitigate visual and noise impacts generated by the proposed project. Plant material will be added near the north property line and includes no fewer than six conifers (mixed species) eight feet tall (or a greater number of smaller trees of equal value) on the Walnut Ridge side of the property line in locations to be determined by the Walnut Ridge HOA. Irrigation for those new trees during the first two years is necessary. Additionally, the one existing large conifer south of the fence will remain and will be protected from proposed grading activity to ensure the health of the tree so that it continues to provide visual screening.
- 4) After the roof top HVAC units are installed, the Walnut Ridge HOA may request that a noise test be performed to confirm actual noise levels from new rooftop HVAC units. If it found that actual noise levels attributable to the 3 roof top HVAC units are significantly above the projected 40 dB level at any Walnut Ridge residence, this Special Land Use Permit shall be suspended and the need for screening the 3 roof top HVAC units shall be reconsidered.
- 5) Final changes related to the fire lane and sign-off pursuant to the Peninsula Township Fire Department letter dated 11-27-2019 (EXHIBIT 5).

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.

First Congregational Church

**Old Mission Lavendar Farm
SUP #138, Amendment #1**



PENINSULA TOWNSHIP

MEMO

To: Planning Commission
From: Jenn Cram, AICP, Director of Planning and Zoning
Date: May 1, 2024
Re: Old Mission Lavendar Farm, SUP #138, Amendment #1 – Introduction

The Old Mission Lavendar farm, SUP #138 was approved by the board on March 9, 2021. A copy of the approved findings of fact and conditions is attached as [Exhibit #2](#).

The original approval included the construction of a 5,600 square foot addition to the northwest corner of the existing building and a new patio, outdoor park and play area along with relocating an existing pavilion.

The applicant is requesting the first amendment to this special use permit to allow for additional accessory value-added agricultural uses including a seasonal aromatherapy sauna, farm related meetups including curated picnics with a farm tour experience, yoga/group exercise, lavender based classes (wreath making, sachets, centerpieces, etc.), garden club meetings, and marketed photography sessions. A copy of the application is included as [Exhibit #1](#).

This request has been scheduled for an Introduction at the May 7 regular meeting. Both staff and the applicant will be present to walk through the requested amendment and answer questions.

Exhibit 1

Parcel Code: #28-11-004-012-00 – 2150 Carroll Road SUP #138 Amendment #1 Request

1. **Project Description: Seeking confirmation around Accessory to Agriculture uses allowed at 2150 Carroll Road, such as:**
 - a. **Specific Approval for Seasonal Aromatherapy Sauna**
 - i. **Description:** A unique wellness experience that blends Nordic sauna bathing with the serene ambiance of a lavender farm. Participants are treated to a sauna, where comforting warmth combines with the therapeutic aroma of essential oils. As people enter the unit they will be met in-person by a sauna guide who will check them in and provide instruction. A session provides 70 minutes to access the sauna, during which time people can leave and reenter the sauna freely. Most people will spend 5-15 minutes in the sauna, take a break, (re)hydrate, and repeat.
 - ii. **Portable Sauna Unit:** An 8' x 26' Sauna Unit will be temporarily located at the farm. The unit can be trailered in and out without adverse impact to the farm. No groundwork is required to accommodate the temporary sauna unit.
 - iii. **Required Infrastructure:** The sauna unit requires water access via garden hose, and a standard electrical outlet. Both water and electric are existing, proximately, on-site. The sauna is a traditional wood-fired unit.
 - iv. **Sauna Capacity:** Sauna accommodates a maximum of 10 people
 - b. **General Approval for farm-related Meetups**
 - i. Curated picnics & farm tour experiences
 - ii. Yoga, sound baths, qigong, or other seasonal group exercise at the farm
 - iii. Audubon or other farm-based special interest meetups
 - iv. Lavender related classes including but not limited to wreath making, sachet decorating, bouquet or centerpiece classes
 - v. Affinity group meeting such as Bonsai society or garden group meeting
 - vi. Marketed photography sessions at the farm
2. **Hours of Operation**
 - a. Existing Farm Shop Hours are 10 am – 3 pm daily (seasonally during you-pick, and during farm pop-up shops)
 - b. Sauna and/or Meetups will be scheduled in advance and during daylight hours
3. **Accessory Use Capacity:**
 - a. The farm is 10.3 acres with 2+ acres of established lavender plants and other biodiversity.
 - b. There is an existing 24' x 24' farm shop.
 - c. Approximately 0.81 acres (35,000 square feet) is maintained as mowed grass for ample parking.
 - d. A portable toilet is seasonally available at the farm.

Basis for Determinations:

1. General Standards:

- a. The proposed accessories to agriculture uses will be operated to be harmonious with the general vicinity and will not change the essential character of the area in which proposed.
- b. There are no known hazardous or disturbances.
- c. Property can be served adequately by existing facilities and services, and the addition of a temporary, portable sauna unit does not require construction or site work.
- d. There will not be additional requirements at public cost for public facilities or services.
- e. There will not be anything that would be detrimental to any persons, property, or general welfare by fumes, glare or odors.

2. -

3. Specific Requirements:

- a. Applicant may legally apply for site plan review.
- b. All required information has been provided.
- c. The proposed use conforms to all regulations of the zoning district.
- d. Plan meets the requirements of Peninsula Township.
- e. General considerations would assume agencies will provide approval, which will be obtained at the appropriate time prior to accessory use.
- f. Natural resources will be preserved to a maximum feasible extent, there is no construction planned.
- g. No flood plan exists on the property
- h. The soil on the property is sandy loam and provides excellent drainage
- i. There is no proposed development.
- j. There is no change required to property drainage plan.
- k. There is no grading proposed.
- l. Air drainage will not be impacted.
- m. No development proposed.
- n. No expansion of existing facilities required.
- o. -
- p. Parking layout will not adversely impact the flow of traffic.
- q. Vehicular and pedestrian traffic shall be safe and convenient.
- r. Property complies with storage and refuse requirements.
- s. Property use is consistent with principals of sound planning.

PENINSULA TOWNSHIP APPLICATION FOR SPECIAL USE PERMIT NO.

Parcel Code/s #28-11-004-012-00

Property Address: 2150 CARROLL ROAD

Applicant Address: 13387 BLUE SHORE DRIVE

Eiv Habeli

Applicant' Signature

Review Fee ~~\$460.00~~ 1310 4/29/24

Check No. Date

APPLICATION REQUIREMENTS

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

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

Ordinance Reference - Section 8.1.3

Include a statement of HOW the proposed project meets the standards:

Section 8.1.3 Basis for Determinations: Before making recommendation on a special use permit application, the Town Board shall establish that the following general standards, as well as the specific standards outlined in each section of this Article, shall be satisfied:

- (1) **General Standards:** The Town Board shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that each use on the proposed location will:
 - (a) Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
 - (b) Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
 - (c) Be served adequately by essential facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.
 - (d) Not create excessive additional requirements at public cost for public facilities and services.
 - (e) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by fumes, glare or odors.
- (2) **Conditions and Safeguards:** The Town Board may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted.
- (3) **Specific Requirements:** In reviewing an impact assessment and site plan, the Town Board and the Planning Commission shall consider the following standards:
 - (a) That the applicant may legally apply for site plan review.
 - (b) That all required information has been provided.
 - (c) That the proposed development conforms to all regulations of the zoning district in which it is located.

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

- (r) That outdoor storage of garbage and refuse is contained, screened from view and located so as not to be a nuisance to the subject property or neighboring properties.
 - (s) That the proposed site is in accord with the spirit and purpose of this Ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.
7. A public hearing on a special land use request is held by the Township Board if:
- a. A public hearing is requested by the Township Board, the applicant for special land use authorization, a property owner, or the occupant of a structure located within three hundred (300) feet of the boundary of the property being considered for a special land use.
 - b. The decision on the special land use request is based on discretionary grounds.
8. Complies with Section 7.7 Developments Abutting Agricultural Lands.

Page 4 of 4

Special Use Permit - Checklist

Special Use Permit Number 138.

Parcel Code/s #28-11-004-012-00

Property Address: 2150 CARROLL ROAD

Applicant: LIGHTWELL LLC

ARTICLE VIII

Ordinance Reference - Section 8.1.2 Permit Procedures:

1. **Submission of Application:**

- a. _____ Fee No part of any fee shall be refundable.

Ordinance Reference - Section 8.1.3

Section 8.1.3 Basis for Determinations: Before making recommendation on a special use permit application, the Town Board shall establish that the following general standards, as well as the specific standards outlined in each section of this Article, shall be satisfied.

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

2. **General Standards - Include a statement of HOW the proposed project meets the standards::** *see attached*

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

Conditions and Safeguards: The Town Board may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property

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

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

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

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

- q. _____ That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.
- r. _____ That outdoor storage of garbage and refuse is contained, screened from view and located so as not to be a nuisance to the subject property or neighboring properties.
- s. _____ That the proposed site is in accord with the spirit and purpose of this Ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.
- 4. **Present 8 copies of Site plan, plot plan, development plan**
Drawn to scale (preferable 1"=50'), of total property involved showing:
 - a. _____ the location of all abutting streets,
 - b. _____ the location of all existing and proposed structures and their uses
 - c. _____ the location and extent of all above ground development, both existing and proposed.
 - d. Preliminary plans and specifications of the proposed development. *This preliminary plan shall be in a form that can be easily reproduced on transparencies that can be used for public presentation.*

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

- 5. If the project is to be phased, provide documentation that:
 - a. _____ Upon completion, each phase will be capable of standing on its own in terms of the presence of services, facilities, and open space, and contains the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the project and the residents of the surrounding area.
 - b. _____ Shows a proposed commencement date for each phase of the project.

EDGE OF GRAVEL

IE

716

OHE

EXISTING FIELD DRIVE

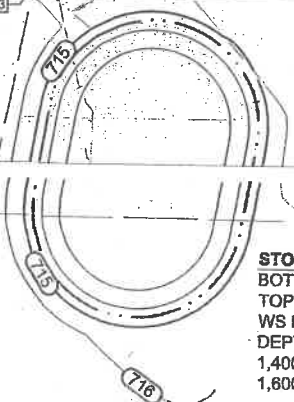
715.85

716

715.33

GRADE DITCH TO DRAIN TO STORM BASIN

35' SETBACK



STORM RETENTION BASIN
BOTTOM: 613.00
TOP: 615.00
WS ELEV.: 614.50
DEPTH: 1.50'
1,400-CF REQUIRED
1,600-CF PROVIDED

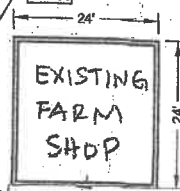
GRAVEL DRIVE

11
10
9
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717

717

717.31



EXISTING FARM SHOP

717.07

717.11

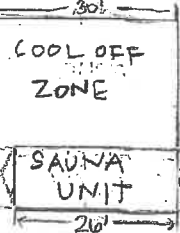
717.16

UGE

EXISTING PORTABLE TOILET

EXISTING ELECTRIC ACCESS

EXISTING WATER ACCESS



COOL OFF ZONE

SAUNA UNIT

(HOSE TO GARDEN AREA) →

FIELD PAR

EXIST. WELL

720

Representative Images



Proposed Sauna Location in foreground



Existing Hearth Sauna location at Mt. Holiday showing Sauna Unit and Cool Off Zone



Exhibit 2

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

SPECIAL USE PERMIT (SUP)
FINDINGS OF FACT AND CONCLUSIONS
SUP #138_Old Mission Lavender Farm
March 9, 2021

PENINSULA TOWNSHIP BOARD

Applicant: Mike and Amy Parker
4133 Old Mission Road
Traverse City, Michigan 49684

Hearing Date(s): October 19, 2020 - Planning Commission
February 23, 2021 - Township Board

PROPERTY DESCRIPTION

Parcel ID#: 28-11-004-012-00
Property Address: 2150 Carroll Road
Zoning: A-1

GENERAL INTRODUCTION AND BACKGROUND

Mike and Amy Parker propose to establish a business known as Lavender on Old Mission Peninsula and utilize the subject property as a place to grow, process, and sell lavender, lavender-related goods, and associated agricultural products. They plan to add to a building now under construction to provide space for retail sales and agricultural processing. This building under construction at the time of this application (24x24 in size) was given a land use permit as a roadside stand, and up to 150 square feet of space within that structure may be used for retail sales. Approval of this SUP allows for construction of a connected 40X60 building to expand space for retail sales and processing. Approval also includes construction of a six-space parking lot on the west side of the building and a driveway to Carroll Road.

The land use most closely associated with the proposed use of this property is a greenhouse and nursery, with retail sales on the premises (6.7.3.6). This use is a special use in the A-1 zone. The submitted application is provided in **EXHIBIT 1**.

FINAL APPROVED – March 9, 2021

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. The Grey Hare Inn is located about a quarter mile to the west and homes are located to the east along Center Road.**
- b) Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.

The proposed building is relatively small in comparison with the 10-acre site. The architectural design of the proposed building has a rural-agricultural feel.

- 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 provided a preliminary review and defined specific requirements for final approval (EXHIBIT 2).

- 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 use includes the distillation of lavender, which would occur with equipment located outside the building. This includes a propane burner and distillation equipment. The extent of this activity is not expected to be detrimental to any persons, property, or the general welfare in terms of fumes, glare, or odors.

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:*

FINAL APPROVED – March 9, 2021

- (a) That the applicant may legally apply for site plan review. **The applicant owns and has paid all property taxes on the subject parcel.**
- (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. **TA Nursery/Greenhouse is a special use within the agricultural zoning district and conforms to all relevant regulations within the zoning ordinance.**
- (d) That the plan meets the requirements of Peninsula Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services. **The proposed special use meets, or will meet the relevant requirements of the township and other local and state permitting agencies.**
- (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 and coordination with the Grand Traverse County Health Department is provided. (EXHIBIT 3).**
- (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 natural, open space character of the subject site will remain as the proposed uses will result in minimal change to the existing open fields, apart from adding lavender and other plant material to the site.**
- (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. Wetlands or other wet soils are not known to be present on this site.**
- (i) That the proposed development will not cause soil erosion or sedimentation problems. **The maximum disturbance area in total is less than one acre and therefore a stormwater and erosion review is not required. All disturbed areas will be seeded promptly upon the completion of construction work.**
- (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 to retain stormwater onsite, then release it into**

FINAL APPROVED – March 9, 2021

the road ditch.

- (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 fits in with the existing character of the landscape and will not impact neighboring properties, as the general character of the site will remain 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. **This project is intended to provide primary and reserve septic system areas for the adjacent commercial uses to the east of the site. Septic system components will be permitted and installed as they are needed and none of the proposed site improvements are reliant upon any other improvement for construction or future use.**
- (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. **No landscaping, fencing, or other screening will be required by the township.**
- (p) That parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets. **The on-site parking is proposed with a gravel surface and six spaces.**
- (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 the property on Carroll Rd. Any necessary overflow parking would occur along the driveway.**
- (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. **Only garbage cans will be stored at the back of the building, which is south facing. No outdoor storage of garbage or refuse is proposed as part of this application.**
- (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 limited commercial uses on the property.**

The subject parcel is an existing open field with lavender plantings. The building will provide a place to house equipment to process and store lavender and other plant-based materials grown on site and elsewhere in Grand Traverse County.

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 (GTDCDC), 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) Continued compliance with permitting necessary with the Grand Traverse County Health Department.
- 2) Retail sales and related commercial activity are allowed provided not less than 50 percent of the items offered for sale include items wherein lavender and/or other ingredients grown on site are a primary or namesake ingredient of the product. This requirement is measured by retail floor space during peak production season. Other goods produced and sold will include products such as flower arrangements, lotions, creams, candles, bath and body products, culinary products, air fresheners, handcrafted items, cleaning supplies, etc. Retail sales and related commercial activity may also include agricultural products commonly associated with a plant nursery such as, pots, potting soil, seeds, prepackaged agri-chemicals, potted plants, mulch, etc.
- 3) Only plant material and food products that are offered for sale may be displayed outside. All other merchandise offered for sale must be inside the building.
- 4) All production activities will occur inside the building and no raw materials, or partially completed products shall be stored outside. The proposed use does include the distillation of lavender, which would occur with equipment outside the building. This includes a propane burner and distillation equipment.
- 5) Signage is limited to the following:
 - a. One non-illuminated free-standing sign no larger than nine square feet in size or more than six feet in height.
 - b. One wall-mounted non-illuminated sign that does not cover more than 5% of the total exterior building wall facing Carroll Road (inclusive of windows and areas above the soffits).
 - c. Incidental directional signage for vehicular movement, parking, and safety.
 - d. A sign related to the Michigan Agriculture Environmental Assurance Program (as applicable).
- 6) No external illumination to the building is allowed other than fixtures attached to the exterior of the building and compliant with Section 7.14.
- 7) All production activities (processing lavender into soaps, lotions, food, etc.) will occur inside the building

FINAL APPROVED – March 9, 2021

and no raw materials or partially completed products shall be stored outside.

- 8) Final approval from the fire department is required before a land use permit is issued.
- 9) Expansion of any activities beyond those listed above may be approved as an amendment to this SUP.

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

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The undersigned hereby certifies that she is the clerk for the township of Peninsula, Grand Traverse County, Michigan, and that the foregoing special use permit was approved by the Peninsula Township Board of Trustees on March 9, 2021

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 March 9, 2021



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.



Mike and Amy Parker

FINAL APPROVED – March 9, 2021