

PENINSULA TOWNSHIP

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PENINSULA TOWNSHIP PLANNING COMMISSION SPECIAL MEETING AGENDA

May 23, 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, May 7, 2024.
8. Business
 - a. Special Use Permit (SUP) #123 Peninsula Shores PUD, Amendment #5 – Public Hearing (Waters Edge Drive and Shoreline Court)
 - b. Draft Master Plan – Review of Redlines and Existing Land Use Map
9. Reports and Updates
 - a. Special Use Permit (SUP) #138 Old Mission Lavendar Farm, Amendment #1 - Withdrawn
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.



Jenn Cram, Director of Planning and Zoning
Posted: May 20, 2024, 8:15 p.m..

Minutes

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PENINSULA TOWNSHIP PLANNING COMMISSION MINUTES May 7th, 2024, 7:00 p.m.

1. **Call to Order** by Hall at 7:00 p.m.
2. **Pledge**
3. **Roll Call**
Present: Alexander, Beard, Dloski, Hall, Hornberger, Shipman, and Cram, Director of Planning and Zoning
Absent: Shanafelt, excused
4. **Approve Agenda**
Shipman moved to approve the agenda as presented with second by Alexander.
Motion passed by consensus
5. **Brief Citizen Comments** (For Agenda Items Not Scheduled for Public Hearing): none
6. **Conflict of Interest:** none
7. **Consent Agenda**
 - a. Approval of Meeting Minutes: Planning Commission Regular Meeting, April 2, 2024
Shipman suggests changing "cited" to "sited" in minutes, but is unable to find the location of the error.
 - b. Correspondence from Judy Spencer
Dloski moved to approve consent agenda as noted with second by Alexander.
Motion passed by consensus
8. **Business**
 - a. Special Use Permit (SUP) #123 Peninsula Shores PUD, Amendment #5 - Continued Discussion
Cram: Thanks for participating in the site visit prior to the meeting. Although much is learned by viewing plans, seeing how it relates to the site by seeing things on the ground is very helpful. Mentions that Kyle (O'Grady) was meant to attend the meeting but seemed to have misunderstood. The discussion was kept on the agenda so that the Planning Commission could ask further questions or request more information after the site visit.
Hall: Does anyone have any comments or questions.
Dloski: I do. I don't quite understand why putting more units at the north end of this development is a good idea when we had such a problem with one unit. Now we're going to put units up there. I

just don't get it. I think the first plan where they had Unit #41 at the bottom was a better plan. I'm not getting it. I'm sorry. I don't think...they gave us this about moving these units over - I don't think they're buildable to begin with. If you look at it there's the drop off - it's so severe - I don't know how they're going to build units there. So, I'm not sure what's going on here.

Hall: Larry - the drop off where?

Dloski: Units 27, 30..24 on the west side - east side - of the plan. Driving up the hill on the east side, or right hand side - they're not developed and they were trying to move - remember - move those units up a little bit?

Hornberger: Unit 27 is not being moved.

Dloski: I'm not saying it is, I'm just saying I don't know how they're ever going to build there. You've been out there. You see how far it drops off and how fast it drops off. But regardless of that, what is the drill about putting two more units at the north end when we had such a controversy with one? Why is this such a great plan?

Cram: Well, I think, Larry - first of all - it would have been helpful if you were with us on this site visit...

Dloski: I visited the site. I was there today. I've been there twenty times. I've ridden my bicycle up and down fifteen times. I don't have to be at a site visit with twenty people to know what I see.

Cram: Okay. So, I didn't see the same concerns with the drop off, having been out on the site today and seeing the staking of existing lot lines and proposed lot lines. I don't think it is for the staff or for the Planning Commission to say what makes this a better plan. We have to review...the applicant has the ability - the right - to come in and request an amendment to their PUD site plan and SUP. Our job is to review that request with the Zoning Ordinance to make sure that it meets the standards. So, seeing it out in the field today, I think it helped me to understand how the future homes - if this plan were approved - would be sited, where the center was, you could see how it fit on the land. That helped me because originally, we had talked at the introduction about there being a concern about the steepness of this area on the west side of the property and now going out there you can see that there's really kind of a flat area - a crest. The trees were marked along the perimeter of the existing forested area that would need to be removed, but generally speaking, I have less of a concern about the grade and the steepness of that. That slope has lots of vegetation to retain it. So, that was helpful, but I guess, to answer your question: it is the applicant's prerogative to come in and request an amendment. He explained out in the field why they thought this was a betterment, and the reason that he gave was that when you go out there you stand in this area [using cursor to show the area on the screen], preserving the open space where existing units eleven and twelve currently are was a positive. He's maintaining the same number of units that were originally approved, so the density isn't increasing, the open space remains increases slightly, and so it's his prerogative to rearrange things, and we have to determine whether or not it meets the standards.

Alexander: While I would agree with you on some of the things, like the open space down in 11 & 12 - I really liked that - one of the things that Susie and I were thinking about when we were down there is that not all the houses are built yet, so there are some spaces in between that are going to be built, so that might impede the view a little bit. I did like the idea of them being able to use that, have more visibility, like if they're bringing their boats and their trailers down and that turnaround now will be clearer and it will increase that visibility. As to Lot 41, I do have some concerns about steepness there. Walking around and looking at it was very hard for me to visualize where they were gonna site the house. Looking at the stakes way down in the woods, I wasn't crazy about that steepness. Up at the top - when we looked at putting those two units in - the concern about where exactly is the front door going to be and how would they site that. Looking at Unit 11 and what the

setbacks would be, because I personally prefer that the front door face the street and that you have that 30 foot set back instead of a shorter one. And then there was that crest on the slope to the east side. I thought there was a little bit of a slope there and I was kind of concerned about that, too.

Cram: Clarifies which lot/area Julie is referring to.

Alexander: There's kind of that ridge up there, then there's the slope down. And so when you looked at where the corners were in the setbacks of the lot I had trouble seeing - you know there's like this rise there - how are they gonna site the house, and how are they gonna alleviate erosion there.

Hall: Asks for any other comments.

Shipman: I'll run through my thoughts post-site visit. Walking around and sort of talking about the footprint of the actual home structures was most informative for me to get a good sense. When I look at the lines on the map and I think about something going right up against a line that causes me grief.

Cram: Asks for clarification on the site Shipman is referring to.

Shipman: I'm not talking about anything specifically yet, I'm talking generally that it was helpful to be out there and have a sense of how a structure would be built on each of these parcels. For instance, the one Julie was talking about - Lot 11 - at first I was quite concerned that the patch of forest that he has listed there as common open space would be kind of further decimated. But it appears to be essentially maintained right where it drops off, so that gave me a level of comfort. You know, I was in opposition to the previous request for an amendment, largely for the addition of the unit so for me, I see this as more just adjusting within the site. Also being on site, at the bottom of the slope there at the junction of Shoreline Court and Waters Edge Drive, I did appreciate that open space. Across the road, the house that isn't built on the opposite corner, and then having a house right there - opposite it on Shoreline Court - being there on site, it felt like that would be very congested. Tight almost. I have an appreciation for there being the relief in a community of some open space, so I do appreciate that there. I'm gonna go back up to 11 and 12. Because those are both smaller lots compared to what was proposed for Unit 1 in the last approved plan. I wanted to look at that eastern corner of unit eleven and look at where the forest was and look at what the impacts were there. My concerns were a little bit allayed. Now I know it's two structures but I also saw the size of the trees that are currently there. The trees are very large, and the ones in the middle are going to grow up, so that's really sufficient for that buffer. That boundary where we have the 15 foot versus the 30 foot - rear yard, side yard - he's got it off to the west with a 30 foot, and I believe that that should be 30 feet going to the north. My only concern there is what that might mean for the lot and fitting the structure in there, but I think that's his problem. I do think that's just more appropriate. It seems a little bit disingenuous to put it where he put it - sort of pinched off there when clearly the back is that northerly line. Then coming back up to the turnaround - the cul-de-sac at the top of the hill - my main concern there was the forest off to the west, and that line that drops down further than the current approved plan. Being there and standing there and talking about that and how they would site the house I don't feel that there would be any benefit and there was no stated desire to go down that slope whatsoever. Given that my concerns about that particular site are pretty well allayed. I know the front of those - as Julie was mentioning - it's somewhat steep but that's just what that development is. No one, including the developer, wants to see that having a whole bunch of erosion, so I know they're going to take care of it. He mentioned that they were going to revegetate that slope and make sure there wasn't an issue. Turning around at the end - when we finished the site visit - you could actually see the view from Boursaw into where there would now be more open space. I don't know once it's all built

out how much that will really be impactful but I did know that it was true you could see that it would be more open from the public road.

Hall: Good comments. Anyone else?

Hornberger: My one basic point that has not been covered by everybody else and sort of was touched on by Susie is: I think any normal, sane person that looks at Unit 11, if you were to ask them, what is the rear it would not be that little jog, it would be the part that faces away from the street and I think that if and when he is given approval to have these, that, we are very adamant that it is that 30 foot rear set back there and then it's his problem how he's gonna build it.

Hall: Jenn, would you mind talking to that point about the amount of setback for Unit 11? We're talking about either a fifteen foot or a thirty foot setback from the northerly boundary. For Unit 29, what is the setback there from the northerly boundary?

Cram: That is fifteen feet.

Hall: Can you speak to this question that's being raised?

Cram: Sure. Setbacks are specific to the underlying zone district and because this underlying zoning still applies even though Kyle's gone through the PUD/SUP processes. As such, the required rear yard setback is thirty feet and the required side yard setback is fifteen feet. It is interesting that unit 29 does the bend. Susie helped me to see something. They chose to put the rear property line along the bluff to pull those structures further away from the bluff. Because it's a funky lot, I can see why there was some confusion on what was the side and the rear. Common planning practice is that your front yard is usually adjacent to the road or where you take access. Because Lot 11 will take access from Waters Edge Drive this line right here is the front [uses cursor to show location on the screen]. Common with planning and zoning, the rear is opposite the front. Lot 11 is shaped differently than Lot 29, it doesn't have the L shape, and so in my determination I would call this the front, the east: the side, the north: the rear, and then this would be another side yard setback and another side.

Dloski: If they are allowed to build this will they need setback variances?

Cram: They shouldn't. I would hope that we would look at that and if the recommendation from the Planning Commission - and as a staff person, that is my recommendation to all of you, and I will provide you with background on that in the findings of facts and conditions - but if you agree and say that as a condition of approval that needs to be a rear yard. It might be helpful for Kyle to do a little design study to make sure. I think that it was also helpful for us that Kyle had that staked out in the field and I got a photo of it. He knew that there was a concern, he was ready to address it. He showed where the 15 foot setback would be, and he showed where the 30 foot setback would be. What would happen then is the house gets pushed a little closer to the road, which, from a property value standpoint maybe isn't as desirable, but would still allow him to do a reasonable sized home with those setbacks. This is based on looking at it out in the field and where the property lines were.

Hall: Jenn, what would be the policy reason for a zoning ordinance to have a larger rear yard setback than a side yard setback?

Cram: The purpose of setbacks is, first and foremost, for safety. To allow for emergency access for fires and things like that. That's why you want separation of buildings. And then your rear yard setback is generally larger for privacy. Your backyard is where you have your patio, your pool...other private things and so generally speaking, you see larger rear yard setbacks and side setbacks for privacy and separation of uses.

Shipman: As he was standing there showing us the 15 feet, I'm looking at how close the growing trees are. I mean, it honestly didn't seem feasible to have a house there. It looked pretty tight.

Dloski: I still have one question: why is this plan better than the SUP that he had proposed initially, where he had Lot 41 down at the southern end.

Hornberger: I don't think that it's up to us to decide better or worse, as it is to decide different but okay. And to me, this is different but okay because he's creating an open space at the corner of Waters Edge and one I can't read which was not there before. That doesn't necessarily make it better but it's a different good. Before it was like the plan was to eke out space at the rear of these houses, which seemed worse. This just moves an open space to an area that gives you certain advantages in terms of moving boats in and out, of being able to see it from Boursaw...I think it's as good as what he had before.

Cram: Just to be clear, Peninsula Shores SUP #123 - when we all worked together, I think before Kevin was on the commission - we worked together through Amendment #3, and that allowed moving Lot 1 from the southeast corner to the northeast corner, and then Amendment #4 came before you and that was a proposal to shift units from the bluff and add another unit of density. The recommendation that came from the Planning Commission to the Board was a recommendation of denial. The Planning Commission found that, based on the Zoning Ordinance, that it did not meet all of the standards. So, that recommendation was moving to the Board and then Kyle paused it and is coming in now to look at Amendment #5. So, depending on what the Planning Commission decides, Kyle will have to make a decision - does he move forward with #4 or #5 and withdraw one officially.

Alexander: In any answer to your response, Larry, I don't think it's necessarily that one is better than the other. One of the things we ask builders is to be creative and come up with solutions to issues, and I think this is a creative solution - or a creative proposal. The thing that makes me lean toward considering it more carefully is the fact that he's not increasing the density. We're getting more open space. We're not increasing septic systems.

Cram: Confirms that no additional septic systems are occurring as part of this proposal.

Alexander: So, since we're not adding any more, I'd say that these are very comparable.

Dloski: My only concern was the neighbors to the north and I don't think this is a better plan for them.

Alexander: I understand that. That's another reason to look at a thirty foot setback as you're talking about privacy. Again, does the builder have the legal right to do this? Does the ordinance support the builder being able to, whether we think it's better for the neighbor or not.

Dloski: Why didn't we take this philosophy when we wanted to build that unit? We had 17 public hearings and everybody was going around in circles for that one unit, and we agreed. Now we're putting two more up there and everybody's happy.

Hall: Let's not worry too much about history.

Dloski: History is part of this.

Hall: Larry, your point is well taken and there are other points too that are well taken. If people feel strongly that there are problems with this, that it doesn't comply with the ordinance or that there are aspects that create serious consequences for neighbors, risk of hilltop collapse or something, we should air those. If not, then I think the only consensus is that we would like to see a thirty foot rear yard setback applied to Unit 11.

Hornberger: My opinion about Unit 11 is that if there is not a thirty foot setback, I probably would not vote to approve it because it is a rear yard.

Hall: Jenn has explained the public policy reason for the rear yard setbacks and I find that persuasive here.

Beard: We're all on record as to our support or objections to Amendment #4 and we all articulated the reasons why we think it (applied?) with the zoning code. Amendment #5 needs to be considered on it's own merits against those same standards. Comments are broken into categories here: what do I like about #5: the applicant stayed with 41 lots to the original approval and was consistent through this; it does increase open space for the betterment of the residents there slightly; it does

not increase the density; it opens up some square footage on that intersection to improve sightlines and aesthetics. What I don't like or what I'm concerned about is: what are now numbered lots 1 and 41 at the south end of the cul-de-sac are still smaller than any other lots up on the hill, so that's not consistent with the rest of the development. The other place where the lots are smaller is down by the shore but not up on the hill. 11 and 12 - I don't think this discussion about fifteen or thirty yard setbacks or what constitutes a side or rear yard is a trivial discussion. This can affect all kinds of future developments and regardless of what previous zoning administrators determined at some point, I think we need a legal interpretation although I agree with Jenn and her interpretation. If that's the case, the north lot line does need to have a thirty foot setback. The other thing that concerns me about 11 is just that odd shape. How difficult it's going to be to construct something in that envelope. I'm sure the developer is creative and will come up with something. At our walkthrough today, he pointed to property across the street and it's layout and suggested we imagine that flipped and put on Lot 11. Might work, I don't know. I'm concerned about that because the minute you put a pentagon up there you get into an arm wrestling match about defining your rear yards and side yards and open this can of worms. It should really be much more straightforward than that, making the fifteen and thirty feet much easier to calculate.

Alexander: One more point to raise. I realize that this is a really emotional decision for those homeowners, and it was difficult. We wrestled with it to see if it meets the ordinance and do we like it. I really struggled with that. I have to keep reminding myself that it's not my personal preference that I'm voting. It's "does it meet the standard" and I have to be more objective about that.

Dloski: What standards are we looking at?

Alexander: Just saying "does it follow the ordinance?" "Does it do what the ordinance says?" "Is it legal?"

Dloski: I understand that, but we had a wrestling match about the standards and how do they apply and do they apply to one unit? This whole thing is up in the air.

Alexander: I think what Kevin was saying is (we can't worry about) what planners have done before. We must look at where we are right now. We have an excellent planner and we have to meet that standard. Regarding the setbacks, I must agree with you, Donna, if it were fifteen feet I would say no.

Dloski: I would feel a lot more comfortable if we could articulate the standard.

Cram: We have to follow the standards and the zoning ordinance to approve an amendment to a special use permit, as well as...so, per Section 6.8 of the zoning ordinance schedule of regulations we look at setbacks, lot coverage, and all of those things. Our engineering firm, GFA, is reviewing all of the calculations that Kyle and his team have provided to make sure that the lot coverage still meets the requirements of not exceeding 15% of the total area. All of that is being confirmed. We talked about the setbacks. Section 6.8 clearly says that the rear is 30 feet, the side is 15 feet, the front is 30 feet, so we look at all of those things. Do they have adequate water and sewage disposal? Yes. Nothing is changing with this proposal. Then we go through all of those standards in Section 8.1.3, that we go through in the findings of fact. Those are the standards that we are using. Currently, our zoning ordinance is not set up to distinguish between a brand new special use permit or if this is an amendment, so we use the same standards right now for both.

Dloski: One question, Jenn. Is one of the standards a benefit to the community?

Cram: Yes.

Dloski: How can we determine that this is a good benefit to the community? The community that we're concerned about are the property owners to the north.

Hall: They're part of the community.

Cram: They are one lot.

Dloski: But they're the ones that are being directly affected, so in my mind, they're the community. So, is this a benefit to the community?

Hall: My view is that that's overly narrow. I wouldn't restrict it like that. I think that they are part of the community. The property owners to the north have been consistently against anything up there and they're just part of the community.

Alexander: So it says: the community as a whole. (That language is agreed upon.)

Hornberger: To me, having a thirty foot setback between Unit 11 and their cul-de-sac meets the requirement that it is okay for them. They may not think so, but according to our ordinance it's okay.

Shipman: Addresses Jenn. Where 11 and 12 are sited, is that formerly 1? Was that in Amendment #3? Was it thirty feet from the north?

Cram: Yes. I'm pretty sure. (Checks plans.) Yes.

Shipman: So, thirty feet from the north. For me, that was an amendment where I wanted to go look at the site. I wanted to see what the exposure was to the northerly neighbors, and to have that setback was important to me which made me feel confident it was how that was (thirty feet). Also, that the buffer is what put it over the edge. I didn't see any additional impacts as being substantial to the point of concern. The way that the topography is, the big buffer there...seems like there's a lot of protection especially because on the cul-de-sac at the southeast corner it's all wooded, as far as where the property line extends to the east.

Beard: It's too bad that Mr. O'Grady isn't here but Jenn, maybe you know the answer for this: for those two lots up there - 11 and 12 - is the infrastructure already in? Sewer lines? Electrical?

Cram: I would have to look to see and ask Kyle. I can't remember if those two lots connect to the on site or to the community septic system, or if they're proposed to be individual.

Hornberger: It says here it's proposed to be individual, so they are probably not there yet.

Beard: All right. Thank you.

Hall: Asks for any further comments.

Cram: I will recommend that Kyle listen to the recording on YouTube so that he can hear this firsthand. I have taken copious notes. I've heard you. With that, this has been scheduled for a public hearing on Thursday, May 23rd. It will be a special meeting of the Planning Commission for the public hearing. That public notice has gone out.

b. Special Use Permit (SUP) #134 First Congregational Church, Amendment #1 - Introduction

Cram: The First Congregational Church SUP #134 was approved by the board on January 14th, 2020. A copy of the approved findings of facts and conditions were attached in your packet as Exhibit #2. The original approval of that SUP included the construction of a 5,600, square foot addition to the northwest corner of the existing building, new patio, outdoor park, and play area along with relocating an existing pavilion. First Congregational Church would like to add on to 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 was included in your packet for review. The site plan is really easy to understand because they showed the whole site and then a blow up of the site. I will recommend that prior to public hearing we do a site visit to look at it on the ground. The applicant, Mike Wills, is here and can fill you in on anything that I may have missed. He did prepare this wonderful PowerPoint for you.

Wills: My name is **Mike Wills, at 110 Fairway Hills Drive, Traverse City, MI** and I'm a member of First Congregational Church, and I am the Chair of the Infrastructure Committee. With me is Bill Myers. Bill is the Chair of the Community Children's Center which is really what's driving this. The

Community Children Center is a daycare center within the church proper. It's a division of the church but it serves the entire community so this is not restricted to church members' children, it's open to the public. With the addition that we just completed a year - two years ago - we were able to double that space to expand their service to the community with increasing enrollment from about 65 kids to somewhere over 140 at this point. And with more children, we have more need for outdoor play space because there are some very restrictive regulations with regard to daycare and the ratio of students to teachers and amount of space per student. So, what we have now just won't accommodate the number of children that we need to accommodate. The other part of it is we need to give the children some shade in the hot blazing sun. We're open year round so they spent a good deal of time out there without any shade and that's a concern. There's a play structure that's going inside of one of the fenced in play areas we already have. That's one of the elements. We have a fence extending around the enlarged play area because we're finding that kids can wander off and they can wander into the parking lot or even into the neighbor's property and that's a concern, so keeping them corralled is a big issue. The impacts of this expansion (is) insignificant. There's no impact to the parking whatsoever. There's no significant impact to the site in any way. It's pretty flat where it is. We'll have to do a little bit of grading to flatten it out a bit more and we'll have to remove about 6 inches of topsoil and clay so that we can put 6 inches of fall protection, rubber mulch down where the kids play. We are open weekdays only from 7:00 a.m. until about 6:00 p.m. - the day care part of this. It serves a huge community need, as you all know. This is the overall site plan of the church. Center Road runs at the bottom, off at an angle to the right. The entrance to the church is about midway along the property line. It's a very large parcel of land - over 13 acres. The church is kind of sprawling but the two points to showcase here are the oval at the top - which would be the north of property line - (which) is the area of the playground expansion, and I've got a blow up of that in another slide. We've contacted the Walnut Ridge Homeowners Association, and they are considering writing a letter of support, which will come to Jenn before the public hearing. There's also another little highlighted area in the bottom of the triangle, a small amount of spoils from the grading would go right there. There's a steep hillside there, and we'll just help to even that out. So, that's the site and the project elements. As Jenn said there's a 20 by 20 fabric shade structure that will go inside of an existing fenced in play area. There's a swing set, a large play structure, and the rubber mulch underneath and around all of that for fall protection. And then the fence with gates so that we can actually get a vehicle in if we need to. The upper left hand corner is a photograph of the existing playground, and you'll see the fence in the lower right hand corner. That's the same fence that we will be extending around the new play area. In the upper right hand corner is this 20 by 20 shade structure, which has four posts with a fabric over top. Lower left is the large play structure (30 ft long. 20 ft. wide at its widest) and then the swing set on the right corner. The brown box is the proposed structure inside the existing fence. Moving to the right, you'll see the green shaded area is the total amount of finished disturbance to the land. 2,600 sq ft of rubber mulch area for fall protection. And within that, you've got the swing set towards the top, and then the large play structure expands across the bottom area there. That whole area is only 2,600 sq ft. To the right of that you'll see a cross hatched area which is the future-proposed addition to the church that we're planning on. We put it on there, not for approval, but for our planning purposes. We wanted to make sure we stayed out of that footprint area. Then you'll also see the proposed fence that will follow along the circular play area at the top-middle, and then straighten out till it becomes perpendicular to the front of the church, and then back down and will meet the church. At the corner there by the existing sidewalk we'll have a double gate - this 42 inch side would be normal use for pedestrians in and out and then we can open up another seven foot

section to give a ten foot wide opening to get a vehicle in there if we need to for maintenance purposes. That's the end. Do you have any questions?

Hall: You said something about 'open to the public' and I missed the context of that statement.

Wills: So, the daycare program, while it's a church function, is open to the general public so any child from anywhere within the community can enroll.

Hall: They would sign up.

Wills: As long as there's openings, of course. That's the challenge: finding places for all these kids.

Hall: The playground area - when it's not being used for daycare is it secure? Can kids from the neighborhood come over there to use it?

Wills: They'll be able to go in through the fence to be able to get into the area but yes it's not blocked or anything. It's open to the public, and we do find families actually drive there with their children or stay after school to play on the playground.

Hall: Okay Thank you. Anyone else have any questions?

Hornberger: You said you had to move some of the soil to even it out? Where are you moving it? Is that where the kids sled now in the winter.

Shipman: It's way further to the west from the toboggan hill.

Dloski: I just have a comment: we have talked about this several years ago, but it seems to me like this is kind of a poster child for an amendment to the SUP, ordinance to allow for technical in-house review and approval. I don't think (the desire to) put a tent/umbrella over a swing set, or to put in another swing set justifies these people spending all the money to go through special land use approval. We should look at having an in-house review where department heads all send their reviews, and if it's okay It gets approved, and it's done. If it doesn't, it comes to the Planning Commission and Township Board.

Hall: I would second that, Jenn, and I'm assuming that...

Cram: I would prefer to do that, as well...

Hall: (Suggests Jenn add this to a list of what needs to be addressed when more wholesale amendment and updating of our zoning ordinance occurs.) I agree with Larry that we need a more streamlined administrative process for some of these things.

Shipman: I was here when you guys came through for the initial expansion project and it looks great. It was really good working with you guys then. At a previous point in time, the board was concerned about the traffic (acknowledges the approval of this amendment won't affect traffic), the height of the structure and Walnut Ridge. I felt like that project went very smoothly and this is a fantastic project. I agree with Larry and Randy that these kind of changes should probably be more in house. (Cites her understanding of childcare rules.) You need a fence. I can't believe you're operating without a fence.

Wills: Well, we do have a temporary snow fence up for that.

Shipman: I'm in favor of everything I see here.

Alexander: I used to do home daycare so I know exactly what you're talking about (as far as) the space, number of teachers, and being compliant with ratios. I think that this is a wonderful project and I agree this should be something that should be able to be done administratively. It seems like there's minimal disturbance to neighbors and it's very much contained and a great project.

Dloski: I will say the church really worked well with the neighbors because I know the neighbors were concerned, I was on site with the neighbors in the church and we worked some of these issues out and they really did a good job, I commend you on that.

Wills: Thank you. We have a very good relationship.

Cram: Would the Planning Commission like to make a motion to schedule this for a public hearing at the next regular meeting on June 4th?

Hall: The motion is for what exactly?

Cram: To move this forward to a public hearing at the June 4th meeting.

Motion to move SUP #134, First Congregational Church, Amendment #1 to a public hearing at the next regular meeting of the Planning Commission. Dloski motioned with second by Shipman.

Motion passed by consensus

c. Special Use Permit (SUP) #138 Old Mission Lavender Farm, Amendment #1 - Introduction

Cram: the Old Mission Lavender 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 an exhibit. The original approval for SUP #138 was under the section of the zoning ordinance that allows for greenhouses and nurseries which is included in your packet. The applicant is now requesting the first amendment to this SUP to allow for additional accessory value-added agricultural uses including a seasonal aromatherapy sauna, farm related meet-ups, including curated picnics with a farm tour experience. I asked for some additional information on that. With regard to the picnic: these would be curated picnics that would include one fresh or dried lavender bouquet takeaway as a component to the farm picnic experience, a pre-packaged lunch box or snack boxes with the tie into lavender that will be produced elsewhere by a third party caterer or restaurant and held in a refrigerator unit in the existing farm shop for pick up as scheduled. The snack box items may include lavender shortbread cookies made locally at Potters Bakery with lavender from the farm and/or charcuterie boxes produced at Mission Proper with food that pairs well with lavender. The outdoor picnic experience will be scheduled for small groups ten or less or as an optional add-on during the seasonal lavender u-pick experience. On a one-off basis they're also requesting to do some yoga and group exercises. I asked for more information on that because it's very important as this property is zoned agriculturally, and so the uses do need to be accessory to agriculture. The exercise experience will be granted each participant one fresh or dried lavender bouquet takeaway as a component to the farm exercise experience. Lavender aromatherapy will be included as part of the exercise experience, as well. The outdoor accessory use will be held for small groups ten or less, in an outdoor setting adjacent to the lavender and gardens. There is an existing outdoor portable toilet and hand washing station that already exists on the property. The other accessory uses that are being requested would be a lavender-based class, wreath making, sachets, centerpieces, etc., garden club meet ups, and marketed photography sessions. Some of the uses that have been requested are clearly addressed in the Right to Farm Act and some are not. Regardless of whether or not they are addressed in the Right to Farm Act we still have to apply our zoning ordinance, so there's a balance here. I will help guide you through that. I said the two uses that are questionable were the curated picnics and the yoga classes so we'll need to get into that a little bit. The other thing: we were talking about what are the standards that we have to look at when we're looking at an amendment to a special use permit: we need to look at adequate water, adequate sewage disposal, access, parking, hours of operation, etc. With regard to adequate sewage disposal, the onsite portolet is okay for smaller groups (ten or less, as proposed) but at some point if the lavender farm is going to be successful, and they want to expand programs at such point there should be an investment in an appropriate onsite septic system (a flushing toilet and things like that). I tried to be very transparent when taking this application as to the things that the Planning Commission would be looking at and the things that we would need to address in order to demonstrate that this meets the standards under section 8.1.3, as well as other zoning ordinance standards. I think a site visit will be very helpful. I'm excited to get a tour of the farm and see how all of this works, and to understand where some of these outdoor uses would take place. The current zoning ordinance does allow for special outdoor uses within the A1 zoning district. I believe that some of these are

consistent with the original approval for a greenhouse nursery, but we would also have to, in this amendment, incorporate those special outdoor uses because the sauna experience is outdoors. In reading through the original approved findings of fact and conditions, it really focused on “indoors”, due to the negative impacts associated with outdoor uses such as noise, and so we can address that with setbacks, hours of operation and those types of things. The plan was included in your packet so that you can understand the relationship of where the outdoor sauna and cooling-off area would be located in relation to the existing building. It also shows an expansion to the parking lot is proposed as being non-paved which is appropriate for an agricultural operation. She has shown where additional parking spaces would be to accommodate these additional accessory agricultural uses. The u-pick part of this operation is huge, and so we want to make sure that we have enough parking for the existing uses and the new uses so I think the parking that is shown is reasonable. I'll take a look at that further to see how it meets the zoning ordinance. The other thing I wanted the commission to know is that the original approval did allow for a larger building to be built and that building was never built, and so that part of the SUP has expired. Subsequently, the conservation easement that is held on this property would not have allowed the larger building that was approved by the Planning Commission to be built. We are also looking very closely at the requirements of the conservation easement to make sure that the proposed uses are consistent with that.

Hall: Pardon me, just a matter of clarification: when you say a conservation easement, is that an easement agreement pursuant to the township's PDR program? It's not a conservancy easement?

Shipman: It's not a PDR.

Hornberger: So what is it?

Cram: It's a deed restriction. It's in the property file. Sorry if I misspoke.

Hall: It's important because if it's a PDR, it means the township is a party to that document and has a right to enforce the provisions. So, we really need to understand.

Cram: There have been no violations because the larger building was not built.

Hall: We need to understand what it is. I also want to go back and clarify something else you were talking about: The Right to Farm Act. I think you were indicating that some of the proposed uses are covered by the Right to Farm Act, but you also said, regardless of Right to Farm, we still need to apply the zoning ordinance. Now, this is a technical point, do you mean to the extent that the zoning ordinance on these issues is not preempted by Right to Farm?

Cram: Correct.

Hall: All right, thank you. I would like to ask for the benefit of the applicant and the Commission that when you come back on this one: items that they want to do here that you believe are clearly permitted by Right to Farm, please flag those...

Cram: I will,

Hall: ...so that we don't have to debate that if Right to Farm applies clearly, then it preempts the zoning ordinance.

Cram: I would like to add that it's timely that this application is coming before you because, as you know, the Board did approve the formation of an Agricultural Advisory Committee and so that committee will be working with me and all of you to amend our zoning ordinance to actually codify some of these uses as uses by right, that are covered by the Right to Farm Act, so I do plan to make that very clear.

Hall: Terrific, thank you.

Alexander: I just had some questions. You brought up that it's a conservation easement...

Cram: We are going to confirm what type of restrictions are on the property.

Alexander: That is a concern right now in ongoing litigation and what is happening with conservation easements, and what commercial activity - if any - is allowed on a conservation easement. So that's just something that we need to think about. You mentioned the qigong and yoga in the lavender. Wasn't there a similar concern with the vineyards and yoga in the vines? That activity was not allowed. Was it?

Hornberger: You're talking apples and oranges; you're talking lavender and grapes.

Alexander: Well, but I'm just thinking of being consistent.

Hornberger: I'm not sure that there needs to be consistency between growing lavender and growing grapes.

Alexander: It's not that, it's just the fact that it was an activity considered to be commercial activity. It was not allowed at a vineyard, and now we're considering doing it in a lavender orchard. So, what is the difference? We need to tread carefully here. I'm just bringing that up because we're in this lawsuit now, and this is one of the issues.

Dloski: I agree. I think that's a very good point and because (the issue) is not the grapes and lavender. It's the exercise that you're doing in the grapes or lavender.

Alexander: It's the difference between the principal use or the accessory use. What is the principal activity: is it lavender or is it yoga? Is (the principal use) the sauna or aroma therapy? Is 50% of the aromatherapy coming from lavender? With the lunch boxes, is 50 % of that product (from the lavender)? I'm really concerned about that fine line here, and it seems very similar to the current litigation.

Dloski: Expresses concern that allowing one sauna is going to mean they'll pop up all over the peninsula, don't see how it relates to agritourism.

Alexander: It's the principle versus the accessory that is the struggle.

Cram: There was no question in my mind that lavender-based classes, the farm tours, all of those things are clearly allowed under the Right to Farm Act and Farm Market GAAMPs. The sauna - due to its association with aromatherapy was more , accessory to ag than the yoga or exercise classes. Again, the property owner/applicant has the right to come in and to (make a) request. Erin came in with some questions about expanding her farm to make it viable. I hope to be working with the Agricultural Advisory Committee to present more options for farmers that are truly 'accessory to ag' so that they can add value to their farms. When Erin originally approached me about the sauna I notified her that it would require an amendment to the SUP. I also advised her to consider any other things she might like to do in the future, as it would be sensible to include those before entering into the amendment process. She provided a list, I reviewed the list, and then asked for some additional information. It will be really helpful for us to do a site visit prior to the public hearing.

Hafeli: Good evening, members of the board. My name is **Erin Hafeli. I reside at 13387 Blue Shore Drive.** I'm a full time, year-round resident of Old Mission. I'm also the sole member of Lightwell LLC and bought the lavender farm at 2150 Carroll Road that we're talking about this evening. I left a 15 year corporate career to preserve farming, and I'm really proud to be able to preserve this farmland site. I bought it in 2023. First, I want to express my agreement with Jenn Cram's statement and confirm that her remarks aligned with my intentions with regard to small curated events. I also want to extend my gratitude to the board that we're talking about this proactively. I'm here to request permission, as opposed to forgiveness. My conversations and open communication is (for) establishing the business plan to make this a viable farm use. As it relates to some of the other uses we've talked about today -the yoga and that type of thing - my primary interest at this time is really to look at the sauna, I understand that it's an SUP process and so that's a (good) time to get all these out in the open. I have no immediate plans to do these activities. I really want to know what I

have permission to do first before I pull the trigger on this. As it relates to the outdoor sauna, I would also like to draw attention to the fact that my lavender farm is over ten acres (450,000 square feet) and the proposed area constitutes about 900 sq ft which is 0.2 % of the total square footage. It's a very small component of the overall farm experience. We distill lavender essential oils and hydrosol on site and the expectation would be that we would be using lavender essential oil from our farm as part of the aromatherapy experience. If there are participants that do not wish to use the aromatherapy, for personal preference I don't know that we would restrict their use for the sauna. I do have a narrow and time sensitive opportunity to attract a business partner who is an Old Mission native and owner of Hearth Sauna. There is an existing Hearth Sauna location presently at Mt. Holiday, if anyone would also like to take a site visit there to take a look at the existing operations it would be very compatible with what I would hope to do at the farm. I'm happy to answer any questions you have. I appreciate your consideration and would ask for permission to proceed with the activities that are truly, as the principal nature, intended to be farm-related. I'm learning to farm with the Grand Traverse Conservation Districts Great Lakes Incubator Farm (which is) training new farmers in the area on regenerative farming practices. I'm working to take this mono-crop lavender farm and transition it to a regenerative model. We transitioned to no-spray, we're adding biodiversity this year with the opportunity to have garden allotments and invite our neighbors to grow their kitchen garden in our row gardens onsite. We hope to continue to be a community space to invite people back to connect with the natural land, and lavender farms are a really beautiful place to do that. The location of this farm (cannot be seen) from any main road. If you haven't been there yet, I welcome the visit. We are down a dead-end street in a valley so it truly is off the beaten path. Again, the sauna is my primary focus at this time. Given that it is an extensive, timely, and expensive process to go through this, I wanted to make sure to, as Jenn recommended, ask, what other types of 'accessory to agriculture' uses do we think could be consistent with the infrastructure today at that farm. In the future, if there were any larger scaled plans, I understand that a much fuller process would have to go along with that. I'm looking specifically today - without doing any site work or any construction - what uses could be approved today for the farm.

Hall: I'd just like to make the observation -a variation of what's already said - that this is a great project in that it forces us to examine our policies and ordinances right now. We're going to be looking at Right to Farm, and how it applies here. I recognize that the agricultural community here on Old Mission needs support and some flexibility. How do we do that? The devils in the details and we're going to get into those details here. To Larry's point, other agricultural users here will likely ask for similar things. I don't mean to signal that I'm critical of this but just because something can be done on a farm doesn't make it an agricultural or an accessory use. I think it's going to be great to work through this and (identify) what are the principles and how flexible is the concept of accessory use. I want to emphasize, we need to understand what easements, or restrictions, are on your property. Whether they are PDR - doesn't sound like they are - we really need to understand that.

Cram: It's a deed restriction, not a conservation easement. I misspoke.

Hafeli: I can just add the original SUP did have the proposed construction of 60 by 40 building and the underlying deed restriction allowed for a greenhouse that, I believe, was smaller in size. At the time that we acquired the property, we did come, in advance, to really understand what use rights we had in existence. It was confirmed, at the time, by the township, that I likely could not go back and build what had originally been proposed in the SUP, due to that inconsistency, but that if, in the future, I wanted to build, it would have to be in accordance with the size restrictions called for in the deed restriction. I don't currently have the finances to build that. I'm bouncing all over town at

different greenhouses trying to make it work, but in the future, when my farm is successful and if the opportunity presents itself, I'm aware of the size restrictions for that.

Hall: Jenn, anything more in your presentation.

Cram: I want to be clear with Erin because this is time sensitive for her. And this goes back to the conversation that we had out in the field about the fact that our current process requires the introduction, and then the approval to move to a public hearing. So, the soonest that we could bring Erin back for a public hearing would be June 4th in order to do the public noticing. After, of course, having your blessing after the introduction. She was really hoping to get all of this up and running because lavender will start to harvest at the end of June. If this came before the Planning Commission on June 4th, it would then go to the Town Board at their July meeting. I was not able to advertise this for a public hearing at the special meeting on May 23. I don't know if that is a no-go for you or if you want to proceed with the process, but I want it to be very transparent, so that you understand the timing, I have to treat everybody fairly and consistently. I didn't have the ability to advertise for a public hearing without having the blessing from the Planning Commission. I was trying to figure out how quickly I could move this through - because it is my goal to move applications and applicants through the process as quickly as I can - but that is the reality of the timeline based on the requirements for public notices. Depending on what happens with the Planning Commission in June, you would have a good understanding of their findings (about these different uses) and the likelihood of approval. Moving to the Township Board between June and July, you might be able to talk to your partner. But of course, you would ultimately need to have approval from the Town Board to engage in the activities proposed under this amendment.

Hafeli: I'd like to proceed. I'm aware I may miss this opportunity, but it will be good information going forward.

Cram: I just wanted to be very clear that I did my best to make it all fit together and I'm sorry that I wasn't able to make this happen sooner.

Hall: Any other comments from the Planning Commission on this? I do want to ask a question. Jenn, it seems to me that I need a little bit more education about our ordinance on the question of agricultural zoned property, principal agricultural use and accessory use. We may need to get the Township legal counsel involved as well in light of the concern about equal protection and consistent treatment and the litigation that we are still in. As much as we might like the project, in terms of our own personal interests, we have to think about the next applicant coming in with a different type of project and asking for an expansive interpretation of accessory use.

Cram: I did anticipate that there would likely be legal counsel involvement and that this application would require a resolution with all of the 'whereas', to connect the thought process of how this is accessory to the agricultural use. I don't know if all of you know this, but I do sit on the Committee for the Right to Farm/ Farm Market GAAMPS. I know them very well and believe that I can make a compelling presentation to all of you on where this fits and (where it) doesn't. (I can) also look at the zoning ordinance, specifically when it talks about the principal use of the land and the accessory use; what is customary and incidental to the agricultural operation. All of that will be forthcoming

Hall: Terrific. Thank you.

Shipman: If we're trying to be considerate with the timeline - like we would be with anyone where we're not going down a special path or anything - one of the things that I like to think about when we get our packets is: if I have any questions, I don't want to do them at the meeting. I want to make sure that those questions can be answered at the meeting. Letting Jenn know what those questions are, (in case) she needs to go to legal counsel just arms us to actually get things moving at meetings. Just a reminder as we're talking about timeline.

Cram: I appreciate that, so that I can be prepared to answer your question.

Hall: Because we want to be efficient about processing things. This is an example of why we need to be.

Dloski: I'm sorry, Jenn, did you say that you're looking at this application under the Right to Farm GAAMPs for a Farm Market?

Cram: I will be, yes.

Hornberger: I vaguely remember when the previous owner came to us to build that. We did talk about a deed restriction.

Hall: We'll drill into it, we'll find out. (To Hafeli) When did you acquire the property?

Hafeli: I closed in March of 2023.

Hall: You must have a title policy or title commitment.

Hafeli: I'm sure I do.

Hall: I guarantee you there is a title commitment of title policy, if you don't mind you could send that to Jenn. And Jenn, you could send it to me and I could look at it.

Cram: Why would we need to look at it?

Hall: Because it will tell us what's of record.

Cram: We have it and I apologize that I didn't bring the paper file with me. It is not a conservation easement. It is a deed restriction that was put in place by the previous property owner before Erin bought it. It limited buildings and things like that. I will definitely include that for your information at the next meeting. If you want me to look at that, Randy, I'm happy to but I don't think it's necessary.

Hall: Great. Okay.

Cram: I know looking at Susie, because Susie holds the contract for monitoring that this is not...

Shipman: It's 100% not PDR.

Hafeli: I don't know the whole chain of ownership but I think it was original Kroupa land. I purchased the farm from Amy and Mike Parker. Their lavender farm is "Lavender on Old Mission". They continue to operate at farmers markets and they grow lavender in their front yard, further north. They're still wonderful Old Mission residents and were very helpful in the transition. I'm sure they weren't excited to sell to what is now a competitor. I really appreciate the opportunity to be a female farmer, changing career, and trying to figure this out. I welcome the proactive conversation and hope to collaborate towards something that really is a true accessory to agricultural use outdoors, that's consistent with the existing infrastructure that I have today.

Shipman: Thank you for being here.

Cram: With that, I would like to entertain a motion to allow this application to proceed to a public hearing at the June 4th meeting.

Motion to move SUP #138, Old Mission Lavender Farm, Amendment #1 to a public hearing at the next regular meeting of the Planning Commission. Shipman motioned with second by Beard.

Motion passed by consensus

d. Draft Master Plan - Review of Redlines and Existing Land Use Map

Cram: The draft existing land use map is still a work in progress. It is coming along tremendously and makes more sense as to what the actual existing land uses are. (Local firm) Beckett and Raeder has been working with our assessor with the tax codes as to how properties are currently being taxed to determine how it's currently being used. We did change the colors of the map so things stand out. We have the Agricultural Preservation Area noted, we have the parcels that are under conservation easement and protected, and then we grouped parcels from 1-5 acres as 'suburban-residential' and then 5 acres and more as 'rural-residential' rather than trying to make it similar to the zoning district map. I think it really reads better. Beckett and Raeder was working on some tax

IDs that showed up as vacant or unknown. Sally did get them the updated information last week, so it was a tight turnaround for their GIS person. We were hopeful to have it today, but we will absolutely have that for you at our meeting on May 23rd. In the meantime, I have included the redlines in the packet. I don't know if we want to go through those point-by-point this evening? I received this from Beckett and Raeder on Monday when I forwarded it to all of you and so I haven't had a chance to go through it. I have all of the notes that you've given me for your corrections and haven't had the opportunity to compare that document. I wanted to be very transparent with all of you, as well as the community, as to where the document is at, to date. I think it might be a good use of our time if everybody perused this between now and the May 23rd meeting. Then we could have a more lively discussion there. I did notice that they didn't include our prologue. If you have had the opportunity to dig into it between the time I shared it with you and now, I'd be happy to take those comments, but I didn't want to put you on the spot.

Hall: I would suggest that we wait until May 23rd to collect those comments and give them to you.

Motion to table the discussion until the next special meeting of the Planning Commission.

Dloski motioned with second by Shipman.

Motion passed by consensus

9. Reports and Updates

a. Shoreline Regulations Study Group - Verbal Update

Cram: The Shoreline Regulation Study Group is really working well. I did send out a letter to all shoreline property owners, so anybody who had single ownership or a shared waterfront interest. A letter went out to 2,158 property owners and I would say every day since the letter went out, I receive an email or a phone call from people who are very appreciative to have this information. They didn't know certain things applied and they want to be engaged in the process, and they're engaging in the process in a very thoughtful way. Whether they agree with our existing zoning ordinance or not, they're being very helpful. We've had a good turnout from the community at each of the meetings, and we allow for public comment at the end of the meeting. The shoreline regulation study group has come to a consensus that the current zoning ordinance is too restrictive. Only allowing one boat hoist per 50 linear feet is just not enough. Our residents want to have the ability to have more boats. Based on our interest in having shoreline regulations, the number one reason why we're doing this is for public safety. The second reason that we are doing this is the protection of natural resources and the third reason is due to a lot of conflicts out there between neighbors/where people are locating their docks and hoists. The group agrees on all the reasons why we're doing this, and moving forward, we will have a very strong intent and purpose statement for these regulations. What we're looking at right now is coming up with what makes sense because in addition to having the dock and boat hoist, we need to think about where the dock and hoists are going to be stored when it's not in the water? What is a reasonable number of parking spaces - especially for shared waterfront - to ensure that there is adequate parking. We looked at all of the activities associated with our beaches: swimming, non motorized boats, walking the shoreline, picnics, etc...and so how do all of these different activities coexist with one another. Everyone is feeling very comfortable with something that was presented in the zoning ordinance rewrite which was having setbacks for where these things could be located. If you projected your property lines out into the water - an imaginary property line extending out into the water - then however many docks and hoists we end up with, they would be located in this polygon within this setback. It makes sense for us to stick with the 15 foot side yard setback, because that's what everybody knows. Therefore, there would be this area where a dock and hoist could be located, and it wouldn't be

located any closer than 15 ft of the property line unless, of course, there was agreement between neighbors to share a dock or something like that. We discussed single waterfront ownership. The recommendation, with regard to single waterfront ownership would be to allow two boat hoists per 50 ft as opposed to one. We also want to clarify that a jet ski is a half of a boat hoist, so if somebody wanted to have two jet skis, that would equal one boat hoist. Dave Sanger had done some research in 2022 and had looked at a variety of shared waterfront pieces, and noted what the length of the shoreline was, the frontage, and how many hoists there were. We saw very quickly that very few are in compliance with the existing zoning ordinance. We have some HOAs out there that are doing really well with managing their dock and hoists with their community, so we want to consider that. (Mentions that they've been meeting every other Monday from 3 to 5:00 p.m.) The recommendation that is being considered right now is 3 hoists per 50 ft. A concern was raised that it would not be equitable if you allowed three hoists per 50 ft. for shared and not for single, because the single waterfront ownerships are paying more property tax and the group agreed that it should be equitable between shared waterfront owners and single waterfront ownership. The policy direction is moving forward and still under discussion, and will be on paper to share with you soon. I do plan to have some guest speakers come to educate us. I'm hoping that Heather Smith, the bay keeper, can come. I'd like to have someone from EGLE. I want the study group to be educated, so that we can understand the different things we can do, creatively, to allow people to enjoy their beach but also protect the natural resources.

Hall: I would just like to comment that, in my opinion, the Shoreline Study Group is really terrific. Like we did with Building Height, the study group is educating our planning office and, also indirectly, the Planning Commission. We're getting a lot of input, we're getting surprising information on things we didn't think about in the discussions. I think it's terrific because there was an enormous amount of concern, people who felt that they were worried that this would be a governmental overreach, and would prevent them from enjoying the water, and so on. As Jenn explained, there are at least three very good reasons why we need to have these shoreline regulations. One of the things that Jenn came up with is - an idea that I assume is going to make its way into the policy recommendation from her office - for shared waterfront is that there are no two shared waterfronts that are identical, and it's not like single family ownership. Those are very similar, but with shared waterfront it's different. We may have - depending on the density level and the number of hoists per shoreline linear foot, we may have different processes to get those approved which would give more flexibility and provide a path for those. I think it's great that a letter went out to the shoreline owners because we really want to avoid, particularly on a topic of this importance, a lack of transparency. We want to be transparent. We want to tell everybody that we're doing this, invite them to the shoreline study group meeting which are open to everybody and there is a chance for public comment, if you're out there watching this.

Cram: Know everybody has the same goal, let's make our zoning ordinance the best that it can be to work for the community, and it's not going to work for every situation but it will work for the majority. Because the shoreline is irregularly shaped, we could have some challenges in the future of projecting the property lines. The zoning ordinance will have to have some administrative flexibility built into it. As Randy mentioned, at the last shoreline study group we talked about how if you're meeting all the standards and you're proposing 1-4 boat hoists, just do it. If you have 5-10 boat hoists, it would require a sort of land use permit specific to the shoreline. We just want to see the plan: how are you really going to fit these things, where are you going to store things and then the approved shoreline permit would be good for five years at which point it would require renewal and then you'd come back and renew it. If there were a proposed higher density, it would come to the Planning Commission. This might lend itself nicely to an abbreviated amendment to an SUP

process I had proposed instead of a full process with a public hearing. It could just come before the Planning Commission, and we would advertise so neighbors would know that somebody's proposing a dock with 20 hoists or something. That way we can look at the plan to make sure they've made an accommodation for where the swimmers are, where items are stored, and where parking is. In addition to talking about the standards in the process, we'll be able to make this easier and become something we can actually administer.

Shipman: There is something that I want to put forward. As you've just mentioned, about individual lots... I have direct personal experience of a situation where, if the line was extended when the water was low, we would have zero waterfront. I will admit that this is our personal property, and we usually have a couple hundred feet of shoreline, according to our survey. (Shipman shows the original parcel, and the piece that was divided off. Based on the angle, at low water, it illustrates that they would have zero access.) This means that you can't just run a line (from the property into the water). One answer would be going to the zoning board of appeals for a dimensional variance, but that's a pretty cumbersome process, and so we would prefer that it be done administratively.

Cram: Acknowledges that Susie's property is a good example of how, for some properties, projecting the property line out is not going to work and she will look into it.

Shipman: Thanks for listening.

Cram: acknowledges that good work is being done on private and shared waterfront by the study group. The plan was for me to bring all of my notes back from this meeting to the study group to make sure I captured things. I believe that at the June meeting I can come back with a policy direction for single and shared waterfront. Then we will move on to the development standards for work on the shoreline.

Hall: Thanks, Jenn. By the way, is doing her usual great job on running the discussion on the shoreline study group, so thank you.

Cram: It really helps to have visuals and so going to more of a charette really helped us break down some verbal barriers by allowing people to come up and add their own notes. The conversation really just started to evolve from there. I reserve the right to get smarter and learn new things and then get creative.

b. Agricultural Advisory Committee - Verbal Update

Cram: The board approved the concept of forming a standing agricultural advisory committee. This committee would function very similarly to the parks committee. They would be charged with advising the board on matters related to production agriculture on the peninsula. We are looking for a diverse representation of all farmers and have done an email blast and posted it to the township website. We are currently accepting letters of interest to serve on this committee. The plan is that they would meet every other month, which amounts to six times per year. I want to be flexible because our farmers are busy. In addition to advising the board in matters related to agriculture, we would also discuss current hot topics. For instance, migrant housing or cold storage of apples, etc. We could work on at least doing one presentation to the board, but in addition, have a standing committee to work with on making amendments to our zoning ordinance. This will allow us to be nimble to support agriculture here. The first project that I'll be working with this committee on is signage. Again, this year I will be requesting that the board renew, or approve another resolution, that suspends the enforcement of agricultural signage to allow farmers more signage for the u-pick operations. There are farms such as Erin (Hafeli)'s that are off the beaten path and they'd like to have some off-premise signage. We'll dig into signage and we will be working on value-added accessory uses. Some of the things that (have been) proposed are things that, in the future, should be uses by right, but they're not in the zoning ordinance right now. So, we need to look at them as

part of an SUP amendment and how it meets those requirements. I was the staff liaison to the agricultural advisory board for Larimer County and we learned so much and were able to accomplish so much. We did three presentations to the county commissioners every year and did a huge overhaul to our land use code on some pretty contentious issues. We were dealing with livestock and poultry and really large acreages/feedlots, and things like that have some pretty serious negative impacts. We were able to work through regulations that the farmers could embrace, so I'm excited to work with the agricultural community here. It's important.

10. Public Comments

Board discusses future unavailability of certain members but notes that upcoming meetings will have enough members present to have a quorum.

11. Other Matters or Comments by Planning Commission Members

Cram: Tomorrow is the first Agritourism Summit at the Hagerty Center. I will be speaking on a panel with two planners: one from Long Lake Township and one from Emmett County. We will be speaking to what we've learned about zoning and how it can support agritourism. I have learned a lot about this community, I think that Amendment #201, looked at mitigating those negative impacts, using a scaled approach, and having this Agricultural Advisory Committee so that the agricultural community has a voice. I'll be talking about the PDR as one of our success stories. As you know, the PDR program is something that the citizens have voted to tax themselves on to preserve agricultural land three times. We've preserved a lot of land, there's more to be preserved, and the preservation of that land in a conservation easement helps to keep the land affordable for new farmers and it gives financial support to existing farmers to expand their farm operations. So, the first part of my presentation will be to give Peninsula Township a pat on the back for their vision and to the community for embracing the PDR program.

12. Adjournment

Dloski moved to adjourn at 8:59 p.m. with a second by Hornberger.

Motion passed by consensus

Business

Peninsula Shores PUD

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

Special Use Permit (SUP)/Planned Unit Development (PUD) Amendment
FINDINGS OF FACT AND CONDITIONS
SUP #123, Amendment #5 - Peninsula Shores (Formerly The 81) PUD Condominium Subdivision
May 23, 2024

PENINSULA TOWNSHIP PLANNING COMMISSION

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

Hearing Date(s): Planning Commission: April 2, 2024 (Introduction),
Planning Commission: May 23, 2024 (Public Hearing)

Township Board: TBD

PROPERTY DESCRIPTION

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

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

INTRODUCTION AND BACKGROUND

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

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

On May 10, 2022, the Township Board approved the third amendment to SUP #123 that included relocating Unit 1 from the southeast corner of the development to the northwest corner of the development, removing Parcel A from the SUP/PUD eliminating a steep lakefront access, modifying a sanitary easement for Unit 6 and lot line adjustments to Units 38-41.

The 81 Development Company has submitted an application and supporting materials attached as **(EXHIBIT 1)** to amend the approved SUP #123 that will amend the configuration of the approved PUD. This will be the fifth amendment, as the second amendment was withdrawn, and the fourth amendment is currently pending before the board and will likely be officially withdrawn. The current request for Amendment #5 is summarized below.

- 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

FINDINGS - SECTION 8.1.3 (1) GENERAL STANDARDS

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

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

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

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

The Peninsula Shores Planned Unit Development (PUD) was approved for 41 single-family residential units with 65% open space. The requested amendment does not increase the proposed density of the development and increases the amount of the development that will be used as private open space. Thus, the proposed use of the property for single-family residences does not change as a result of the requested amendments to modify the configuration of the PUD.

The PUD process allows for flexibility in the physical development pattern in exchange for preserving open space. Had the property utilized the standard land division process the total

density allowed on the ~81 acres were estimated at 55 units with no requirement to preserve any open space. Per Section 8.3.2, one of the objectives of a PUD is to cluster the location of residential uses. As such, the approved development generally clustered the 41 residential units around the perimeter of a large tract of open space located centrally on the property. Open space was also maintained along the eastern side of the property to preserve an area of steep shoreline. The proposed relocation and reconfiguration of the 41 units of development remain clustered around the open space.

There is currently a 30 foot PUD buffer to the northern property line. Unit 11 proposes a 15 foot setback from the northern (rear) property line. Both the R-1A and R-1B zone districts require a 30 foot rear setback. A condition of approval has been proposed to increase the setback from 15 feet to 30 feet. There will then be a 60 foot buffer from future homes to the northern property line. The applicant has also planted a double row of evergreen trees within the northern 30-feet to provide a buffer to adjacent residences to the north.

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

Staff finds that the proposed amendments as summarized above are harmonious and appropriate in appearance with the existing character of the general vicinity because single-family residential uses are allowed in the area and currently developed. Furthermore, the larger blocks of open space are still preserved and enhanced. A generous buffer between compatible residential uses is also proposed.

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

The proposed amendments will not change the overall character of the previously approved PUD. Therefore, the proposed amendments would not be hazardous or disturbing to existing or future uses in the same general vicinity, as a residential use adjacent to another residential use is compatible.

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

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

Section 8.3.2. encourages developers to use a more creative and imaginative approach in the development of residential areas. Relocating Units 11 and 12 to the northwest corner preserves a view to the bay from Boursaw Road. Relocating Unit 1 to the south creates two smaller lots that will result in two smaller homes rather than one large home. The amendments also result in a more desirable and usable open space area for the development. In addition, the total open space preserved increases from 65% to 66%.

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

- (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.***

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

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

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

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

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

FINDINGS - SECTION 8.1.3(3) SPECIFIC REQUIREMENTS:

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

- (a) ***That the applicant may legally apply for site plan review.*** The 81 Development Company as the property owner and developer/applicant may legally apply for an amendment to the SUP and PUD to amend the site plan.
- (b) ***That all required information has been provided.*** Staff finds that the application for the requested amendments to be complete.
- (c) ***That the proposed development conforms to all regulations of the zoning district in which it is located.*** Staff finds that all existing approved uses and proposed amendments conform to the requirements of the R-1A and R-1B zone districts. Staff also finds that the requested amendments conform to the requirements associated with a PUD per Section 8.3 as discussed in detail below.

- (d) ***That the plan meets the requirements of Peninsula Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage and other public facilities and services.*** Staff finds that the proposed amendments to the development conform to the requirements associated with a PUD per Section 8.3. There are no changes proposed that will impact fire and police protection, water supply, storm drainage or other public facilities and services.
- (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.*** Staff finds that the proposed amendments to the SUP/PUD meet requirements or standards of other governmental agencies consistent with the original approval and subsequent amendments.
- (f) ***That natural resources will be preserved to a maximum feasible extent, and that areas to be left undisturbed during construction shall be so located on the site plan and at the site per se.*** Staff finds that the proposed amendments do not negatively impact prior approvals with respect to natural resource preservation. The open space for the development continues to meet the 65% requirement. The proposed relocation of Units improves the open space within the development and creates another view to the bay from a public road.
- (g) ***That the proposed development property respects flood ways and flood plains on or in the vicinity of the subject property.*** Staff finds that the proposed plan amendments do not impact flood ways and flood plains.
- (h) ***That the soil conditions are suitable for excavation and site preparation, and that organic, wet or other soils which are not suitable for development will either be undisturbed or modified in an acceptable manner.*** Staff finds that the proposed amendments do not impact prior approvals with respect to soil suitability.
- (i) ***That the proposed development will not cause soil erosion or sedimentation problems.*** Staff finds that the proposed amendments do not negatively impact prior approvals with respect to soil erosion or sedimentation. A condition of approval is proposed that requires that the applicant receive a Land Use Permit prior to construction that covers these items.
- (j) ***That the drainage plan for the proposed development is adequate to handle anticipated stormwater runoff, and will not cause undue runoff onto neighboring property or overloading of water courses in the area.*** Staff finds that the proposed amendments do not negatively impact prior approvals with respect to stormwater. Again, a condition of approval has been proposed that requires that the applicant receive a Land Use Permit prior to construction of single-family residences that covers storm water management. The Township Engineer has reviewed the stormwater control plan and found it to be satisfactory.

- (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.*** Staff finds that the proposed amendments will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring properties with regard to grading and filling. The underlying zoning allows for residential uses and the PUD as approved allowed for 41 residential units within the development. Construction of a single-family residence is normal for areas that allow for residential uses. A condition of approval is proposed that notes that no fill will be allowed and sets a reasonable finished floor elevation with existing natural grade. Few mature trees will be removed as a result of the relocation and configuration of lots. The applicant has planted a buffer of evergreen trees along the northern property line as well to improve the character of the area.
- (l) ***That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.*** Staff finds that the proposed amendments will not disrupt air drainage systems necessary for agricultural uses.
- (m) ***That phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility service, drainage or erosion control.*** Staff finds that the proposed amendments will not impact any project phasing.
- (n) ***That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities.*** Staff finds that the proposed amendments will not change plans to expand existing facilities such as public streets, drainage systems and water sewage facilities.
- (o) ***That landscaping, fences or walls may be required by the Town Board and Planning Commission in pursuance of the objectives of this Ordinance.*** Staff finds that the proposed amendments will not change any requirements for fences or walls.
- (p) ***That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.*** Staff finds that the proposed amendments will not adversely affect the flow of traffic within the site, or to and from adjacent streets.
- (q) ***That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.*** Staff finds that the proposed amendments will not change vehicular and pedestrian traffic flow within the development.
- (r) ***That outdoor storage of garbage and refuse is contained, screened from view and located so as not to be a nuisance to the subject property or neighboring properties.*** Staff finds that the proposed amendments will not change plans for addressing outdoor storage of garbage and refuse.

- (s) ***That the proposed site is in accord with the spirit and purpose of this Ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.*** Staff finds that the proposed amendments are in accordance with the spirit and purpose of this Ordinance and past approvals of the SUP/PUD.

SECTION 8.3 PLANNED UNIT DEVELOPMENTS

FINDINGS – 8.3.2 OBJECTIVES

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

1. ***To provide a more desirable living environment by preserving the natural character of open fields, stand of trees, steep slopes, brooks, ponds, lake shore, hills, and similar natural assets.*** Staff finds that the proposed amendments do not change the initial determination that the project creates a desirable living environment by preserving the natural character of open fields, stand of trees, steep slopes, brooks, ponds, lake shore, hills, and similar natural assets. This is accomplished by clustering the residential development sites around large tracts of open space that exceeds the 65% requirement (66%).
2. ***To provide open space options.*** Staff finds that the proposed amendments increase the amount of open space being preserved. The relocation of Units 11 and 12 improves open space within the development and a view to the bay. Proposed amendments require the removal of a few mature trees.
3. ***To encourage developers to use a more creative and imaginative approach in the development of residential areas.*** Staff finds that the proposed amendments do not change the initial determination that the development offers a more creative and imaginative approach in the development of residential areas. Furthermore, the open space within the development is improved, and the clustering of residential development sites around larger tracts of open space is maintained. The overall density allowed by the approved PUD is less than what could have been achieved using the standard land division process. Proposed amendments do not increase density.
4. ***To provide for more efficient and aesthetic use of open areas by allowing the developer to reduce development costs through the by-passing of natural obstacles in the residential project.*** Staff finds that the proposed plan amendments do not change the initial determination that the development offers a more efficient and aesthetic use of open areas. Staff further finds that the proposed amendments are a substantial improvement to the designated open space as the size of the open space is increased for the benefit of the entire development and preserves a view to the bay.
5. ***To encourage variety in the physical development pattern of the Township by providing a mixture of housing types.*** Staff finds that the proposed amendments do not change the initial determination that the development offers a variety in the physical development patterns. Forty-one residential units were approved with 65% open space where 55 units with no associated open space could have been developed under the Land Division Act.

6. ***To provide for the retention of farmland by locating the allowed number of housing units on the agricultural parcels of land in clusters which are suitable for residential use and keep the remaining agricultural land in production or fallow and available for production.*** Staff finds that the proposed amendments do not change the initial determination that the development locates the allowed number of housing units on the residentially zoned property in clusters which are suitable for residential use and keeps the remaining open space protected from development with residential uses. The 41 units are clustered around two large tracts of open space.

FINDINGS – 8.3.3 QUALIFYING CONDITIONS

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

1. ***The planned unit development project shall not be less than twenty (20) acres in area, shall be under the control of one owner or group of owners, and shall be capable of being planned and developed as one integral unit.*** Staff finds that the development area is still far more than 20 acres in size at ~81 acres.
2. ***The planned unit development project shall be located within a Residential or Agricultural District, or a combination of the above Districts.*** Staff finds that the development area remains residential (R-1A and R1-B) and has an approved PUD that allows the development of 41 residential units by virtue of past approvals.
3. ***Water and waste disposal shall comply with the Township Master Plan and be approved by Grand Traverse County or State of Michigan requirements.*** Staff finds that the proposed amendments do not change past approvals of water and waste disposal systems.
4. ***The proposed density of the planned unit development shall be no greater than if the project were developed with the lot area requirements of the particular zone district or districts in which it is located subject to the provisions of Section 8.1. except as provided by Section 8.3.5 (1).*** Forty-one units were approved and 41 units still exist as a result of requested amendments. Approximately 55 units could have been developed using the standard land division process with no requirement for open space. Staff finds that the proposed amendments do not change past determinations of equivalent density.
5. ***Open space shall be provided according to Section 8.3.6.*** Staff finds that the proposed plan amendments positively change the open space configuration such that a larger tract of open space is provided on the east side of the development that preserves a view to the bay.
6. ***For purposes of this Section 8.3, Open Space does not include building envelopes, parking lots and roads (roadbed width plus two (2) foot shoulders on each side).*** Staff finds that the proposed amendments do not include building envelopes, parking lots and roads within the designated 66% open space.
7. ***The proposed planned unit development shall meet all of the standards and requirements outlined in this Section 8.3 and also Section 8.1. and Article VII.*** Staff finds

that the proposed amendments do not change prior determinations that the proposed planned unit development meets the standards and requirements outlined in Section 8.3, Section 8.1. and Article VII.

COMPLIANCE WITH GOVERNMENTAL REGULATIONS:

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

APPROVAL CONDITIONS AND SAFEGUARDS:

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

1. All prior findings, conditions and safeguards imposed by the Circuit Court and the Peninsula Township Board of Trustees that apply to this amendment remain in effect.
2. Approval of a Land Use Permit is required prior to any construction of residential units within the development. Such Land Use Permit will include review and approval of dust suppression, storm water management, soil erosion control, and Grand Traverse County Environmental Health requirements.
3. No fill shall be placed on Units 11, 12, 1 and 41. The single-family residences shall be sited to utilize the existing topography of the lots. The finished floor elevation of the residences shall be no greater than two feet above existing natural grade on each lot.
4. The Master Deed shall be updated to be consistent with the approved amendments.

COMMENCEMENT AND COMPLETION

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

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the Peninsula Shores PUD, SUP #123, Amendment #5 to the board based on the Findings of Fact and four conditions of approval.

SUGGESTED MOTION:

I move that we the Planning Commission recommend approval of the Peninsula Shores PUD, SUP #123, Amendment #5 to the board based on the Findings of Fact and four conditions of approval.

EXHIBITS:

- 1. Original Application Materials + Additional Materials Provided by the Applicant since Introduction
- 2. Engineering and Fire Department Comments
- 3. Public Comments

EFFECTIVE DATE OF SPECIAL LAND USE:

The special land use permit for the Peninsula Shores PUD, SUP #123, Amendment #5 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 _____

Isaiah Wunsch, Peninsula Township Supervisor

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

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

The 81 Development Company, LLC
Kyle O'Grady
901 S Garfield, Suite 202,
Traverse City, MI 49686

Exhibit 1

March 7th, 2024

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

RE:
Peninsula Shores, PUD #123
Application for Amendment #5

Dear Ms. Cram and Peninsula Township Planning Commission,

On behalf of Kyle O'Grady and the community at Peninsula Shores, please find the following information regarding the requested Amendment #5 to the Peninsula Shores PUD located at 3985 Boursaw Road, Traverse City, MI 49686.

Please feel free to call me at (231) 946-9310 should you have any questions or require any additional information. Thank you for your time.

Sincerely,



Doug Mansfield
President

PENINSULA TOWNSHIP APPLICATION FOR SPECIAL USE PERMIT NO.

Section 8.1

Parcel Code/s #28-11-114-001-00 & 28-11-114-002-00

Property Address: Boursaw Road, Traverse City, MI 49686

Applicant Address: 901 S. Garfield Rd., Suite 202, Traverse City, MI 49686

<u>Applicant's Signature</u>	<u>Check No.</u>	<u>Date</u>
<i>Kyle O'Grady</i>		
<u>Review Fee</u>		
<u>APPLICATION REQUIREMENTS Section 8.1.2</u>		

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

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

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

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

Special Use Permit - Planned Unit Development Checklist

Special Use Permit Number #123 Amendment #5

Parcel Code/s #28-11-114-001-00 and 28-11-114-002-00

Property Address: Boursaw Road

Applicant: Peninsula Shore - 901 S. Garfield Road, Suite 202, Traverse City, MI 49686

ARTICLE VIII

Ordinance Reference - Section 8.1.2 Permit Procedures:

1. Submission of Application:

- a. \$768 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:

General Standards continue to be met with proposed dimensional site modifications.

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

- a. no 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. no 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. no 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. no Not create excessive additional requirements at public cost for public facilities and services.
- e. no 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.

The proposed dimensional site modifications continue to meet these standards.

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. **no change** 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. no 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. no change 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.~~

The proposed modifications do not change the original intent of the approved PUD.

~~Section 8.3 Planned Unit Developments:~~

~~Section 8.3.2 Objectives: The following objectives shall be considered in reviewing any application for a special use permit for planned unit development.~~

~~**Provide statements showing HOW the project meets the following Objectives:**~~

1. Provides a more desirable living environment by preserving the natural character of open fields, stand of trees, brooks, ponds, lake shore, hills, and similar natural assets.
2. Provision of open space and the development of recreational facilities in a generally central location and within reasonable distance of all living units.
3. A more creative and imaginative approach in the development of residential areas.
4. More efficient and aesthetic use of open areas by allowing the developer to reduce development costs through the by-passing of natural obstacles in the residential site.
5. Encourage variety in the physical development pattern of the Township by providing a mixture of housing types.
6. The retention of farmland by locating the allowed number of housing units on the agricultural parcels of land in clusters which are suitable for residential use and keep the remaining agricultural land in production or fallow and available for production.

The proposed dimensional site modifications do not change the Conditions for PUD.

~~Section 8.3.3 Qualifying Conditions: Any application for a special use permit shall meet the following conditions to qualify for consideration as planned unit development.~~

1. The planned unit development site shall not be less than twenty (20) acres in area, shall be under the control of one owner or group of owners, and shall be capable of being planned and developed as one integral unit. PROVIDED that the site size requirement may be reduced by the Township Board if the Board determines that the proposed use is a suitable and reasonable use of the land.
2. Located within a Residential or Agricultural District, or a combination of the above Districts.
3. Where the County Health Department will approve, community type water and sewer facilities shall be provided as part of the site development. Package or other treatment systems shall be of sufficient capacity to process the total sewage load of the project. The location shall be such as to afford possible mechanical hook-up with the proposed Regional Treatment System when fully developed. It is recognized that joining water and sewer ventures with contiguous or nearby land owners may prove to be expedient.
4. The proposed population density of the planned unit development shall be no greater than if the tract were developed with the lot area requirements of the particular zone district or districts in which it is located subject to the provisions of Section 8.3.5(2)(b).

5. For each square foot of land gained through the reduction or averaging of lot sizes, equal amounts of land shall be dedicated to Peninsula Township, or retained by the property owner when specifically permitted by the Special Use Permit, or shall be set aside for the common use of the home or lot owners within the planned unit development under legal procedures which shall also give Peninsula Township a covenant or interest therein, so that there are assurances that the required open space shall remain open subject to the provisions of Section 8.3.6.
6. The proposed planned unit development shall meet all of the standards and requirements outlined in this Article, Section 8.1.

Section 8.3.4 Uses that May be Permitted: The following uses of land and structures may be permitted within planned unit developments, **Indicate the proposed uses in the Planned Unit Development:** No change in use type with increase of density to open space

1. All uses permitted by right, or by special use permit in the respective Residential or Agricultural Districts in which the Planned Unit Development is proposed, subject to all the restrictions therefore.
2. Two family dwellings.
3. Group housing, row houses, garden apartments, or other similar housing types which can be defined as single family dwelling with no side yards between adjacent dwelling units.
4. Recreation and open space, provided that only the following land uses may be set aside as common land for open space or recreation use under the provisions of this Section:
 - a. Private recreational facilities, but not golf courses, such as pools, or other recreational facilities which are limited to the use of the owners or occupants of the lots located within the planned unit development.
 - b. Historic building sites or historical sites, parks and parkway areas, ornamental parks, extensive areas with tree cover, low lands along streams or areas of rough terrain when such areas have natural features worthy of scenic preservation.
 - c. Commonly owned agricultural lands.
5. no change Signs as allowed by Section 7.11.
6. Agricultural lands.
7. Garages and accessory buildings and uses exclusively for the use of residents of the planned unit development and for the proper maintenance thereof.

Section 8.3.5 Lot Size Variation Procedure: The lot area for Planned Unit Developments within Residential and Agricultural Districts may be averaged or reduced from those sizes required by the applicable zoning district within which said development is located by compliance with the following procedures: Overall PUD open space increase of .71%

1. Site Acreage Computation:
 - a. 82.44 The gross acreage proposed for a planned unit development.
 - b. 0 Acreage not included:
 - i. 0 Land utilized by public utilities as easements for major facilities, such as electric transmission lines, sewer lines, water mains, or other similar lands which are not available to the owner because of such easements.
 - ii. 0 Lands below the Lake Michigan ordinary high water mark.
 - iii. 0 Lands used for commercial purposes subject to the requirements of Section 6.8.
 - c. Maximum Number of Lots and Dwelling Units:

Remains at 41 lots as originally approved.

- d. 82.44 Gross Acreage available for development. (1.a. minus 1.b.)
- e. 12.36 Subtract from the total gross area available a fixed percentage of said total for street right-of-way purposes.
 - i. 12.36 R-1A and R-1B Residential Districts - 15%.
 - ii. - R-1C Residential District - 20%.
 - iii. - R-1D Residential District - 30%.
 - iv. - A-1 Agricultural District - No Reduction.
- f. 70.08 Net Acreage available for development.

- g. 41 Total Units 72 Allowed number of dwelling units (Sum of d.i. through d.v.).
 - i. 66.2 R-1A District (Net Acreage divided by 43,560 square feet) 66.24 acres
 - ii. 6.7 R-1B District (Net Acreage divided by 25,000 square feet)
 - iii. - R-1C District (Net Acreage divided by 20,000 square feet) 3.84 acres
 - iv. - R-1D District (Net Acreage divided by 15,000 square feet).
 - v. - A-1 District (Net Acreage divided by 5 Acres).

- h. 0 Requested additional density reasons such as higher than normal developing costs resulting from special requirements of Section 8.3.

no change

2. Permissive Minimum Lot Area:

- a. Districts R-1A and R-1B -- 12,000 square feet
- b. District R-1C -- 9,000 square feet
- c. District R-1D -- 5,000 square feet
- d. District A-1 -- 22,000 square feet when the open space land is restricted agricultural land and 1 acre in all other cases.

3. Maximum Lot Area:

- a. When the open space land is to be retained by the property owner as restricted agricultural land; the maximum residential lot size shall be one acre,
- b. The Township Board may approve larger lots if prime agricultural land will not be lost.

4. Permissive Minimum Yard Requirements: Under the lot averaging or reduction procedure, each lot shall have at least the following minimum yards:

- a. Front Yard: Twenty five (25) feet for all dwellings. PROVIDED that front yard requirements may be varied by the zoning board after consideration of common greens or other common open space if such space provides an average of 25 feet of front yard area per dwelling unit.
- b. Side Yard: Fifteen (15) feet on each side for all one and two-family dwellings; none for town houses or row houses PROVIDED that there shall be a minimum of 15 feet between ends of contiguous groups of dwelling units.
- c. Rear Yard: Thirty (30) feet for all dwellings, PROVIDED that rear yard requirements may be varied by the Township Board after consideration of common open space lands or parks or waterfront areas which abut the rear yard area.

5. Maximum Permissive Building Height:

- a. 2.5 stories but not exceeding 35 feet.
- b. Accessory buildings shall not exceed a height of 15 feet.

6. Section 8.3.6 Open Space Requirements Option: The Township Board shall utilize one of the following three options for dedication of the provided open space:
- a. _____ That open space land shall be set aside as common land for the sole benefit, use and enjoyment of present and future lot or home owners within the development.
 - i. _____ Such open space shall be conveyed by proper legal procedures from the tract owner or owners to a home owners association or other similar non-profit organization so that fee simple title shall be vested in tract lot owners as tenants in common.
 - ii. _____ Documents providing for the maintenance of said land and any buildings thereon to assure that open space land remains open shall be provided to the Township Board for its approval.
 - b. ~~_____ That open space land shall be dedicated to the general public for park or recreational purposes by the tract owner or owners provided that the Township Board makes the following determinations:~~
 - i. ~~_____ The location and extent of said land is not in conflict with the Comprehensive Development Plan of Peninsula Township.~~
 - ii. ~~_____ The access to and the characteristics of the open space land is such that it will be readily available to and desirable for public use, development and maintenance.~~
 - c. ~~_____ That open space shall be retained in agricultural use as specified on the site plan with the following conditions:~~
 - i. ~~_____ Land shall be used exclusively for farming purposes but no building shall be placed thereon nor shall any special uses be permitted.~~
 - ii. ~~_____ A conservation easement shall be granted to Peninsula Township that restricts uses on the agricultural property to those above uses approved by the Township Board.~~
 - iii. ~~_____ A farmstead parcel consisting of a residence for the owner or operator of the farm along with any or all of the following outbuildings may be shown on the site plan if approved by the Township Board:~~
 - (1) ~~_____ Barns existing or proposed for uses necessary for agricultural production.~~
 - (2) ~~_____ Outbuildings existing or proposed for storage of machinery and equipment used for agricultural production.~~
 - (3) ~~_____ If a farmstead is shown on the site plan it shall be counted as one of the allowed dwelling units in the Planned Unit Development.~~

7. Section 7.7 Developments Abutting Agricultural Lands: Section 7.7.1 Agricultural Setback: The following setbacks shall be required when a planned unit development, subdivision, condominium, mobile home park, or other group housing is developed; and on those metes and bounds parcels created after the effective date of this amendment, as provided below

- a. Section 7.7.1.1 Requirement Agricultural Setback:
 - i. _____ A setback of 100 feet from the property line of the adjacent property shall be required for accessory uses, buildings or structures as follows:
 - (1) When a planned unit development, subdivision, condominium, mobile home park, or other group housing is developed adjacent to land that is zoned A-1 Agriculture, and;
 - (2) When a planned unit development, subdivision, condominium, mobile home park, or other group housing is developed adjacent to land that is zoned

AG setback standards remain

Residential but is shown on the Agricultural Preserve Map of the Peninsula Township Comprehensive Plan as adopted and amended from time to time by the Planning Commission.

- ii. _____ A setback of 50 feet from the property line of the adjacent property shall be required for those portions of metes and bounds parcels created after the adoption of this amendment that have a common line with land that is zoned A-1 Agriculture unless that A-1 Agriculture zoned land is being used for residential purposes.
- iii. _____ The setback areas required by (1) and (2) above shall not be used for accessory uses, buildings or structures.
- iv. _____ A setback of 100 feet shall be required when a planned unit development, subdivision, condominium, mobile home park, or other group housing is developed adjacent to land that is zoned Residential but is currently being used for agricultural production that includes the carrying on of usual soil practices of cultivation, spraying and fertilization.

The 30-foot PUD perimeter setback remains unchanged.

- b. _____ **Section 7.7.1.2 Lot Designation:** Subdivision Lots or Condominium Limited Common Elements adjacent to such agricultural lands shall have designated building sites shown on the preliminary and final plans. Residential and accessory uses shall be located within the designated areas. Plans accompanying applications for zoning permits shall show such designated sites.

Setback dimensions within individual lots (building envelopes) are unchanged.

- c. _____ **Section 7.7.1.3 Exceptions to Required Setbacks:**
 - i. _____ The Township Board may, upon recommendation of the Planning Commission, decrease the required setback on any or all lots or limited common elements when the Township Board determines that one or more of the following conditions exist:
 - (1) _____ The existence of topographic conditions i.e. steep slopes, changes in grade, wetlands etc. or other site conditions which make it:
 - (a) _____ unlikely that any of the uses allowed in the agricultural district would be located on the adjacent agriculturally zoned land; or
 - (b) _____ so that the properties are sufficiently separated to mitigate incompatibilities of use.
 - (2) _____ There exists an easement such as a conservation easement on the land adjacent to the proposed plat that restricts agricultural uses in such a manner that protection to future homeowners is equal or better than that provided by the 100 foot setback.
 - (3) _____ There are existing residential uses along the lot line of the agriculturally zoned property.
- 8. _____ **Section 8.3.7 Affidavit.** The applicant shall record an affidavit with the register of deeds containing the legal description of the entire project, specifying the date of approval of the special use permit, and declaring that all future development of the planned unit development property has been authorized and required to be carried out in accordance with the approved special use permit unless an amendment thereto is duly adopted by the Township upon the request and/or approval of the applicant, or applicant's transferee and/or assigns.

Introduction to Amendment No. 5

Amendment #5 Application Requests

- 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

Benefits:

- Preservation and protection of important viewsheds
- Increase open space throughout
- Centrally locating open space within the development
 - Add outcroppings, plantings, and ornamental trees to this protected open space
 - See landscape drawing provided
- Improved flow of traffic at community intersection
- Improved line of sight at community intersection
- Provide for a better open space aesthetic from Boursaw Road

Supporting documents as part of this submittal request include:

- SUP Application
- SUP Development Checklist
- PUD Amendment Site Plan
- Letter from Health Department

ARTICLE VII

Ordinance Reference – Section 8.1.2 Permit Procedures:

STATEMENT OF HOW THE PROPOSED PROJECT WILL:

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

This amendment seeks to allow for the reconfiguration of a few units in the subdivision. Reconfigurations outlined in this proposed amendment will continue to maintain the essential character of the originally approved PUD. Not only will this amendment improve the community's open space in terms of net square footage of total open space, it will also improve the actual location and function of that open space - making it much more harmonious with the rest of the community.

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

The proposed amendment will be a substantial improvement mainly because of the increase to, and function of, the Common Open Space area of the PUD. These changes will preserve and protect important viewsheds. This will result in better flow of traffic and improved line of sight at the community's only intersection. Additionally, the developer will make improvements to this relocated open space including outcroppings, decorative trees and plantings.

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

All units are accessible by a private road which is adequate for police and fire protection as approved and constructed. The relocation of Unit 1 will require it to be serviced by the community septic system. Units 11 and 12 are currently serviced by the community septic system. Relocating these units to the north will allow Unit 1 to be serviced without any expansion of the system as Units 11 and 12 will be served by individual septic systems, which is the case with many of the units within the development. We do have a letter from the Grand Traverse Health Department for preliminary approval of septic systems for Unit 11 and 12.

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

There will be no additional creation of any excessive requirements for public facilities and services with the reconfiguration of the proposed Units and open space.

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

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

ORDINANCE REFERENCE – SECTION 8.1.3

STATEMENT OF HOW THE PROPOSED PROJECT MEETS THE STANDARD:

10.

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

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

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

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

The applicant is still the majority shareholder of Peninsula Shores HOA - owning 25 of the existing 41 lots within the PUD therefore may still solely and legally apply for the requested amendment to the PUD per the development's Master Deed and Bylaws.

- b. That all required information has been provided.

The applicant believes that all the required and requested information has been provided as part of the application.

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

Peninsula Shores SUP#123 was approved in 2017 and consisted of 41 lots, preserving 65% of the development to open space which includes 1,500 linear feet of shoreline along East Grand Traverse Bay. The proposed amendment #5, will continue to meet the intent of the original approved SUP and all other applicable zoning regulations while increasing the open space requirements.

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

The requested amendment does not affect the road lay-out as the Units are located along the existing drive and no changes are proposed to the circulation for fire or police protection. The Units will still be served by private wells while some of the sites are served by private septic systems, and some served by a community septic system. The existing storm drainage will continue to meet all the township's requirements. The infrastructure for storm water was constructed as required by the Peninsula Township Stormwater Control Ordinance and has been operating and maintained successfully

since being installed. Individual land use permits will continue to be submitted to the Township with a storm water permit application in accordance with the PUD's original approval. The proposed amendment will not have additional impacts on emergency services, use of the secondary emergency access drive, or the underground fire suppression water tank located centrally within the site.

- e. That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.

There are no changes to the overall development of the PUD that would require additional permits to be obtained; the agencies that are applicable to the development of these parcels will continue to be attained through the permitting processes. The development's infrastructure was installed in 2018 which required permitting from the following governmental agencies:

- *Soil Erosion Sedimentation Control*
- *NDPES DEQ Notice of Coverage permit*
- *Grading and Stabilization plan*
- *Storm Water Control Permit – for the entire parcel and each individual site that has since been improved*
- *Sanitary and water final plan submittals*
- *DEQ Permits (part 41)*
- *Health Department Permits for individual wells and septic systems.*
- *Army Corps of Engineers permit for the seasonal community dock*
- *Private Road permit from Peninsula Township*
- *Grand Traverse County Road permit*
- *Private Road Name approved by the Township Board*

**Each lot that has been developed has also been permitted by Soil Erosion Sedimentation Control, Health Department (well and septic), Storm water permit from Peninsula Township, Land use permit from Peninsula Township and Grand Traverse County Construction permits.*

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

The Peninsula Shores' PUD offers reduced residential density by preserving 66.52% open space, including wetlands, steep slopes, wooded acreage and 1,500 lineal feet of waterfront shoreline on a very scenic parcel of land. The proposed lot line adjustments meet the intent of the original PUD and continue to preserve the natural resources listed above.

- g. That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property.
The proposed amendment does not impact any floodways or flood plains on the subject property or in the vicinity of the subject property.
- h. That the soil conditions are suitable for excavation and site preparation, and that organic, wet or other soils which are not suitable for development will either be undisturbed or modified in an acceptable manner.
The proposed locations for Unit 11 and 12 are well suited for development in that the soils are good, there are no steep slopes, and very little woody vegetative cover. Multiple test holes by the Health Department verified that soils in the proposed locations will sustain drain field infrastructure.
- i. That the proposed development will not cause soil erosion or sedimentation problems.
The overall site is developed and has not caused any adverse effects on soil erosion or sedimentation issues. The development of each site will continue to follow the measures outlined by Grand Traverse County Soil Erosion and Sedimentation and the Peninsula Township Storm water management procedures.
- j. That the drainage plan for the proposed development is adequate to handle anticipated stormwater runoff and will not cause undue runoff onto neighboring property or overloading of water courses in the area.
The infrastructure for stormwater has already been constructed within the development. The proposed amendment will not negatively impact the drainage plan that has been approved and permitted. Each individual unit will continue apply for a stormwater permit from Peninsula Township as they are developed.
- k. That grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring properties.
This condition will continue to be met throughout the development of each individual unit within the PUD.
- l. That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.
This is not applicable to this project.
- m. That the phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility service, drainage or erosion control.
There are no remaining phases for development, only the development of each individual unit.

- n. That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities.
There are no necessary or required expansions of these facilities as no additional units/lots are being created within the PUD.

- o. That landscaping, fences or walls may be required by the Town Board and Planning Commission in pursuance of objectives of this Ordinance.
Additional landscape requirements outlined in Condition #2 of Approval of Amendment #3 were exceedingly met. The applicant has prepared a landscape plan for newly located community open space in the center of the development. In addition to setbacks on individual lots, the entire existing development offers a 30-foot PUD perimeter setback.

- p. That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.
This standard will continue to be met.

- q. That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site shall be safe and convenient.
This amendment will further increase safety and convenience of vehicular and pedestrian traffic within the site. The centrally located open space will improve the line of sight and the flow of traffic at Shoreline Court and Waters Edge Drive. This will additionally improve safety and well-being of homeowners traversing to and from the community lakefront.

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

- s. That the proposed site is in accord with the spirit and purpose of this Ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.
This standard is met as this proposed amendment continues to comply with the original approval of the PUD and each subsequent amendment. As stated in the original PUD application, the development meets and exceeds the objectives of the Ordinance and the principles of sound planning by approval through a Planned Unit Development.

Section 8.3 Planned Unit Developments:

Section 8.3.2 Objectives:

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

The proposed reconfiguration of the lots does not alter the integrity of the originally approved PUD. Moreover, the relocation of Units 11 and 12 will preserve a critical development area to be utilized as common open space, allowing for a viewshed to be created and preserved. The proposed changes have only positive impacts on these objectives.

2. Provision of open space requirements

This proposed amendment increases open space. New calculations are provided in the packeted materials. The development now exceeds the required 65%+ (54.83 acres) of common open space for the use and enjoyment of Peninsula Shores residents.

3. A more creative and imaginative approach in the development of residential areas.

Approval of this amendment request allows for a more imaginative approach for the development of the residential Units. Shifting Units 11 and 12 to the northern portion of the site provides for a common open space area to be created for pedestrian foot traffic, as well as improved vehicular traffic, resulting in more fluidity throughout the site. This relocation will also provide for better residential lots away from the public road corridor.

4. More efficient and aesthetic use of open areas by allowing the developer to reduce development costs through the by-passing of natural obstacles in the residential project.

The proposed amendment allows for a larger and more centrally located open space area to be achieved within the PUD for the enjoyment of Peninsula Shores residents. Relocating Units 11 and 12 provide for a better open space aesthetic along Boursaw Road.

5. Encourage variety in the physical development pattern of the Township by providing a mixture of housing types.

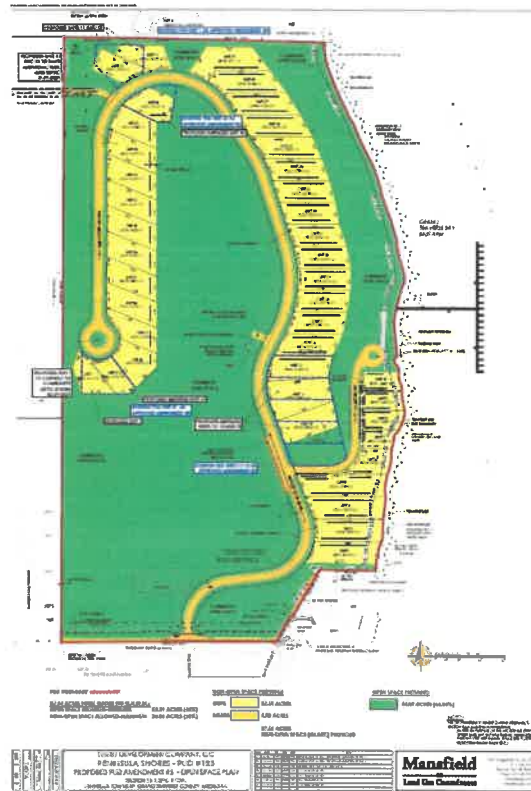
The proposed amendment does not change the intent of the previously approved PUD for clustered development with community open space areas.

6. The retention of farmland by locating the allowed number of housing units on the agricultural parcels of land in clusters which are suitable for residential use and keep the remaining agricultural land in production or fallow and available for production.

The proposed lot line adjustments within the existing development does not change the intent of the previously approved clustered, open space development, SUP #123.

Mansfield OR Land Use Consultants

Section 8.3 Planned Unit Developments: Section 8.3.2 Objectives:



Use-By-Right

Per Zoning/Michigan Land Division Plat Act

55 lots

1+ acre lot size

0% common open space (0 acres)

0 linear feet of East Bay preserved shoreline

No protection of forested areas

No protection of steep bluffs

55 individual septic systems with no oversight monitoring

maximum density / maximum traffic

Planned Unit Development

Peninsula Shores – an open space community

41 lots

½ acre to ¼ acre average lot size

66.52% common open space (54.83 acres)

1,500 linear feet of preserved shoreline

forested areas protected within open space

steep bluffs protected within open space

10 individual septic systems / 1 community permitted and monitored sewer system

reduced density / reduced traffic

The PUD plan provides the benefit of a 25% reduction of housing density and 66.52% preservation of open space including 1,500 linear feet of preserved shoreline along East Grand Traverse Bay.

Section 8.3.3 Qualifying Conditions: Any application for a special use permit shall meet the following conditions to qualify for consideration as planned unit development.

1. The planned unit development site shall not be less than (20) acres in area, shall be under the control of one owner or group of owners, and shall be capable of being planned and developed as one integral unit PROVIDED that the site requirement may be reduced by the Township Board if the Board determines that the proposed use is a suitable and reasonable use of land.

The existing development is 82.44 acres of land. The applicant still maintains the majority of shares within the Peninsula Shores HOA and as the majority property owner may legally apply for the requested amendment to the PUD.

2. The planned unit development project shall be located within a Residential or Agricultural District, or a combination of the above Districts. Individual planned unit developments may include land in more than one zone district in which event the total density of the project may equal but not exceed the combined total allowed density for each district calculated separately.

The underlying zoning district is R-1A Rural & Hillside and R-1B Coastal Zone. The total allowable density of the site is 66 one acre lots and five 25,000 square foot lots, equaling a total of 71 lots allowed, however, the practical number of buildable units is 55 based on a platted subdivision layout designed on the site. Peninsula Shores SUP#123 was approved with 41 units while preserving 54 acres of open space including wetlands, steep slopes and 1,500 linear feet of shoreline.

3. Water and waste disposal shall comply with the Township Master Plan and be approved by Grand Traverse County or State of Michigan requirements. It is recognized that joining water and sewer ventures with contiguous or nearby landowners may prove to be expedient.

The requested amendment does not require any additional changes to the existing community infrastructure already in place within the development. Each of the proposed 41 units will have a private well. The relocation of Units 11 and 12 will have individual sanitary systems along with units 2, 3, 4, and 25-29. The relocation of Unit 1 will be serviced by an on-site community wastewater treatment facility along with Units 5-24 and 30-41.

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

This amendment reduces the lot coverage of the existing Peninsula Shores SUP #123 development. The relocation of Units 1, 11 and 12 and realignment of 13, 14, 15, 30, and 41 result in a net decrease in lot area, creating additional open space in the amount of .62 acres.

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

6. For purposes of this Section 8.3, Open Space does not include building envelopes, parking lots and roads (roadbed width plus two (2) foot shoulders on each side).

<i>Total project site</i>	<i>82.44 acres</i>
<i>Residential Lots</i>	<i>-22.63 acres</i>
<i>Roadway</i>	<i>-4.98 acres</i>
<i>Total remaining open space</i>	<i>54.83 acres or (more than 65%)</i>

7. The proposed planned unit development shall meet all of the standards and requirements outlined in this Section 8.3 and also Section 8.1 and Article VII.
Please see the submittal relating to Section 8.3 and Section 8.1 for compliance.

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

1. Single family dwellings.
Peninsula Shores SUP #123 is for the development of single-family residential dwellings.
2. Two-family dwellings.
Not applicable for this application or request.
3. Group housing, row houses, garden apartments, or other similar housing types which can be defined as single-family dwellings with no side yards between adjacent dwelling units, provided that there shall be no more than eight (8) dwelling units in any contiguous group.
Not applicable for this application or request.
4. Open space according to Section 8.3.6 Provided that only the following land uses may be set aside as common land for open space or recreation use under the provisions of this Section:
 - a. Private recreational facilities (but not golf courses) such as pools, or other recreational facilities which are limited to the use of the owners or occupants of the lots located within the planned unit development.
Not applicable for this application or request.
 - b. Historic building sites or historic sites, parks and parkway areas, ornamental parks, extensive areas with tree cover, lowlands along streams or areas of rough terrain when such areas have natural features worthy of scenic preservation.
Not applicable for this application.

- c. Commonly owned agricultural lands.
Not applicable for this application.
5. Signs as allowed by Section 7.11
There is no additional request to add or modify the existing signs that were approved as part of the original approval of SUP #123.
6. Deed restricted Agricultural lands.
Not applicable for this application or request as there are no deed restricted agricultural lands within the PUD.
7. Garages and accessory buildings and uses exclusively for the use of residents of the planned unit development and for the proper maintenance thereof.
All garages and accessory buildings are privately owned and located within individual parcels within the PUD.

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

1. Site Acreage Computation:
 - a. The net acreage proposed for a planned unit development shall be computed to determine the total land area available for development into lots under the minimum lot size requirements of the applicable zoning district in which the proposed planned unit development is located.
The net acreage of the site is 82.44 acres.
 - b. Acreage not included:
 - i. Land utilized by public utilities as easements for major facilities, such as electric transmission lines, sewer lines, water mains, or other similar lands which are not available to the owner because of such easements.
Not applicable for this application as there are no public easements.
 - ii. Lands below the Lake Michigan ordinary high water mark.
Not applicable for this application as land below the ordinary high water mark are not part of the originally surveyed site and therefore are not included in the calculations for open space, parking, or individual parcels.
 - iii. Lands used for commercial purposes subject to the requirements of Section 6.8
Not applicable to this application as none of the property is zoned C-1, Commercial.

2. Maximum Number of Lots and Dwelling Units: After the net acreage has been determined by the above procedure, the maximum number of lots and/or dwelling units that may be approved within a planned unit development shall be computed by subtracting from the net acreage a fixed percentage of said total for street right-of-way purposes, and dividing the remainder by the minimum lot area requirement of the zoning district in which the planned unit development is located.

a. The fixed percentage for street right-of-way purposes to be subtracted from the net acreage shall be fifteen (15) percent for the R-1A and R-1B residential districts, twenty (20) percent for the R-C district and thirty (30) percent for the multiple family development in the R-1D district. These percentages shall apply regardless of the amount of land actually required for street right-of-way.

82.44 times 15% = 12.36 acres

b. Under this procedure, individual lots may be reduced in area below the minimum lot size required by the zone district in which the planned unit development is located, PROVIDED that the total number of dwelling units and/or lots created within the development is not more than the maximum number that would be allowed if the project were developed under the minimum lot area requirements of the applicable zone district or districts in which it is located. Units may be disturbed without regard to district boundaries.

The included site plan for the Peninsula Shores amendment request includes each existing lot and proposed modifications and relocations of lots 1, 11, 12, 13, 14, 15, 30 and 41. Lots will still maintain the minimum requirements as outlined in the R-1A zoned district for area requirements.

3. Permissive Building Envelope: Building Envelopes shall be as shown on the Site Plan not included as open space.

The site plan outlines each building envelope for each individual lot including the modifications and relocations of lots 1, 11, 12, 13, 14, 30 and 41.

4. Permissive Minimum Lot Area: Minimum Lot Area shall be as determined by the Township Board and shown on the Site Plan.

Each lot is identified on the site plan distinguishing the total square footage for all lots 1 - 41. No requested adjustment results in lot area less than existing lots or less than required by the ordinance.

5. Maximum Permissive Building Height: 2.5 stories but not exceeding 35 feet. Accessory buildings shall not exceed a height of 15 feet. Provided that the height of agricultural buildings may be increased pursuant to Section 7.3.3 Permitted Exceptions, Agricultural Districts.

The development of each lot is permitted individually and conforms with the specifications of these provisions.

6. Section 8.3.6 Open Space Requirements Option: The Township Board shall utilize one of the following four options for dedication of the provided open space.
7. Open Space Dedication for Private Use: A residential planned unit development with a minimum of 65% of the net acreage kept as open space and owned by the Home Owners Association or Condominium Association. That open space land shall be set aside as common land for the sole benefit, use and enjoyment of present and future lot or homeowners within the development.
- a. Such open space shall be conveyed by proper legal procedures from the project owner or owners to a homeowners association or other similar non-profit organization so that fee simple title shall be vested in project lot owners as tenants in common.
This standard will continue to be met.
 - b. Documents providing for the maintenance of said land and any buildings thereon to assure that open space land remains open shall be provided to the Township Board for its approval.
Will be provided and submitted to Grand Traverse County upon approval of the requested amendment.
 - c. The access and characteristics of the open space land are such that it will be readily available and desirable for the use intended.
The requested amendment increases open space and relocates it in order to improve its availability to the Homeowners Association.
- 1. Barns existing or proposed for uses necessary for agricultural production.
 - 2. Outbuildings existing or proposed for storage of machinery and equipment used for agricultural production. If a farmstead is shown on the site plan it shall be counted as one of the allowed dwelling units.
 - d. The deed restricted agricultural land may be sold separately from the dwelling parcels.
 - b. Shall be viable farmland as determined by the Township Board.
 - c. Irrespective of (9) above; no buildings shall be allowed.
11. Section 8.3.7 Maximum Percentage of Lot Area Covered by All Structures:
- a. The maximum percentage of lot area covered by all structures shall not exceed fifteen (15) percent of the net acreage.
The total buildable area within lot setbacks is 11.47 acres equaling 14% lot coverage within the development.

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

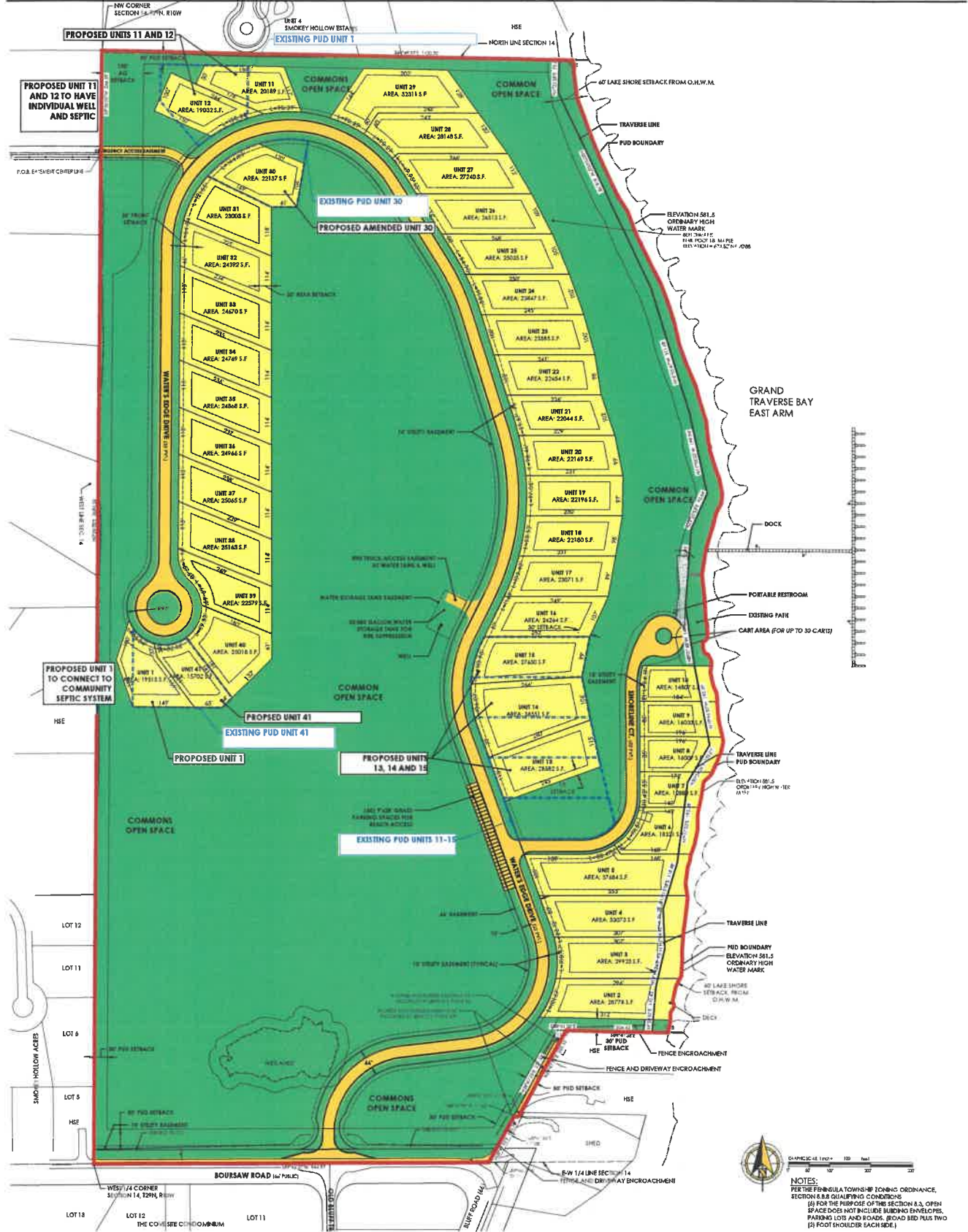
A site plan has been included in this submittal locating the individual building envelopes for each individual lot/unit within the development.

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

Area calculations have been provided and are included in the submittal of the application.

12. Section 8.3.8 Affidavit: The applicant shall record an affidavit with the register of deeds containing the legal description of the entire project, specifying the date of approval of the special use permit, and declaring that all future development of the planned unit development property has been authorized and required to be carried out in accordance with the approved special use permit unless an amendment thereto is duly adopted by the Township upon the request and/or approval of the applicant, or applicant's transferee and/or assigns.

The required documentation for the approved amendment shall be recorded.



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

NON-OPEN SPACE PROVIDED
 UNITS 22.63 ACRES
 ROADS 4.98 ACRES
 27.61 ACRES
 NON-OPEN SPACE (33.48%) PROVIDED

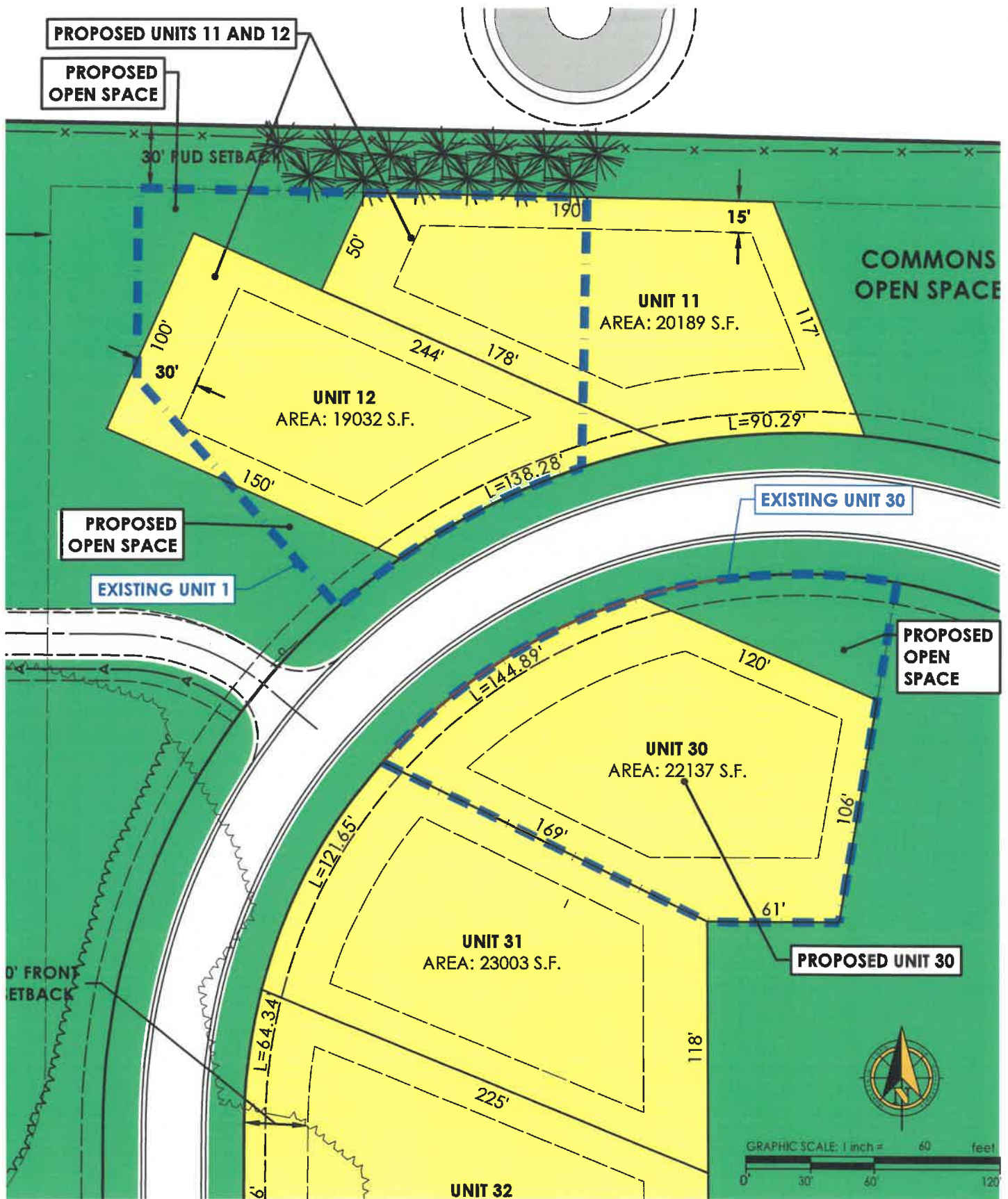
OPEN SPACE PROVIDED
 54.83 ACRES (66.52%)
OPEN SPACE PROVIDED AMENDMENT #3
 54.28 ACRES (65.84%)
 00.55% INCREASE PROPOSED FROM AMENDMENT #3

DATE	DESCRIPTION
10/27/24	PRELIMINARY
11/01/24	REVISED
11/15/24	REVISED
12/01/24	REVISED
01/15/25	REVISED
02/01/25	REVISED
03/01/25	REVISED
04/01/25	REVISED
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12/01/29	REVISED
01/01/30	REVISED

THE 81 DEVELOPMENT COMPANY, LLC
 PENINSULA SHORES - PUD #123
 PROPOSED PUD AMENDMENT #5 - OPEN SPACE PLAN
 SECTION 14, T.29N., R.10W,
 PENINSULA TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN

REV	DATE	BY	CHK	DESCRIPTION	DOC
41	10/25/24	PKC	MMW	Final Units 12, 13-15 and sanitary sewer for Unit 4	
42	10/25/24	PKC	MMW	Final Units 12, 13-15 and sanitary sewer for Unit 4	
43	10/25/24	PKC	MMW	Final Units 12, 13-15 and sanitary sewer for Unit 4	
44	10/25/24	PKC	MMW	Final Units 12, 13-15 and sanitary sewer for Unit 4	
45	10/25/24	PKC	MMW	Final Units 12, 13-15 and sanitary sewer for Unit 4	
46	10/25/24	PKC	MMW	Final Units 12, 13-15 and sanitary sewer for Unit 4	
47	10/25/24	PKC	MMW	Final Units 12, 13-15 and sanitary sewer for Unit 4	

Mansfield
 Land Use Consultants
 830 Conroyville Dr., Ste. 201
 P.O. Box 4015
 Traverse City, MI 49885
 Phone: 231-946-9310
 www.mansfield.com
 info@mansfield.com



Mansfield
Land Use Consultants

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

PENINSULA SHORES-PUD #123

DRN:mmm CKD:phk

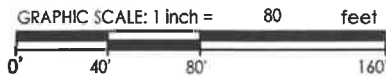
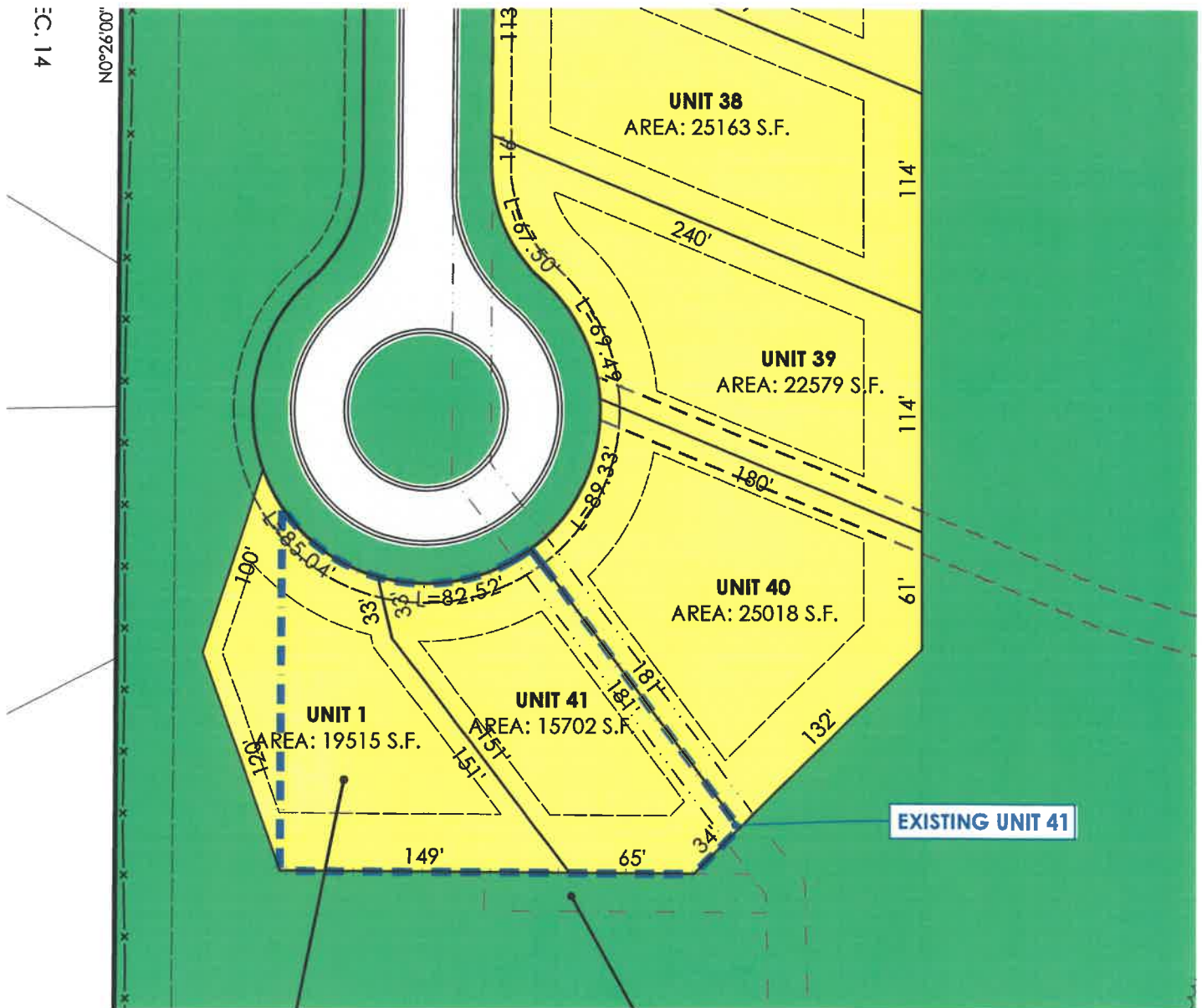
EXHIBIT PROPOSED UNITS 11, 12 & 30
PROPOSED PUD AMENDMENT #5

02.26.2024

Peninsula Township, Grand Traverse County, Michigan

14016

SHT 1 OF 3



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PENINSULA SHORES-PUD #123

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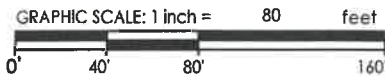
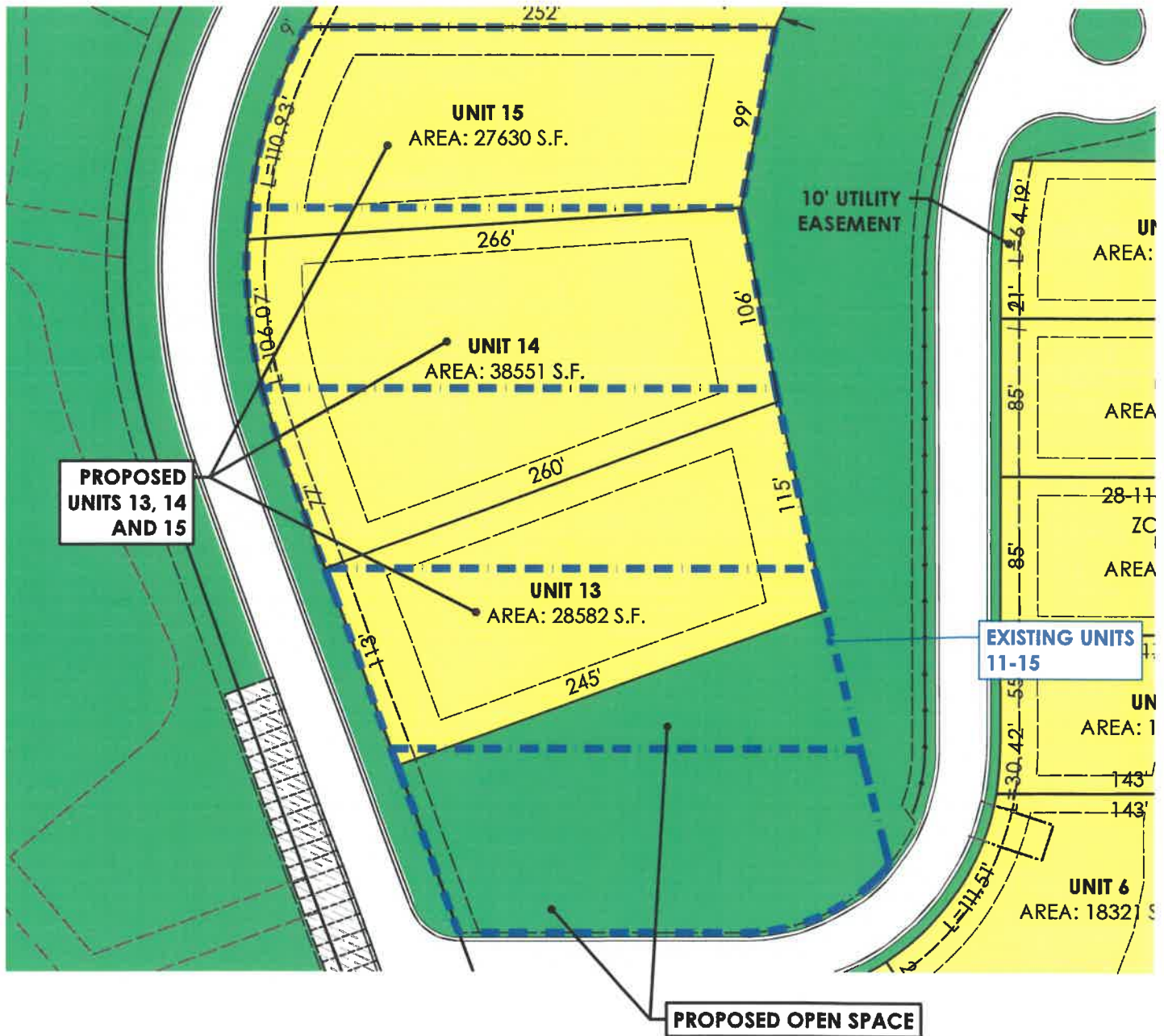
EXHIBIT PROPOSED UNITS 1 & 41
PROPOSED PUD AMENDMENT #5

02.26.2024

Peninsula Township, Grand Traverse County, Michigan

14016

SHT 2 OF 3



Mansfield
Land Use Consultants

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PENINSULA SHORES-PUD #123

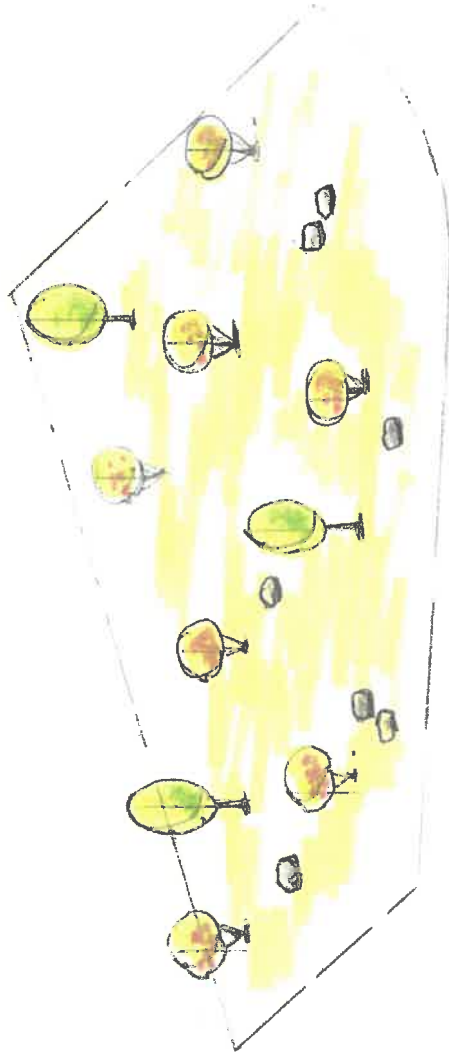
EXHIBIT PROPOSED UNITS 13-15
PROPOSED PUD AMENDMENT #5
Peninsula Township, Grand Traverse County, Michigan

DRN:mmm CKD:phk

02.26.2024

14016

SHT 3 OF 3

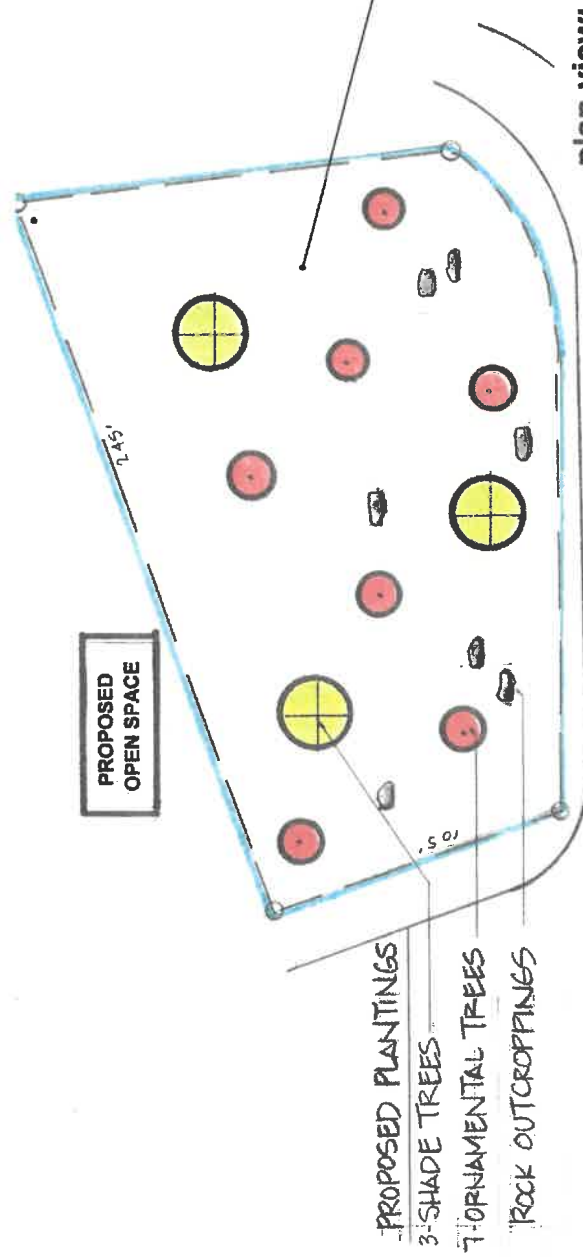
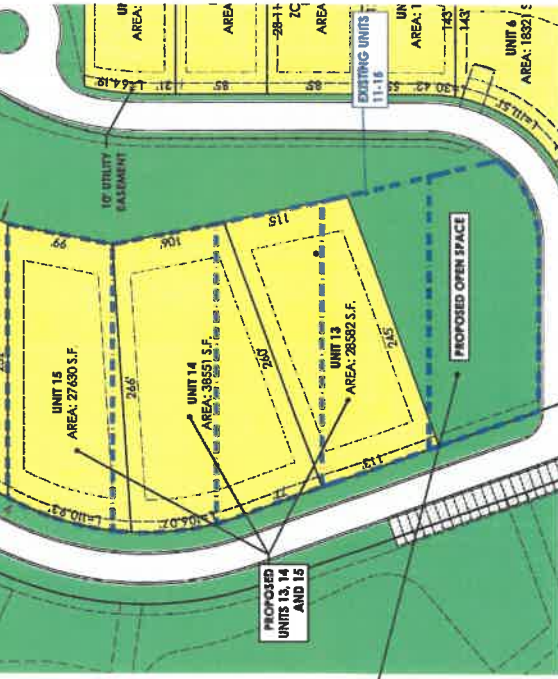


character sketch
not to scale



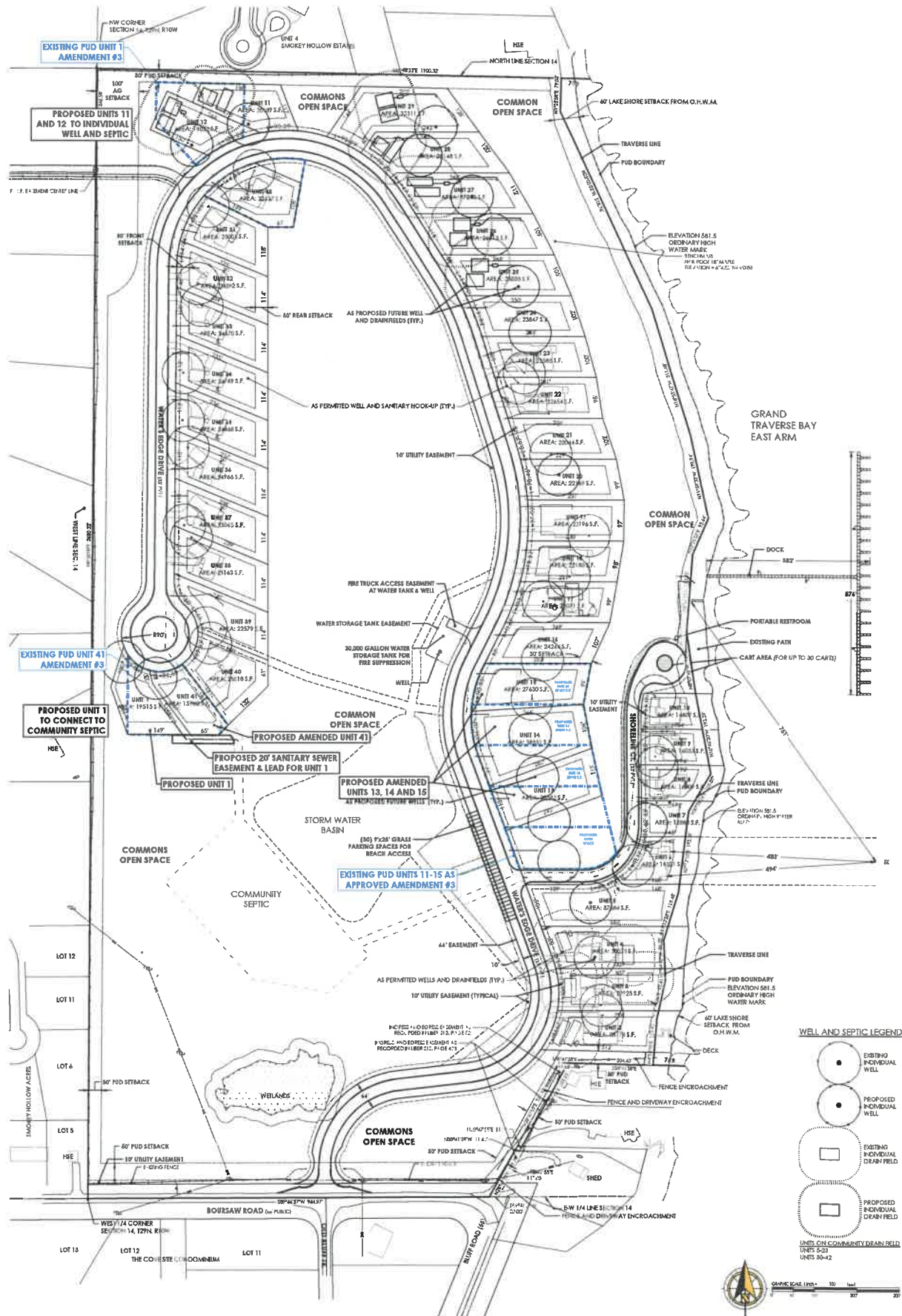
PROPOSED OPEN SPACE PLANTINGS
PENINSULA SHORES

Peninsula Twp., MI
date: March 2024
scale: "as noted"



plan view:
scale: 1" = 40'0" +/-

- PROPOSED PLANTINGS
- 3- SHADE TREES
- 7- ORNAMENTAL TREES
- ROCK OUTCROPPINGS



10/10/2024	10/10/2024	10/10/2024	10/10/2024	10/10/2024	10/10/2024
10/10/2024	10/10/2024	10/10/2024	10/10/2024	10/10/2024	10/10/2024

The 81 Development Company, LLC
 Peninsula Shores - PUD #123
PROPOSED PUD AMENDMENT #5 - SITE PLAN
 Section 14, Town 29 North, Range 10 West
 Peninsula Township, Grand Traverse County, Michigan

REV	DATE	BY	CHK	DESCRIPTION
01	10/10/2024	PH	PH	Submittal - Amendment #5

Mansfield
 Land Use Consultants

830 Cottageview Dr., Ste. 201
 P.O. Box 4015
 Traverse City, MI 49685
 Phone: 231.946.9310
 www.mansfieldps.com
 info@mansps.com



Open Space (Section 8.3.3(6)):	<u>Acres</u>	
Total project site net acres	82.44	
Residential Units	minus 22.63	
Parking Lot (waterfront access, grass)	minus 0.15	
Roads (roadbed 2' shoulder)	minus 4.83	
Total remaining open space	54.83	= 66.52% open space provided 65% open space required

Lot Coverage by Structures (Section 8.3.7(1)):	<u>Acres</u>	
Single Family Homes (area of building envelope)	11.47	
Total Lot Coverage	11.47	divided 82.44 acres = 14% lot coverage provided 15% lot coverage allowed

The calculation above proves that the standard would be met even if every building envelope were completely covered with structures. In reality, the size of homes within the building envelopes would likely range from 2,500sf to 6,000sf, resulting in an actual expected lot coverage by structures of 3%-7%.

Lot Coverage by Structures (Section 8.3.7.(3)):
see chart on next page



Peninsula Shores
Traverse City, Michigan

AMENDMENT #5
Updated 03-05-24

Lot Coverage by Structures (Section 8.3.7.(3)):

Maximum allowable lot area covered by structures		Net acres in PUD = 82.44
	Total lot size (S.F.)	Maximum allowable structure (S.F.) (building envelope excluding easements)
Unit 1	19,515.14	9,950.16
Unit 2	28,778.16	13,348.52
Unit 3	29,922.85	14,559.84
Unit 4	33,072.96	16,687.77
Unit 5	37,684.03	18,707.39
Unit 6	18,321.46	7,000.40
Unit 7	12,882.93	4,107.61
Unit 8	16,008.79	6,433.51
Unit 9	16,032.63	6,616.98
Unit 10	14,807.16	5,620.47
Unit 11	20,189.43	7,774.21
Unit 12	19,032.00	8,341.79
Unit 13	28,581.89	15,992.98
Unit 14	38,550.79	23,764.67
Unit 15	27,629.51	15,131.04
Unit 16	24,264.05	12,294.82
Unit 17	23,071.28	11,726.32
Unit 18	22,180.08	11,216.15
Unit 19	22,195.79	11,285.88
Unit 20	22,168.84	11,200.80
Unit 21	22,044.02	10,994.71
Unit 22	22,653.74	11,506.24
Unit 23	23,585.49	12,100.06
Unit 24	23,846.88	12,114.52
Unit 25	24,533.01	12,903.35
Unit 26	25,533.23	13,687.08
Unit 27	26,210.27	14,116.83
Unit 28	27,616.40	14,928.38
Unit 29	32,311.30	18,070.46
Unit 30	22,136.92	10,110.36
Unit 31	23,002.82	11,752.83
Unit 32	24,392.44	12,648.70
Unit 33	24,670.40	12,758.69
Unit 34	24,768.97	12,829.09
Unit 35	24,967.54	12,899.50
Unit 36	24,966.11	12,969.91
Unit 37	25,064.67	13,040.31
Unit 38	25,163.24	13,110.72
Unit 39	22,579.28	10,241.84
Unit 40	25,018.00	13,046.24
Unit 41	15,701.56	7,106.90

Total S.F.	985,556.06	498,336.62
Total Acres	22.63	11.44
% of net total site	27%	14%



March 7, 2024

Re: Site suitability for preliminary approval of proposed lots 11&12 in Peninsula Shores Site Condo Development

On February 21st, 2024, the Grand Traverse County Environmental Health Department met O'Grady Development Co. at the site location of two (2) proposed lots (Lot 11 and 12) in Peninsula Shores Site Condo Development. The purpose of this meeting was to assess both proposed lots' suitability for onsite wastewater disposal and determine both lots' ability to meet the Health Department's isolation requirements for well and septic. O'Grady Development Co. is requesting that these parcels be approved for individual onsite wastewater septic systems and private wells. A perk test was completed on each lot on February 21st. Both Lots 11 and 12 have been determined by the Grand Traverse County Environmental Health Department to be suitable for onsite wastewater disposal and private wells. Once approval has been granted by Peninsula Township, O'Grady Development Co. will be required to follow the appropriate steps and submit the required documentation to this Department to be granted final approval for the lots.

A handwritten signature in black ink that reads "Brent Wheat".

Brent Wheat

Environmental Health Director

March 6, 2024

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

RE: Peninsula Shores PUD Amendment #5
Engineering Impact Review

Dear Jennifer

The following is a narrative of the potential engineering impacts associated with the changes included in the proposed PUD Amendment #5 on the Peninsula Shores development.

The existing PUD includes 41 lots and is not currently fully developed. The amendment does not propose a change in the total number of lots, only modification and relocation of select lots; including #1, #11, #12, #13, #14, #15, #30 and #41, for reasons explained and exhibited within other PUD Amendment #5 documents.

The following includes a summary of the main engineering topics and PUD Amendment #5 impacts:

1. Traffic
2. Sanitary Sewer
3. Storm Sewer
4. Groundwater Supply
5. Soil Erosion & Sedimentation Control

Traffic

PUD Amendment #5 does not propose a change in the number of lots within the development, only internal lot adjustment and relocation. Therefore, there is no proposed increase in traffic generation from the original PUD approval, and zero impact to both traffic numbers and patterns.

Sanitary Sewer

PUD Amendment #5 does not propose a change in the number of lots within the development, however it does propose a change to which lots are connected to the existing community septic system. Currently lots #11 and #12 are contributory lots to the community septic system. Their relocation to the northwest corner of the development requires them to be on individual, on-site septic systems due to their location with respect to installed sanitary sewer infrastructure. Additionally, the relocation of Lot #1 is in a location where it may be connected to the sanitary sewer infrastructure that is associated with the community septic system. The suitability of on-site septic systems for Lots #11 and #12, as required, has previously been evaluated and approved by the G. T. Co. Health Department.

Storm Sewer

PUD Amendment #5 does not propose a change in the number of lots within the development. The modification and relocation of the select lots #1, #11, #12, #13, #14, #15, #30 and #41 does not change any drainage patterns or storm water calculations. The proposed changes are all tributary to the same storm basins in both the current and proposed scenarios, with zero impact on the development's storm water management.

Groundwater Supply

PUD Amendment #5 does not propose a change in the number of lots within the development. All lots within the development have individual groundwater supply wells, which are not changing with the proposed amendment #5, only locational changes based on lot modifications and relocations. Groundwater supply wells, with the proposed locational changes, will continue to require approval and permitting by the G.T. Co. Health Department.

The 30,000-gallon in-ground water supply tank that the development constructed for the Township's use in fire fighting for the development and surrounding Township residents remains unchanged.

Soil Erosion & Sedimentation Control (SESC)

PUD Amendment #5 does not propose a change in the number of lots within the development. The modified/relocated lots proposed in Amendment #5 do not cause a substantial change in the net area, approach, or permitting process. All individual lot construction requires permits from the G.T. Co. Health Department prior to construction.

In summary, both individually, and collectively, the proposed lot modifications and relocations within Amendment #5 pose no net change or impact to any of the engineering considerations discussed above.

If you have any questions, please feel free to call me at (231) 946-9310 ext. 1007.

Sincerely,
Mansfield Land Use Consultants



Jim Hirschenberger, P.E., Project Engineer

Site Storm Water Calculations: PUD

Project: **The 81 on East Bay**
 Project No.: **14016**
 Location: **Peninsula Township, Grand Traverse County**
 Client: **Insight Building Company**

Rational = $Q = C i A$
 Intensity = $i = 2\text{-yr, 24-hour duration} = 2.09 \text{ in}$ (Bulletin 71) Intensity $i = 0.087 \text{ in/hr}$
 Coefficient = $C = \text{weighted } C$ (Per Table 2: Runoff Coefficients)
 Area = $A = \text{varies per drainage area (ac.)}$ (Based on Grading, Storm and Drainage Plans)
 Unit Conversion = **86,400**
 Soils Type = **Predominant USDA Soils: Em (Emmet loamy sands), Lk (Leelanau-Kalkaska loamy sands) & Ma (Mancelona gravelly sandy loam)**

Project Area Prior to Development

Area (Total) = 3511807 sft OR 80.62 ac.

PREDEVELOPMENT CONDITIONS						
NO.	Area Type	C	i	A (ac.)	conversion	Q (cft)
1	Pavement	0.98	0.087	0.00 ac.	86,400	0 cft
2	Brick	0.85	0.087	0.00 ac.	86,400	0 cft
3	Roof	0.95	0.087	0.00 ac.	86,400	0 cft
4	Lawns, Sandy, Avg.	0.15	0.087	17.04 ac.	86,400	19231 cft
5	Lawns, Sandy, Steep	0.20	0.087	35.68 ac.	86,400	53691 cft
				On-Site Total =	52.72 ac.	Total Q = 72923 cft

SPECIAL NOTES:

The site soils range from somewhat poorly drained to somewhat excessively drained sands with permeability rates from 0.57 to 19.98 in/hour. The location for stormwater collection is within the EmA soil type with permeability rates of 5.95 to 19.98 in/hr and a depth to water table ≥ 80 inches. There are no areas of drainage concern on the site in the area of the proposed storm water basin. The existing property has no defined drainage outlet feature, only overland flow and ground infiltration into existing sandy soils and also a small wetland area contained on-site within the commons area. A portion of the site drains off-site due to the steep terrain along a large portion of the site perimeter. There is a large ridge line and steep terrain relief down to East Bay.

Site Storm Water Calculations: PUD

Project & No.: **The 81 on East Bay**

Project No.: **14016**

Location: **Peninsula Township, Grand Traverse County**

Client: **Insight Building Company**

Rational = $Q = C iA$
 Intensity = $i = 100\text{-yr, 24-hour duration} =$ **5.08 in** (Bulletin 71) Intensity $i =$ **0.212 in/hr**
 Coefficient = $C =$ weighted C (Per Table 2: Runoff Coefficients)
 Area = $A =$ varies per drainage area (ac.) (Based on Grading, Storm and Drainage Plans)
 Unit Conversion = **86,400**
 Soils Type = **Predominant USDA Soils: Em (Emmet loamy sands), Lk (Leelanau-Kalkaska loamy sands) & Ma (Mancelona gravelly sandy loam)**
 Infiltration Rate = **5.95 in/hr** (1.00"/12") ft x 24-hr x A (sft) = cft

POSTDEVELOPMENT CONDITIONS: 100-yr, 24-hour duration						
NO.	Area Type	C	i	A (ac.)	conversion	Q (cft)
1	Pavement	0.98	0.212	4.06 ac.	86,400	72764 cft
2	Brick	0.85	0.212	0.00 ac.	86,400	0 cft
3	Roof	0.95	0.212	2.26 ac.	86,400	39264 cft
4	Lawns, Sandy, Avg.	0.15	0.212	16.03 ac.	86,400	43973 cft
5	Lawns, Sandy, Steep	0.20	0.212	34.06 ac.	86,400	124578 cft
				On-Site Total =	56.41 ac.	Total Q = 280580 cft

Required 2x 100-yr Post Development Total Q = **561160 cft**

Pre Development Q = **72923 cft**

Required Storage = **488237 cft**

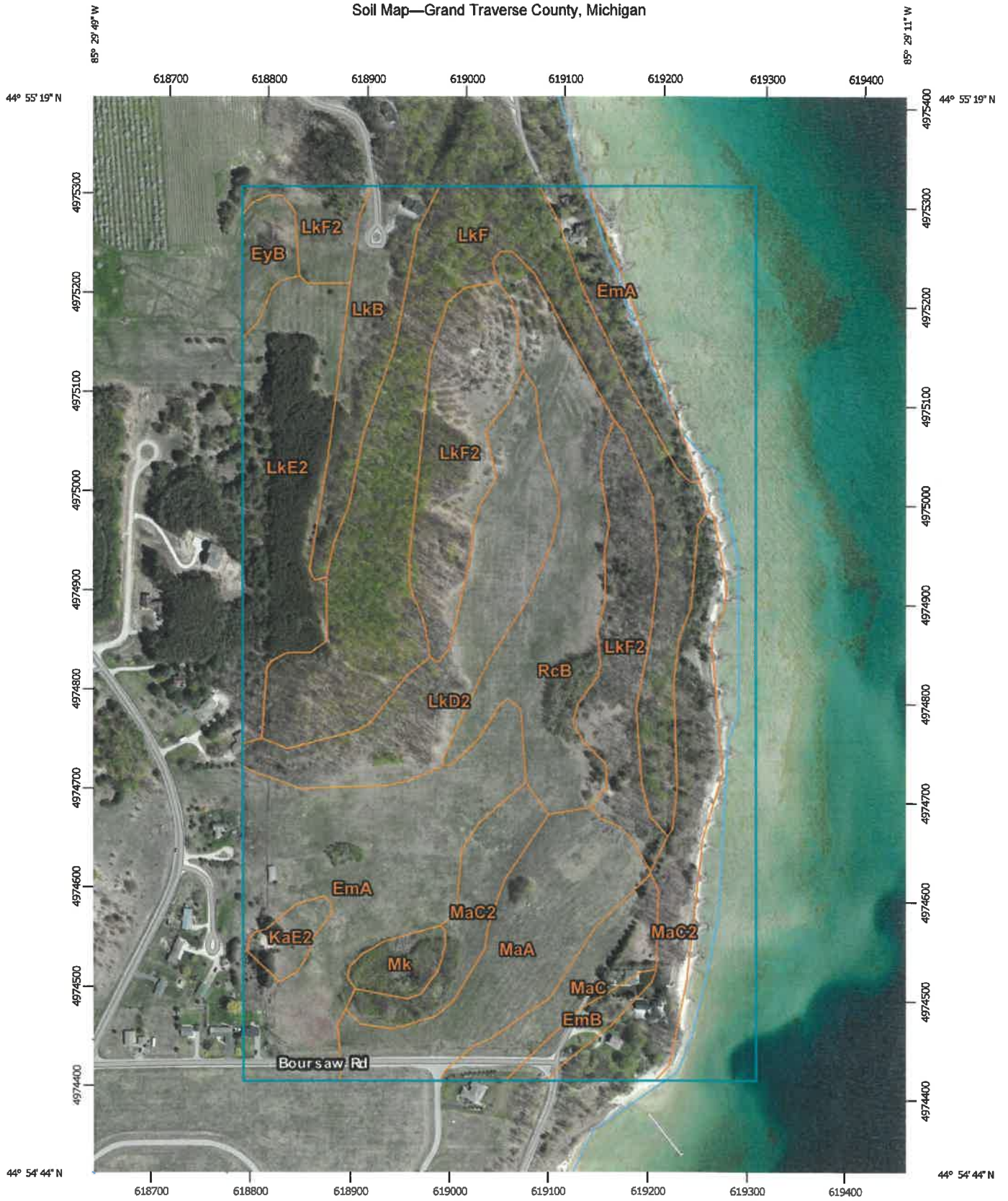
Provided Storage = **489349 cft**

Excess Storage = **1112 cft**

SPECIAL NOTES:

The site soils range from somewhat poorly drained to somewhat excessively drained sands with permeability rates from 0.57 to 19.98 in/hour. The location for stormwater collection is within the EmA soil type with permeability rates of 5.95 to 19.98 in/hr and a depth to water table ≥ 80 inches. There are no areas of drainage concern on the site in the area of the proposed storm water basin. The existing property has no defined drainage outlet feature, only overland flow and ground infiltration into existing sandy soils and also a small wetland area contained on-site within the commons area. A portion of the site drains off-site due to the steep terrain along a large portion of the site perimeter. There is a large ridge line and steep terrain relief down to East Bay.

Soil Map—Grand Traverse County, Michigan



Map Scale: 1:5,280 if printed on A portrait (8.5" x 11") sheet.

0 50 100 200 300 Meters

0 250 500 1000 1500 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 16N WGS84












































Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

6/4/2014
Page 1 of 3

MAP LEGEND

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

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Grand Traverse County, Michigan
 Survey Area Data: Version 7, Dec 18, 2013

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

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

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Grand Traverse County, Michigan (MI055)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
EmA	East Lake-Mancelona loamy sands, 0 to 2 percent slopes	15.4	13.4%
EmB	East Lake-Mancelona loamy sands, 2 to 6 percent slopes	1.1	1.0%
EyB	Emmet sandy loam, 2 to 6 percent slopes	1.4	1.2%
KaE2	Kalkaska loamy sand, 18 to 25 percent slopes, moderately eroded	0.9	0.8%
LkB	Leelanau-Kalkaska loamy sands, 2 to 6 percent slopes	4.3	3.7%
LkD2	Leelanau-Kalkaska loamy sands, 12 to 18 percent slopes, moderately eroded	8.0	7.0%
LkE2	Leelanau-Kalkaska loamy sands, 18 to 25 percent slopes, moderately eroded	8.3	7.2%
LkF	Leelanau-Kalkaska loamy sands, 25 to 45 percent slopes	17.1	14.8%
LkF2	Leelanau-Kalkaska loamy sands, 25 to 45 percent slopes, moderately eroded	12.7	11.0%
MaA	Mancelona gravelly sandy loam, 0 to 2 percent slopes	7.5	6.5%
MaC	Mancelona gravelly sandy loam, 6 to 12 percent slopes	2.9	2.6%
MaC2	Mancelona gravelly sandy loam, 6 to 12 percent slopes, moderately eroded	9.2	8.0%
Mk	Adrian muck, 0 to 1 percent slopes	1.2	1.0%
RcB	Richter loams, 2 to 6 percent slopes, overwash	9.6	8.3%
Subtotals for Soil Survey Area		99.7	86.4%
Totals for Area of Interest		115.5	100.0%

Exhibit 2

Jennifer Cram

From: Fred Gilstorff
Sent: Wednesday, May 1, 2024 4:25 PM
To: Jennifer Cram
Subject: Re: Peninsula Shores SUP #123, Amendment #5

Jen,
I see no issue with this change. Thank you.

Fire Chief Fred Gilstorff
Cell Phone: 231-463-0330
Station Phone: 231-223-4443
Email: fire@peninsulatownship.com



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From: Jennifer Cram <planner@peninsulatownship.com>
Sent: Tuesday, April 30, 2024 5:26 PM
To: Fred Gilstorff <fire@peninsulatownship.com>
Subject: Peninsula Shores SUP #123, Amendment #5

Fred, as discussed, I am attaching the application for Amendment #5. No additional units are proposed, just another proposal to move units towards the top/west maintaining 41 units total.

Please let me know if you want to sit down and review the plans together or have any questions.

The PC is conducting a site visit on May 7 and the public hearing will likely take place at a special meeting on May 23.

If I could get your comments by May 15, that would be great.

Thanks!

Jenn Cram

*Peninsula Township Director of Planning and Zoning
13235 Center Road
Traverse City MI 49686
phone - 231-223-7314*



May 8, 2024

Jennifer Cram, Director of Planning
Peninsula Township 13235 Center Road
Traverse City, MI 49686
231-223-7322
planner@peninsulatownship.com

RE: Peninsula Shores, PUD #123 –Application for Amendment #5
Review of Revision: Relocate Units 1, 11,& 12, Realignment of Units 13-15,30, & 41

Dear Jennifer Cram,

We have reviewed the supporting documents for the Peninsula Shores – PUD #123 Application for Amendment #5, dated 03/07/2024 as completed by Mansfield Land Use Consultants. We understand Amendment #5 will replace the withdrawn Amendment #4 and the proposed changes affect the previously approved Amendment # 3. The application package includes updated SUP Application, SUP Development Checklist, Proposed PUD Amendment Site Plan, Letter from Health Department, Open Space Plan, and stormwater calculations. Our review which consisted of reviewing the modifications for their impacts to utilities, stormwater management, and the general compliance with the special Use permit and zoning ordinance criteria.

According to Mansfield the modifications to the plan include the following dimensional shifts of the site plan layout:

- Maintains 41 units
- Relocates Units 1, 11, 12
- Lot line adjustments to Units 13,14,15,30, and 41

A summary of our review is contained below:

Utility Review

Per the submitted application, 8.1.2.9c comments on the proposed amendments effect on the existing facilities. Relocation of Unit 1, 11 & 12 removes lots 11 & 12 and adds Unit 1 flows to the existing community septic system – a net decrease of one. Units 11 & 12 will have on-site septic subject to GTCHD permitting and have obtained preliminary approval. This is acceptable.

Storm Water Review

According to the revised plans, no revisions to the storm water control design were required. There is no change to the catchment areas and no increase in proposed impervious areas. Therefore, the previously proposed storm water provisions are sufficient for the existing site and the proposed amendment.



Private Road Review

The application states there is no change in the use of the private road system. Therefore, no adjustments are required.

Overall Ordinance Compliance Review

According to revised plans, a comparison to the original approved PUD Open Space Calculations along with confirmation of values was performed by GFA with the following results provided:

	Open Space	Non-Open Space
Approved P.U.D. Amendment 3	65.8% (54.26 AC.)	34.2% (28.19 AC.)
Proposed (Unit Shift and Dimensional changes)	66.52% (54.83 AC.)	34.48% (27.61 AC.)

The provided information shows maintaining Unit 41 units. The unit line modifications and relocations appears to meet the dimensional requirements of the Township and the P.U.D. Project. These are summarized as follows:

- Unit 1 is relocated to the former Amendment 3 Unit 41 location, which is divided and realign to accommodate. Appears to be similar footprint, therefore the density in this location is increased.
- Relocated units 11 & 12 are set at the former Amendment 3 Unit 1 location, which is divided to and realigned to accommodate. The footprint now extends further east along the north property line. Therefore, the density in this location is increased.
- Lot line adjustments to Units 13, 14, 15 ac provide additional at the Amendment 3 locations of units 11 & 12. The density in this location is decreased.





Assuming no other changes have been made to the project plans as previously reviewed, our recommendation for engineering plan approval remains in place in accordance with our previous review letters and the Township SUP Conditions dated August 6, 2019. The following general items are noted:

1. The same approved Findings of Fact and SUP conditions apply including but not limited site-specific Storm Water Reviews for each lot.
2. Applicable revisions to the Master Deed to reflect the site changes are to be completed and a new document shall be signed and recorded with the Register of Deeds. A copy of this document shall be provided to the Township for their files.

Please do not hesitate to contact me with any questions regarding this review.

Respectfully Submitted,
GOURDIE-FRASER

Jennifer Graham (Hodges), PE
Sr. Project Manager

cc: Dough Mansfield, Mansfield Land Use Consultants
Kyle O'Grady - The 81 Development Company



Exhibit 3

Jennifer Cram

From: jrdinmn@aol.com
Sent: Sunday, May 19, 2024 1:25 PM
To: shipman.parks@gmail.com; lwdloski@gmail.com; jualexanptpc@gmail.com; duneclimber55@yahoo.com; dsh_44@yahoo.com; armen.peninsulatrustee@gmail.com; Jennifer Cram; rand.plancom@gmail.com
Subject: Peninsula Shores- SUP/PUD Amendment Number 5

To the Planning Commission Members:

I am a member of the Lewis family that owns the cottage at 4150 Trevor. I am writing to urge you to reject the proposed Amendment Number 5 as it does not meet the requirements of the ordinance.

There has been discussion about the proper standards and approach for addressing Amendment number 5. We believe that the standards and approach used in reviewing Amendment number 4 should be used here. Most commission members compared the proposed Amendment Number 4 to the current SUP rather than comparing the proposed Amendment Number 4 to what could be done prior to the original approval of the SUP. Forty Two units were viewed as not being a substantial improvement when compared to 41 units instead of being compared to the development by right of 55 units. The approach taken as to Amendment number 4 is administrative precedent that you should follow in deciding whether to approve Amendment number 5.

Further, the original 41 unit approval was stated as being in exchange for the shoreline protection, open space, minimum lot size, and original parcel configuration. There was a balance struck between those items. Lot location mattered. Open space location mattered. That balance should be given due deference.

The findings of fact recommended by staff and approved by a majority of the planning commission as to Amendment number 4 include the following underlined items:

1. The character of the original approval is eroded by adding an additional lot. Wouldn't the character of the original approval be eroded by moving a lot from the middle of the project to the edge of the project and significantly altering the open space by, and views of, neighboring properties that were a basis of the original approval?

2. Two lots would be located closer to the western property line reducing the buffer to adjacent properties. As such, the existing character of the development as originally approved has been changed. The size and location of those two lots is the same in Amendment Number 5 as in Amendment Number 4, plus Amendment Number 5 would move another lot up by the northern property line, thereby reducing the buffer to those adjacent properties. If the existing character of the development would be changed by Amendment Number 4, it is changed even more in Amendment Number 5, so the "change in essential character" standard is not met by Amendment Number 5.

3. Increasing the density of the development would be disturbing and/or not a substantial improvement to the property in the immediate vicinity. If that is the case, then increasing the density of the development by the neighboring properties to the north would be disturbing and/or not a substantial improvement to those properties, so this standard is not met by Amendment Number 5.

4. PUD amendments should further carry out the objectives of the PUD, rather than maximize economic realization without regard to the impact on the intent of the original approval. The intent of the original approval of this PUD included having the housing sites complement the existing residential use pattern, having the lot locations located within the interior of the project site, preserving open space that would benefit properties within the immediately vicinity, and preserving views from surrounding properties. Moving the lot as proposed is obviously driven by economic realization and erodes the objectives of the original PUD approval.

5. The requested amendments do not conform to other requirements associated with a PUD per Section 8.3, particularly when viewed through the lens of the intent behind the original approval and prior amendments, as the proposed amendment negatively impacts aspects of the PUD that were the basis for those approvals. The basis for this PUD being approved included housing sites that complemented existing residential use patterns, interior lot locations, preserving open space to benefit neighboring properties, and preserving views from surrounding properties. Amendment 5 would definitely negatively impact each of those aspects.

Please apply the same standards and approach to Amendment Number 5 that you applied to Amendment Number 4. Please defer to and respect the balances struck by the original approval. The correct approach is to look at the changes the amendment would make as compared to the approved PUD, and apply the section 8.1.3(1)(b) substantial improvement standard when approving the amendment would result in some erosion in the improvements to property in the immediate vicinity or to the community as a whole which were stated in the existing SUP findings of fact as a reason for the original approval. If those stated improvements are not negatively affected, there is no need to apply the substantial improvement standard. That way, the substantial improvement standard gets applied when it is relevant, but is ignored when it would prevent minor amendments from being approved.

Please have your decision be grounded in the original PUD approval. Please respect the balance that was struck in the original PUD. Please follow the approach taken with Amendment Number 4. Please deny Amendment Number 5.

Thanks for your time and consideration.

Sincerely,

Joe Dierkes

Jennifer Cram

From: Megan Haddox <mlhaddox@mac.com>
Sent: Thursday, May 16, 2024 12:51 AM
To: rand.plancom@gmail.com; shipman.parks@gmail.com; lwdloski@gmail.com;
jualexanptpc@gmail.com; duneclimber55@yahoo.com;
armen.peninsulatrustee@gmail.com; Jennifer Cram
Subject: Peninsula Shores amendment

Dear Planning Commission Members,

I am an owner of the residence in Smokey Hollow Estates at 4150 Trevor Road. I'm writing to express my grave concerns regarding the Peninsula Shores Proposed Amendment.

The Township passed the Peninsula Shores Development only after much controversy and by a very narrow margin. It was able to pass because the proposed development provided lot locations within the **interior** of the project to preserve viewsheds, the preservation of the open space benefited the neighboring properties, and it **preserved the views of the surrounding properties**.

Now that enough time has passed since the controversial vote, it appears the original reasons for allowing the development to be approved have been forgotten. The second house by our property would further erode our view, and moving the current house even closer to our cottage will definitely be a detriment to our property and quality of life. Please respect the Ordinance and the original findings of fact!

The draft master plan contains a survey indicating the things residents liked most about living on the Peninsula are the rural, quiet feeling of the peninsula and the scenic views it provides. Our family also enjoyed that environment from 1949 up until the Peninsula Shores development arrived. When asked where the Township could do more, the survey indicated that the strongest support went to keeping as much of the rural character and historic landscape as possible. The draft master plan states "The Peninsula Township community has long recognized and valued the quiet, rural, and scenic character of the Old Mission Peninsula and the critical need to protect these defining values." Why put out a survey and have a master plan if you're going to ignore them and allow an amendment that is going to significantly hinder scenic views and diminish the rural character of the neighboring properties?

Approval of this amendment will directly and adversely affect the quality of life for our family and the other residents of Smokey Hollow Estates. Please defer to the original findings of fact, apply **all** sections of the Ordinance as written, and deny this amendment!

Thank you for your time,

Megan Haddox

Sent from my iPad

Jennifer Cram

From: tgdurham@verizon.net
Sent: Wednesday, May 15, 2024 9:49 PM
To: Jennifer Cram
Subject: Proposed Peninsula Shores Ammendment

Dear PC members:

I cannot be at the public hearing but wanted to express my concerns about this amendment.

My family owns property on Trevor Road in Smokey Hollow Estates, just north of Peninsula Shores and surrounding property. We have social gatherings at the cul-de-sac that borders the Peninsula Shores property and enjoy the rural environment that lends itself to our development. The original approved plan for the Peninsula Shores property was to have open space in the area that abuts the open space owned by Smokey Hollow Estates residents at the end of our cul-de-sac. We were initially satisfied with the original plan. We were extremely disappointed when the Peninsula Shores developer sought (and received) approval to build a house near our cul-de-sac in an area originally approved for open space. Now they are asking approval for a second house even closer to our property.

The use of the Smokey Hollow Estates open space that abuts the Peninsula Shores development is very important to us, and we greatly appreciate the quiet rural nature of, and views from, this outdoor space. However, adding yet another house in what was to be open space will significantly diminish the rural character and views of our open space at the top of our cul-de-sac. I can think of only one reason why the developers are adding an additional house - additional profit! I am pleading with the Peninsula Township Planning Commission to put the brakes on this latest effort that can only be labeled corporate greed. How would you react to a similar situation if a developer was building homes next to your property and after the disappointment of the developer receiving approval for one additional home, they came back to seek approval for a second home, both adjacent to your property?

The open space by our properties was one of the reasons why the Township found the initial development met the ordinance standards. The clustering of houses in the interior of the development was another. The preservation of our views was a third reason. Please honor that initial determination, give deference to that initial determination, and retain the open space and views by our properties that were a basis for the original approval of this development.

Thank you for your review of this.

Tom Durham
4126 Trevor Rd.

Jennifer Cram

From: Jill Lewis <jilesoh@gmail.com>
Sent: Wednesday, May 15, 2024 5:32 PM
To: rand.plancom@gmail.com; shipman.parks@gmail.com; lwdloski@gmail.com; jualexanptpc@gmail.com; duneclimber55@yahoo.com; dsh_44@yahoo.com; armen.peninsulatrustee@gmail.com; Jennifer Cram
Subject: Peninsula Shores Proposed Amendment

Dear Planning Commission Members:

Please do not approve the proposed amendment.

Our property by Peninsula Shores is a rural property and is within a rural zoning category. We highly value that rural character. The township highly valued our rural character when it noted that clustering the houses in the middle of the development, preserving open space for the benefit of our property, and preserving our views were all factors in approving this PUD. Please defer to that determination and do not let the rural character of our property be degraded by this amendment.

This amendment would move the existing house much closer to our screened-in porch on the south side of our house. This porch is a favorite gathering place for my family and our neighbors, and we spend hours out there. If the allowed Peninsula Shores house by our property is moved closer to our house, the noise from it would be that much worse on our porch. Adding a second house on the north end of the property would also increase that noise. We value quiet as highly as other township residents and as a part of the rural character of our property, and ask that you do also.

The existing trees between our porch and these two houses are not evergreen, and we will see these houses when the leaves are off the trees instead of the rural scenic view that is now there. Moving one house closer to our porch and adding a second house will degrade those views.

Adding the second house will also diminish the rural character of our outdoor space and our use and enjoyment of it. We and our neighbors use that space for get togethers, games, a play area for grandchildren, star gazing, etc. The second house will cut off our view, increase traffic, and produce noise and light that will be disturbing.

The tree buffer for the previously approved lot provides some screening from the existing lot and might someday grow enough so that we cannot see this house. We will still hear the noise from this house. The lights from this house will still adversely affect our star gazing. Preserving that open space and our views were reasons set forth by the township for its original approval. We appreciate the township providing the tree buffer, but that buffer and the house that will go behind it are a significant downgrade from the open space and rural views that the township listed as reasons to grant the PUD to begin with. Adding a second house, even with a tree buffer, will be a further downgrade and contrary to the township's original findings of fact.

The Township's master plan puts preserving the rural character of the Peninsula as an extremely high priority. The Township's original findings of fact also noted our views and the open space next to our property as reasons for approval, and those items protect and preserve the rural character of our property. There is little in the way of practical improvements in this amendment, and there is certainly no improvements for neighboring properties. Please further the goal of the master plan to protect urban character, defer to and respect the original PUD findings of fact, and deny this amendment.

Thanks for your time.

Jill Lewis, 4150 Trevor Road

Jennifer Cram

From: Laurie Wilson <lww920@yahoo.com>
Sent: Wednesday, May 15, 2024 5:22 PM
To: rand.plancom@gmail.com; shipman.parks@gmail.com; lwdloski@gmail.com; jualexanptpc@gmail.com; duneclimber55@yahoo.com; dsh_44@yahoo.com; armen.peninsulatrustee@gmail.com; Jennifer Cram
Subject: Peninsula Shores Proposed Amendment

Dear Township Board,

We are full-time residents of OMP and are writing to express our concerns regarding the Peninsula Shores Proposed Amendment. As I think we all agree, open space in the township is very valuable to our community. Didn't the developer previously commit that the area along the north of the development where he now wants to move another unit would be open space? It seems very unfair and very detrimental to the property owners to the north and west of Peninsula Shores to have both the open space and the view taken away from them, especially when that wasn't the original agreement with the developer.

Don't we all want to protect the views on OMP? There is currently a view from Smokey Hollow Road to where the additional house would be located, but adding that house will negatively affect this view. Why would the Township approve something that gives lots on top of the development a better view at the expense of a view that the community and neighboring properties now enjoy? That does not sound fair. Those houses on top of the hill already have great bay views; opening up one lot below them really adds little if anything to those views.

Lastly, adding another lot along the northern part of the development will certainly change the rural character of the properties to the north and west. As Peninsula residents, we cherish the rural character of OMP, and, like many others, we would like that maintained wherever possible.

We are asking that the township consider the opinions of the residents of OMP who value our views and wish to maintain the rural character of the peninsula, and deny the amendment.

Thank you for your consideration of our thoughts.

Craig and Laurie Wilson
12456 Bluff Road

Jennifer Cram

From: Jim Durham <jimdurham56@gmail.com>
Sent: Wednesday, May 15, 2024 4:38 PM
To: rand.plancom@gmail.com; shipman.parks@gmail.com; lwdloski@gmail.com; jualexanptpc@gmail.com; duneclimber55@yahoo.com; dsh_44@yahoo.com; armen.peninsulatrustee@gmail.com; Jennifer Cram
Cc: Craig Haddox; Megan Haddox
Subject: New Peninsula Shores PUD Amendment Application

I'm a property owner in Smokey Hollow Estates to the north of Peninsula Shores. I object to this amendment because it is detrimental to Smokey Hollow Estates and contrary to the initial approval of this SUP.

Our properties are rural in character. A tight grouping of two houses by our development is not consistent with rural property. Three houses along our north boundary is not consistent with rural property.

The survey of residents in the proposed master plan show residents most liked the rural, quiet atmosphere and the scenic views. We agree completely. Adding another house by Smokey Hollow Estates will reduce the rural quiet atmosphere and scenic views of our properties. We hope you will reflect the views of the community and view the reduction in our rural quiet atmosphere and scenic views as a significant detriment to our properties. We certainly do.

The addition of a tree buffer by the previously approved lot is a small consolation. It is certainly better than no trees. However, the house will still be visible for a long time, and the trees will not eliminate the noise or nighttime light that comes from it. Further, a very nice rural view from our properties has been taken away and replaced by a line of trees with a house behind it.

When the Township approved the Peninsula Shores development, it found that the applicant designed the housing sites to complement the existing residential use pattern. It found that the lot locations were located within the interior of the project to preserve viewsheds. It found that the preservation of the open space benefited the neighboring properties. It found that the proposed development provided a desirable living environment with respect to the preservation of views from surrounding properties without significantly hindering viewsheds. The initial approval was clearly based on where the proposed houses were to be located and the impact their proposed locations would have on neighboring properties. These conclusions should be respected and deferred to now. We find it very disappointing that some think that it doesn't matter where the developer moves houses so long as he doesn't add more and maintains the open space. That approach is clearly contrary to the approach and the analysis that the Township took in initially approving this project.

Please deny the proposed amendment. Thanks.

Jim Durham

4126 Trevor Road

Re: Peninsula Shores PUD 123
Application for Amendment

Dear Planning Commission Members,

We are residents in Smokey Hollow Estates at 4114 Trevor Road. We attended many of the hearings and meetings connected with the contentious initial approval of this SUP by the Township.

The Township was very concerned about the impact of this project on the other properties nearby. They approved the project based upon it not negatively impacting adjacent neighbors. They approved the project based upon it complimenting the existing residential use pattern. They approved the project based upon the lot locations being sufficiently within the interior of the project site to sufficiently preserve views. They approved this project based upon the proposed open space being a substantial improvement over the non-PUD development rights which benefits properties within the immediate vicinity. They approved the project because it provided for desirable living environment with respect to views and the preservation of the same from surrounding properties. All of these items are set forth in the original findings of fact. In other words, the Township was highly cognizant of the impact the project would have on neighboring properties and approved the project only because that impact was minimized as stated in the findings of fact.

Thus we are very puzzled by some who now seem to want to ignore the impact on neighboring properties in determining whether to approve the proposed amendment, and ignore the reasons why this project was approved in the first place.

We often walk up to the Trevor Road cul de sac with our dog. Our grandchildren play up there when they come to visit. We attend gatherings of family and friends up there. We enjoy the quiet and rural character of this area. Allowing another house on the north end of Peninsula Shores will detract from that quiet and that rural character, plus create more noise that we will hear from our residence.

Further, the proposed benefits from this amendment are small. The open space is legally increased slightly, but the number and sizes of the houses to be built will not change, so this change is of little benefit (and of no benefit to neighbors or the Peninsula Township community). Opening a viewshed at the intersection for those who already have panoramic bay views by negatively impacting the viewshed of neighboring properties is not an improvement. We don't understand how opening up a view for others can be a positive, but closing a view by moving a house to the north end open space is not a negative for the neighboring properties and the community members traveling on Smokey Hollow Road. The improvement to traffic is marginal given where the houses are being built and the existing lines of site.

Please look at the protections and benefits to neighboring properties that were among the reasons why this project was approved. Please evaluate whether this application

and the proposed changes meet the requirements of section 8.1.3(1)(b) of our zoning ordinance. It seems obvious to us that it does not. The proposed amendment is disturbing to the use of properties in the area. The proposed amendment is a significant negative for properties in the vicinity rather than being a substantial improvement. The proposed amendment is contrary to the original findings of fact. The Township was very aware of the need to minimize the impact of this development on the neighboring properties when it approved the project. You should take the same approach, respect the original findings of fact, follow the Ordinance requirements, and deny this application.

Thanks for your time and efforts.

Thomas and Susan McMahan
4114 Trevor Road

Jennifer Cram

From: Bill Lewis <blewis.wordsmith@gmail.com>
Sent: Wednesday, May 15, 2024 2:02 PM
To: rand.plancom@gmail.com; shipman.parks@gmail.com; lwdloski@gmail.com; jualexanptpc@gmail.com; duneclimber55@yahoo.com; dsh_44@yahoo.com; armen.peninsulatrustee@gmail.com; Jennifer Cram
Subject: Proposed amendment at next meeting

Dear Planning Commission,

I'm writing to ask that you please deny the proposed amendment that I understand would move a lot to the northern part of the development. The application refers to this as "substantial improvements" (section 8.1.3(1)(b)). At best, they are minimal.

Does the open space technically increase? Again, minimally. But the lot adjustments do not result on any less building on the property. The same number of houses will be built with no reduction to the size of any of those houses. Converting what is now space in yards that will not be built on to open space adds nothing of practical benefit. And it certainly doesn't provide improvements to the properties in the immediate vicinity of the development.

Ditto the change to the viewshed. No substantial improvement to property in the immediate vicinity or the community as a whole. Not building on the lot by the intersection will add little to the views at the top of the hill which already have wide bay views. However, the addition of a house at the north of the property will adversely affect the viewshed of the long-established neighbors to the north and the west, and to those travelling along Smokey Hollow Road.

Ditto again to the stated improvement to traffic and line of sight. That is also negligible. The intersection already complies with Township requirements, and the Township Engineer approved it based upon the 30' setbacks. There is a 30' setback at the front of each lot going north on Waters Edge Drive, but on each of those lots where a house has been built the house is set back approximately seventy feet or more from the road. In addition, there is a 30' setback on current lot 11 along Shoreline Court which further increases visibility at this intersection. There is already tremendous line of site for traffic at this intersection, and the additional proposed line of sight provides little additional value.

The ordinance requires "substantial improvements." The items listed by the developer as satisfying section 8.1.3(1)(b) don't meet that requirement. In addition, the changes made at the north end of the development are a substantial detriment to the properties north and west of the development and are contrary to the findings of fact behind the original approval of the SUP. Please defer to and uphold the original factors which led the Township to approve this development to begin with. Deny this amendment.

Thank you for listening to my concerns.

Bill Lewis
4150 Trevor Road

Bill Lewis
Wordsmith-at-Large
[770-757-4150](tel:770-757-4150)

"A word is worth a thousand pictures."

www.wordsmith-at-large.com

Jennifer Cram

From: jrdinmn@aol.com
Sent: Wednesday, May 15, 2024 1:14 PM
To: rand.plancom@gmail.com; shipman.parks@gmail.com; lwdloski@gmail.com; jualexanptpc@gmail.com; duneclimber55@yahoo.com; dsh_44@yahoo.com; armen.peninsulatrustee@gmail.com; Jennifer Cram
Cc: Craig Haddox; kadinmn@gmail.com; JOSEPH DIERKES
Subject: Peninsula Shores Proposed Amendment Number 5

Planning Commission Members,

My name is Kathryn Lewis Dierkes, and my husband, Joe, and I are part owners of the residence and property at 4150 Trevor Road, which directly abuts the Peninsula Shores development. Our property is adjacent to the proposed newest lot that the developer wishes to establish. We previously wrote to you in 2020 and 2022, when Peninsula Shores sought to change the development plan in a somewhat similar manner to what they are trying now. The previous amendment resulted in a building lot being established adjacent to the cul-de-sac on our property, and now they are seeking to add a second lot, which appears to bring their newest proposed building about 60 to 70 feet closer to our cottage. Once again we are adamantly opposed to this amendment.

As noted in our prior submissions, we relied on the developer's original plan that clearly limited the proximity of new residences to our property. Now, for the second time, the developer wants to change the original plan in a manner that would place a second building lot adjacent to our property, and placing structures significantly closer to our residence. The original PUD/SUP plan represented that the proposed new lot would remain open space with some trees on it. Clearly, this is a major change.

As to the application of the specific ordinance sections that apply to this requested amendment, we would ask that you refer to the submission by my Brother-in-law, Craig Haddox, which sets out in detail the legal basis for opposing the amendment. We are in full agreement with his argument that the proposed amendment would pose a significant detriment to our property interests.

Unlike at the time of the previous amendment, we now have access to the legal opinion issued by attorney Meihn in 2022. That opinion appears to argue that moving lots around inside of a PUD/SUP is perfectly acceptable, as long as no additional units are proposed. If that is correct, then what is the point of having an original plan if the developer is free to move lots to whatever part of the property he chooses. Under that rationale, if the developer so chooses, he could claim the right to move all the lots to the perimeter of his property and abut the property of all neighboring landowners, thereby nullifying the representations made at the time of the original approval. As the track record of the developer has shown in this case, he has continually sought to move lots, and we have every reason to believe that he will continue to submit new amendments to place lots in locations detrimental to the neighboring landowners. As we noted in our prior submissions, we request that the Planning Commission protect the integrity of the application process and reject this change. Enough is enough!

We ask that you require the developer to stick with his original plan for the property, and not let him increase the intrusiveness of the development. There is ample legal authority to require this rejection. As clearly described in Craig Haddox's email, the proposed amendment violates the Township zoning ordinance. There can be no doubt that placing the new lot in what is currently zoned as open space next to our property would be a substantial detriment to our property rather than a substantial improvement. The repeated efforts by Peninsula Shores to plant houses on the edge of our property has been a source of repeated expense and aggravation for my family. Back in 2022 we submitted

that the time had come to give the developer a final denial of what had become an abuse of the planning and development process. The fact that we are once again having to battle to oppose further amendments of this type only proves the accuracy of our prior request for a denial.

We respectfully request that you deny the proposed amendment to the Special Use Permit.

Sincerely,

Kathryn Lewis Dierkes

612-325-4114

Jennifer Cram

From: Wendy Brickman <mcmomm@aol.com>
Sent: Tuesday, May 14, 2024 1:13 PM
To: Jennifer Cram
Subject: Expansion of Peninsula shores

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Planning Commission,

It has come to my attention that The O'Grady's are at it again. I am totally against any more building lots (ie. 11 and 12) in Peninsula Shores. Where is the promised green space? It's shrinking! They are already expanding our quiet, natural farmland into suburbia. Please, don't let them go any farther.

Wendy Brickman
4948 Forest Ave
Old Mission

Jennifer Cram

From: chaddox75@gmail.com
Sent: Wednesday, May 8, 2024 1:31 PM
To: rand.plancom@gmail.com; shipman.parks@gmail.com; lwdloski@gmail.com; jualexanptpc@gmail.com; duneclimber55@yahoo.com; dsh_44@yahoo.com; armen.peninsulatrustee@gmail.com
Cc: Jennifer Cram
Subject: Peninsula Shores Amendment

Dear Planning Commission Members:

Thank you for your thoughtful comments at the meeting last night.

First, I hope we can all agree that adding another house on the northern end of the development is detrimental to the neighbors to the north and west of the development. We may disagree on the extent of that detriment, but it is clearly a detriment when compared to the current open space and views.

SUP's are to be a win-win-win for the developer, the neighboring property owners, and the community as a whole. Under Section 6.1.5, the Ordinance makes it clear that SUP's require special consideration in relation to the welfare of adjacent properties and to the community as a whole. The other two categories under Section 6.1.5 (uses permitted by right and uses permitted under special conditions) do not contain such a requirement. Further, the SUP sections of the Ordinance state that the effect on neighboring properties is a key criteria for SUP's. Section 8.8.1 states that the SUP sections of the Ordinance are to protect the health, safety, convenience, and general welfare of Township inhabitants. The Ordinance does not contain such criteria for developments governed by the residential zoning districts – if the developer meets the requirements of those zoning districts, he can develop his property accordingly regardless of its impact on neighboring properties. That is not the case under the SUP sections of the Ordinance, which contain a much higher standard.

I was disappointed by the lack of focus on the impact of the proposed change on the neighboring properties and application of the ordinance provisions that address neighboring properties. Some asked what is the standard to be applied? One standard is Section 8.1.3(1)(b), which requires that each proposed use be a substantial improvement to property in the immediate vicinity and to the community as a whole.

That standard was applied when the original SUP was approved. The findings of fact for that original approval stated that the preservation of the open space was a substantial improvement over non-PUD development rights which benefitted properties within the immediate vicinity. The original findings of fact also indicated that the development provides for a desirable living environment with respect to views and the preservation of the same from surrounding properties without significantly hindering viewsheds. Now the developer wants to eliminate even more of the open space and views that benefits neighboring properties and that he used to get the SUP approved in the first place. If you take the approach that a developer can amend an SUP to adversely affect neighboring property owners so long as the detriment is not that severe, then you are essentially gutting the sections of the ordinance that protect neighboring properties. A developer will be able to put in an initial SUP application open space buffers, retention of views, and other benefits for neighboring properties as needed to get it approved, but then later eliminate those benefits under your significantly lower amendment standard.

The proposed master plan states that the rural atmosphere of the Peninsula is to be valued and retained. The original PUD approval had one lot next to our property, which was consistent with our rural zoning classification and rural atmosphere. Then an amendment was approved adding a second house next to our property on a finding that the benefit to the neighbors at the south end of the development justified its approval. The proposed amendment would add a third lot adjacent to our rural property. It would place two lots together in a compact fashion that definitely is not

rural at the most prominent spot next to our property. A third house will add even more construction noise, traffic, and light. It will adversely affect the use and enjoyment of our property, particularly the use and enjoyment of our open space and views.

We are not asking you to reject this amendment because of emotion. We are asking you to reject this amendment because it does not meet the requirements of the ordinance, and approving it under a lower standard than is set forth in the ordinance will enable developers to later eliminate the benefits for neighboring properties that they provided to get SUPs approved to begin with. The rural character of the Peninsula seems to be continually diminishing one property at a time. Please apply the zoning ordinance requirements as written, maintain the SUP protections it contains as to neighboring properties, deny the proposed amendment, and keep the rural character of our property from being further diminished.

Thank you for your consideration.

Craig Haddox – 614-361-5196

Jennifer Cram

From: chaddox75@gmail.com
Sent: Wednesday, May 15, 2024 4:17 PM
To: Jennifer Cram
Subject: FW: Proposed SUP Amendment for Peninsula Shores

Jenn, I emailed the below but got a response that it did not go through to you. Could you confirm that you received it? Thanks - Craig

From: chaddox75@gmail.com <chaddox75@gmail.com>
Sent: Wednesday, May 15, 2024 12:38 PM
To: rand.plancom@gmail.com; shipman.parks@gmail.com; lwdloski@gmail.com; jualexanptpc@gmail.com; duneclimber55@yahoo.com; dsh_44@yahoo.com; armen.peninsulatruster@gmail.com
Cc: planner@peninsulatownship.com.
Subject: Proposed SUP Amendment for Peninsula Shores

Dear Planning Commission Members:

There seems to be a view by some that moving a house within the development is permitted as a right under the ordinance. We wonder if this is based on the March 10, 2022 legal opinion from Gregory Meihn.

The opinion's essence is that once a residential SUP is approved, the owner can come back and move houses anywhere within the property so long as there is no increase in units, change in utilities or roads, reduction of open space, "or other modification that changes the very nature of the prior approval".

The initial approval of the SUP evaluated the location of the proposed houses, and the findings approved by the Township indicate that the proposed locations were a significant factor in approving the SUP. The Township found that (1) the development of the proposed PUD should not negatively impact adjacent neighbors, (2) the applicant designed the housing sites to complement the existing residential use pattern, (3) the lot locations were located within the interior of the project to preserve views, (4) the preservation of the open space benefited the neighboring properties, and (5) the proposed development provided a desirable living environment with respect to the preservation of views from surrounding properties without significantly hindering viewsheds.

Do the proposed relocations of houses in a manner that is contrary to the original findings set forth above "change the very nature of the prior approval"? We believe it does, as it goes against several of the original findings of fact that were the basis of the original approval. Therefore, you should deny the amendment based on this legal opinion. The opinion sets forth in several places the need to honor and defer to the original decision.

If not, then the opinion is nonsense. The opinion would then be saying the Township could base its initial approval on the location of the lots and how that affects neighboring properties, but those findings and the impact on neighboring properties should be ignored if the owner later requests amendments to move the lots. Essentially that would result in the original reasons for the approval being cast aside, and the owner

being able to relocate his lots at will despite what the original findings of fact were. That would be contrary to the opinion's admonition that the original approval be honored and deferred to.

So how should the Section 8.1.3(1)(b) be applied to SUP amendments? Some have suggested it should not apply to any amendment as it would prevent some simple amendments from being approved. That is not a good reason for never applying it to any amendment. Perhaps this section should not apply to an amendment that does not affect any of the original findings of fact that found the original project was an improvement for property in the immediate vicinity or for the community as a whole or found that the original project was not hazardous or disturbing to existing or future uses in the same general vicinity. However, it seems very clear to me that this section should be applied when the amendment proposes changes that would eliminate or diminish the improvements for neighboring properties or the community as a whole that the Township found were reasons to grant the initial approval or changes that negatively impact adjacent neighbors. That is the case with the proposed amendment.

It seems clear to us that, based upon the legal opinion and the original SUP approval, this amendment should be denied due to its negative impacts on neighboring properties which are contrary to the original finding of facts and due to its dearth of any other real practical benefits.

Thanks for your consideration.

Craig Haddox

4150 Trevor

Jennifer Cram

From: chaddox75@gmail.com
Sent: Wednesday, May 15, 2024 4:29 PM
To: Jennifer Cram
Subject: FW: Peninsula Shores Amendment

Jenn, could you also include the below in the packet for the public hearing? Thanks - Craig

From: chaddox75@gmail.com <chaddox75@gmail.com>
Sent: Wednesday, May 8, 2024 1:31 PM
To: rand.plancom@gmail.com; shipman.parks@gmail.com; lwdloski@gmail.com; jualexanptpc@gmail.com; duneclimber55@yahoo.com; dsh_44@yahoo.com; armen.peninsulatruster@gmail.com
Cc: 'Jennifer Cram' <planner@peninsulatownship.com>
Subject: Peninsula Shores Amendment

Dear Planning Commission Members:

Thank you for your thoughtful comments at the meeting last night.

First, I hope we can all agree that adding another house on the northern end of the development is detrimental to the neighbors to the north and west of the development. We may disagree on the extent of that detriment, but it is clearly a detriment when compared to the current open space and views.

SUP's are to be a win-win-win for the developer, the neighboring property owners, and the community as a whole. Under Section 6.1.5, the Ordinance makes it clear that SUP's require special consideration in relation to the welfare of adjacent properties and to the community as a whole. The other two categories under Section 6.1.5 (uses permitted by right and uses permitted under special conditions) do not contain such a requirement. Further, the SUP sections of the Ordinance state that the effect on neighboring properties is a key criteria for SUP's. Section 8.8.1 states that the SUP sections of the Ordinance are to protect the health, safety, convenience, and general welfare of Township inhabitants. The Ordinance does not contain such criteria for developments governed by the residential zoning districts – if the developer meets the requirements of those zoning districts, he can develop his property accordingly regardless of its impact on neighboring properties. That is not the case under the SUP sections of the Ordinance, which contain a much higher standard.

I was disappointed by the lack of focus on the impact of the proposed change on the neighboring properties and application of the ordinance provisions that address neighboring properties. Some asked what is the standard to be applied? One standard is Section 8.1.3(1)(b), which requires that each proposed use be a substantial improvement to property in the immediate vicinity and to the community as a whole.

That standard was applied when the original SUP was approved. The findings of fact for that original approval stated that the preservation of the open space was a substantial improvement over non-PUD development rights which benefitted properties within the immediate vicinity. The original findings of fact also indicated that the development provides for a desirable living environment with respect to views and the preservation of the same from surrounding properties without significantly hindering viewsheds. Now the developer wants to eliminate even more of the open space and views that benefits neighboring properties and that he used to get the SUP approved in the first place. If you take the approach that a developer can amend an SUP to adversely affect neighboring property owners so long as the detriment is not that severe, then you are essentially gutting the sections of the ordinance that protect neighboring properties. A developer will be able to put in an initial SUP application open space buffers, retention of views, and other

benefits for neighboring properties as needed to get it approved, but then later eliminate those benefits under your significantly lower amendment standard.

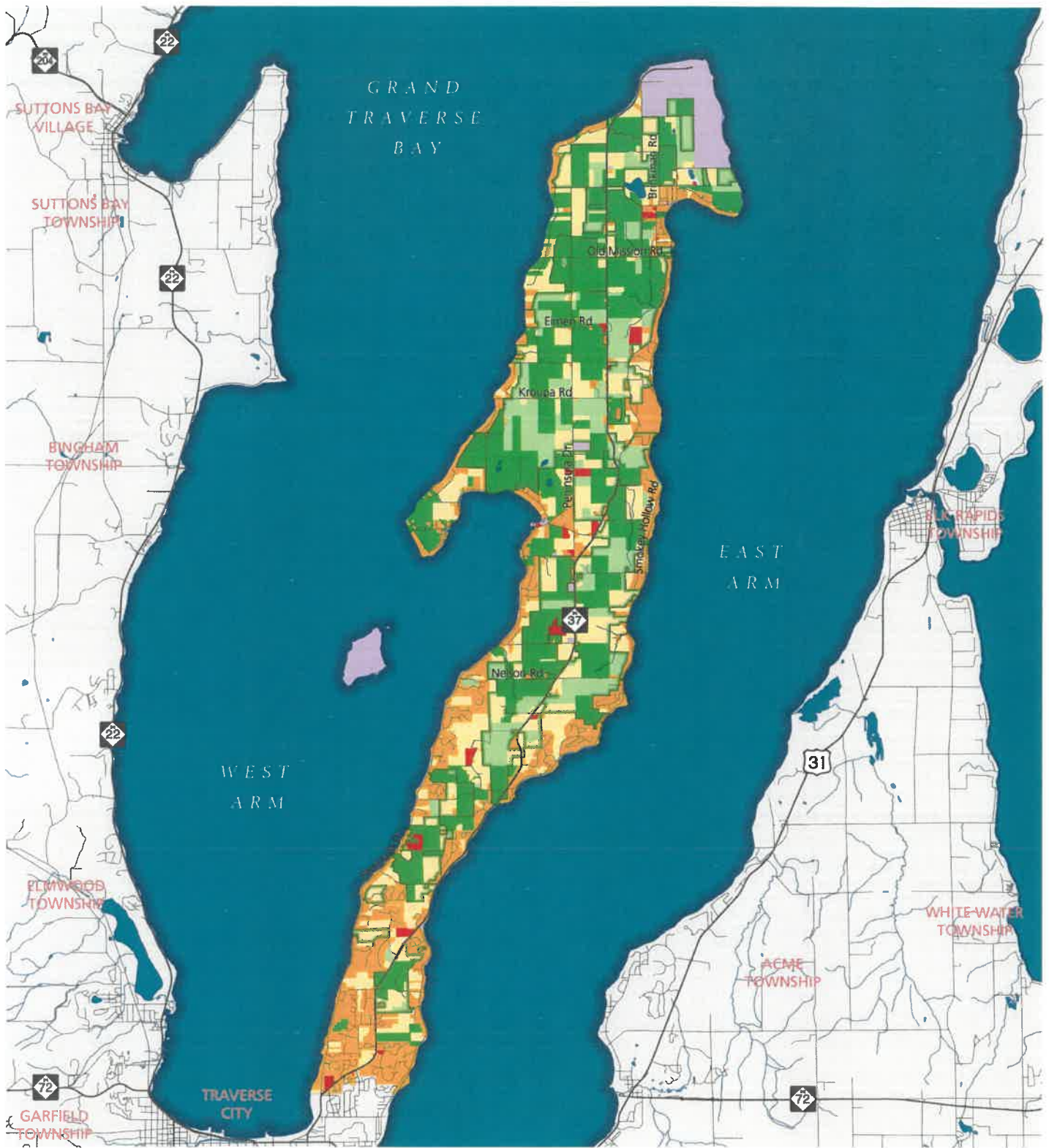
The proposed master plan states that the rural atmosphere of the Peninsula is to be valued and retained. The original PUD approval had one lot next to our property, which was consistent with our rural zoning classification and rural atmosphere. Then an amendment was approved adding a second house next to our property on a finding that the benefit to the neighbors at the south end of the development justified its approval. The proposed amendment would add a third lot adjacent to our rural property. It would place two lots together in a compact fashion that definitely is not rural at the most prominent spot next to our property. A third house will add even more construction noise, traffic, and light. It will adversely affect the use and enjoyment of our property, particularly the use and enjoyment of our open space and views.

We are not asking you to reject this amendment because of emotion. We are asking you to reject this amendment because it does not meet the requirements of the ordinance, and approving it under a lower standard than is set forth in the ordinance will enable developers to later eliminate the benefits for neighboring properties that they provided to get SUPs approved to begin with. The rural character of the Peninsula seems to be continually diminishing one property at a time. Please apply the zoning ordinance requirements as written, maintain the SUP protections it contains as to neighboring properties, deny the proposed amendment, and keep the rural character of our property from being further diminished.

Thank you for your consideration.

Craig Haddox – 614-361-5196

DRAFT Master Plan



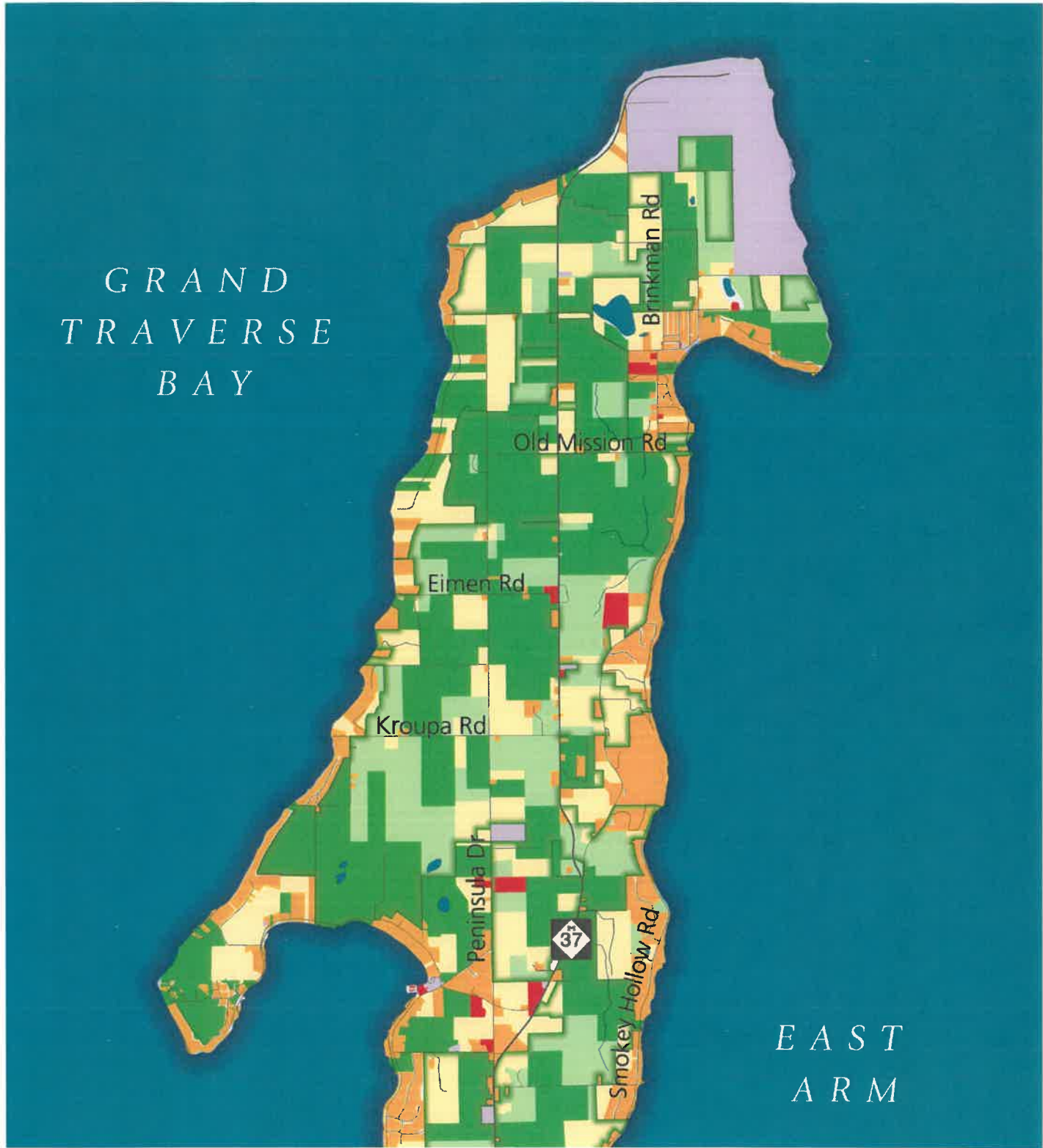
Existing Land Use Map

Sources: Michigan Open Data Portal, Peninsula Township

- | | |
|--|---|
|  Agriculture |  Land with Conservation Easement |
|  Commercial |  Agricultural Protection Zone |
|  Suburban Residential |  Public |
|  Rural Residential | |

1 Miles
Beckett & Raeder, Inc. 

GRAND
TRAVERSE
BAY



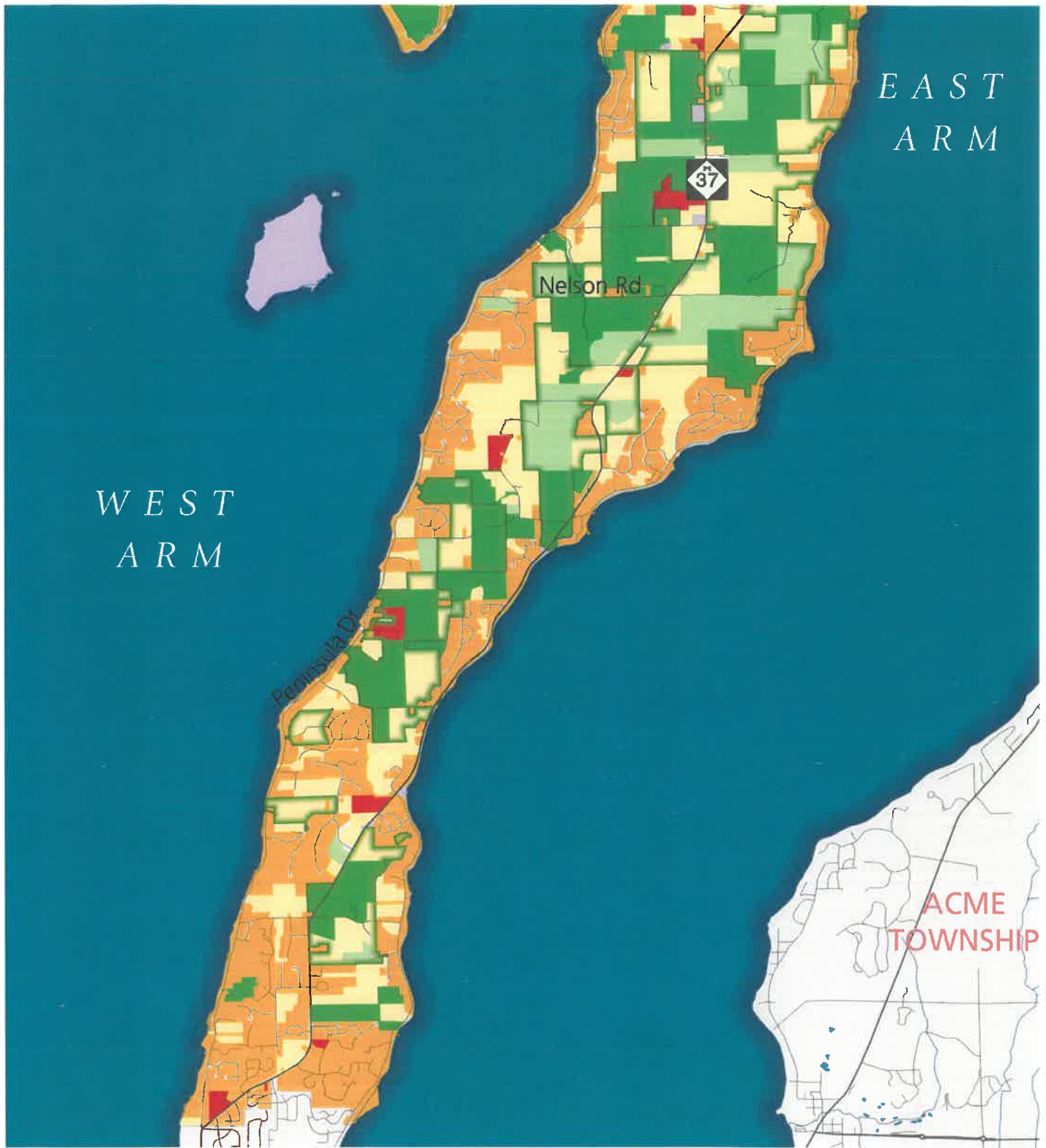
EAST
ARM

Existing Land Use Map North

Sources: Michigan Open Data Portal, Peninsula Township

0.65 Miles
Beckett & Raeder, Inc.

- | | |
|--|---|
|  Agriculture |  Land with Conservation Easement |
|  Commercial |  Agricultural Protection Zone |
|  Suburban Residential |  Public |
|  Rural Residential | |



Existing Land Use Map South

Sources: Michigan Open Data Portal, Peninsula Township

- | | |
|---|--|
| Agriculture | Land with Conservation Easement |
| Commercial | Agricultural Protection Zone |
| Suburban Residential | Public |
| Rural Residential | |

0.65 Miles Beckett & Raeder, Inc.



Peninsula Township

MASTER PLAN



Stewardship of a Special Place

DRAFT DECEMBER 2021

Insert Resolution

Acknowledgements

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Becky Chown, Clerk

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Prologue

April 2, 2024

The most recent update of the Master Plan was finalized and distributed to neighboring jurisdictions for their review and feedback in December of 2021. The Planning Commission, however, for a variety of reasons, did not act to adopt the plan in the intervening years. In January of 2024 the Planning Commission renewed the effort to adopt the plan. The Commission, realizing that the plan needed to be brought current, held several sub-committee and regular session discussions to edit and update the document. The timeline below reflects several initiatives anticipated in the 2021 plan that were finalized or have progressed significantly since then.

January 6, 2021 – The Non-motorized Study Group started meeting and developed a vision statement and goals. As of April 2024, the study group is actively applying for grants to obtain funding to support the development of a non-motorized plan for the peninsula that connects recreational opportunities in the region.

December 2, 2021 – The Citizens Agricultural Advisory Committee started meeting. The committee met to provide input on the policy direction for zoning ordinance amendments related to wineries, farm processing facilities, roadside stands and other value-added agricultural uses.

February 2022 – The Peninsula Township Parks Funding Feasibility Report was approved.

July 12, 2022 – The Purchase of Development Rights (PDR) Ordinance #23, Amendment #3 was adopted. This amendment clarified and streamlined the scoring process and added points for matching funds from state and federal programs.

August 2, 2022 – Voters approved the PDR millage for the third time.

December 13, 2022 – Amendment #201 to the Peninsula Township Zoning Ordinance was adopted. This amendment to the zoning ordinance repealed sections related to winery chateaus and revised regulations for wholesale and retail farm processing facilities as well as remote tasting rooms.

January 24, 2023 – Peninsula Township 5-Year Parks and Recreation Plan adopted.

April 11, 2023 – Parks Ordinance #57 was adopted. This ordinance repealed previous parks ordinances.

April 19, 2023 – Floodplain Ordinance #53, Amendment #1 related to floodplains was adopted.

May 9, 2023 – Amendment #203 to the Peninsula Township Zoning Ordinance was adopted. This amendment to the zoning ordinance renamed roadside stands to farm stands and updated regulations to be consistent with the Michigan Right to Farm Act.

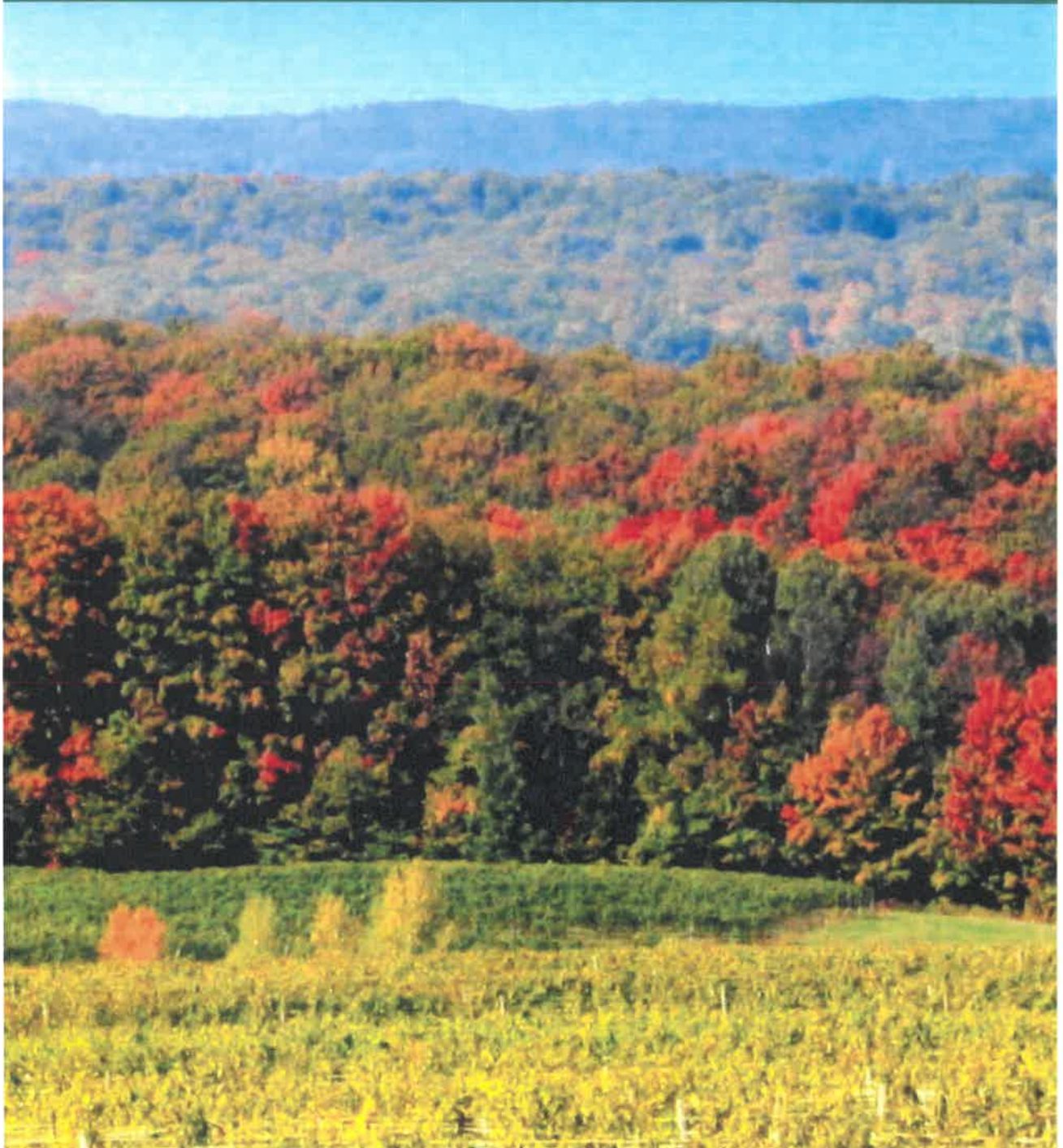
November 15, 2023 – Cemetery Ordinance #58 was adopted.

January 29, 2024 – Shoreline Regulation Study Group started meeting. The study group was formed to provide diverse input on the policy direction for zoning ordinance amendments related to the number of docks and hoists and land uses on the shoreline.

March 12, 2024 – Amendment #204 to the Peninsula Township Zoning Ordinance was adopted. This amendment to the zoning ordinance revised how building height is measured. The Meeker Addition acquisition to the Pelizzari Natural Area expansion was also approved.

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1. Introduction



Peninsula Township, Michigan

Peninsula Township (Old Mission Peninsula) has some of the most impressive scenery in all of Michigan, with rolling forested hills, 42 miles of Great Lakes' shoreline, stunning views of Lake Michigan bays, and farms, orchards, vineyards, and wineries. Thousands of tourists visit the area annually to enjoy the beauty of the Old Mission Peninsula, and more than 6,000 people are fortunate enough to call this area home. Residents and community leaders have long recognized the spectacular beauty of the peninsula and have consistently taken innovative steps to be good stewards of this special place. One such step is to have a current master plan that defines an achievable yet inspirational vision for the future.

WHAT IS A MASTER PLAN?

A master plan is a document that describes a long-term and comprehensive perspective of the future of a community. It offers an educational element to frame community issues along with an aspirational and goal-oriented view of the future. Master plans often begin with a description of existing conditions, trends, and current attitudes, then look forward to define long-term community visions and goals.

The need for a master plan has been recognized perhaps as long as there have been townships and municipalities that grow and change. The places in which we live and work are constantly changing –

they grow, shrink, age, develop, and redevelop over time. Sometimes, physical change is subtle and nearly imperceptible. Other times, physical change can be dramatic as large private developments or public infrastructure projects are completed. Beyond the pace of community change is the larger question of whether the direction of change is taking a community forward toward a more livable, economically stable, and attractive place.

The fuel that drives community change is decision making. The community we see today is the product of past decisions both large and small past decisions made by individuals and public or private organizations. Local leaders make decisions about how to regulate land use, what public buildings and infrastructure to build and maintain, and what services to provide. The private sector makes decisions about how to respond to commercial needs and market demands. Together, these decisions produce community change. Thus, the need for a sense of direction and overall vision is apparent. The purpose of a master plan is to provide such vision, articulating the way forward based on community attitudes and preferences. Driven by such vision, master plans describe the necessary steps required to achieve goals.

One measure of valuable master plans is the degree The value of master plans is often measured by the extent to which they fully and completely reflect the desires of residents and stakeholders. Effective master plans typically offer a high level of community engagement at the foundation of their recommendations. They speak authoritatively about what residents desire and clearly describe the kind of community they wish to call home in the future.



Legal Context

Apart from helping to satisfy the basic desire to shape the future and provide a direction for community change, there is a legal dimension to master plans. More than a dozen states actually require a local master plan (also called a comprehensive plan), and others encourage it in various ways. In Michigan, the controlling statute is the Michigan Planning Enabling Act (MPEA) of 2008. This act consolidated older, related planning statutes and defined basic requirements and procedures for developing a master plan in Michigan communities. One significant legal aspect of the MPEA relates to the connection between the master plan and zoning. The MPEA requires steps to reconcile proposed land-use categories in the master plan with existing zoning districts found in the zoning ordinance. Additionally, the Michigan Zoning Enabling Act of 2006 (Section 125.3203) similarly connects to the master plan by specifically stating that a zoning ordinance shall be based on a plan designed to promote the public health, safety, and general welfare.



Recent Planning History

Peninsula Township recently began steps to update the township's zoning ordinance (adopted in 1972). Many zoning amendments have been made to this document over the years, but work to update this particular version began in 2016 and focused primarily on updating format and structure; adding illustrative graphics, organization, definitional elements, and maps; conforming with state law, removing conflicting sections, and clarifying procedures. This work is nearing completion in late 2021 and is intended to provide a foundation for future zoning updates that will be more substantive in nature.



The 2019 formation of the Peninsula Township Master Plan Steering Committee was another major milestone. This committee included members of both the planning commission and township board along with several knowledgeable residents. Committee accomplishments included developing and implementing a new community survey, designing and launching the Participate Old Mission online community engagement platform (see Chapter 3), and developing this document. It is hoped this committee will continue to function and leverage institutional knowledge and insight gained during the planning process to maintain momentum toward future master plan updates.

A SPECIAL PLACE

Peninsula Township was established in 1853 as part of Grand Traverse County. Townships are a common form of local government in Michigan, but Peninsula Township is unlike other townships in Michigan for at least six important reasons as presented below.

1. Size and Shape

Michigan has 1,240 townships. Most are rectangular in shape and about 36 square miles, or 23,040 acres, in size. Peninsula Township is smaller than most townships with only about 28 square miles, or ~~17,755~~ 17,858 acres. However, despite its smaller size, it is uniquely shaped as a long and narrow peninsula extending about 16 miles into Lake Michigan's Grand Traverse Bay. This long, narrow shape never more than three and a half miles wide at any point creates nearly 42 miles of precious Great Lakes shoreline. At the same time, this unique shape creates transportation challenges. A single point of primary access to the Traverse City urban area occurs at the south end of the peninsula where Peninsula Drive and M-37 converge.

This single point of traffic convergence creates a significant traffic chokepoint (see page 25). Additionally, because the township is a peninsula, there is almost no potential for shared public safety services with adjacent jurisdictions. Peninsula Township has just built a third fire station so that all residents can receive reasonable and equal fire and EMS response times.

2. Property Values

The natural beauty of the area helps make Peninsula Township a highly desirable place to live. To that end, raw land prices are significantly higher in the township than in surrounding areas. Highly desirable waterfront lots and interior parcels with spectacular views justify high land values and the construction of expensive homes.

According to MLive (posted Feb. 04, 2020), Peninsula Township was 15th among all cities and townships in the state of Michigan in terms of median home values at just under \$400,000. The most recent tax assessment records point to the fact that the total assessed value of property in Peninsula Township recently passed the \$1 billion mark.

3. Natural Beauty

Peninsula Township is one of the most scenic in Michigan and the nation as a whole. In 2013, USA Today identified M-37 as among the 10 most beautiful coastal drives across North America. Old Mission Peninsula was also designated as one of six Scenic Byways in Michigan. Elements that contribute to this natural beauty include striking views of East and West Grand Traverse bays, rolling topography, and extensive fields of fruit trees and vineyards. Clear water, sandy beaches, and protected bays also contribute to an incredible natural environment that draws tourists from around the world.

4. Microclimate

Because Peninsula Township is a narrow finger of land extending into Grand Traverse Bay, it has a special microclimate that helps support agriculture in the form of fruit trees and vineyards. The deep, cool waters of Lake Michigan and Grand Traverse Bay along with prevailing westerly winds and moderate temperatures help increase frost-free days in both the spring and fall. In cherry trees, for example, cool spring temperatures slow fruit and bud development, which minimizes the danger of damage due to freezes. Similarly, this unique microclimate contributed to the approval of a petition to designate Peninsula Township as a viticultural area

known as Old Mission Peninsula (see Federal Register Vol. 52, No 109, Monday, June 8, 1987). This designation was granted by the federal Bureau of Alcohol, Tobacco and Firearms and was the fourth American viticultural area established in Michigan. An approved viticultural area is associated with an appellation of origin on wine labels and in wine advertisements.

5. Tourism

The natural beauty of the peninsula together with the wineries, Mission Point Lighthouse, and the

overall popularity of the Traverse City region make Peninsula Township a popular tourist destination. The city of Traverse City reports that more than 3.3 million people visit the area each year (2012 statistics). That's about 35 times

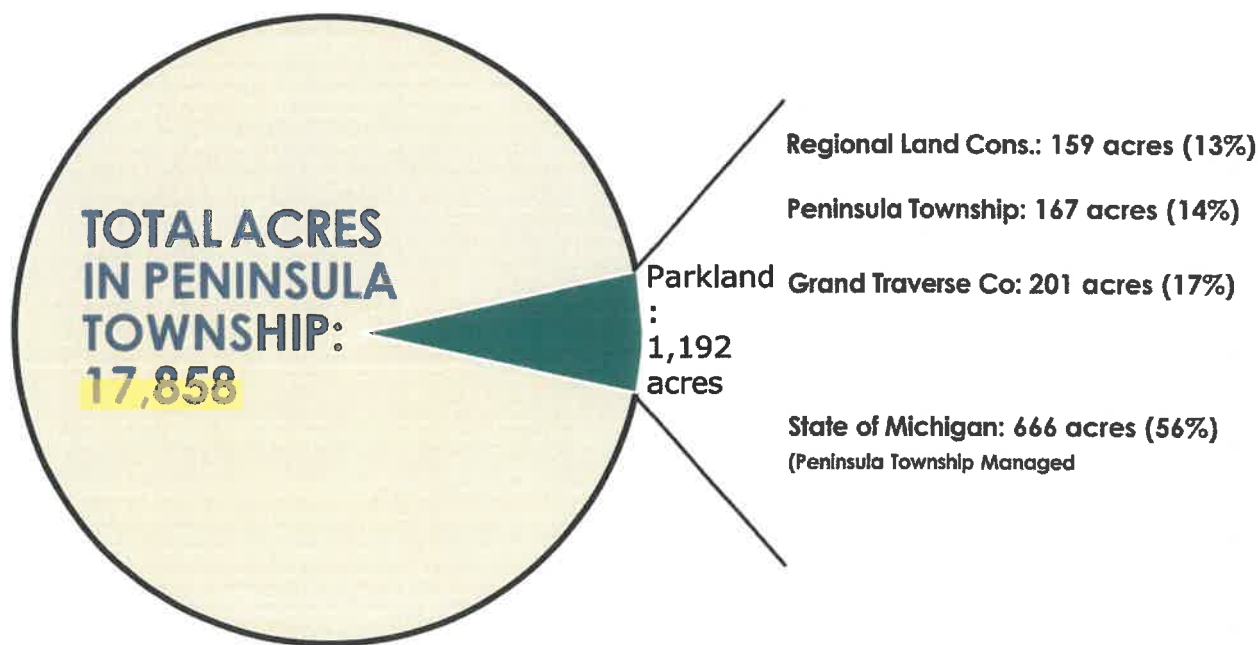
the total population of Grand Traverse County. Within this region, Peninsula Township is an oft-visited place. More than 50,000 people a year make the trip to the far northern tip of the peninsula and sign the guest book at Mission Point Lighthouse. Many more visit who don't sign the guest book. They come from all 50 states and many other countries. Additionally, the link to local tourism is so strong that one television advertisement for the tremendously successful Pure Michigan ad campaign featured images of the Old Mission General Store.

6. Parks And Recreation

Old Mission Peninsula is a magnet for recreational activities due to a combination of parkland, scenic vistas, shoreline roads, and Grand Traverse Bay. The township owns or manages 833 acres of publically accessible lands. The Grand Traverse

Regional Land Conservancy protects another 159 available acres at Pyatt Lake Natural Area: The Bill Carls Nature Preserve. Power Island's 200 acres are county managed and within township boundaries. The DNR manages two boat launches, and the township will manage a third at Kelley Park. The shoreline roads attract countless cyclists, runners, and walkers. Nearby schools send athletes to train on our shoreline roads and in our parks. Cycling and track groups promote peninsula rides and runs, and nationally publicized races are hosted here as well. Residents and visitors use the bays for boating, water skiing, fishing, sailing, and exercise via kayaking, paddle boarding, and swimming. When the bay freezes, here come the ice fishermen, skiers, and ice sailing boats. For residents and visitors alike, recreation is undeniably a sacrosanct feature of this peninsula.

Relative to its size, Peninsula Township enjoys an extraordinary number of acres of parkland. Seven acres out of every one hundred are set aside in some way for park and open space uses and owned by a unit of government or the Grand Traverse Regional Land Conservancy.





Archie Park



Kelley Park



Haserot Beach



Bowers Harbor Park

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2. Community Overview

Overview

The jurisdictional boundaries of Peninsula Township extend approximately 16 miles into Grand Traverse Bay, covering 17,755-17,858 acres and roughly 42 miles of shoreline. Adjacent to the township's southern boundary lie the city limits of Traverse City. Access to the township is limited, given the single state highway, M-37, which leads from M-11 to the very tip of the peninsula.

History

Old Mission Peninsula has a rich history. Extensive descriptions of archaeological resources, native residents, early European settlements, and historic events can be found in books and resources provided by organizations such as the Old Mission Peninsula Historical Society and the Peter Dougherty Society. Peninsula Township also gratefully acknowledges Karen Rieser, who



prepared the following summary of local history based on her research and knowledge.

As part of the Great Lakes ecosystem, the glacially created Old Mission Peninsula has provided a home for many peoples and cultures. Historians are unclear as to who the "first people" were and can only define residents by what was left behind. As a result, it is believed that the first people to the Grand Traverse area were the mound builders of the Hopewellian era. A group of people living throughout the eastern and central parts of the U.S. and Canada who worked with iron and copper, the Hopewell people were here between 10-400 BC. The Anishinabek came sometime later, the peninsula providing a home for the members of the Odawa and Ojibwa tribes. Before settling on the peninsula, the Anishinabek had made their home on the southern shores of Lake Superior. In 1740, when the soil in the Mackinac area began to fail, the tribes moved south, some choosing to settle on the resource-rich peninsula extending into Grand Traverse Bay.

The Anishinabek lived peacefully in the area as successful farmers, fishers, and hunters. Contemporary visitors to the area would have observed numerous birchbark wigwams, Three Sisters gardens containing corn, beans, and squash, a shore lined with fishing nets, canoes venturing into the bay to harvest fish, and racks of fish drying in the sun. On occasion, hunting parties would search the heavily timbered forests seeking game such as rabbit, squirrel, deer, and turkey. A variety of social interactions would also have been observed: grandmothers working with the very young, adults teaching boys and girls necessary skills, and others working to maintain the emotional and physical health of the tribe.

By the mid 1800s, Michigan had become the 26th state, European settlers were occupying the land running along its southern border, and the state government possessed a variety of signed treaties that increased the land available for white settlement.

One such treaty, the Treaty of Washington signed in 1836, ceded 14 million acres of land to the federal government and made the entire Old Mission Peninsula a reservation. The local tribe lived on the property, received cash payments over time, and was promised a mission and school.



Replica Log Church



Peter Dougherty House



Old Mission Inn



Mission Point Lighthouse

In 1838, the Native Americans on Old Mission first encountered Europeans, including Reverend Peter Dougherty, a missionary sent by the Presbyterian Board of Foreign Missions to create the promised mission and school. The board's objective was to "civilize," Christianize, and Europeanize the Native American population.

Over the 13 years Reverend Dougherty lived on the peninsula, he built a school, a framed home for his family, a church, and a community of converts. In 1852, with rumors flying that Native Americans east of the Mississippi would be relocated per the Indian Removal Act of 1830, a portion of the tribe, now citizens and permitted to purchase land due to their conversion to Christianity, moved across West Bay to the Leelanau Peninsula (the remainder of the tribe migrated to Canada). Dougherty accompanied his converts across the bay, helped them purchase non-reservation land, and created a new mission.

The peninsula was now vacant but for a few squatters waiting to earn legal rights to the land from the federal government, but the government was unclear as to who owned the reservation. At the end of the Civil War, the government finally concluded that it owned the reservation and began to sell or disperse it to Civil War heroes and soldiers in lieu of payment for services.

By now, the area formerly used for Dougherty's mission was now casually referred to as Old Mission. The name officially changed when Traverse City postmaster George Hebben renamed the peninsula's post office the Old Mission Post Office.

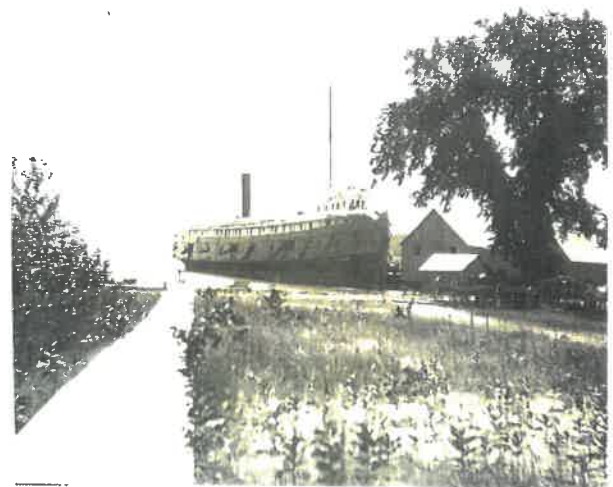
Over the years, the peninsula became home to more European settlers. Log cabins appeared, soon replaced by clapboard farmhouses. Agriculture and tourism became big business. A variety of produce was grown, including potatoes, apples, cherries, hops, hemp, grapes, blueberries, lavender, and Christmas trees. Livestock such as mink, cattle, whitefish, and trout were raised or harvested from the bay.

Successful farming produced more than peninsula residents and the large number of tourists who flocked to enjoy the beauty of the area consumed. The need to move these products quickly led to the development of a maritime shipping industry. The deep waters of Bowers and Old Mission harbors became prominent ports. Each provided a massive dock, storage sheds, and office space.



In 1909, schooners such as the Boyce left Bowers Harbor headed for Chicago loaded with up to 8,000 pounds of potatoes. Later, steam-driven ships transported goods up and down Michigan's west coast, along the eastern coast of Wisconsin and Illinois, and to the large city port of Chicago. Eventually, water transportation was replaced by train and truck transport, still the method of choice today.

In 1870, the increase in maritime activity prompted the construction of a lighthouse station at the tip of the peninsula to warn sailors of the shoal that surrounds the point. The Metropolis, a cargo ship was just one of the vessels captured by the shoal; its wreckage can be seen just yards off Haserot Beach.



Steamer at Old Mission dock circa 1900

Tourists also arrived by schooner, steamship, train, and auto and stayed in a variety of lodging destinations, some still in business today. One might choose to stay at Hedden Hall, also known as The Porter House and today the Old Mission Inn. The Pines and the Neahtawanta Inn were also available to summer visitors. The Stonewall Inn, Bowers Harbor Inn, and Rushmore Inn, once popular destinations, are no longer available for lodging.

Over the years, commercial enterprises were established on the peninsula, several of which are still in business today. In 1853, the popular H. K. Brinkman Boots and Shoe Shop was located on Woodland Road. Grocery stores came and went, among them Lardies, now the General Store; the Bowers Harbor Store, now the Boathouse Restaurant; and Watson's Grocery, located across from what is now the Peninsula Market. John Emory, the great-grandson of Captain Emory, a maritime sailor, developed the Big Jon Company that designed and produced downriggers and other fishing equipment of such high quality they are now sold nationally.

Descendants of the Ojibwa, Odawa, and early pioneers still reside in the area; their devotion to the land runs deep. Land preservation, continued agricultural growth, and walking a respectful path into the future is of great importance to protect the past and enhance the future of this beloved peninsula.

The current presence of Native Americans in the area is also apparent with the Grand Traverse Band of Ottawa and Chippewa Indians. Tribal offices are located in Peshawbestown, Michigan, about 20 miles north of Traverse City in Leelanau County (or about six miles west of the tip of Peninsula Township across the west arm of Grand Traverse Bay). The Grand Traverse Band of Ottawa and Chippewa Indians is a federally recognized Native American tribe with a reservation extending into portions of six counties as well as Grand Traverse Bay, the eastern shore of Lake Michigan, Lake Leelanau, and Elk Lake. In addition, the tribe owns and operates the Turtle Creek Casino & Hotel, **Grand Traverse Resort and Spa, and Leelanau Sands Casino & Lodge, and Grand Traverse Resort and Spa.**

With these historic roots, the Old Mission Peninsula remains a thriving agricultural area and continues

to host tourists from all over the world. Visitors and residents alike enjoy breathtaking landscapes, clear waters, sandy beaches, a variety of events, multiple restaurants, award-winning wineries, and fabulous historical sites.

Fortunately, several of the peninsula's more prominent historical resources are designated as such at the state and federal levels, including the National Register of Historic Places, which is the official list of our country's historic buildings, districts, sites, structures, and objects worthy of preservation.

The National Register was established as part of the National Historic Preservation Act of 1966 and is overseen by the National Park Service. Three properties in Peninsula Township are included on the National Register:

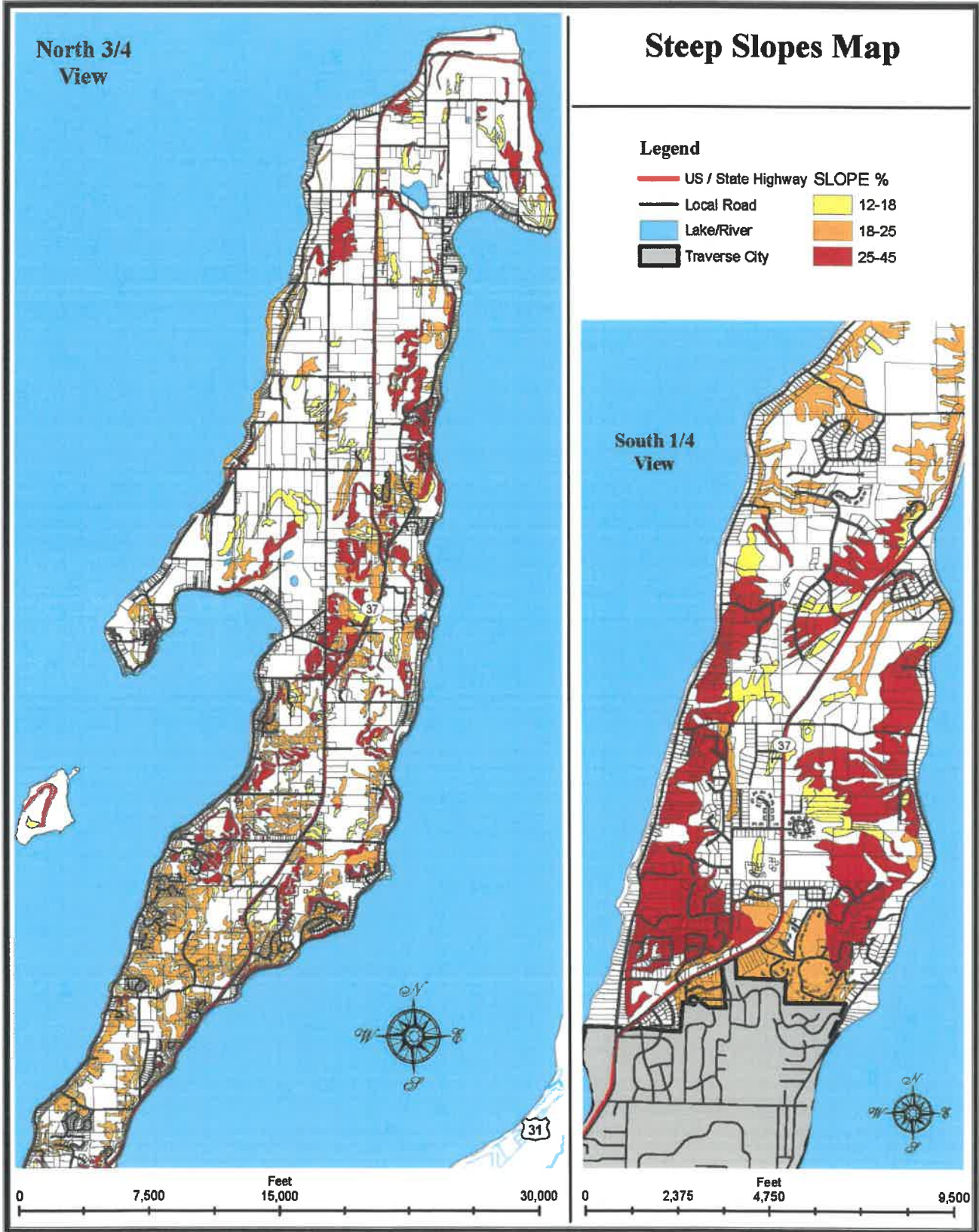
- » Hedden Hall (also known as the Old Mission Inn and the Porter Hotel);
- » Stickney Summer House and Bowers Harbor Inn (where Mission Table and the Jolly Pumpkin are now located); and
- » Dougherty Mission House.

The state of Michigan also identifies historic sites that may or may not also be on the national register. Current state of Michigan listings include:

- » Hedden Hall (also known as the Old Mission Inn and the Porter Hotel);
- » Joseph Hessler Log House;
- » Mission Point Lighthouse Park;
- » Mission Point Lighthouse;
- » Old Mission Congregational Church; and
- » Dougherty Mission House.

Soils

According to the U.S. Soil Conservation Service, there are six general soil associations in Grand Traverse County. One of these soils associations is the Emmet Leelanau association on the Old Mission Peninsula north of Traverse City and in the northeastern and north-central portion of the county. This soil association is described as being well-drained, slightly acid to neutral sandy loams and loamy sands occurring on gently to steeply sloping areas.



Topography

Glacial topography on the peninsula consists of rolling hills, valleys, and wetlands. Some bluffs rise dramatically from the shores of the bays to more than 200 feet **in elevation above lake level**, affording spectacular views of East and West Grand Traverse bays. The slope and aspect of the hillsides provide excellent locations for orchards and vineyards. An illustration of areas with steep slopes is shown on the map on page 20. Most steep slopes are found toward the south.

Climate

Climate combines with topography and soil types to make Peninsula Township a uniquely ideal area for agriculture, particularly fruit crops. Classified as a humid continental maritime climate, peninsula weather is moderated by the presence of the two bays. The microclimate, tempered by the insulating quality of the bays, protects vulnerable buds from early- and late-season frosts and results in a longer-than-usual growing period. The frost-free season on the peninsula ranges from 140 to more than 150 days compared to fewer than 100 days inland near Fife Lake. Annual snowfall averages 120 inches in the southwest portion of Grand Traverse County compared to fewer than 90 inches on the peninsula.

Agriculture

Native Americans were the original farmers in the region, and agriculture has played an important role in the lives of subsequent township residents for many generations. In the 1800s, a group of settlers hired a state geologist to survey the area and prepare a report. The findings indicated that the climate and soils were favorably suited for fruit production.

Shortly after the report was published, George Parmalee planted cherry trees. Other pioneers followed Mr. Parmalee's example, concentrating on developing orchard agriculture on the peninsula. By 1904, the census indicated that 1,369 acres of apples and 202 acres of cherries had been planted. In recent decades, a number of landowners have planted grapes for wine production, which now represents an important industry on the peninsula. Other industries that support agriculture have also developed. While there **has have** traditionally been **little few** heavy **industry-industrial uses** on



the peninsula, the township is currently home to many agriculturally-based businesses such as fruit processing plants.

Historical Context of Agriculture and Agribusiness

The first township master plan was adopted in 1968, and farmland protection was among the goals identified. Subsequently, a zoning ordinance was adopted in 1972 that defined an **A-1 agricultural A-1** zoning boundary that is essentially the same today as it was then. Chateau Grand Traverse was **among** the first commercial vineyard and winery operations to appear in the 1970s at a time when cherries and other tree fruits were the major agricultural activities on the peninsula. The grape/winery industry continued to grow throughout the late 1970s and early '80s with most growers selling to processors in Peninsula Township and Leelanau County.

The combination of increases in land values and a growing trend of prime farmland being converted into subdivisions created a concern among farmers and homeowners about the future of Old Mission Peninsula **agriculture**.

George McManus, county extension agent and later state senator, wrote an article for the Soil Conservation Service newsletter in 1973 asking a profound question: **In the future, would there be cherries on Old Mission Peninsula?** This article crystalized the concern about farming versus development in the minds of farmers and

homeowners alike. The farmers were concerned about non-farm **persons residences** in close proximity to **producing farmland active farm operations** and their complaints about the dust, noise, and odors of normal farming practices. **Homeowners were concerned about the loss of character of the township and increased pressure on the roads and utility systems as well as increased taxes.**

In the late 1980s, these trends prompted a review of the township’s master plan and zoning ordinance. The resulting master plan and zoning rules were based on the carrying capacity of roads and utilities. **Recognizing the unique geography of the Old Mission Peninsula, the documents called for a reduction in the sewer and water municipal service area.** At the same time, increased flexibility for home occupations and employees in residences was proposed as a way to add economic opportunity. It also increased value-added opportunities for farming operations while keeping non-farm persons from close proximity to production activities. Further, a study by township staff showed that residential development did not always pay for the full cost of public services it used while farmland and open space required fewer services while paying a comparatively high level of taxes.

With the prospect of growth pressure and expectation of the loss of unique agricultural land in sharper focus, a purchase of development rights (PDR) program was created and supported by residents. In 1994, the voters in Peninsula Township approved a tax increase of one and a quarter mills for 10 years to preserve in perpetuity the agricultural and open space character of the township. This program was among the first of its kind in the nation. In 2002, voters again confirmed the plan by approving a second millage vote of two mills for 20 years. The second millage vote, while for an increased amount over a longer period, was approved by 60 percent of the votes cast. Today, the money generated from past millage votes has largely been spent, and the PDR citizen committee is beginning to explore residents’ interest in once again renewing the PDR millage. According to the 2019 citizen survey (see Chapter 3), residents are aware of the PDR, program and a majority are interested in renewing the millage.

Past planning efforts in Peninsula Township led

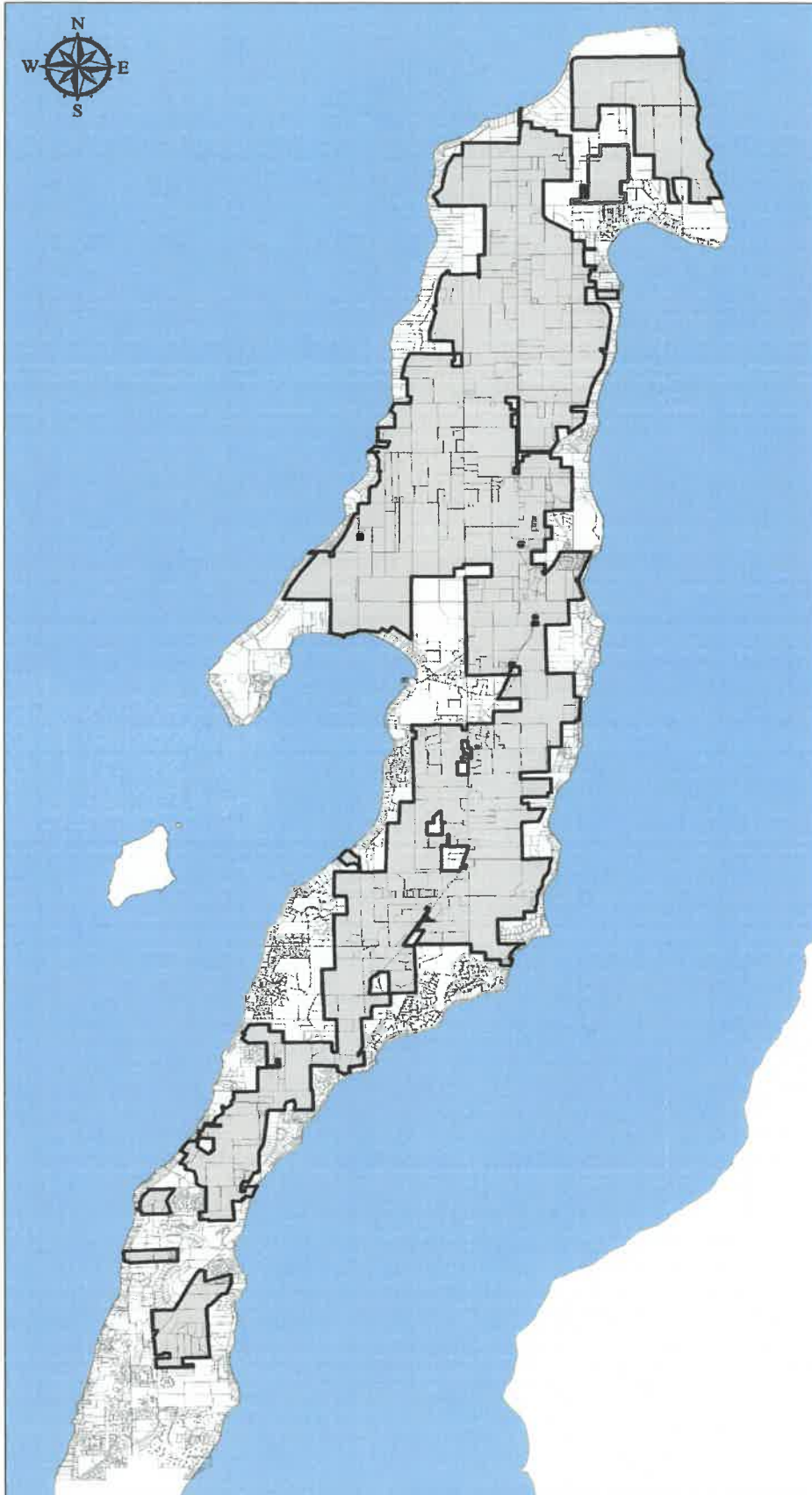
to the definition of the Agricultural Preservation Area (APA). This map closely aligns with the A-1 agricultural zoning district and depicts all high quality agricultural land that is technically eligible to participate in the PDR program if a voluntary application is completed by the property owner. As shown, the APA covers a significant portion of Peninsula Township.

Part of the basis for determining the boundaries of the APA also included the Red Tart Cherry Site Inventory for Grand Traverse County Michigan prepared by the U.S. Department of Agriculture, Soil Conservation Service. This 1971 report evaluated parcels of land according to their ability to consistently produce cherry crops. Considerations included soil conditions as well as physiographic and microclimatic factors. Color-coded maps were generated that depicted desirable locations for cherry production as well as areas associated with moderate or severe limitations that influence cherry production yields. Relevant maps from this report are included in the appendix.

After many years of planning and implementation, the map to the right shows the total amount of protected land in the township. The PDR program, together with other forms of land protection, now protects more than 6,000 acres, or 34 percent of the township.

Considering only the agricultural preservation area, which is nearly 9,900 acres, the total amount of





PENINSULA TOWNSHIP

AGRICULTURAL PRESERVATION AREA (APA)

PARCELS

□ APA



Create Date: February 11, 2020

PENINSULA TWP. PROTECTED LANDS 2020

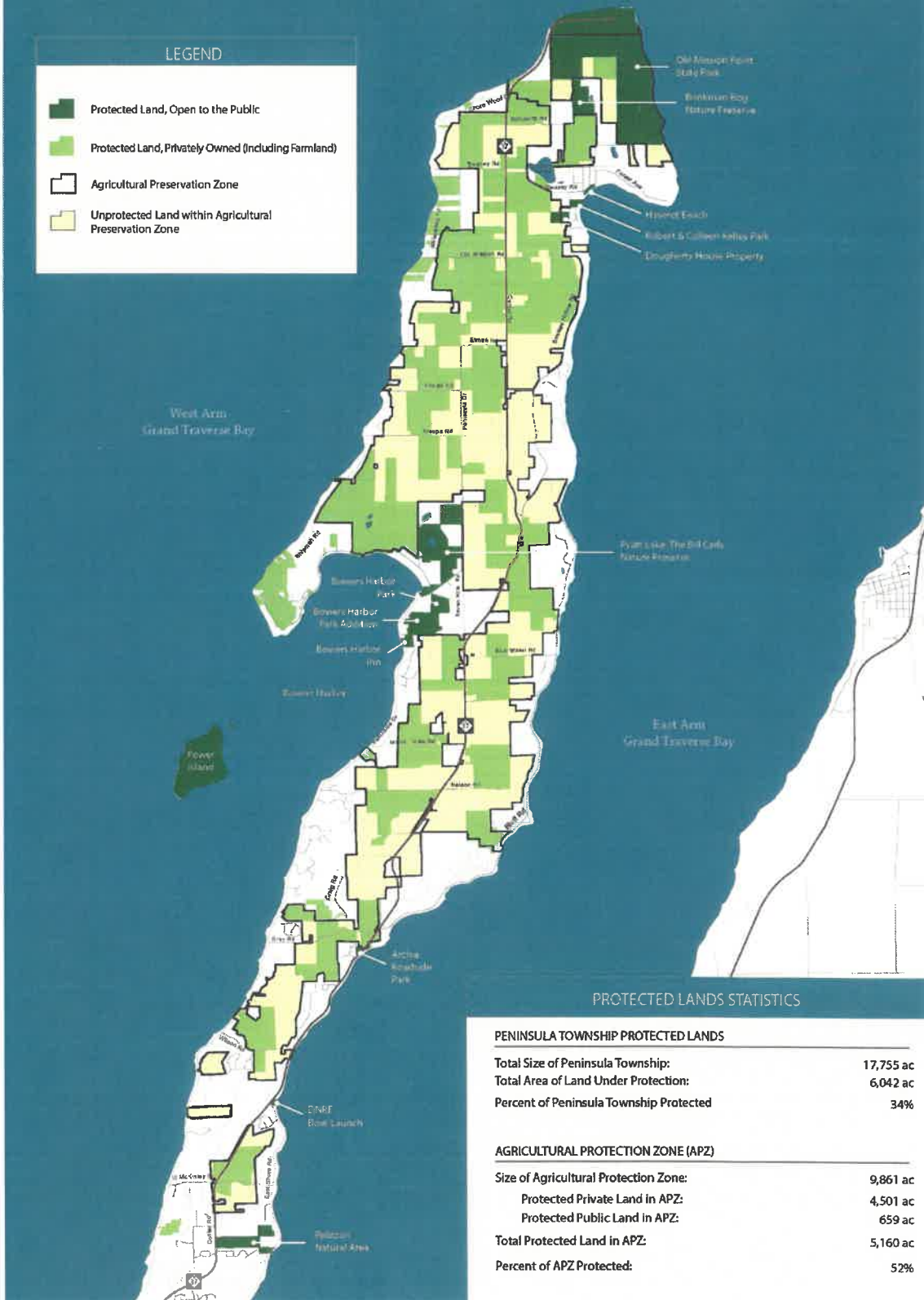


Protecting Significant Scenic, Historic, Park, and Other Land, and Addressing Agricultural Land Use for All Future Generations

WWW.GTRLC.ORG

LEGEND

- Protected Land, Open to the Public
- Protected Land, Privately Owned (Including Farmland)
- Agricultural Preservation Zone
- Unprotected Land within Agricultural Preservation Zone



PROTECTED LANDS STATISTICS

PENINSULA TOWNSHIP PROTECTED LANDS

Total Size of Peninsula Township:	17,755 ac
Total Area of Land Under Protection:	6,042 ac
Percent of Peninsula Township Protected:	34%

AGRICULTURAL PROTECTION ZONE (APZ)

Size of Agricultural Protection Zone:	9,861 ac
Protected Private Land in APZ:	4,501 ac
Protected Public Land in APZ:	659 ac
Total Protected Land in APZ:	5,160 ac
Percent of APZ Protected:	52%

protected land covers about 53 percent of the total acres.

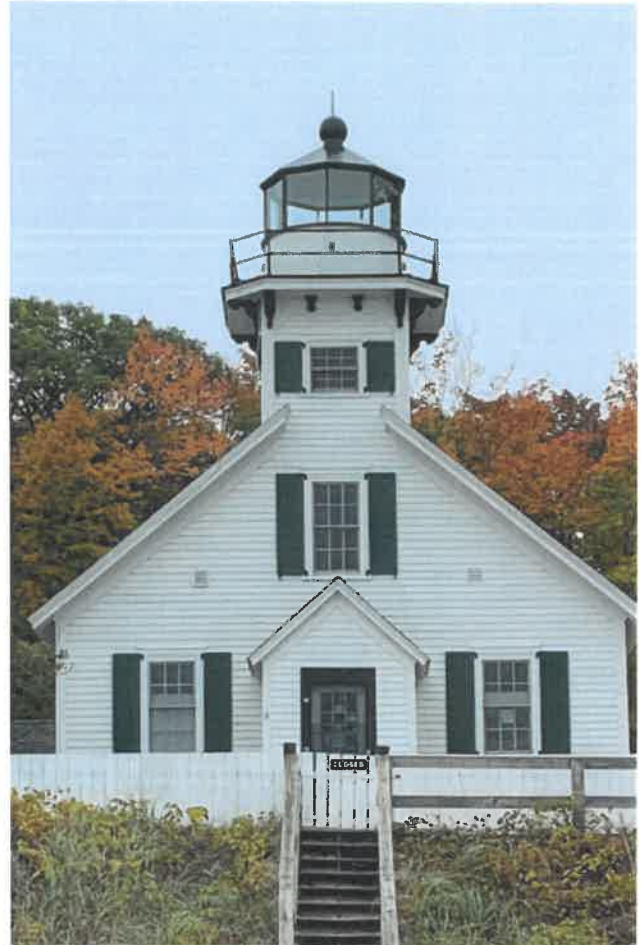
Transportation

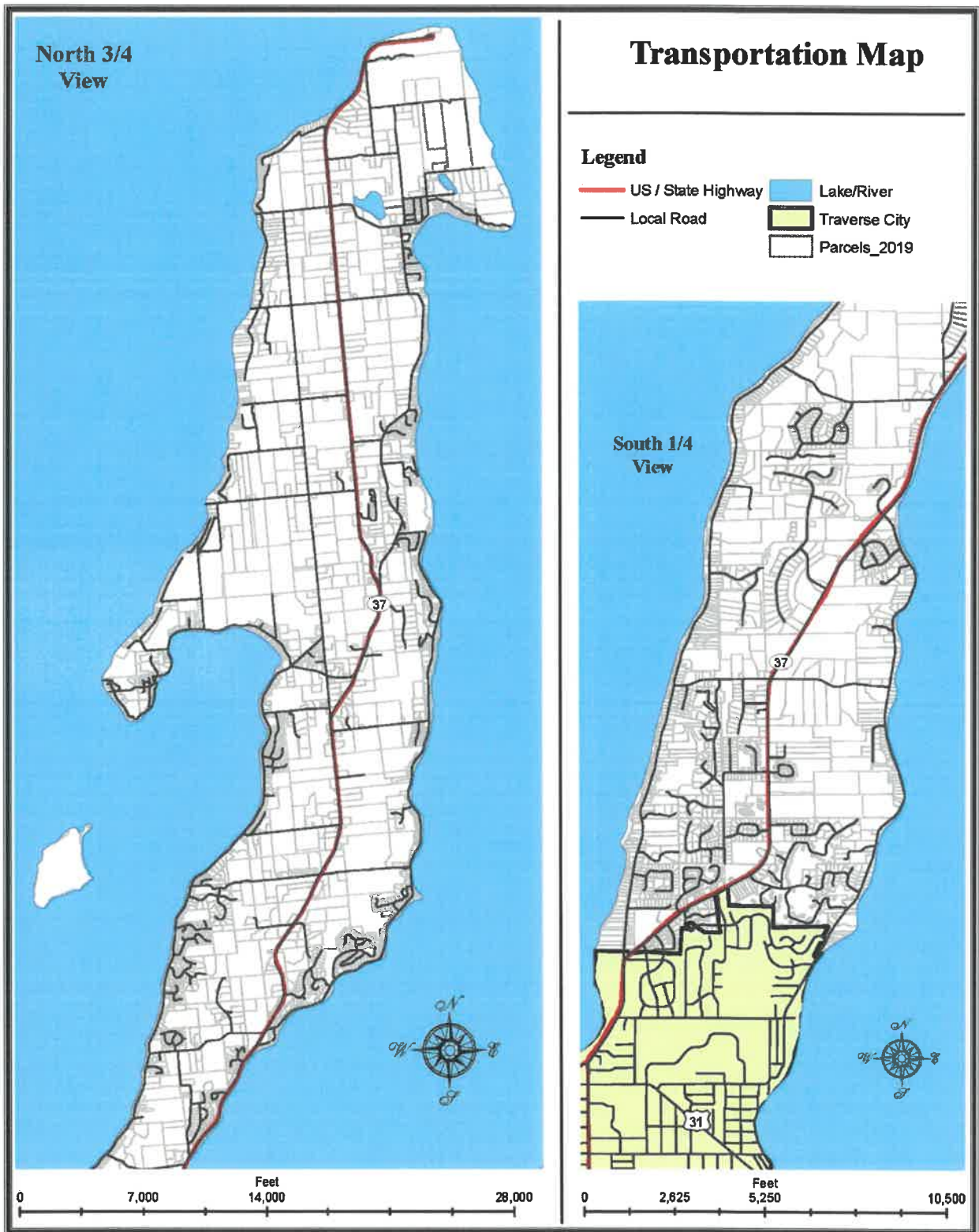
Elements of the transportation system we see today are deeply rooted in the past. As a result of the sinking of a large ship on a rocky shoal extending out into the bay in the 1800s, the lighthouse we see today at the tip of the peninsula was constructed in 1870 just south of the 45th parallel. The first public road in Grand Traverse County, built in 1853 by volunteers, stretched from Traverse City to the village of Old Mission. Other local roadways followed Native American trails and later became familiar roads such as Peninsula Drive and East Shore Road.

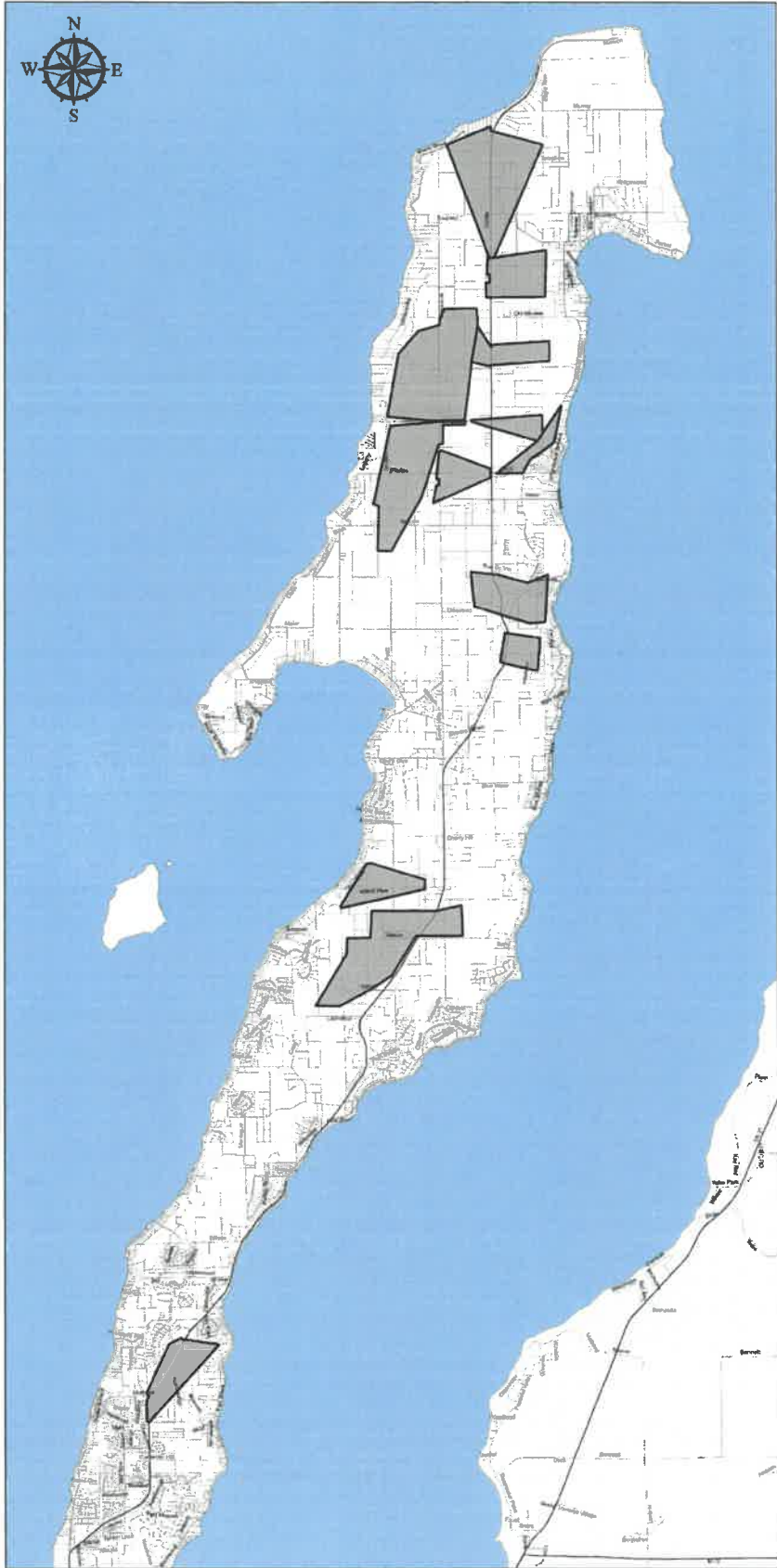
The peninsula's main thoroughfare, Center Road or M-37, provides the primary means of transportation north and south through the township. Center Road is managed by the state of Michigan's Department of Transportation (MDOT) and provides the connections to the state and federal highway system. As described later, M-37 is also a Scenic Heritage Route. A map showing the existing vehicular transportation system is provided on page 26.

Within a few miles of the base of the peninsula, residents of the township have access to three state highways that serve as major east-west and north-south corridors as well as provide access to Cherry Capital Airport. However, accessing Peninsula Township is a key planning issue that universally

impacts almost all others. With only one primary road on and off the peninsula, the capacity of that road and related intersections restricts traffic flow significantly. For this reason, significant residential growth and the potential for additional tourist







PENINSULA TOWNSHIP

PRIME SCENIC VIEWS

~ HIGHWAYS

LOCAL ROADS

PARCELS

VIEWSHED



Create Date: April 17, 2020

traffic is often viewed in the context of the limited capacity of these intersections and the potential for increased traffic congestion.

Views

The amazing views from **public** roads provided by Peninsula Township's unique geography and proximity to Lake Michigan have been specifically identified for planning purposes. Recently, the map illustrating major viewsheds was updated and is provided on **page 27**. This map was originally produced and subsequently updated to support the priority system established within the PDR program. As such, it is oriented toward views associated with the agricultural preservation area shown on page 24.

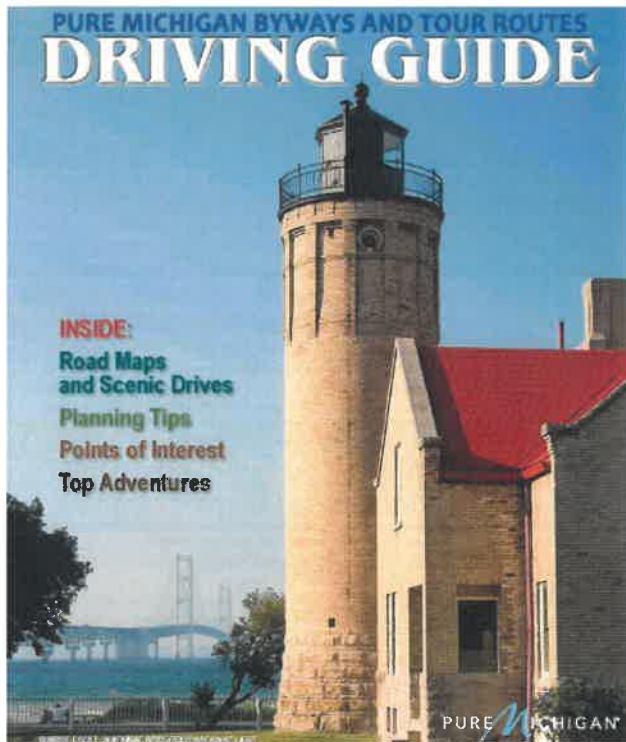
In addition to the views identified on page 27, the views associated with shoreline roads (and from the water) are similarly outstanding. East Shore Road, Bluff Road, and Peninsula Drive all offer spectacular **sights views** of water and shoreline landscapes along East and West Grand Traverse bays. It is noteworthy that, despite the fact that shoreline views are as attractive as interior views (as shown **on page 27 below**), the township does not **now currently** have an inventory of shoreline areas



depicting waterfront viewsheds, existing trees and vegetation cover, and other natural features. Such an inventory may enhance future planning, as well as land use and infrastructure decision making.

Pure Michigan Byways

Pure Michigan Byways are state trunkline routes with special significance. They are designated according to an eight-step procedure and fall into categories based upon intrinsic qualities such as scenery, history, and recreation.



Old Mission Peninsula

Setting out into Lake Michigan's Grand Traverse Bay at 27 is the peninsula's main route, marking a not-so-lively corner where you'll be useful to many from clucking chickens to, uh, hams, and just...

The Old Mission Peninsula divides Grand Traverse Bay and has a long history, starting with the Ottawa and Chippewa tribes. In 1839, Rev. Peter B. Ogden, an early established mission for these tribes. The first public road in Grand Traverse County was built in 1853 by volunteers, stretching from Traverse City to the village of Old Mission. European discovery of this "fragile dirt" along the 45th parallel was ideal for growing fruit. In 1896, the road was designated "Queen's Highway" in honor of the annual cherry blossom exhibit at St. Ignace's church.

The byway is entirely within Peninsula Township, where you'll find an antique shop of Lake Michigan, restaurants, vineyards, farm fields, rolling hills, parks, trails, and a lighthouse. There are many value-added agricultural destinations, such as wineries, bed and breakfasts,

pick farms, and farm stands, but off the byway to the east or west are county roads. Many wineries offer spectacular views of eastward-facing Grand Traverse Bay, as Michigan and farm stands provide seasonal fruit, such as cherries, blueberries, raspberries, apples, and other fruit products. Peninsula Township was the first local government in the state of Michigan to enact a voter-approved "Purchase of Development Rights" program to preserve the agriculture, farmland, and scenic view areas from development.

US-31 to Bowers Harbor Road

The southern section of the byway is more residential, with many year-round and seasonal homes and clustered residential developments. Two miles north of Traverse City's busy US-31 corridor is the Grand Traverse Regional Land Conservancy's scenic Millwright Island Area, which was once the Pillsbury family farm. Its location and relatively dense development makes it a backward park for many, as well as a destination worth traveling to. There are nearly 3 miles of trail that meanders through wide-open fields, dense woods, quiet upland forests, and trail overlooks with great overlooks, and are suitable for hiking, skiing, and snowshoeing. Visitors are likely to encounter an owl bird species. The captured hardwood forest is during the summer.

Further north, the Lake Grand Traverse Bay Boat Access Site provides launching of pleasure and fishing boats, canoes, and kayaks. In the East Grand Traverse Bay, Arctic Roadside Township park provides bicyclists a parking lot and staging area for four of the Old Mission Peninsula, with access to Grand Traverse Bay. Further north, visitors can pull off at the Central Road Bank. Overlook to take in the spectacular view of east and west Grand Traverse Bay and take pictures.

Just off the byway in Bowers Harbor Road is Bowers Harbor Park, a major township park with access to numerous recreational resources that include tennis and volleyball courts, baseball and soccer fields, playground, picnic/BBQ amenities (such as pavilions, grills, and tables), a restroom, and numerous trails. North of Bowers Harbor Park on Peninsula Drive is the Conservancy's scenic Bowers Harbor Peninsula, one of the last remaining examples of a "wooded cove and water complex" habitat in northern Michigan. The pristine landscape and unique habitat makes it a haven for more than 50 plant species. In the spring, they flower brightly and bloom against the ground. Many other waterfowl use the lake as a nesting place, while waterfowl, waterfowl, waterfowl, and more all flourish in the waterfowl forest. With its geological and botanical features and abundant wildlife, Bowers Harbor is a must see.

Source: Pure Michigan Byways and Tour Routes



The Old Mission Peninsula Scenic Heritage Route (M- 37) was designated in 2008 and keeps company with a few other scenic byways and heritage routes in the area such as the Leelanau Scenic Heritage Route, M-22, and M-119 (Tunnel of Trees).

Public Water System

Construction of the Peninsula Township water distribution system began in the late 1980s out of the need for reliable potable water for domestic demand and fire protection. Through the years, population growth and construction in select commercial and residential locations has generated the need to expand the system. The sole water source is supplied by the city of Traverse City through a bulk water agreement regulated by the two governmental entities. Several mutual connection points between the city and township systems are monitored utilizing master meters that are recorded monthly by the Grand Traverse County Department of Public Works (GTCDPW) for tracking and billing purposes. Presently, the entire system operates under two centralized service districts, the Peninsula Drive District and the Huron Hills District; both provide both domestic and fire flows. The limits of each service district are defined by the primary infrastructure that supplies the users.

About one-third of all residents are served by a public water system. It is important that water pressure in a consumer's residence or place of business be neither too high nor too low. The normal operating pressure range for water distribution systems is 40 to 90 psi and a minimum of 20 psi during fire flow (emergency) conditions.

Water is distributed to users located within the two service districts by infrastructure owned, operated, and maintained by the township. This infrastructure is comprised of one booster station, one water storage tank, seven reducing valve stations, and approximately 15 miles of distribution piping. Booster stations pump water to outlying districts at higher elevations, and water is fed back down towards the city of Traverse City to some extent through pressure reducing valves (PRVs). The operating pressures for each service district are dictated by gravity (ground or elevated) storage. A 500,000 gallon ground storage tank exists on Center Road near Cherrywood Commons just off of Mathison Road.

As an owner of a public water and sewer system, Peninsula Township is responsible for ensuring compliance with both the Safe Drinking Water Act (Act 399) and the Natural Resources and Environmental Protection Act (Act 451) as enforced by the Michigan Department of Environment Great Lakes and Energy (EGLE). Part of the role of the township engineer (Gourdie-Fraser & Associates) is to ensure the township's system complies with these requirements. This includes performing ongoing evaluation of the existing system to ensure adequate capacity to accommodate existing and future growth demands, maintaining inventory and condition of all assets, coordinating with the DPW for maintenance of infrastructure, and defining a capital improvement plan for each system. The following two maps illustrate the extent of the public water system in Peninsula Township and the location of proposed capital improvement

Capital Improvements

Project	Status	Cost	Recommendations
Water Main Upgrades (1 to 5 Year)	None	\$233,584.00	Increase Fire Flow
Water Main Extensions (1 to 5 Year)	None	\$632,905.00	Expand Service Area
Emergency Booster Station	None	\$260,000.00	Increase Reliability/ Capacity
Water Main Extensions (10 to 20 Year)	None	\$3,091,790.00	Expand Service Area
Special Assessment District Improvements	None	\$2,332,967.00	Expand Service
Maintenance			
Water Storage Tank Inspection & Cleaning	Last Completed in 2010	\$2,200.00	Needs to be performed every 5 years

Peninsula Township Water System

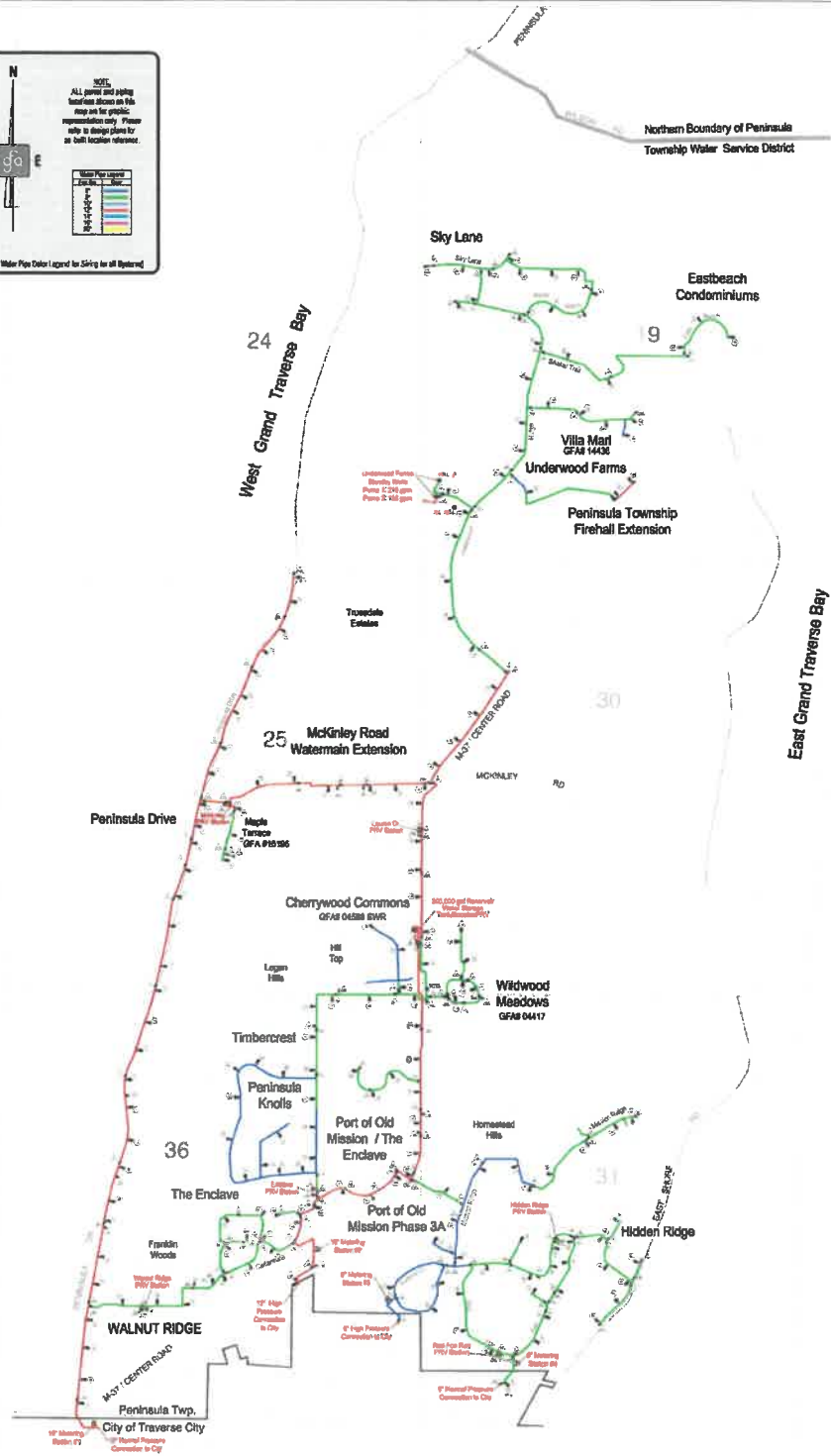


NOTE:
 All green and yellow
 lines are for
 design only. Please
 refer to design plans for
 all design details.

Water Pipe Color Legend for Sizing for All Systems

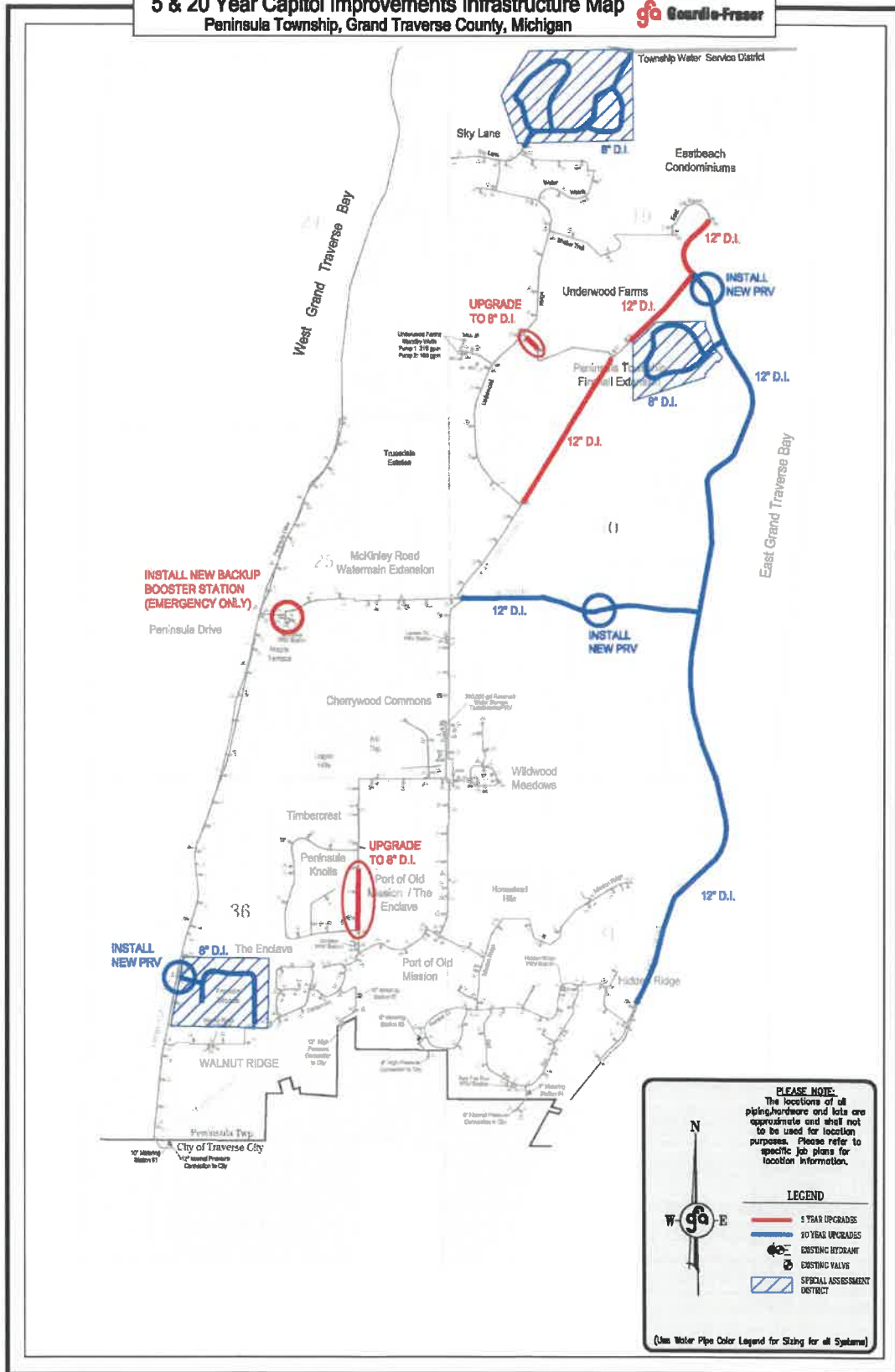
12" High Pressure	Red
10" High Pressure	Orange
8" High Pressure	Yellow
6" High Pressure	Light Green
4" High Pressure	Green
3" High Pressure	Dark Green
2" High Pressure	Blue
1.5" High Pressure	Light Blue
1.25" High Pressure	Very Light Blue
1" High Pressure	White

(See Water Pipe Color Legend for Sizing for All Systems)



Revised: 02/25/2020

5 & 20 Year Capitol Improvements Infrastructure Map **gfa** Gordian-Fraser
 Peninsula Township, Grand Traverse County, Michigan



projects recommended for the next 20 years. These improvements also appear in the table below.

Areas not served by the public water system rely on private wells regulated by the Grand Traverse County Health Department.

Public Sewer System

Construction on the Peninsula Township sewer system began in the 1970s and has expanded through the years with the township's population growth. Wastewater treatment for the township is accomplished through a contract with the Traverse City Regional Wastewater Treatment Facility. The sole treatment source is provided by the city of Traverse City through a bulk sewer agreement regulated by the two governmental entities. Several mutual connection points between the city and township systems are monitored monthly by the Grand Traverse County Department of Public

Works, which utilizes master meters for tracking and billing purposes.

About three in 10 residents are connected to the peninsula's public sewer system. The system is comprised of three major sewer system districts via infrastructure owned, operated, and maintained by the township. This infrastructure is comprised of three pumping stations, 2,500 linear feet (0.5 miles) of force main, and approximately 8.6 miles (45,500 linear feet) of gravity (collection) piping.

The map on page 34 illustrates the extent of the public sewer system in Peninsula Township. Areas not served by public sewer **rely utilize** on on-site septic systems as regulated by the Grand Traverse County Health Department. Because Peninsula Township relies heavily upon on-site septic systems, maintenance and performance are important topics in the context of protecting water quality. As discussed later, this subject is extremely important



Peninsula Township Sanitary Sewer System

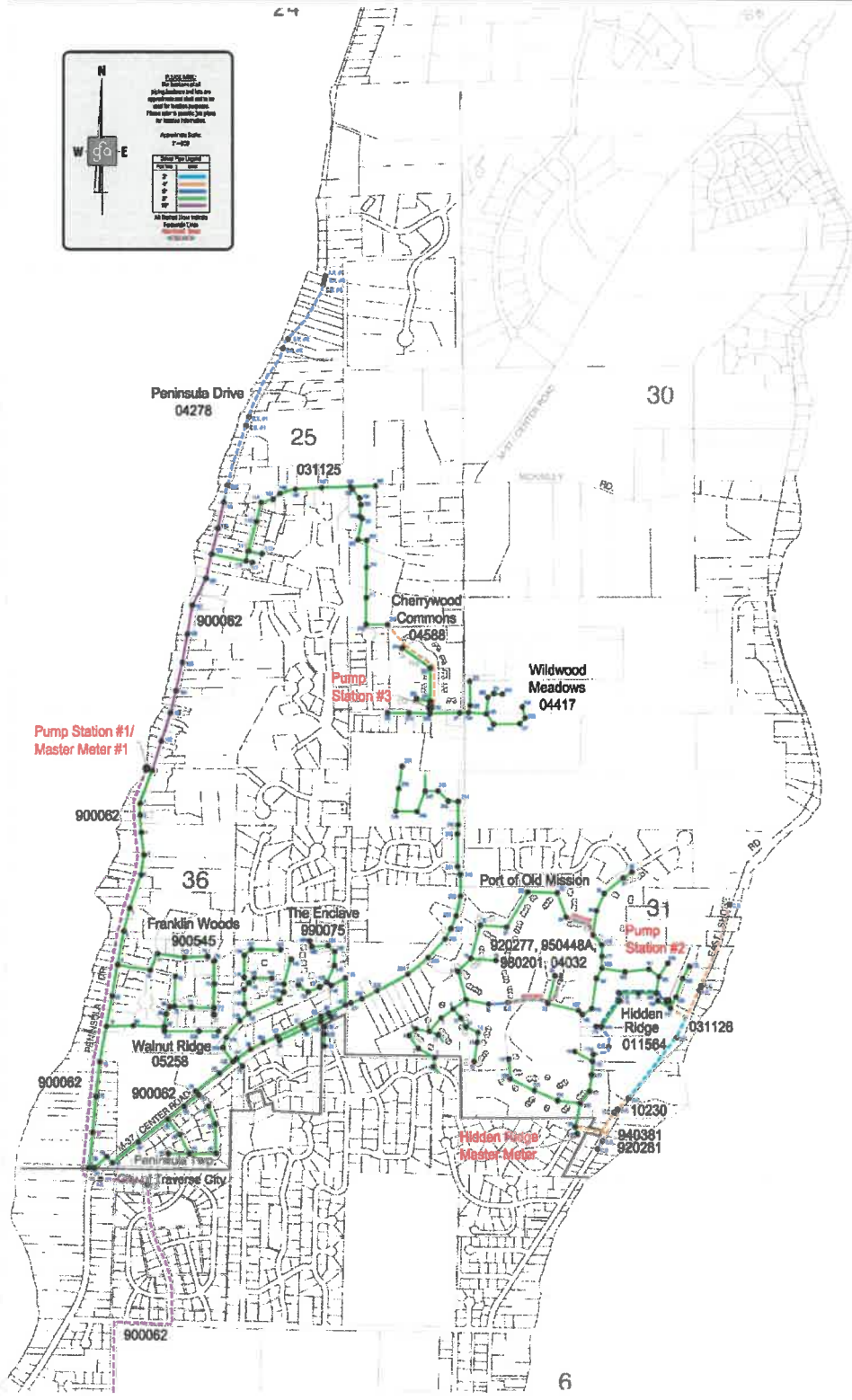
PLAN NOTE:
 All dimensions and notes are approximate and shall not be used for location purposes. Please refer to zoning, building or natural resources.

Adopted Date: 7-2020

Color Key Legend:

- 1' - 1" (Green)
- 2' - 2" (Blue)
- 3' - 3" (Red)
- 4' - 4" (Purple)
- 5' - 5" (Orange)
- 6' - 6" (Yellow)
- 7' - 7" (Light Green)
- 8' - 8" (Light Blue)
- 9' - 9" (Light Red)
- 10' - 10" (Light Purple)

All Natural Gas Valves Forwarded Only



Revised: 02/25/2020

to residents. Nearby Long Lake Township is one example of a community that requires private septic system inspections when property transfers to new ownership. This process helps identify problem areas that may contribute to pollution and brings about corrective action before a property is sold or transferred.

for many decades and continues to represent about six percent of Grand Traverse County. In the coming decades, however, as developable land becomes scarcer, it is expected that Peninsula Township will likely represent a decreasing amount of the total population of Grand Traverse County.

Demographics

Peninsula Township’s population has grown steadily

Resident Profiles

Year	Peninsula Township Population	Change from Prior Decade (Num.)	Change from Prior Decade (Percent)	Grand Traverse County Population	Change from Prior Decade (Num.)	Change from Prior Decade (Percent)	Peninsula Township as a % of Grand Traverse Co.
1930	1,107			20,011			5.5
1940	1,146	39	3.5	22,702	2,691	13.4	5
1950	1,531	385	33.6	27,826	5,124	22.6	5.5
1960	2,013	482	31.5	32,687	4,861	17.5	6.2
1970	2,642	629	31.2	38,169	5,482	16.8	6.9
1980	3,883	1,241	47	54,899	16,730	43.8	7.1
1990	4,340	457	11.8	64,273	9,374	17.1	6.8
2000	5,265	925	21.3	77,654	13,381	20.8	6.8
2010	5,433	168	3.2	86,986	9,332	12	6.2
2020	6,068	635	11.7	95,238	8,252	9.5	6.4

Source: U.S. Census Bureau



One way communities are unique is in terms of the characteristics of residents. These characteristics are important because the lens by which a livable community is defined align with attributes such as age, family size, income, educational levels, etc. For example, the quality of a local school district and employment opportunities are far more important to young families than to retired or elderly households.

According to Census Bureau QuickFacts data, a Peninsula Township resident is:

- » More likely to be of retirement age. About a third of all Peninsula Township residents are 65 years old or older (compared with 17.2 percent statewide).
- » More likely to live in an owner-occupied home. More than nine out of 10 housing units in the township are owner-occupied (compared with 71 percent statewide).
- » More likely to have lived in the same home one year ago. More than 91 percent of residents lived in the same home one year ago (compared with 85.8 percent statewide).
- » More likely to live in a household with fewer people. The average household size in Peninsula Township is 2.21 (compared with 2.49 statewide).
- » More likely to be 18 years old or older. Only 17.3 percent of Peninsula Township residents are under 18 years old (compared with 21.7 percent statewide).
- » More likely to have a computer at home with broadband internet. More than 96 percent of Peninsula Township residents have a computer and nearly 92 percent have broadband internet (compared with 88 percent with a computer and 79 percent with broadband internet statewide).
- » More likely to live in a household with a substantially larger household income. The median household income in Peninsula Township (2018 dollars) was \$100,949 (compared with nearly half (\$54,938) statewide).
- » Far less likely to live in poverty. The census bureau reports only 3.3 percent of people living in poverty in Peninsula Township (compared with 14.1 percent statewide).



The Current Moment in Time

Planning is naturally forward looking, but it also takes place through a lens that reflects past and current viewpoints. In 2021, Peninsula Township finds itself looking forward from a perspective of recent accomplishments and future challenges. Some recent accomplishments (in no order of importance) include:

Old Mission Peninsula School

In October 2015, Traverse City Area Public Schools (TCAPS) announced it would close three elementary

Citizens within Grand Traverse County may select which educational institution their children attend. Residents of Peninsula Township have the option to send their children to any of the existing public or private schools within the region. Old Mission Peninsula School offers K-5 education and is located centrally on the peninsula. Higher education is available and located at the southern boundary of the peninsula. The Northwestern Michigan College (NMC) campus is open to the public and located in Traverse City.



schools, including Old Mission Elementary School. Thanks to extraordinary community efforts over many months driven by the recognition of the importance of preserving a sense of community on Old Mission Peninsula, a foundation was formed by local residents and 1.1 million dollars were raised to purchase the school building and continue the education legacy on the peninsula. In September of 2018, Old Mission Peninsula School opened to the public.



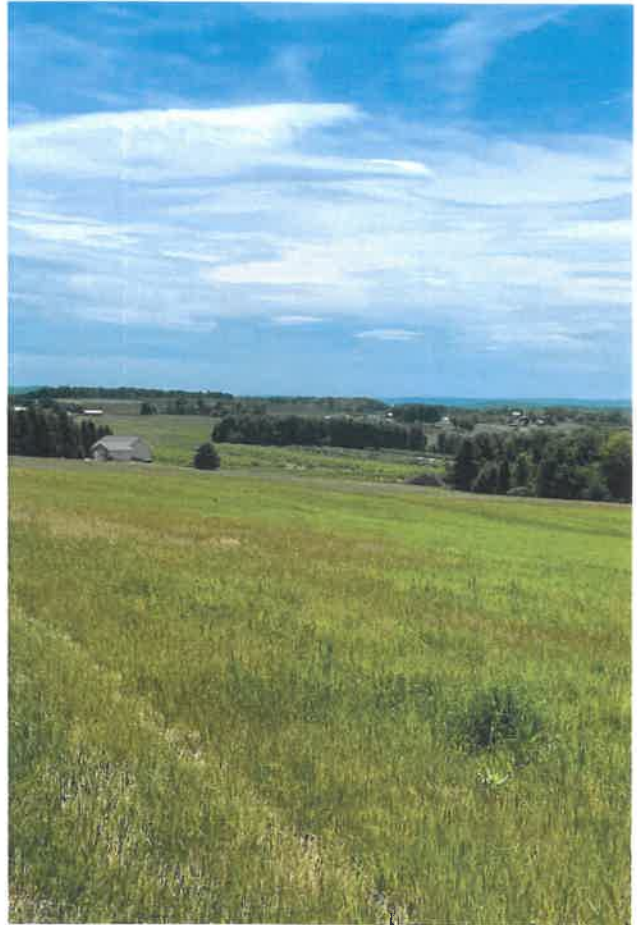
Peninsula Community Library

Given the changes occurring with TCAPS and the local elementary school, in 2016, the leadership of Peninsula Community Library mounted a campaign to raise funds to build a new library and move the former library out of the elementary school. More than 2.5 million dollars were raised, and our beautiful new 5,600-square-foot facility opened in September of 2019.

Continued Implementation Of The Purchase Of Development Rights (PDR) Program

Peninsula Township is well known for creating one of the first publicly funded PDR programs in the United States and the first in the Midwest. In 1994, voters agreed to tax themselves to fund a voluntary program to purchase development rights from agricultural landowners. Outside funding from the State of Michigan, American Farmland Trust, the Grand Traverse Regional Land Conservancy (GTRLC), and the federal Farm and Ranch Lands Protection Program subsequently added to this effort. In the years that followed (between 1996 and 2009), the PDR program protected more than 2,800 acres from development. Today, more than 110 agreements covering 3,347 acres are subject to PDR restrictions held by Peninsula Township. When combined with GTRLC-held conservation easements and other public land, roughly 6,500 acres have been permanently protected in Peninsula

Township, or 36 percent of the total land area. The recent community survey suggests continued support for this program.





Expanding Local Wine Industry

The beginnings of the local wine industry can be traced back to the early 1990s with the establishment of entities such as Chateau Grand Traverse and Chateau Chantel. Today, 11 wineries support local agricultural products and preserve farmland. The success of the wineries supports and promotes the popularity of Old Mission Peninsula viticulture.

Park Expansions

In late 2015, using funds from private donations, a Michigan Natural Resources Trust Fund grant, and the Grand Traverse Regional Land Conservancy, Peninsula Township acquired nearly 60 acres of land to expand Bowers Harbor Park. A development plan that includes an extensive walking trail system, parking, pavilions, and toilets was prepared. This major project supplements prior recent efforts to establish Mission Point Lighthouse Park at the tip of the peninsula, the 60.64-acre Pelizzari Natural Area at the base of the peninsula, and Kelley Park in Old Mission. Altogether, the total amount of parkland available to residents and guests is now nearly 1,200 acres, of which the township owns or manages 833 acres. For more information on local public lands, see page 9.

Fire Protection & Emergency Response

Fire Station No. 3, completed in early 2021, offers improved emergency response times for those living in the northern part of Peninsula Township. This significant milestone is accompanied by related steps to increase staff, place automatic external defibrillators (AED) in businesses, and place working smoke detectors in every home. This milestone is in addition to increased staffing levels (now about 13 full-time and 13 part-time employees) and recent certification for Advanced Life Support (ALS), which gives paramedics the ability to offer advanced medical care in the field, including intubation, IV fluids, pain and cardiovascular medications, and vital heart monitoring and stabilization. All these steps add up to increased resident safety and lowered Insurance Service Offices (ISO) ratings, which lower homeowner insurance costs.



A scenic photograph of a sunset over a large body of water, likely a lake or bay. The sky is filled with vibrant orange and yellow clouds, with the sun low on the horizon. The water reflects the colors of the sky. In the foreground, there is a dark, silhouetted shoreline with some sparse vegetation. A dark maroon banner is overlaid at the top of the image, containing the section title in white serif font.

3. Community Attitudes & Insights

GENERAL COMMUNITY ATTITUDES AND INSIGHTS

Master plans are fundamentally about choices regarding the future, guided by resident preferences and wishes. Understanding resident preferences and wants often includes some form of community engagement, which can occur in different forms and at different times during a planning process. For this master plan, initial community engagement included steps to conduct a new community survey. Past community surveys were done in 1990 and again in 2006. Information from these past surveys provided useful historical background data but offered little to support an understanding of current attitudes.

In the summer of 2019, Peninsula Township hired EPIC MRA to assist staff with a new resident survey. From September 26 through September 30, 2019, live operator telephone interviews with 200 adult residents of Peninsula Township were conducted. This phone survey was performed so that a set of results would be provided from a random sample of residents. Soon after the phone survey, the township offered an online version of the survey to residents and other stakeholders to provide an avenue for all who wished to participate. However, while it was expected that the online version would likely generate more responses, the results might be less random for a variety of reasons. Therefore, having survey results from two methods would help paint a more accurate picture of local attitudes.

The online survey was based on unique residential addresses in the county that appeared on the secretary of state's qualified voter file. This list was augmented with addresses supplied by the township assessor's office to include individuals not otherwise found on the secretary of state file. Once the augmented list was compiled, postcards were sent via first class mail to approximately 3,800 addresses. These postcards, bearing the Peninsula Township logo, informed the recipient household of the reason for the communication and instructions regarding how to access the questionnaire online. The postcard contained a four-digit code required to complete the survey. The online survey was open for participation from October 18, 2019, through November 6, 2019. A total of 980 usable responses were collected from this portion of the project.

IMPORTANT SURVEY TAKEAWAYS

The new survey results validated common perceptions about what residents value. They also revealed some unexpected results. While a full reporting of survey data is available in the appendix, some key takeaways include the following:

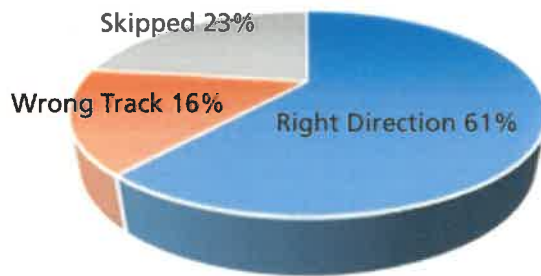
- » Among all attributes, **residents say they like living in Peninsula Township mostly because of the rural, quiet atmosphere followed closely by scenic views and the quality of the environment.** Looked at from the opposite angle, growth/overdevelopment and traffic/congestion topped the list of open-ended responses offered by respondents who believe the quality of life in the township has "gotten worse" in the past few years.
- » Looked at another way, when residents were asked to identify areas where the township could do more, strongest support went to the statement urging the township to **keep as much of the rural character and historic landscape as possible.**
- » One area where there is **unequivocal support for a new initiative is in the development of a non- motorized transportation plan.** More than three- quarters of respondents from both methodologies support this initiative, and two-thirds of that total support is strong support. Fleshing out the specifics of such a plan will, of course, be a comprehensive process, but the survey data clearly indicates support for pedestrian safety features such as signals, pavement markings, and signage along with attention to walking trails and bike paths.
- » A practical, albeit less direct, expression of residents' preference for a rural setting is manifested in the responses to the series of questions concerning the township's Purchase of Development Rights (PDR) program. **Well over half of all respondents in both survey methods report awareness that Peninsula Township currently has a taxpayer-funded PDR program, and well over half purport to have at least some familiarity with its provisions. Perhaps most importantly, survey results indicate that had a PDR renewal vote been held at that time, it would have passed by a significant margin.**

However, it should also be noted that these results were generated just a few months before the outbreak of COVID-19 and the period of economic uncertainty that followed.

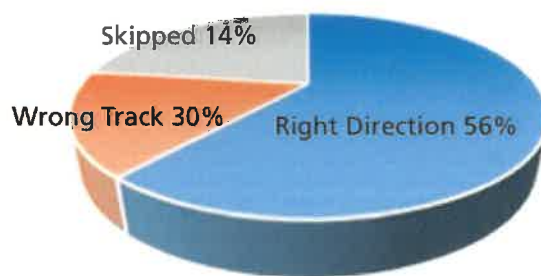
- » Finally, in keeping with residents' environmental awareness tempered with a desire for viewshed preservation, there is receptivity to the idea of some form of wind and/or solar energy sourcing on the peninsula. Again, the survey only briefly touched on the issue, but the greatest receptivity is for small-scale systems serving a single property followed by systems capable of serving a limited collection of properties or a small neighborhood.
- » In sum, township residents are, by and large, content with the status quo. To the extent there is an expression of openness to change, it reveals itself in policies directed at addressing growth, traffic congestion, and preservation of viewsheds.

In addition to these details, the following charts illustrate some findings on key issues.

Respondents were asked if, overall, they believe Peninsula Township is headed in the right direction or is going down the wrong track:

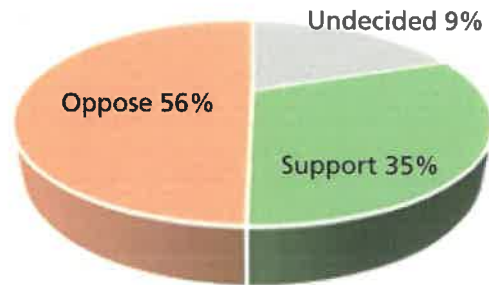


Phone Results

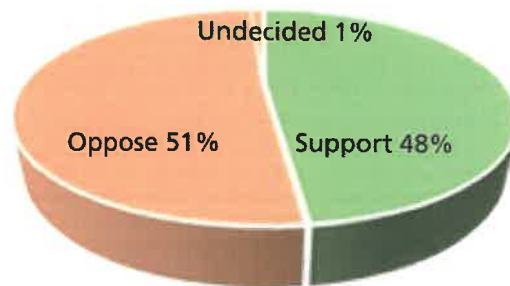


Online Results

Respondents were informed of the growth in the number of wineries in the township over the past couple of decades and asked if they supported or opposed the continued development and growth of these types of establishments:

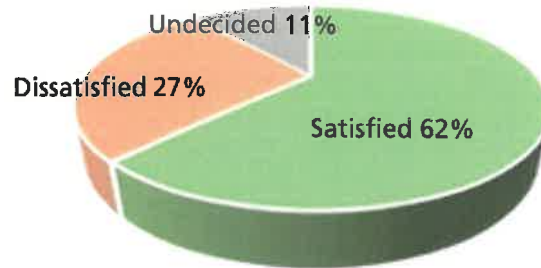


Phone Results

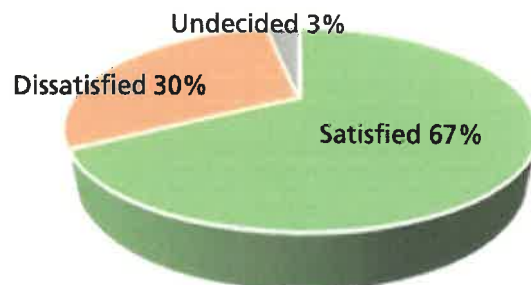


Online Results

Respondents were apprised of the township's policy prohibiting short-term rentals (if not at a bed and breakfast establishment or winery-chateau) and were asked if they were satisfied or dissatisfied with that policy:

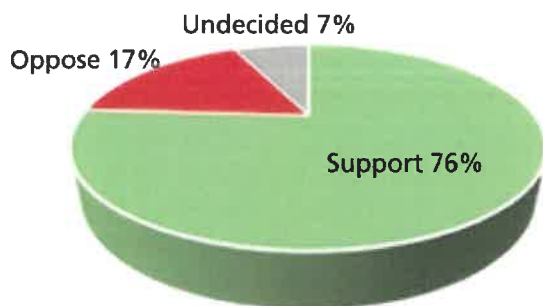


Phone Results

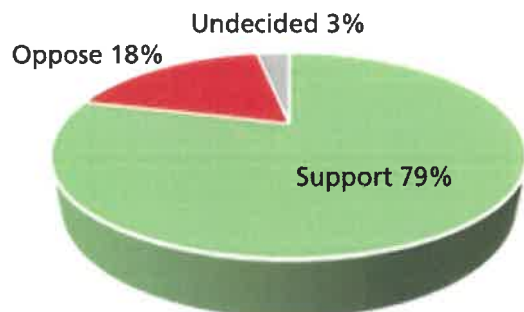


Online Results

After being presented with a statement noting the regular presence of runners, bicyclists, and pedestrians on township thoroughfares, the comparatively narrow width of many area roads, and the adoption of non-motorized transportation policies in nearby jurisdictions, respondents were asked if they would support or oppose the township initiating the process of developing its own non-motorized transportation plan:



Phone Results



Online Results

PARTICIPATE OLD MISSION

Along with the 2019 community survey, Peninsula Township launched a new online community engagement platform called Participate Old Mission (www.participateoldmission.com). Participate Old Mission **is was** a virtual space where residents **can could** ask questions, share ideas, discuss important topics, and provide feedback. It also **allows allowed** residents to contribute thoughts and ideas to projects and issues, including this master plan update. By late August, 2021, Participate Old Mission had more than 2,100 site visits and more than 350 site registrations.

One of the tools provided by Participate Old Mission is a "quick poll" that allows residents to convey preferences and attitudes on various subjects. For example, preliminary results from one quick poll suggest that not only do people support non-motorized transportation but that they might also be willing to help fund non-motorized improvements. According to nearly 70 respondents (as of late August 2021), more than 82 percent said they are likely or very likely to be willing to help pay for an improved bicycle and/or pedestrian system in Peninsula Township.



Stewardship of a Special Place



4. Trends

TRENDS IMPACTING THE TOWNSHIP

Trends can and often do change, but the following material provides a brief description of clear and relevant trends Peninsula Township should be mindful of as it looks ahead.

Home Sale Prices Have Doubled

In 2010, the median value of homes that sold in Peninsula Township was about \$217,500. By 2020, the median value was \$446,300. In other words, median home values in Peninsula Township have doubled in the last 10 years. As recently noted, due in part to this steadily increasing trend in home values, the total assessed value of property in Peninsula Township recently crossed the \$1 billion mark. Comparable and final information is not yet available for the state or nation, but this rapid increase in local home values is believed to be significant.

Aging Population

As noted earlier, Peninsula Township residents are generally likely to be 65 years old and older (see page 33). Perhaps just as important, the national trend also points to a growing elderly population. Longer life spans and other demographic factors support the U.S. Census Bureau's projection that, by the year 2034, for the first time in history, the number of adults 65 and older in the U.S. will exceed the number of children under 18. Given this projection, it is reasonable to assume that older residents will represent an ever larger segment of the local population, and the planning implications are important.

The American Association of Retired Persons (AARP) has been active in providing research into what older residents desire from the communities in which they live, including rural communities. Key findings from a report titled 2018 Home and Community Preferences Survey: A National Survey of Adults Age 18 – Plus a Look at Rural Communities (June 2019) include these takeaways:

- » Nearly three-quarters of rural adults say they want to remain in their communities and homes as they age.
- » Almost half of rural adults report they will stay in their current homes and never move compared to only a third or fewer of urban and

suburban adults who say they will never move from their current homes.

- » About three-quarters of rural adults own their own homes; nearly two in five report that major modifications to their homes will be needed to accommodate their needs as they age.
- » The presence of accessory dwelling units is low among rural adults, but eight in 10 say they would consider building one for a loved one who needs care.
- » The large majority of rural adults (89 percent) drive themselves to get around their communities.
- » Other popular modes of transportation include walking and having someone else drive them.
- » Well-maintained streets and easy-to-read traffic signs are very important to aging rural adults.

REMOTE WORKING

Thanks to COVID-19, more companies are offering hybrid or remote working arrangements, and increasing numbers of people feel less inclined to live close to where they work. It has been reported that about one in four Americans (26.7 percent) will work remotely in 2021 (Forbes, March 19, 2021). This means that more people will be less tied to a specific area and more able to choose where to live based on amenities and the quality of life. If this trend is sustained into the future, it will continue to represent an important factor in local growth.



Health And Non-Motorized Transportation

Decades ago, health experts began documenting the health benefits of physical activity. Obesity rates have increased dramatically over the last 30 years, and obesity is now considered to be an epidemic in the United States. Diabetes is also responsible for huge health-care costs, and the incidence of diabetes is expected to continue **increasing to increase.**

At the same time, there is a growing recognition that the transportation infrastructure built in recent decades typically accommodates only vehicular traffic. This realization has led all levels of government to shift toward an increased emphasis on developing safe places to walk, bike, and engage in physical activity. Myriad programs and design strategies such as complete streets, traffic calming, context-sensitive design, safe routes to schools, and others are all aimed at increasing transportation options beyond vehicle travel to encourage non-motorized travel and physical activity.

LINKS TO COMPLETE STREETS RESOURCES

www.transportation.gov/mission/health/complete-streets

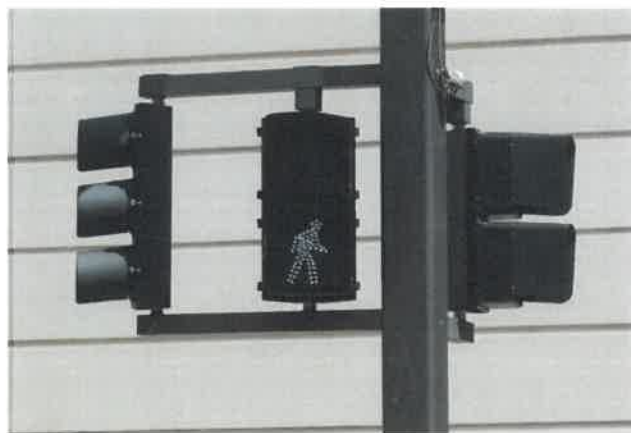
<https://smartgrowthamerica.org/program/national-complete-streets-coalition/>

<http://micompletestreets.org/>

https://www.michigan.gov/documents/mdot/MDOTCompleteStreets_FAQ_Present_370903_7.pdf

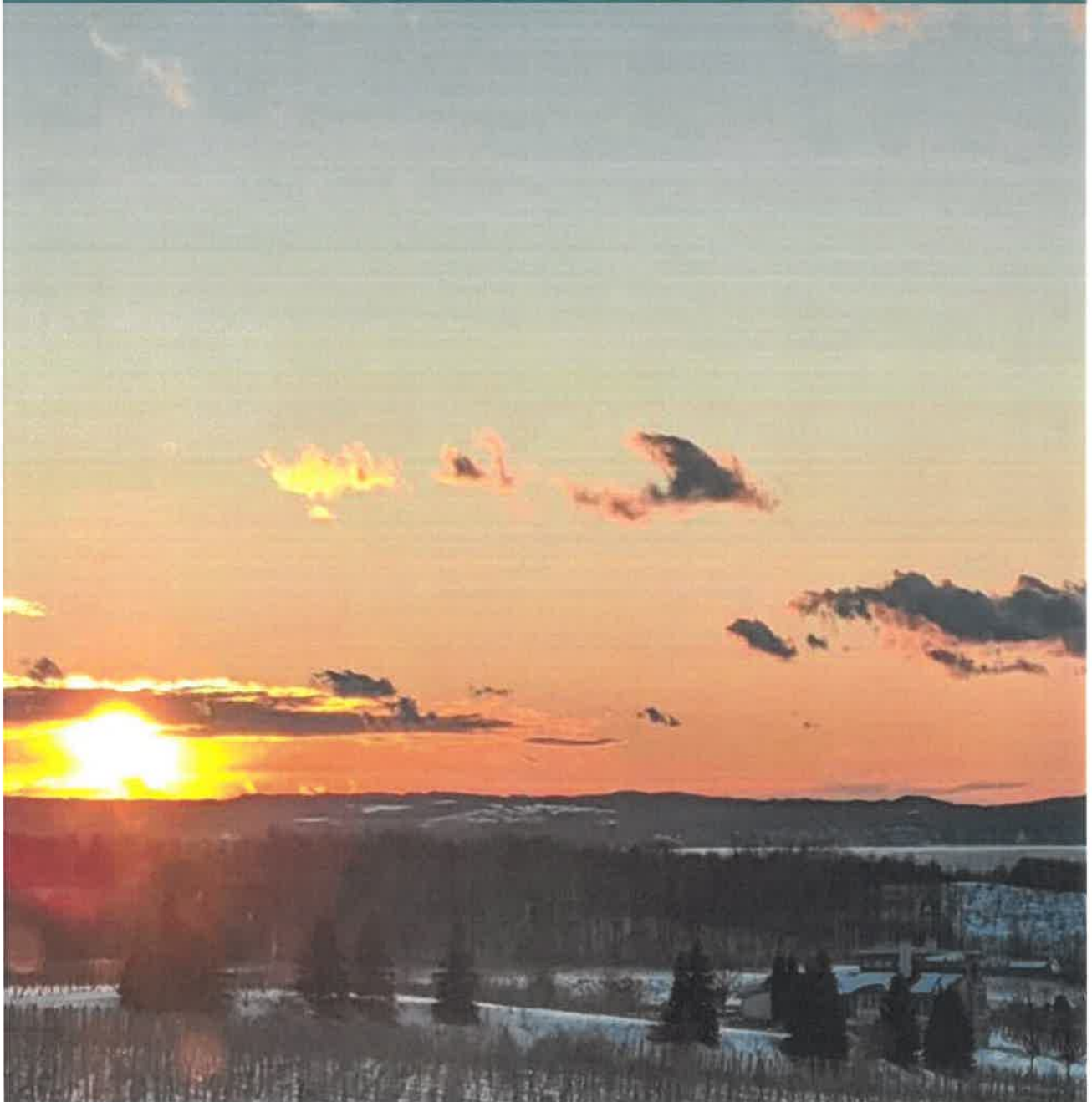
<https://www.ite.org/technical-resources/topics/complete-streets/>

<https://www.cdc.gov/transportation/recommendation.htm>



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5. Legacy, Challenges, & Vision



PLANNING LEGACY

For many decades, Peninsula Township's rolling hills, miles of Great Lakes shoreline, and stunning views of bays, farms, orchards, and vineyards have drawn people to live and visit here. Nearly 50 years ago, community leaders saw mounting development forces and recognized the threat to farmland, environmental values, and quality of life. This realization led the township to develop **a master plan in 1968 and, then,** a zoning ordinance in 1972 that established a basic order to development patterns, notably a large interior agricultural district, coastal residential districts, and limited commercial districts as well as minimum lot sizes and setbacks in each district. Many of the zoning provisions enacted in 1972 continue to guide development patterns today.

In subsequent decades, as planning efforts in the township continued, recognition grew that strong growth pressures would continue to fuel construction activity and increases in population. Early projections suggested that Peninsula Township could reach 30,000 people or more if fully built out unless other measures were taken. Residents and township leadership viewed this level of development with alarm, as it would inevitably reduce the viability of agriculture, diminish scenic views, add huge additional infrastructure costs (i.e., water, sewer, and roads), and contribute to an overall decline in environmental quality. Such a large population would also create major traffic issues in Traverse City as previously discussed (see page 26).

Peninsula Township demonstrated bold and proactive leadership and a core commitment to land preservation by creating one of the first publicly funded township Purchase of Development Rights (PDR) programs in the United States and the first in the Midwest. On August 2, 1994, voters agreed to tax themselves to the tune of six million dollars to purchase the development rights from willing farmers who wanted to keep their land in farming forever. **Outside- Additional** funding from the State of Michigan, American Farmland Trust, Grand Traverse Regional Land Conservancy (GTRLC), and the federal Farm and Ranch Lands Protection Program subsequently augmented this effort (see page 24). This bold and proactive leadership came not only from elected and appointed officials but concerned residents such as

John Wunsch and many others.

Between 1995 and 2009, more than 2,800 acres in Peninsula Township were protected from development. The PDR program was so successful, with more farmers interested in selling their development rights than money to buy them, that voters approved a second PDR millage renewal and increase in 2001 for 20 years, a period that is now ending.

Today, more than 110 parcels totaling 3,347 acres are subject to PDR restrictions held by Peninsula Township. When combined with GTRLC-held conservation easements and other public lands, roughly 6,000 acres have been permanently protected in Peninsula Township, or 34 percent of the total land area. Considering only the agricultural preservation area (APA), the total amount of protected land covers about 53 percent of the total acres identified in the APA (see maps on page 24).

This is a great start, but as was the case in 2001, we have willing farmers who wish to sell their development rights and preserve their farms with insufficient funding available to accomplish these goals.

Given the program's success to date, the maximum population of the peninsula if fully built out would be approximately 12,000 people, a far cry from the original projection of 30,000 had action not been taken but nearly double what it is today.

NEW CHALLENGES

As previously described, Peninsula Township has a newly established public charter school, a newly constructed library, and recent park expansions.

The township also has 18 wine manufacturers (as licensed by the Michigan Liquor Control Commission); 11 wine tasting rooms; a market and gas station; three restaurants; five churches; many farm markets, nurseries, and farm stands; historical buildings; and governmental services, including township offices, three fire stations with fulltime fire and emergency medical services, and a full-time community police officer to supplement law enforcement services provided by the Grand Traverse **Co. County** Sheriff's Dept.

The Peninsula Township community has long recognized and valued the quiet, rural, and

scenic character of the Old Mission Peninsula and the critical need to protect these defining values. Recent planning efforts such as the 2019 community survey and the launch of the online engagement tool called Participate Old Mission provide a more current understanding of resident preferences, values, and desires. As the population has grown and residential and winery development has increased, the desire to protect the township's scenic views and quiet rural character has amplified. Protection measures have been highlighted in township planning documents since the early 1980s, with each plan reiterating and building upon this concept. According to the

There is growing evidence that the local story of stewarding this special place may be at a pivotal juncture.

2019 survey, the majority of residents believe the township is "headed in the right direction" and that the quality of life "has remained the same." **At the same time, there is growing evidence that the local story of stewarding this special place may be at a pivotal juncture.** As a case in point, we now see the following:

- » The local wineries filed suit against the township in late 2020 over limits on allowed commercial activity;
- » Record-high water levels in 2020 damaged vast segments of shoreline, causing severe erosion, millions in property damage, and the closure of a section of Bluff Road;
- » A potential renewal of the PDR program will require continued support from residents at the ballot box;
- » Growing recognition of the need for better traffic control and accommodation for non-motorized travel;
- » The recent determination that the Michigan Department of Transportation (MDOT) will continue to control and maintain M-37 (Center Rd.); recently, MDOT had considered relinquishing control and responsibility to the Grand Traverse County Road Commission;
- » Growing questions about whether our township form of government is best for

the long haul term;

- » Lingered questions over state and local responses to the demand for short-term rentals and other dimensions of the hospitality market;
- » Development pressures that continue to remain strong along with property and home values that **continue to dramatically rise at a fast pace have risen**;
- » The remaining effects of COVID-19 that hamper community engagement efforts; and
- » Greater focus toward Peninsula Township parks, which have been impacted significantly by behavioral and utilization changes related to COVID-19. This usage has prompted a new effort to define needs, operating and capital improvement budgets, and funding sources to better develop and maintain park facilities. This work is being undertaken by the Peninsula Township Parks Committee in conjunction with LIAA (Land Information Access Association), with whom it is working under a contract.

VISION

Peninsula Township's leaders recognize that the Old Mission Peninsula is a special place for all the reasons described in Chapter 1. They also recognize that the current issues facing the township mean that careful and deliberate planning has never been more important than it is now if the township is to retain its current amenities and reach its full potential as the best possible gift to future generations. These challenges align with the 12 following vision **elements statements** that can also be thought of as organizing planning principles for Peninsula Township.

These vision targets surfaced from 2019 survey results, results from Participate Old Mission, and deliberations during master plan steering committee meetings.

The following chart is a summary of vision **elements statements** for Peninsula Township organized into three **distinct** categories: "Land Use," "Mobility," and "**Places**, Character, **Facilities** and Governance."

In the following chapters, more in-depth descriptions of issues and future action steps are provided for each of these three categories. Chapter 9 addresses the subject of implementation and provides a summary of future initiatives and action steps.

These challenges align with the 12 following vision **elements statements** that can also be thought of as organizing planning principles for Peninsula Township.

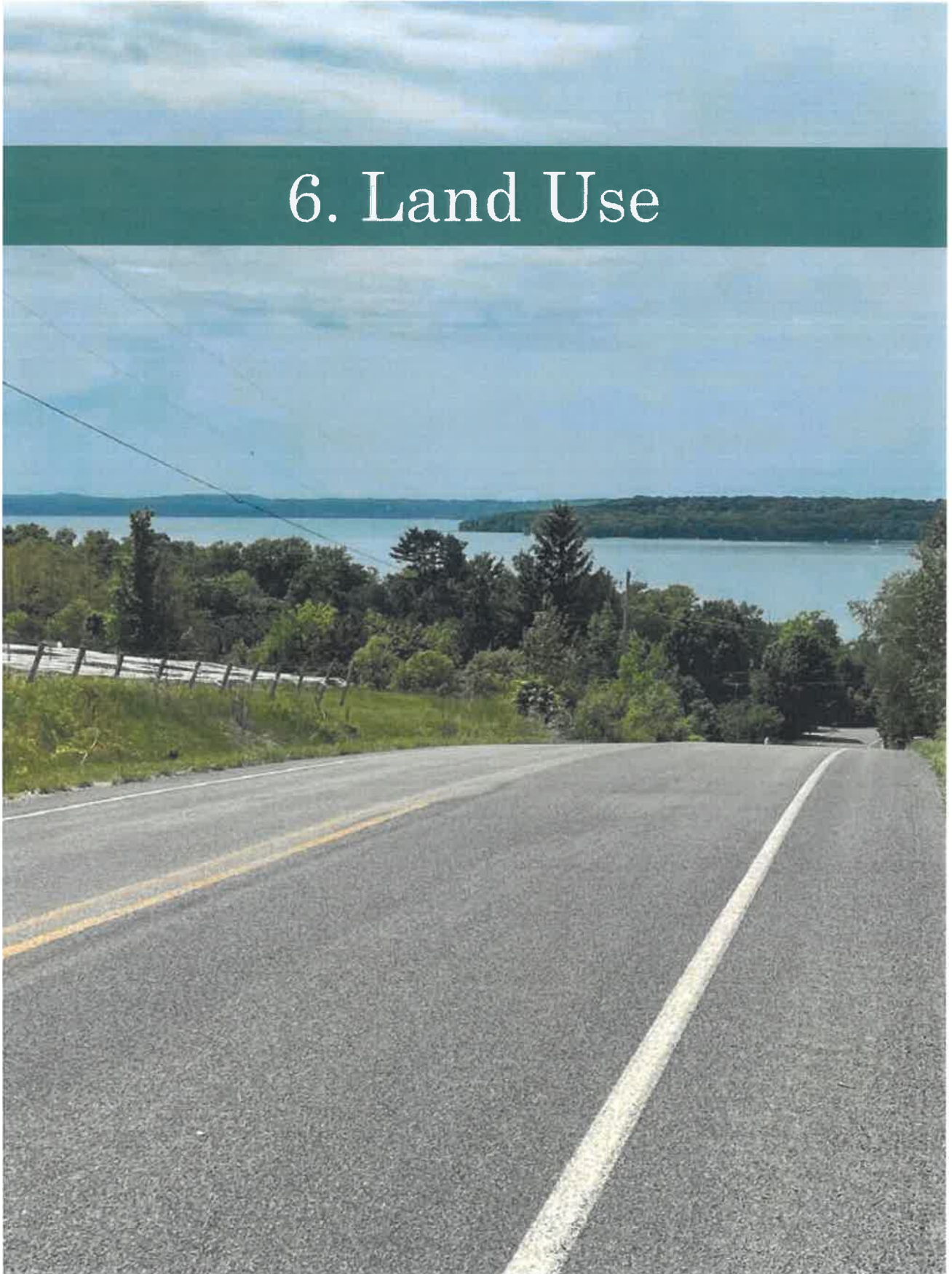
Summary of 12 Vision **Elements Statements**

Vision	Subject Area Category	Summary
Recognize an “island- like geography.”	Land Use	The ability to maintain the quality of life in the township will be highly influenced by the reality that the peninsula is more or less an “island” with a single “bridge” that carries residents to and from Traverse City and beyond. This “bridge” is a two-lane street that has a finite carrying capacity and few options for expansion/widening to increase that capacity . Shoreline routes such as East Shore Road and Peninsula Drive are not desirable options as routes because they serve neighborhoods with strong recreational and aesthetic value. Detailed vehicle traffic counts and studies are needed annually to help monitor change over time and to help guide township development policies. Recognizing the need to limit growth and associated traffic generation is a major underpinning and foundation for nearly all other vision elements statements and planning policies.
Continue to implement any and all steps policies that reduce build-out potential.	Land Use	Looking ahead to this new decade and beyond, we see thousands of acres of agricultural land that could still be developed into homes. Demand for homes on the Old Mission Peninsula is strong and likely to grow stronger given existing trends. At the same time, residents clearly want to preserve and maintain a rural atmosphere. Renewing The renewal of the PDR program that expires-expired- in 2021 is crucial to completing the task of land preservation that began in the early 1990s. Protecting the remaining 4,680 acres of agricultural land identified in the agricultural preservation area (APA) is an essential step toward limiting population growth and additional traffic congestion.
Ensure that future development is constructed in ways that thoughtfully balance all land- use needs.	Land Use	Even with potentially new PDR activity resulting from a third levy millage , some level of development can be expected as some property owners choose to develop their land within the constraints of the zoning ordinance. In the past, the township has explored the concept of a transfer of development rights (TDR) program as a way to concentrate new development by “transferring” permitted density to a more carefully planned area. The TDR program, coupled with the potential for mixed use development in the commercial zones to include first floor retail/ commercial with second floor residential, could help create local businesses that serve residents. Properly designed and constructed commercial uses could help reduce the need for residents to travel to Traverse City for goods and services, thereby potentially helping to reduce traffic .

Vision	Subject Area Category	Summary
<p>Constructively and collaboratively work toward the goal of adding commercial value to local agricultural products without creating areas that add noise and traffic congestion while mitigating negative impacts of noise and traffic.</p>	<p>Land Use</p>	<p>The township supports local agriculture and efforts to retain rural character while drawing a distinction between production agriculture (i.e., growing things) on the one hand and non-production, or value-added activities such as processing and selling products on site, on the other. This latter category of activities leans in a more light industrial and commercial direction, generating issues related to traffic and noise that detract from rural ambiance and character. More efforts are needed to balance production agriculture with non-production or value-added and commercial activities.</p>
<p>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.</p>	<p>Land Use</p>	<p>The last several years of high water levels on the Great Lakes have had a profound impact on coastal communities throughout Michigan. Coastal erosion and flooding have impacted residents with substantial costs and damages. Predicting lake levels in the future is all but impossible, but it is prudent to improve regulations and education efforts regarding vegetation removal so that future high water levels are less damaging and water quality is protected from erosion. Similarly, it is important to continue to educate residents on the value of all wetlands and shoreline vegetation cover as a means of reducing both flooding and pollution.</p>
<p>Continue to view alternative energy (solar/wind) as having a potential role in Peninsula Township.</p>	<p>Land Use</p>	<p>Peninsula Township's geography presents challenges for delivering public utilities to property owners. An electric grid, common in other areas to ensure uninterrupted energy, is not practical for the peninsula. Alternative energy sources will be required. The township will continue to implement policies to allow regulate solar energy generation while protecting viewsheds.</p>
<p>Balance demand for a local hospitality industry against the need to control growth and manage traffic.</p>	<p>Land Use</p>	<p>There is a role for a local hospitality industry in Peninsula Township in three major categories: wineries (with guest rooms), bed and breakfasts (independent of wineries), and possibly small, quaint "boutique" hotels. The balance between additional hospitality functions and added traffic is a critical one related to numbers of available rooms and specific locations. The connection between offering accommodations in a rural B&B and supporting agricultural viability is also recognized.</p>
<p>Make pedestrian and bike travel safer and more convenient</p>	<p>Mobility</p>	<p>Residents and visitors alike deeply appreciate all that Peninsula Township has to offer pedestrians and bicyclists. However, planning for and implementing even modest local projects to support non-motorized travel have been nonexistent. Evidence of support for steps in this direction is abundantly clear from recent survey results. There also seems to be increasing recognition that it is time for ramped-up non-motorized transportation planning, even among those who are not inclined to bike or walk, simply from the standpoint of safety and impacts on vehicular traffic flow.</p>

Vision	Subject Area Category	Summary
Make vehicular travel safer and more convenient	Mobility	Associated with the desire to make pedestrian and bike travel safer and more convenient is the need to control vehicular speeds and improve safety.
Operate under the best possible form of government, with suitable and essential public facilities.	Places, Character, Facilities, and Governance	As unique and special as Peninsula Township is, it shares one key attribute with most other townships in Michigan: its form of government. Increasingly, people are asking if a general township is the optimal form of government for the residents of the Old Mission Peninsula. State laws provide options for changing the different structures of local government, which could improve service delivery and local control.
Continue developing an outstanding park system throughout the township with “hubs” at Mission Point Lighthouse Park, Bowers Harbor Park, and Pelizzari Natural Area.	Land Use Character, Facilities, and Governance	The township maintains three large parks strategically located at the north, middle, and south latitudes of the township along with several additional smaller parks. The township will continue to improve these parks through upgrades and expansions consistent with the needs of each area. Additionally, the township is now poised to move forward with a new boat launch at Kelley Park.
Continue preserving, enhancing, and celebrating local history and culture.	Places, Character, Facilities, and Governance	People enjoy living in an area with a sense of place, and an important attribute of our identity is local history and culture. There are four primary historical sites in the township: the replica Log Church and Peter Dougherty Home in Old Mission and the Hessler Log Cabin and Mission Point Lighthouse at the tip of the peninsula. Two historic businesses also survive, the Old Mission Inn and the Old Mission General Store, along with three remaining historic private resort associations, Illini, Leffingwell, and Neahtawanta. Much of the story of nineteenth- and twentieth-century local history arcs through and across these places. More can and should be done to strengthen and support these offerings.

6. Land Use



INTRODUCTION

Peninsula Township encompasses approximately ~~17,870~~ **17,858** acres of land. Wise land-use decisions made over time are often at the heart of why some places are more livable, attractive, and appealing than others. Fundamental private and public decisions about how land on the Old Mission Peninsula is used are central to a sense of careful stewardship of Peninsula Township.

This chapter begins with a description of existing land-use patterns followed by a brief description of existing zoning, which regulates how land can be used, along with associated development standards and review procedures. Following this background material is a description of important land-use issues facing Peninsula Township and a future land-use map.

EXISTING LAND-USE PATTERNS

A map illustrating existing land uses appears on the following page. Reflecting data provided by the Peninsula Township assessor and generalized to some degree in terms of residential density (dwelling units per acre), the map provides a platform for developing the future land-use map provided later in this chapter. It also provides a means to track and monitor land-use changes over time. The table below categorizes and quantifies existing land uses shown in the map on page 61.

Land-Use Background

- » Existing Land-Use Patterns
- » Existing Zoning

Land-Use Issues

- » PDR Program
- » Shoreline Protection
- » Alternative Energy
- » Mixed Commercial Area/TDR
- » Agricultural Viability/Wineries/Other Agri-business
- » Lodging and Short-Term Rentals
- » Special Land-Use Permits
- » General Review of Uses/Development Standards

Future Land Use

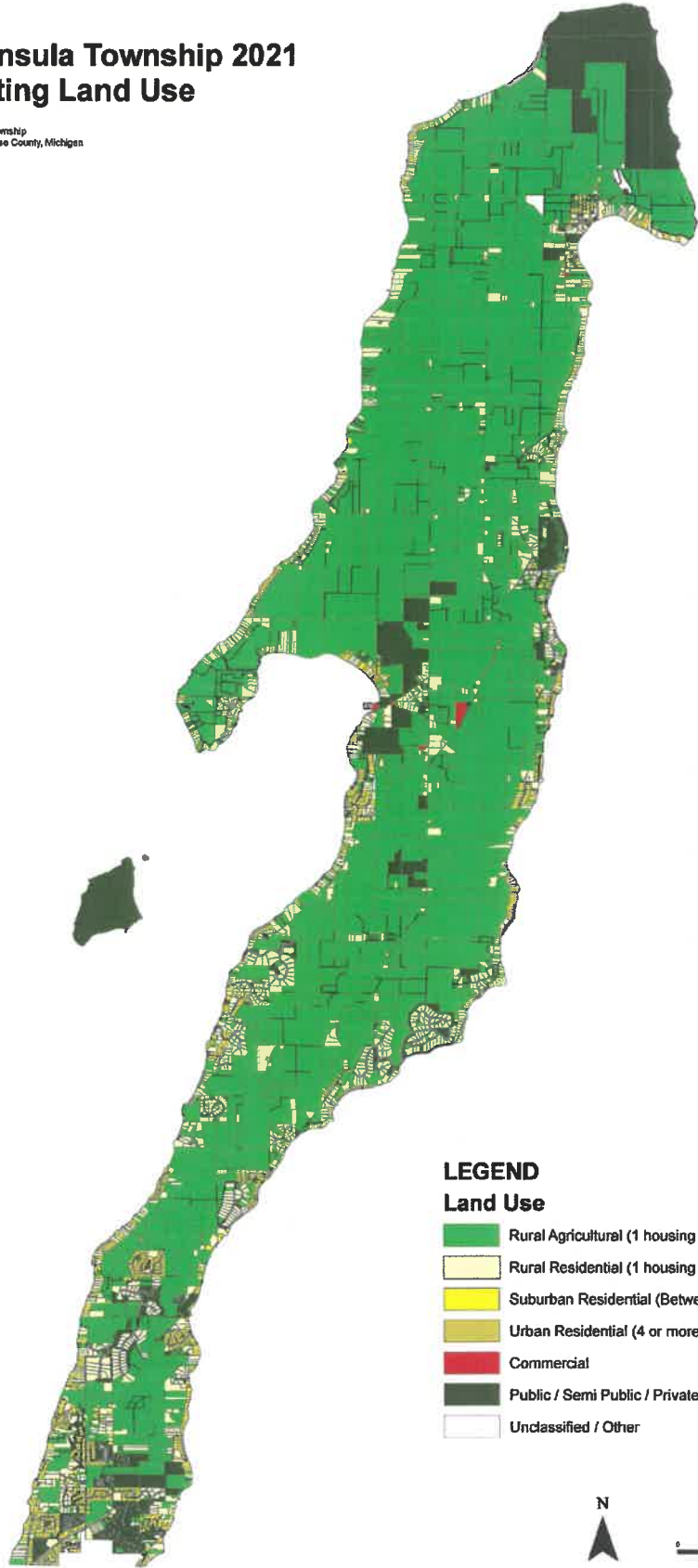
- » Map

Capital Improvements

Land Use	Parcel Count	Related Zoning District	Acreage	Percent
Rural Agricultural (1 housing unit for each 5 acres or more)	1,231	A-1	12,698.90	71.1%
Rural Residential (1 housing unit for between 1 and 5 acres)	991	R1-A	1,881.90	10.5%
Suburban Residential (between 1 and 4 housing units per acre)	1,511	R1-B, R1-C	922.85	5.2%
Urban Residential (4 or more housing units per acre)	60	R-1D	15.72	0.1%
Commercial	56	C-1	19.96	0.1%
Public/Semi Public/Private Open Space	137	Varies	1,910.27	10.7%
Unclassified/Other	488	Varies	418.00	2.3%
Total	4,474		17,858	100.0%

Peninsula Township 2021 Existing Land Use

Peninsula Township
Grand Traverse County, Michigan



LEGEND

Land Use

- Rural Agricultural (1 housing unit for each 5 acres or more)
- Rural Residential (1 housing unit for between 1 and 5 acres)
- Suburban Residential (Between 1 and 4 housing units per acre)
- Urban Residential (4 or more housing units per acre)
- Commercial
- Public / Semi Public / Private Open Space
- Unclassified / Other

Base Map Source: MCSI, Grand Traverse County GIS
Data Source: Peninsula Township
2021 Parcel Boundaries
May 2021



EXISTING ZONING

For about five decades, land use in Peninsula Township has been guided by regulations contained in the Peninsula Township Zoning Ordinance. Although the zoning ordinance has been amended many times to address specific issues, the general framework remains unchanged in terms of zoning districts, allowed land uses, and basic development requirements such as minimum lot sizes and building setbacks.

In the summer of 2021, a comprehensive update of the zoning ordinance was under consideration. It was passed by the planning commission in May 2021 after several years of effort and is moving on to the township board for final approval.

This update is aimed at issues such as organization, improved graphics, added definitions, improved cross-referencing conformance with other laws, and regulatory clarification. In large part, substantive changes to regulations were set aside until after this master plan is complete.

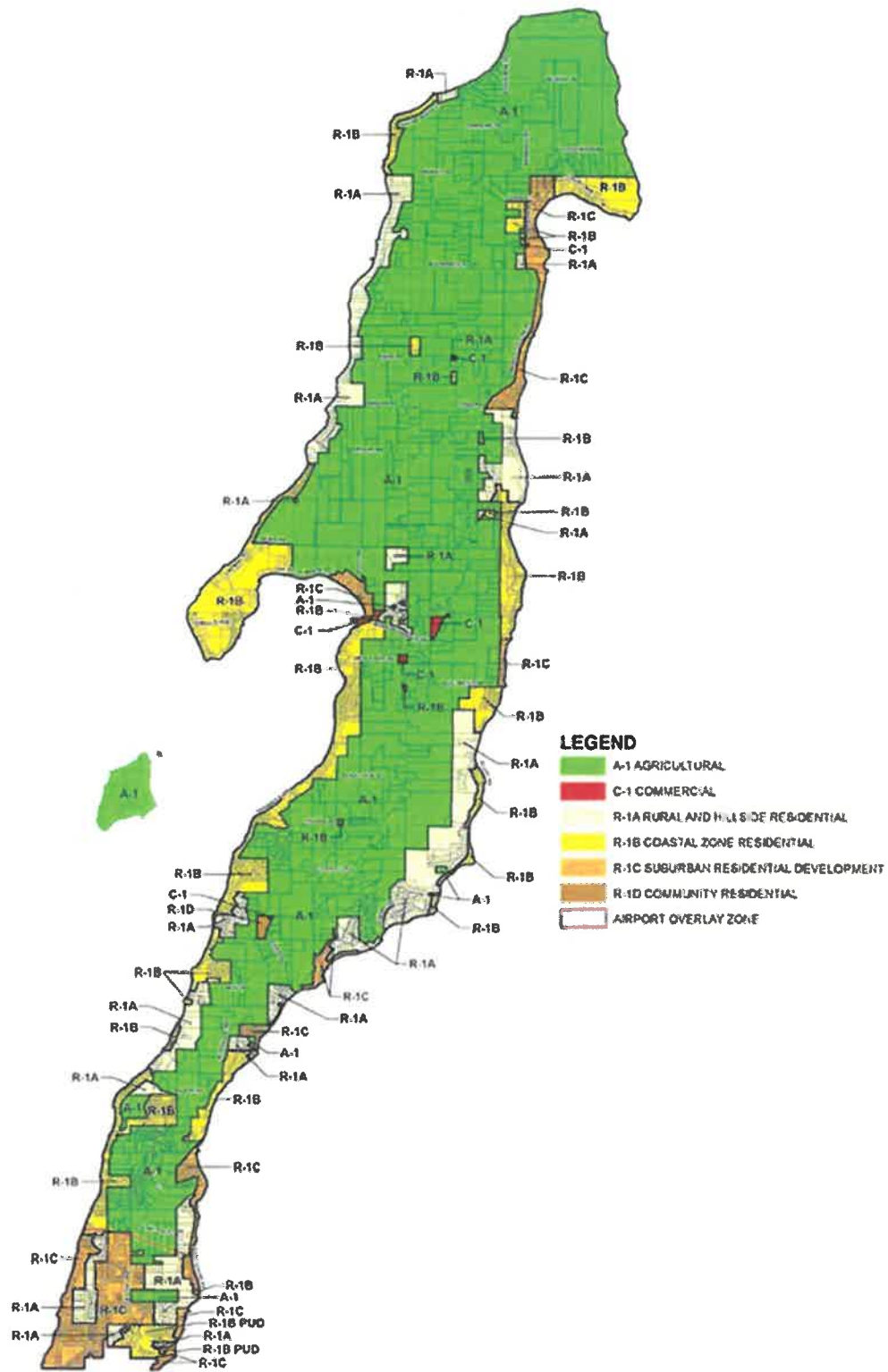
Six primary zoning districts apply to all parcels in the township. Generally, the interior portions of the township are zoned agricultural (A-1), and the waterfront areas are zoned residential (R-1A, R-1B, R-1C and R1-D). There are also several small areas zoned commercial (C-1). Descriptions of each zoning district, acreages related to each, and a map showing the location of zoning districts follow below.

Existing Zoning Structure

Zoning District Name	Minimum Lot Size	Description / Purpose
A-1 Agricultural District	5 acres	The agricultural district is intended to recognize the unique ecological character of the peninsula and to preserve, enhance, and stabilize existing areas within the township that are presently being used predominately for farming purposes while recognizing there are lands within the district that are not suited to agriculture; therefore, the district allows other limited uses that are deemed to be compatible with agricultural and open space uses.
R-1A Districts: Rural and Hillside Residential District	1 acre	The R-1A rural and hillside residential district sets standards for the continued development of: (1) rural areas suited to very low-density residential development; (2) fragile hillside areas; and (3) interface areas between more intensive residential uses and agricultural land uses. This district includes existing low density residential developments as well as areas within which such development appears both likely and desirable.
R-1B District: Coastal Zone Residential District	25,000 sq.ft.	The R-1B coastal zone residential district sets standards for the development of residential properties of a semi-rural character along lakeshore drives and in areas of high scenic value where more intensive development would deteriorate the peninsula’s environment and less intensive development is essential to maintain the established environment.
R-1C Districts: Suburban Residential Development District	20,000 sq.ft	The R-1C suburban residential district encourages medium density residential development associated with proximate areas of Traverse City. Such development shall fall within the logical service pattern of the Regional Wastewater Treatment System, whether or not serviced by that system.
R-1D Districts: Community Residential District	15,000 sq.ft.	The R-1D community residential district encourages moderately high density development where community services such as fire protection, schools, commercial development, community parks, and services are available.

Zoning District Name	Minimum Lot Size	Description / Purpose
C-1 Commercial District	25,000 sq.ft.	The C-1 commercial district allows for convenience-type shopping for township residents and for limited marina and transient lodging facilities. It is the purpose of this district regulation to avoid undue congestion on major highways and to promote smooth and safe traffic flow along highway routes. Commercial activities within this district are those that primarily offer goods and services that are generally required by a family at intervals of a week or less.
PUD Planned Unit Development	Varies	The PUD zoning designation can be applied to another zoning district to allow for more creative and imaginative land development and a more desirable living environment by preserving the natural character of open fields, stands of trees, and steep slopes as well as brooks, ponds, lakeshore, hills, and similar natural assets. PUDs concentrate density to areas of the site with the fewest environmental constraints and preserve sensitive areas in common open space. PUDs require additional plan review steps. When approved, PUD developments include the PUD notation with the zoning district.

Unofficial Zoning Map



LAND-USE ISSUES

A number of primary land-use issues surfaced from results **from of** the 2019 community survey, information gained from Participate Old Mission, and discussions among the master plan steering committee. These issues are described below and are **associated** with specific initiatives and action steps.

PDR Program

As described in Chapter 2, the PDR program has had a tremendous impact on land use in Peninsula Township, and, along with the zoning ordinance, has been the most impactful land-use policy the township has adopted. To date, this program, along with other forms of land protection, has protected about 34 percent of the township from development. The PDR program was originally put in place to protect valuable and unique farmland and to limit the build-out potential of Peninsula Township. "Build out" is a largely theoretical term that gauges what happens if development trends continue under existing regulations and other constraints; it refers to the state at which Peninsula Township would not have any available parcels for development given current zoning restrictions. The desire to limit build out is associated with the need to protect farmland and rural character and reduce the number of vehicles on the roads as well as congestion at the base of the peninsula.

The PDR program is largely viewed as a tremendous success. To date, the funds from the two prior tax levies (in 1994 and again in 2002) have been expended, and a new millage is being contemplated in the near future. An oft-overlooked element is the fact that PDR programs require attention well beyond the time devoted to acquiring the PDR easement. In other words, Peninsula Township has an ongoing obligation to monitor program compliance and to ensure that land-use and construction activity are compliant with easement terms. Additionally, when all or part of an agricultural parcel is encumbered by a PDR easement, the relationship between the PDR easement and the zoning ordinance can become more complicated.

Initiatives and Action Steps

PDR Renewal

Renewal of a PDR levy is an essential step if Peninsula Township is to complete the job of preserving agricultural land and limiting growth. The importance of renewing the PDR program cannot be overstated in terms of expanding upon the local legacy of

land stewardship and resource protection. It is also critically important in terms of reducing future traffic congestion. The 2019 community survey provides clear evidence that overdevelopment and traffic congestion are among the top reasons given by residents who perceive a declining quality of life on the peninsula. Renewing the PDR program is one direct way to address this concern. In simplistic terms, for every 100 acres of land that might be included in a PDR easement funded by a future levy, the number of new homes potentially drops by as many as 20 and the corresponding vehicle trips drop by as many as 200. See calculations below:

POTENTIAL IMPACT OF PDR ON FUTURE TRAFFIC

The A-1 zoning district allows one home to be constructed on a five-acre parcel.

A 100-acre parcel theoretically yields 15-20 homes (assuming lot frontage and related requirements are met).

According to the Institute of Transportation Engineers (ITE) and its published Trip Generation Manual, the number of vehicle trips associated with a single-family home is about 9.57 trips per day (it actually can range from 4.3 to more than 21 trips per day).

Therefore, it might be said that for every 100 acres of new PDR land, future potential traffic traveling on Peninsula Township roads is reduced by between 140 and 200 vehicles per day.

Shoreline Protection

The shoreline and water quality are precious to residents. According to the 2019 survey, protecting the water quality of the bays should be a top priority for the township. At the same time, current high lake levels have produced erosion and obvious concerns. According to the Army Corps of Engineers in its October 2020 Great Lakes Water Level Summary, the mean level of 581.53 feet was 31 inches above the long-term average and just 10 inches below the record high. This recent report actually indicates a drop in lake levels from similar reports earlier in 2020.

Record lake levels combined with storm events produced well-documented and severe erosion problems that are very evident on Bluff Road, where the magnitude of erosion led to the road's recent closure. Similar problems are familiar to residents who live along the shoreline elsewhere in the township and in the greater region.

Many shoreline areas also include roadways that provide access to waterfront residences. These include principally Bluff Road, East Shore Road, and Peninsula Drive. The relationship between roadway maintenance and shoreline management has been challenging. In most areas, pavement and shoulder drainage improvements have not included sufficient measures to prevent erosion, and, in some areas, conditions have been made worse by tree and vegetation removal. The classic example of this occurs along Bluff Road, where a variety of factors contributed to the recent road closure, creating substantial tension between area residents, the Grand Traverse County Road Commission, and Peninsula Township. Going forward, more efforts to utilize "green infrastructure" in road projects is needed to help slow and purify runoff draining into the bays. An excellent resource for roadway-related green infrastructure techniques is found in the Great Lakes Green Streets Guidebook produced by the Southeast Michigan Council of Governments (SEMCOG).

In response to high water problems, a common approach is to "armor" the shoreline with seawalls, boulders, or structures. While these efforts can provide short-term relief, experts warn that such structures can actually worsen erosion elsewhere, and the issue of what seawalls will look like when water levels recede also becomes relevant. Fewer than 10 years ago, Lake Michigan water levels

were at very low levels. More "natural" solutions are often promoted by professionals to help prevent erosion. These include establishing and/or protecting existing natural deep-rooted vegetation, which can hold soil in place, and requiring buildings and structures to be set back further from the shoreline so that the natural shoreline can be more "elastic" and adjust to changing lake levels over time.

The Peninsula Township Zoning Ordinance has related requirements in place to help ensure vegetated cover along the shoreline. Most significantly, tree cutting along a strip paralleling the shoreline and extending 35 feet inland from all points along the normal high-water mark of the shoreline is limited to 30 percent. In other words, at least 70 percent of this strip must remain vegetated.

In large part, these requirements need attention and updates to clarify and better articulate requirements that benefit both landowners and zoning enforcement. Additional measures to consider include potential limitations on construction of specific types of shoreline armoring.



Erosion damage at Bluff Road



http://www.watershedcouncil.org/uploads/7/2/5/1/7251350/greatlakesgreenstreetsguidebookseptember2013_1_.pdf

Initiatives and Action Steps

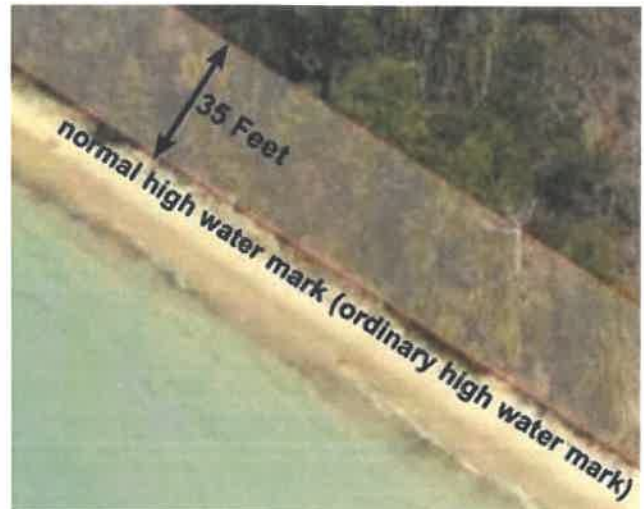
Update Shoreline Regulations

A complete review and update of the shoreline regulations are needed to better align with best practices. Definitions and explanations of best management practices are available from national resources as well as state and local sources. Much more clarity is needed to more specifically and completely define requirements that limit vegetation removal along with a strong and reliable enforcement mechanism. A detailed survey of coastal characteristics may also be needed to support the development of new regulations. This study could identify wetlands, unique coastal features, and relationships between local permitting and state and federal regulatory measures. The 2011 master plan identified the potential for overlay zoning districts to address environmental issues. There are other options as well that should be explored. The goal is to achieve a high level of clarity in terms of what shoreline vegetation may be removed along with an effective enforcement mechanism.

Additionally, as described on page 28, an inventory of shoreline areas depicting waterfront viewsheds, existing trees and vegetation, and other natural features is needed.

Encourage Shoreline Protection Education

Past efforts and events aimed at educating residents about shoreline protection have been well received. In November of 2019, township resident Monnie Peters organized a workshop for township residents who own shoreline property to help educate property owners on how to be good stewards of the shoreline they own and how they might go beyond basic regulatory compliance. Experts who spoke at this workshop included Baykeeper Heather Smith of the Grand Traverse Bay Watershed Center and Mark Brederland from Michigan Sea Grant. Copies of the recently updated booklet published by the Watershed Center, "Up North Shoreline: Stewardship Guide for Living on Grand Traverse Bay," **was were** given to residents who attended the workshop. The township should continue to support and encourage the education of shoreline property owners.



Alternative Energy

The subject of alternative energy (both wind and solar designed to serve on-site energy demands) and larger community systems has become more relevant in recent years for both environmental and economic reasons. In Peninsula Township, the issues are complex, given the desire to protect significant views and maintain valued rural atmosphere. To some, alternative energy equipment and fixtures diminish scenic views and rural character.

Roof-mounted solar panels have been allowed in Peninsula Township for some time. More recently, zoning amendments were enacted to allow free-standing solar panels of various sizes. In all scenarios, free-standing solar panel installations are related to a net metering agreement; this means that the power generated is roughly equivalent to the power needs of the site. In this way, energy generated on site simply offsets demand for power from the grid. In other words, there is no net production of electricity beyond the need of the property upon which the solar panel equipment is located.

There have been no discussions about larger-scale solar energy systems that would connect directly to the electric grid and serve off-site customers. Such a project in Peninsula Township might **resemble a two solar project in Elmwood Township on M-72 W**. This project was approved in the spring of 2021 after Acme Township amended its zoning ordinance in 2018 to allow solar energy farms as a special use.



Wind energy is also a component of the alternative energy discussion. Existing zoning regulations permit wind energy conversions systems (WECS) as a special use in all zoning districts. These provisions require attention to address shortcomings. As examples, existing WECS provisions do not reference a “net metering” agreement as recent solar amendments do, and they allow for heights of up to 100 feet in all districts.

Initiatives and Action Steps

Update alternative energy provisions in zoning ordinance with more public input.

The 2019 community survey provided some evidence of support for alternative energy equipment, particularly as it relates to equipment generating power for on-site needs (i.e., as part of a net metering agreement). However, support seems to decline with the potential for larger equipment and facilities. More public opinion research is needed to explore this issue further as wind and solar are lumped together under the heading of “alternative energy.” **It is not clear if an alternative energy facility similar to what is being constructed in Acme or Elmwood Township would be acceptable anywhere in Peninsula Township.** Setting that question aside, it is clear that the existing WECS provisions require attention and updating so that they better align with the recent solar amendments.

Mixed-Use Commercial Area/Transfer of Development Rights (TDR)

In the 1990s, considerable effort went into studying a village center concept in Peninsula Township. One past effort considered the Mapleton area as a potential location for a town/village

concept. More recently, the 2011 Peninsula Township Master Plan recommended reconsidering this conceptual development idea. Conversations at that time occurred along with the notion of a new PDR program.

At the present time, a commercial area concept has no identified details, potential sites, or specific parcels. Generally, the concept consists of a small mixed-use area with small-format buildings providing consumer service establishments as well as limited retail, housing, and offices. A range of potential uses could include establishments such as bakeries, small restaurants, specialty markets, art studios, barber/ beauty shops, etc. Offices and/ or housing in upper floors could also be part of the land-use mix. The appeal of the concept includes the potential to offer greater local housing choices and opportunities to provide limited goods and services while showcasing local culture, art, food, agricultural products, and community identity. Providing some services on Old Mission Peninsula might help reduce the need for residents to travel to Traverse City (and thereby potentially reduce traffic congestion at the base of the peninsula).

An important underpinning of the 1997 “Preservation Village Concept Planning Report” was the idea of transferring development density from the agricultural preservation area to a new village development area. A program called Transfer of Development Rights (which exists elsewhere across the country) was proposed in which landowners could sell the right to develop houses on properties they own in a “Transfer Sending Area” to someone wishing to develop land in a “Transfer Receiving Area.” In this way, the transfer of development rights would help maintain rural areas by redirecting development toward a specific area, in this case, a mixed-use

village development. Housing units could continue to be scattered across the landscape on five-acre lots or could be concentrated in a more mixed-use setting with a greater variety of housing formats supported by a limited number of commercial/retail facilities. An overarching goal was for the outcome to remain “density neutral,” meaning the amount of potential development activity would remain unchanged with or without a TDR program/ village center concept.

If, after more community dialogue and study, a TDR program/village center concept receives more attention, the focus should also include investigating a form-based code as a means to control and design the development of a village center so that future building mass, lot placement, and other site design elements correctly relate to the site.

Initiatives and Action Steps

Continue to study and investigate the concept of TDR and a commercial center.

The 2019 survey asked one question about the village center concept without mentioning the connection to “density neutral aspects” of a TDR program. Only a minority of residents favored this concept, but it is complex, and a more complete explanation may be necessary. Developing a TDR program/commercial center should only be pursued if and when there is evidence such a concept aligns with community goals. More research, community dialogue, and study are needed to fully define, assess, and consider the TDR and commercial center concept. This work should include identifying best practices and success stories from elsewhere.

Agri-Tourism and Agricultural Viability

Peninsula Township has made major strides toward preserving agricultural land. Working in partnership with the Grand Traverse Regional Land Conservancy (GTRLC) since the early 1990s, the township has now permanently preserved about 34 percent of the township’s agricultural areas. Existing easements with restrictions on future development guarantee that this land will be used solely for agricultural purposes. As important as these strides are, most people agree that since residential development pressures remain high, more effort is needed to continue protecting agricultural land to preserve the township’s rural character.

Preserving agricultural land inevitably invites discussions about the continued viability of agricultural operations. Between fluctuating commodity prices, weather-related issues, operational costs, and the like, the profitability of farming often comes into question, driving the conversation toward finding the delicate balance between allowing additional activities that make the land more profitable and maintaining rural character. Possible additional activities might include those that add value to agricultural products grown on site. Of course, if the property is subject to a purchase of development rights (PDR) easement, all options are subject to the restrictions contained in the easement.

Existing township zoning sets boundaries concerning the extent to which agricultural land can be used for activities that begin to approach the realm of commercial activity. For the most part, these restrictions have been in place for many years. For example, roadside stands selling fresh or processed farm produce are allowed. On



the other side of the spectrum, larger uses such as food processing plants, winery-chateaus, and greenhouses nurseries are potentially permitted only by special use permit.

Wineries

The development of wineries has become an area of concern in recent years. Existing zoning regulations were put in place years ago to carefully allow owners of large tracts of agricultural land to develop wineries that offer tastings and some level of guest activities. An important objective was the desire to support production agriculture by linking products sold in wine-related operations to producing grapes grown on the peninsula. Peninsula Township became designated as a viticultural area known as Old Mission Peninsula (a viticultural area is associated with an appellation of origin on wine labels and in advertisements). Over time, the number of wineries expanded substantially, and many now seek to develop business models with a greater variety of events and activities to draw customers. Interest in establishing new wineries also continues.

In late 2019, work began on updating the winery regulations to clarify and simplify the requirements. Ultimately, winery owners filed a lawsuit against the township, and the matter is currently being litigated over constitutional issues at the time this master plan is being updated. In the meantime, concerns remain regarding traffic, noise, and other off-site impacts. If existing wineries continue to expand activities (and new wineries come into play), traffic naturally increases. Winery patrons are principally tourists who must travel through the “chokepoint” at the base of the peninsula (see page 25).

Going forward, continued consideration should be given to updating the regulatory approach to wineries. All wineries are zoned agricultural and fall into one of two categories, either farm processing facilities or winery-chateaus. Wineries in the farm processing facility category must consist of at least 40 acres. They are allowed “as-of-right a by right” in the agricultural zoning district with restrictions on building size, allowed activities, sales, and limitations on sources of produce. Winery-chateaus are also allowed in the agricultural district but as a special use that requires a special use permit (SUP). This is because winery-chateaus allow more intensive uses that can may include guest rooms, guest activities, and single-family residences. In addition, winery-chateaus must were required to consist of at least

50 acres, with at least 75 percent of the site used for producing crops that can be used for wine production. Essentially, the farm processing winery is oriented more toward agricultural production while the winery-chateau potentially includes more non-production or “commercial” activities.

Updating winery regulations in the future should occur in the context of distinguishing between agricultural production and non-production or “commercial” activities that may accompany a farming operation. There is broad consensus that normal agricultural production activities should be allowed in the agricultural district with few restrictions. This is generally the case with existing farm processing regulations. Here, non-production activities are quite limited given requirements concerning size (several clarifications to existing regulations are needed).

History of Winery-Related Zoning Amendments

Winery regulations have been amended multiple times in past decades. Specifically:

Amendment 95, Section 6.7.2 (8), April 14, 1992, removed the ability to sell alcohol at roadside stands.

Amendment 100, Parts A, B, and C, August 10, 1993, added winery-chateau use.

1994 PDR vote approved 1.25 mills.

Amendment 120, May 12, 1998, added remote wine tasting.

2002 PDR vote approved 2.0 mills.

Amendment 139, July 9, 2002, added farm processing facilities.

Amendment 146, Dec. 10, 2002, allowed residences in farm processing buildings.

Amendment 141, August 10, 2004, added guest activity uses for non-registered guests.

Amendment 181, August 11, 2009, added sales of wine by the glass.

Amendment 197, Jan. 8, 2019, increases farm processing facility building sizes.

On the other hand, when winery-chateaus wish to include non- production or “commercial” activities, additional restrictions and limitations and review processes are needed to address concerns over traffic, safety, and noise along with concerns over loss of rural character and surrounding neighborhood stability. When property is zoned agricultural, the principal use of the property should be production agriculture.

Given this framework, future updates to winery regulations also allow for the opportunity to shift toward more of a site capacity and neighborhood context focus when addressing the commercial dimensions. This might mean less emphasis on defining allowed and prohibited activities and events by types and categories and more emphasis on limiting capacity in terms of measurable thresholds such as maximum numbers of customers allowed (indoor and outdoor) based on attributes such as the size of the site itself (larger sites = more capacity), surrounding neighborhood features, and other physical and natural landscape considerations. Capacity issues also relate to water/wastewater (most areas are on wells and septic systems), road capacity and characteristics, proximity of neighboring homes, potential noise, etc. In terms of road capacity, it makes sense that any new wineries should be located on M-37 to help reduce traffic on local roads.

Capacity is also important from the larger perspective of the township as a whole. As such, overall context is needed in terms of considering an increasing number of wineries compared with the capacity of the area to support more traffic flow through the “choke point” at M-37 in Traverse City (discussed on page 25). As noted, winery customers are typically tourists who enter and exit the area via M-37. While tourist buses reduce the number of private vehicles, traffic demands increase incrementally with each new winery.

Continued careful study of these options is needed to achieve reasonable flexibility while maintaining rural character.

Other Agri-Business

Apart from wineries, other agricultural operations add value to agricultural produce and sell products on site. However, it is generally felt that the zoning ordinance does not provide adequate flexibility for a more complete range of potential agri-business

uses. The township has many farm stands, but farm stands are limited to 150 square feet in size. Farm processing facilities (including wineries as discussed above) are allowed in the agricultural zoning district as a permitted use (use by right), but 40 acres are needed. Food processing plants are allowed in A-1 but only as a special use. Greenhouses and nurseries are also special uses in A-1. In essence, there are limited opportunities for owners of agricultural land to grow or raise products, add value to these products, and sell them on the same site.

Carefully relaxing certain requirements is considered to be a logical step toward enhancing and supporting local agri-business. The associated challenge is to do so in a manner that does not diminish rural character by allowing an excessive amount of commercial activity in more rural areas, in viewsheds, and in other sensitive locations. As with wineries, it makes sense that larger agri-businesses should be located on M-37 to help reduce traffic on local roads.

As discussed above, there is a need to seek a balance **been between** agricultural production and non- production or **“commercial” value added** activities. Like wineries, limited non-production or **“commercial” value added** activities should be allowed “as **of a use by** right,” while higher levels of non-production, value-added, or “commercial” activities that are associated with traffic generation should be subject to a special layer of development standards and operational thresholds applicable in the **SUP Special Use Permit** approval process.

Initiatives and Action Steps

Pursue development of updated zoning to address winery issues and add more flexibility to other agri-businesses.

As described above, steps are needed to update the winery regulations and add flexibility for other forms of agri-businesses. In terms of refinements to winery regulations (apart from the need to wait for a resolution to the lawsuit), the planning commission has developed a working document and framework that can be revisited and further refined. Similarly, updates are needed to provide greater flexibility to allow for the strategic blending of agricultural production and non-production agri-business to occur under the proper circumstances. This process will likely include updating special use

and use-by-right requirements within the existing zoning ordinance structure. Finally, consideration can be given to allowing shared remote sales and/or remote processing facilities. New buildings of modest size could be built (or existing underutilized buildings could be repurposed) on M-37 to increase opportunities for shared processing and sales of local agricultural products. This concept aligns with the desire to keep commercial activity off local roads and on M-37, which has the capacity to support higher traffic volumes in the safest manner possible.

It should also be noted that the context within which this discussion of agricultural uses takes place includes the fact that residents of Peninsula Township have essentially paid for PDR easements in the agricultural preservation areas and have a vested interest in such land-use issues as they relate to maintaining a rural atmosphere with lower levels of traffic and noise.

Lodging and Short- Term Rentals

Under current ordinances, lodging options include bed and breakfasts (B&Bs), approved guest rooms in winery chateaus, and hotels (hotels are only allowed under a special use permit [SUP] within the 26 acres of land zoned C-1 in Peninsula Township). Apart from guest rooms at winery chateaus and a few rooms at B&Bs, there are few lodging options in Peninsula Township.

The 2019 survey results suggest a majority of residents do not support short-term rentals (STRs) in Peninsula Township. Additionally, Peninsula Township officially opposes STRs (see Resolution 2021-05-11, passed on May 11, 2021). However, a proposed bill in the Michigan legislature seeks to limit local governments' ability to regulate STRs by changing amending the Michigan Zoning-Enabling Act MZEA. A similar bill introduced in past legislative sessions received considerable attention. Peninsula Township adamantly opposes such legislation. It is interesting to note that the impacts of STRs are not felt evenly across the state. According to a recent Record-Eagle article (May 9, 2021), the Grand Traverse region is home to only three percent of the state's population but has 25 percent of the short-term rental units in all of Michigan. Nationally, a similar trend towards more short-term rentals exists. In highly desirable vacation/tourist areas, it is not uncommon for

single family homes to be purchased by out-of-town investors who buy properties for the sole purpose of using them exclusively as STRs. This drives up housing prices and erodes the notion that people know their neighbors and are part of a familiar neighborhood.

Public opinion supports the current position/policy of the prohibition on STRs. Regarding other forms of local lodging, there is support for investigating options to improve policies with respect to B&Bs, guest rooms at winery chateaus, and hotels and to perhaps create a new category of "country inns." The exact definition of a "country inn" needs to be developed further and should be distinguished from existing B&Bs or winery- chateaus with guest rooms. Conceptually, a country inn is a building with unique character, food offerings, and guest rooms on a large rural tract of land. There is also the potential to connect lodging with an offering of a deeper agricultural experience and appreciation that includes opportunities to learn about agricultural practices, methods, challenges, and food processing.

The subject of hotels should also be addressed. Presently, a hotel is permitted on the limited amount of C-1 zoned land as a special use. A five-acre parcel size is also required. This minimum parcel size should be reviewed, as it might have unintended consequences such as nudging developers toward larger facilities than would likely be desired. Given a five-acre site and the existing maximum lot coverage of 35 percent, a building footprint could be more than 75,000 square feet. A building this size would likely be way out of scale with the surrounding rural area. For this reason, a revision is needed.

Initiatives and Action Steps

Develop updated regulations for B&Bs and/or create a new category of lodging called "country inns."

A review of allowed numbers of guest rooms given the size of a site and allowed guest activities is particularly relevant. Often, a related issue is the topic of allowed events such as weddings and other gatherings for small groups, which should be clearly addressed and limited. As mentioned previously, residents of Peninsula Township have paid for PDR easements and have a right to express a strong preference regarding land-use issues as

they relate to maintaining a rural atmosphere with lower levels of traffic and noise.

Special Use Permits

The Michigan Zoning Enabling Act (MZEA) of 2006 establishes parameters under which a local zoning ordinance can be created and administered. A component of these parameters is the authority to define special land uses and activities that may be approved subject to special standards and requirements. The Peninsula Township Zoning Ordinance relies heavily on special land-use approvals to address sensitive issues such as wineries and related commercial activities. Since the zoning ordinance was first adopted 50 years ago, nearly 140 special use permits (SUPs) have been approved. Public hearings are conducted and notices are sent to adjoining property owners before an official statement of findings and conclusions is produced; this document specifies the basis for the decision and any conditions imposed.

One area of concern is the need for minor amendments to previously approved SUPs. Typically, SUP approval requires at least four months in order to allow two public hearings and approval by both the planning commission and township board. This process can be onerous, especially when a change or modification is small and inconsequential. The MZEA seems to allow for such procedural flexibility.

Special Use Permits in Peninsula Township

Zoning ordinances typically divide communities into different zoning districts that include the distinct land uses allowed in each one and the development standards that must be met. Uses listed in each zoning district include those permitted “as-of-right” or by right and those that are “special uses,” which are also known as SUPs. (“SUP” literally stands for “special use permit.”) Uses permitted “as-of-right” or by right can be approved administratively when the applicant demonstrates that the proposed project meets all zoning requirements (minimum lot sizes, setbacks, height restrictions, lot coverage, etc.). Generally, these uses include construction projects such as

single-family homes, home additions, garages, decks, sheds, sea walls, etc. SUPs, on the other hand, are more intense and potentially more impactful and include uses such as winery-chateaus and churches. Potential impacts from these uses in terms of traffic and noise justify an additional review process, requirements, and examination. The town board can approve projects with specific conditions and safeguards put in place to address potential impacts.

The process to approve an SUP (or a planned unit development, or PUD) takes several months. The first requirement is for the landowner to file an application with the township’s planning commission. The planning commission then considers the application at one or more scheduled meetings, a key part of which is a legally advertised public hearing. The advertisement for the public hearing is placed in the Record-Eagle, and people within 300 feet of the project are required by law to receive a written notice in the mail. Ideally, before the public hearing, interested residents take the time to learn what is being proposed. Township staff welcome questions about proposed projects, and residents can also seek answers from the comfort of their own homes by asking questions at www.participateoldmission.com.

The planning commission considers the testimony provided at the public hearing and works with staff and outside assistance from engineering and legal resources counsel to produce a document that describes how the proposed project does or does not meet the requirements of the zoning ordinance; this document also defines any specific approval conditions that are necessary to address concerns or mitigate negative impacts. After the planning commission reaches consensus on an actionable document and votes to approve it, the matter moves to the township board. Similarly, the township board holds a public hearing and considers the findings of fact of the planning commission before taking final action. The process, while time consuming, is designed to provide ample opportunities for public comment and deliberation by appointed and elected officials. At the conclusion of the process, the township may act to deny, approve, or approve a project with conditions.

Initiatives and Action Steps

Review and update procedures for SUP approvals and amendments.

The zoning ordinance should be amended to provide for an abbreviated process to consider minor amendments to SUPs. The choices could include only staff approval or just planning commission/township board action. Again, the Michigan Zoning Enabling Act of 2006 allows for options to be considered in terms of how SUPs are reviewed and acted on.

General Review of Uses and Development Standards in All Zoning Districts

The list of uses permitted as-of-right and by SUP has been largely unchanged for many years. Land uses exist today that did not exist in 1972 when the ordinance was adopted.

Initiatives and Action Steps

Review and update lists of permitted and special uses and development Some particular focus areas include the following:

1. The MZEA generally states that a zoning ordinance shall not have the effect of totally prohibiting the establishment of a land use within a local unit of government in the presence of a demonstrated need for that land use. Given this requirement, a review of permitted and special uses should be conducted. Few (if any) land uses have been added to the zoning ordinance since its adoption nearly 50 years ago.
2. The C-1 zoning district does not include any permitted uses. Uses are only allowed as an SUP, and land-use descriptions are very broad. For example, the term “retail sales” is used, but that term potentially includes everything from a small market to a big box superstore. Only a small amount of land is zoned C-1 in Peninsula Township, and no areas are appropriate for large-format commercial activity. C-1 should be clearly defined in the context of “neighborhood scale” establishments that include retail sales and consumer services (barber/beauty shops, **drycleaner, salons**, photo studio, computer repair, etc.). To address concerns over building mass and scale, development standards such as

maximum building size should be considered. Developing a form-based code should also be investigated and considered. According to the Form-Based Code Institute, this regulation is adopted as an alternative to conventional zoning regulation. It provides more predictable build results and a high- quality public realm by using physical form rather than separation of uses as its organizing principle. This tool could prove to be useful in the future to more clearly and specifically define the form, mass, and placement of new buildings in C-1 zoning districts.

3. Existing provisions related to “dark sky” issues should be addressed. Peninsula Township demonstrated leadership many years ago with regulations aimed at curbing light pollution. Existing provisions in Peninsula Township’s Zoning Ordinance could be improved, however, by utilizing material found in a model ordinance produced by the International Dark Sky Association and the Illuminating Engineering Society of North America.
4. Parking standards should be reviewed and updated. The cost of building and maintaining parking areas plus environmental issues related to impervious surfaces and the volume and velocity of runoff that washes chemicals into water sources are strong reasons to ensure that minimum parking standards do not require larger parking lots than necessary. Parking standards in the Peninsula Township Zoning Ordinance have been in place for several decades, and better research now exists to consider updated standards for Peninsula Township such as including **bike bicycle** parking equipment and areas and delineating non-motorized use space in parking lots (see Parking Standards, American Planning Association, PAS Report 510/511). **Bike Bicycle** parking requirements can be based on the amount of floor area or as a fraction of vehicular parking requirements. Requiring **bike bicycle** parking is another way to promote non-motorized travel in Peninsula Township.
5. Efforts are needed to examine existing zoning requirements in places like Neahtawanta. Areas such as these were platted long before local zoning was enacted and include many non-conforming lots. The Neahtawanta area is zoned R-1B, which requires 100 feet of

frontage and 25,000 square feet of lot area in order to comply with the minimum lot size in that zoning district necessary for home construction.

6. Improvements to regulations concerning the number of docks and hoists that are permitted in shared waterfront access are needed, particularly as they relate to new developments located on or near the bays. The updated zoning ordinance clarifies existing requirements for docks and hoists for individual properties, but the larger issue of shared waterfront access and allowable docks and hoists still needs attention.

FUTURE LAND USE

A future land-use map has been prepared that largely reflects existing land-use patterns in Peninsula Township. Future land uses throughout large portions of Peninsula Township are likely to be unchanged in the future for several reasons. First, township PDR easements restricting development were created to run with the land in perpetuity. Second, much of the land along the shorelines has been built upon, and few vacant sites remain. ~~The table below illustrates land-use categories and their associated acreages:~~

It is important to note that this master plan does not propose potential large-scale rezoning of land in order to achieve the future land-use pattern illustrated in the map on page 76. The differences between the existing land-use map provided earlier and this future land-use map largely reflect some degree of “build out” that will naturally occur within the confines and parameters of existing zoning requirements. It should also be noted that the designated rural agricultural areas are not to be regarded as “undeveloped” properties awaiting development plans. Land designed as rural/ agricultural is land that is intentionally designated for agricultural use now and into the future.

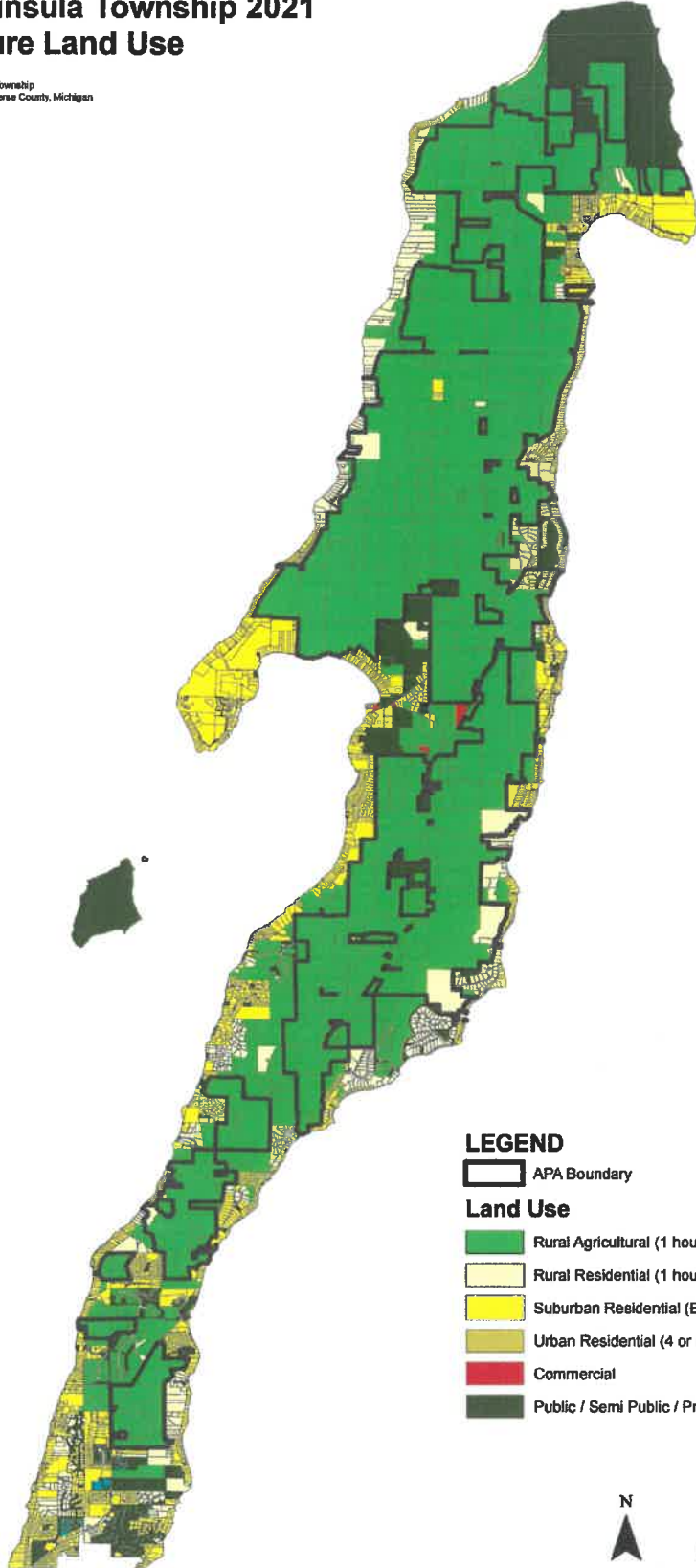
This master plan does, however, recognize that some “small scale” rezonings (i.e., involving only a few acres) may prove to be necessary in the future in two specific ways. First, minor adjustments to zoning district boundaries might be needed in instances where odd-shaped parcels are involved and impacted. Second, more than 1,100 acres of property in Peninsula Township are “dual zoned,” which means a zoning district boundary divides a

given parcel. That said, dual-zoned properties are generally avoided with good planning and zoning practices that reduce ambiguity and confusion over requirements.

It should be clear that the designated rural agricultural areas are not to be regarded as “undeveloped” properties awaiting development plans. Land designated as rural agricultural is land intentionally planned for primarily agricultural use now and into the future.

Peninsula Township 2021 Future Land Use

Peninsula Township
Grand Traverse County, Michigan



LEGEND

APA Boundary

Land Use

- Rural Agricultural (1 housing unit for each 5 acres or more)
- Rural Residential (1 housing unit for between 1 and 5 acres)
- Suburban Residential (Between 1 and 4 housing units per acre)
- Urban Residential (4 or more housing units per acre)
- Commercial
- Public / Semi Public / Private Open Space

Base Map Source: MCGI, Grand Traverse County GIS
Data Source: Peninsula Township
2021 Parcel Boundaries
May 2021



7. Mobility



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According to the Michigan Planning Enabling Act, a master plan addresses land-use and infrastructure issues and shows the planning commission's recommendations for physical development. It also includes all components of a transportation system and interconnectivity between streets, bridges, public transit, bicycle facilities, pedestrian ways, freight facilities, port facilities, railroad facilities, and airports with the aim of providing safe and efficient movement of people and goods for the community now and in the future. Mobility issues fall into several groups in terms of both vehicular and non-motorized travel. Vehicular Mobility

as it limits opportunities for passing zones and sight distances associated with driveways and intersecting streets.

As noted on page 29, M-37 was designated as a Pure Michigan Byway in 2008. A corresponding Old Mission Peninsula Scenic Heritage Route Management Plan was developed to provide an understanding of the designated route, what makes it special, and why it should be preserved. This plan includes:

- » A map and photographic inventory displaying the location of intrinsic qualities;
- » Maps displaying land use along the corridor;

VEHICULAR MOBILITY

M-37 – Center Road

M-37 is Peninsula Township's primary throughfare. It provides the most efficient route from north to south and sees by far the heaviest traffic volumes. To the south, just past the intersection with Peninsula Drive, the annual average daily traffic (AADT) is 11,817 (2020) according to MDOT. Toward the north a few miles, south of McKinley Road, AADT drops to 6,081 (2020). Further north (but south of Wilson Road), AADT is the same at 6,081 (2020). Just south of Gray Road, AADT drops to 4,364 (2020) (It is worth noting that the 2020 counts are substantially lower than 2019 counts, which might be attributed to COVID-19-related travel impacts.)

Clearly, M-37 acts as a funnel, moving greater and greater numbers of vehicles closer to Traverse City and M-72/Front Street. The largest jump in traffic counts occurs south of McKinley Road as adjacent subdivisions add traffic generation. As described previously, the intersection of M-37 with the road network in Traverse City is a major chokepoint with busy intersections and a finite capacity to move traffic.

One attribute of M-37 is **its that it** slopes and curves, particularly toward the southern end of the township. Horizontal and vertical curves add considerable visual interest, revealing spectacular views of both

East and West Grand Traverse bays and breathtaking agricultural landscapes. This same attribute, however, impacts vehicular travel,

Source: MDOT www.michigan.gov/mdot/

- » Maps of road use and crash data;
- » Inventory of the natural, historical, cultural, and recreational resources;
- » A list of potential threats or challenges affecting the character of the corridor;
- » Goals and objectives that offer insight into the issues with recommendations for attaining the goals; and
- » Recommendations and strategies for making future management decisions with a prioritized project list.

The current master plan calls for maintaining M-37 as a free-flowing major road unrestricted by stop signs or signals. This objective relates not only to the convenience of residents and visitors but also reflects the belief that the agricultural nature of the area depends on supporting the movement of agricultural trucks and equipment on and off the peninsula.

Strategy

Peninsula Township has identified the need for a corridor study of M-37 for several years. Most recently, this issue stalled during discussions about whether or not the Grand Traverse County Road Commission would take over control of this road. Now that MDOT has declared that it will retain control of M-37, some of the answers/results sought from such a study include the following (some issues overlap with recommendations in the Old Mission Peninsula Scenic Heritage Route Management Plan):

1. What can be done to improve safety at the scenic turnout near Chateau Grand Traverse?

Increasing numbers of vehicles park there, taking in the views and watching sunsets, particularly during peak tourist seasons.

2. What should be done to improve intersecting roads with M-37 that are not at 90-degree intersections, a circumstance that inhibits safe sight distances and creates safety issues? Some examples include Seven Hills, Smokey Hollow, and Bluff roads.
3. What opportunities exist to construct turn lanes, passing lanes, or similar improvements to help support traffic flow that can be encompassed in future planning and development review activities?
4. How can we address issues related to the parking needs associated with the DNR boat launch near the East Shore Road intersection? Seasonal demand for boat launch access regularly results in spillover on-street parking on M-37, leading to safety issues as turning movements (often involving vehicles towing boats) are restricted and congested roadway conditions inhibit sight distances.
5. How can we clearly identify where sight distances are optimum for future driveways and new private roads?
6. Can we consider the need for an overlay zoning district along M-37? An overlay zoning district can define uniform setbacks from the right-of-way. A-1 is a common zoning district along M-37, and it requires only a 35-foot front setback. An overlay zoning district could require a larger setback along the corridor regardless of the requirements of the various underlying zoning districts. Other augmented development standards might also make sense.



Additional Study of Local Roads

The general discussion about mobility in Peninsula Township has highlighted the need for a township-wide traffic study. This study could occur with, or apart from, the M-37 corridor plan mentioned above. There are unique issues with the shoreline roads and the east/west connectors that relate to both vehicular and non-motorized mobility. This work should be aimed at determining how best to handle vehicular traffic while identifying which right-of-ways could support non-motorized traffic with designated travel areas. Identified right-of-way widths throughout the township would make it possible to determine which roads might support non-motorized transportation outside the motorized lane (i.e., separate walks and/or cycle tracks).

Another aspect of this study should consider the desirability of one-way vehicular traffic on roads such as East Shore. A single one-way travel lane would allow space for non-motorized travel within the existing paved surface, eliminating the need to widen the road and take down trees along the shoreline to accommodate non-motorized travel. Such an evaluation should also take into account any potential impacts on emergency vehicle response times.



Bicyclists on Blue Water Road heading toward Center Road

Strategy

As part of the corridor planning related to M-37, additional attention should be placed on local roads as described above. If local roads are studied as part of an M-37 corridor plan, overall costs will likely be reduced. For this reason, local roads should be included in any M-37 corridor plan.

Initiatives and Action Steps

Pursue development of a corridor plan and a study of local roads focused on the identified strategy elements.

NON-MOTORIZED MOBILITY

In the 2019 community survey, residents spoke convincingly about the need to plan for more non-motorized transportation opportunities in Peninsula Township. In fact, the 2019 survey results suggest that nearly eight in 10 respondents support the concept of more planning for bike and pedestrian travel. Related to this level of support is the fact that the larger Traverse City region continues to offer an expanding non-motorized transportation system in response to an increasing interest in biking, walking, fitness, and generally healthy living. Simultaneously, we see complaints surfacing from visitors to the peninsula who experience dangerous circumstances they attribute to a lack of accommodation for non-motorized travel. Recently, an experience was so significant that a visitor took the time to write a letter stating he'd been run off the road several times while biking; he made it clear he will not return to the peninsula unless improvements are made to protect cyclists.

Non-motorized travel is not just about casual recreational cyclists or walkers. The base of the township serves as training grounds for local sports teams (football, basketball, hockey, and of course track and cross country). The Bayshore Marathon has been identified as one of the nation's most scenic races and is considered an ideal qualifying race for the Boston Marathon. Other races are similarly popular, and the local road system draws visitors from all over the nation, especially the Midwest. People visit with the intention of enjoying the roads and scenery but find conditions that raise important safety issues.

These long-standing circumstances present an opportunity to update the master plan and provide

a compelling and exciting opportunity to begin a significant dialogue about the future of non-motorized mobility. Recent conversations during the planning process about non-motorized travel include a wide range of projects from minor pavement markings to dedicated trails extending throughout the peninsula with connections to parks and community facilities such as the library and school.

These early conversations have been supported with input from local organizations such as TART, Cherry Capital Cycling Club, and Norte. In April 2021, Peninsula Township specifically reached out to these three organizations for assistance and input. All three attended a master plan steering committee meeting in early May, 2021. Conversations were fruitful but led to the acknowledgement that there are significant questions to be addressed if we are to move forward. These include the subjects of:

- » Creating an overall vision for non-motorized travel on the Old Mission Peninsula;
- » Identifying additional information to support informed conversations about viable options and alternatives, some of which is engineering related;
- » Determining if non-motorized trails are permitted on agricultural land included in an existing PDR easement;
- » Identifying issues that are related and ancillary to non-motorized travel (these include existing speed limits, existing passing zones, general roadway safety, and related matters);
- » Identifying potential construction and non-construction projects that support the vision of non-motorized travel (non-construction projects might include printed materials, information campaigns, signage, websites, organizational partnerships, etc., and potential projects include those related to the Safe Routes to School program);
- » Prioritizing projects and possible timetables and comparing short-term/low-cost projects with longer-term/high-cost projects; and
- » Funding (federal, state, local, and private).

Strategy

The complexity of the above issues suggests it is not possible to instantly develop a complete

plan and aggressive timetable for constructing projects that immediately result in better **bike bicycle** and pedestrian mobility for Peninsula Township. Rather, what lies ahead is the need for a working group of planning commission members, master plan committee members, and park committee members to collaborate with TART, Cherry Capital Cycling Club, and Norte with the goal of responding to the seven issues identified above. Ultimately, this work should include more community engagement so that the vision, projects, and implementation steps enjoy as much support as possible as well as the insights residents have about how to make Peninsula Township more healthy, livable, and sustainable.

Once complete, a non-motorized transportation plan should appear as an amendment to the master plan for two primary reasons:

- » If private development is proposed adjacent to a planned non-motorized improvement, potential connections should be considered; and
- » If funding is sought for a major project, the fact that the project is part of the master plan helps to identify its validity and importance.

As starting points for further study and planning for non-motorized travel in Peninsula Township, the following ideas should be explored:

- » Paving roadway shoulders in the high-use Bowers Harbor area that connect the boat launch, Bowers Harbor Park, the Mapleton Area, and the Seven Hills and Devils Dive areas;
- » Adding segments of paved shoulders in areas where there are steep hills and/or poor sight distances or low visibility;
- » Utilizing one-way roads where low vehicular speeds and low traffic volumes exist, a change that would potentially allow for one vehicular travel lane and one lane for non-motorized travel;
- » Implementing better **bike-bicycle**/pedestrian crossings at Gray Road and Center, Seven Hills and Center, and Smokey Hollow and Center;
- » Collaborating with Old Mission Peninsula School and Norte as well as Eastern Elementary School and Traverse City Central High School at the base of the peninsula to explore options for Safe Routes to School projects and associated

funding (Norte administers Safe Routes to School programs in the Traverse City area as well as in Northport and Elk Rapids); and

- » Developing a specific recommendation for 1) updating the township zoning ordinance to require bicycle parking improvements (racks and/or bike-bicycle parking areas) in much the same way that off- street automobile parking spaces are required now for non-residential developments and 2) requiring pavement markings to designate pedestrian/bike-bicycle areas in new parking lots.

Initiatives and Action Steps

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 bicycle parking improvements related to new construction.



8. *Places Character*, Facilities, & Governance

PLACES CHARACTER, FACILITIES, AND GOVERNANCE

Apart from land use and mobility, various places, public facilities, and aspects of governance in Peninsula Township collectively help support the attachment people feel to this special place. Historic landmarks and old farm buildings that dot the landscape remind people of what came before.

Architectural themes related to coastal homes, beach houses, and farmsteads are common. Finally, public facilities such as the school, library, town hall, and fire stations help anchor residents to a sense of community. In addition, our local form of government has much to do with how people relate to their community and the sense of empowerment they feel about shaping the future.

HISTORY AND CULTURE

There are four primary historical sites on the Old Mission Peninsula: ~~These include:~~

- » ~~The replica Log Church and~~
- » ~~Peter Dougherty House in Old Mission and the~~
- » ~~Hessler Log Cabin and~~
- » ~~Mission Point Lighthouse at the tip of the peninsula~~

~~In addition, two historic businesses still exist, the:~~

- » ~~Old Mission Inn and the~~
- » ~~General Store~~

~~Moreover, three historic private resort associations remain:~~

- » ~~Illini~~
- » ~~Leffingwell, and~~
- » ~~Neahtawanta~~

Much of the story of nineteenth- and twentieth-century America arcs through and across these places.

To present the peninsula's diverse history at easily accessible sites that best consolidate private and public funds, on-going strategic planning should be aimed toward centralizing the history of Old Mission Peninsula at the Dougherty House and Mission Point Lighthouse sites.

Dougherty House

The Dougherty property is the appropriate place with the necessary acreage to eventually house the lengthy story of the Old Mission Peninsula. This story ought to include the lives of the Native Americans and the story of agriculture, starting with the Anishinabek, including the many changes brought by Dougherty and subsequent settlers, and acknowledging Old Mission Peninsula's vital importance today as a unique, world-class fruit-growing zone. This story should also highlight the conservation movement on the peninsula via a facility on the Dougherty grounds that shares the innovative PDR and land conservation efforts undertaken by local leaders. Finally, it ought to include the dynamic nature of Lake Michigan, including changes in water levels, changes in the ecosystem (including the effect of invasive species), and ongoing efforts to protect the lake from manmade **crises threats**.

Mission Point Lighthouse

The lighthouse restoration is complete and tells the local story of light service, lifesaving, and maritime history. Regular cultural events, a popular keeper program, successful fundraisers, and a planned Michigan lighthouse program should continue. A tour of the lighthouse grounds presents the opportunity to showcase our unique maritime history.

Strategies

Although there has been historically strong grassroots support and funding for separate local historic pursuits, the idea of merging the Peter Dougherty Society and the Old Mission Peninsula Historical Society has been suggested as a means to improve strategic planning, branding, and the pursuit of project funding. This idea has not been accepted or pursued, and there is no consensus about whether this step would be wholly beneficial. The organizations themselves are best equipped to evaluate how to enhance the presentation of local history at our historical sites. The township encourages them to explore this idea and also to develop a mechanism by which Native American history continues to be recognized and elevated.

Initiatives and Action Steps

- » Centralize the history of the Old Mission Peninsula at the Dougherty House/replica Log

Church and Mission Point Lighthouse.

- » Create a single website to act as a portal to all things historical and cultural on Old Mission Peninsula.
- » Create and maintain seasonal displays at Peninsula Community Library to encourage an interest in the preservation movement among younger residents.
- » Identify and implement sustainable ways to maintain, operate, and improve the township's most valuable historic sites and parks.
- » Continue to draw increasing attention to Native American history.
- » Review the zoning ordinance and consider new ways to support historic preservation.
- » Study best practices in terms of how to accommodate visitor parking and increased traffic without increasing paved surfaces at the lighthouse.

PUBLIC FACILITIES

Public facilities support the needs of residents and visitors in various ways and generally include the public library, town hall/office building, and fire stations. The public library is new and will serve community needs for many years to come. However, looking forward into the coming decades, decisions are likely to be needed with respect to the town hall/office building and fire stations. Specifically, the town hall/office building may need to be expanded to accommodate new government functions and to reach higher levels of accessibility for those with mobility impairments. In terms of the fire stations, three facilities now serve the township. The recent addition of the third station in the spring of 2021 dramatically improved emergency response times for residents at the northern end of the peninsula. However, the two fire stations located to the south are older facilities that will soon need to be upgraded. Additionally, apart from the town hall (which has ADA compliance issues), the township lacks a public space that can be used for training purposes and larger events/ meetings.

Strategy

Upgrades/changes to the two southernmost fire stations will be needed in the future. Similarly, it is not unrealistic to expect that more township office space will be needed. Both issues would be

tremendously impacted by any future steps taken toward pursuing another form of government to better meet the needs of residents. Although it will always be possible to contract out services, local space and facility needs would likely still increase.

Along with providing procedural and content-related requirements for master plans, the Michigan Planning Enabling Act (MEPA) defines requirements for capital improvement plans (CIPs). **Capital improvements-CIPs** typically refer to major expenditures on things such as land, buildings, public infrastructure, and equipment. CIPs provide a description of proposed capital improvement projects that are prioritized and scheduled with a cost estimate and identified funding source. CIPs consist of a working document that looks forward six years and is updated annually to reflect changing priorities and funding opportunities. The CIP should also reference water and sewer infrastructure needs (as described previously in Chapter 2) and potential capital projects at the parks as described below.

Peninsula Township (like many townships) does not now have a CIP. However, steps in this direction should be taken. The MPEA indicates that the planning commission is responsible for creating a CIP, but such an undertaking requires close coordination with the township board and staff. The process to develop a CIP generally includes project identification, ranking/prioritization, public input, plan development, and adoption. Note: CIPs do not include maintenance items.

Initiatives and Action Steps

- » Launch an effort to formally develop and adopt a CIP for Peninsula Township.

PARKS

Peninsula Township has a well-established park system that has developed and expanded over many years. In Michigan, park and recreation planning is typically done within the context of the five-year Community Park, Recreation, Open Space, and Greenway plans required by the Michigan Department of Natural Resources (MDNR). MDNR offers grant programs that represent major funding sources for both parkland acquisition and parkland development. Projects proposed by a local government must be consistent with the planning and priorities established in these plans. Peninsula

Township’s park and recreation plan was adopted in 2018 and is now undergoing an update to refresh and realign goals and priorities with proposed projects.

Also in In 2018, Peninsula Township residents voted to change the organizational responsibilities for park management from an independently elected parks commission to a township board-appointed committee. This committee has seven members and works closely with the township board; members of the committee are also assigned to specific parks.

Recently, Peninsula Township entered into a contract with LIAA (Land Information Access Association)

to assist with updating the township’s five-year park and recreation plan and to develop a list of capital improvements and a sustainable operating budget. So as not to duplicate efforts, specific park development projects will be defined in this updated park and recreation plan rather than here.

However, as parks are such an important factor in terms of the quality of life, it is important to draw attention to overarching planning considerations and strategies aimed at the four major hubs of park and recreation activity in Peninsula Township.

Specific Park Strategies

- » Pelizzari Natural Area (PNA): located in the most heavily populated area of Peninsula Township, PNA offers a place to walk and hike in a natural and peaceful setting. With expected residential growth in the general area, future opportunities that may present themselves to expand Pelizzari should be pursued and encouraged.
- » Bowers Harbor Park: Bowers Harbor Park is centrally located, and a new master plan for the recent park addition sets the stage for many improvements to increase functionality for both active and passive recreational activities.
- » Haserot Beach and Kelley Park: Haserot Beach is the only public beach on the Old Mission Peninsula, and a new boat launch is being planned at nearby Kelley Park and should be in place in the next few years. This area is appropriately focused on water-related recreational activities that should continue.
- » Mission Point Lighthouse Park and environs:

Mission Point Lighthouse, Mission Point Lighthouse Park, and the adjoining Mission Point State Park are a major tourist destination. The parks’ 145 acres include trails, picnic facilities, and beach access. The lighthouse itself attracts visitors from all 50 states and abroad. When residents were asked how the township should continue to manage the lighthouse, most were in favor of maintaining the current practice of coupling maintenance and tourist promotion.

Initiatives and Action Steps

- » Continue steps toward developing an updated park and recreation plan.
- » In conjunction with non-motorized transportation planning, identify opportunities to connect the four major park hubs in Peninsula Township – PNA, Bowers Harbor Park, Haserot Beach, and Mission Point Lighthouse Park – to other township facilities such as Archie Park, also owned by the township, and Pyatt Lake Natural Area, owned by the Grand Traverse Regional Land Conservancy.

GOVERNANCE

As described earlier, Peninsula Township is quite geographically unique among Michigan townships, yet it governs and operates like most other townships in Michigan and nearby states. Township government has been in place for hundreds of years and is rooted in New England traditions of local self-governance.

According to the Michigan Townships Association, township governments were actually in place in most Midwestern states before they achieved statehood, which is why they reflect the six-mile-square land divisions established in the original federal land surveys.

Today, the issues that local officials confront on a daily basis could not have been imagined hundreds of years ago. The logical question going forward is whether or not to consider other options for how to deliver services to residents in the most responsive and cost-effective way possible.

Michigan law provides for two types of townships, general law and charter townships. Charter townships have additional powers, streamlined administration, and greater protection against

annexation by a city. In the immediate area, charter townships include Garfield, East Bay, and Elmwood; all the rest are general law townships, including Peninsula Township.

Alternatively, An alternative Peninsula Township could consider **is** incorporating as a village. There are substantial complexities to the status of municipalities in Michigan, but essentially they include both villages and cities. One important difference relates to the relationship to the existing township. In the case of a village, the township is not replaced, and it retains some governmental functions. Cities, on the other hand, fully replace township government. The appeal of creating a village relates to the ability to exercise more regulatory authority, an ability to provide more local services, and the ability to take responsibility for public works and utilities. To be a village, an area must have a population of at least 150 and a density of 100 or more people per square mile. Cities have much higher population thresholds.

The issue of municipal incorporation should be carefully considered after weighing the advantages and disadvantages. Peninsula Township might have the tax base necessary to support the full range of services provided by a Michigan village. Most importantly, incorporation might provide the means needed to effectively respond to current and emerging problems associated with road maintenance, repair of collapsing roads, and speed limits. An incorporated Peninsula Township might also have greater access to grants to fund infrastructure projects.

Alternatively A alternative to municipal incorporation is the appointment of a professional township manager. In a few Michigan Townships, (where governance issues are complex and demanding) a township manager is appointed and performs duties in much the same way as a city manager does in a municipality. A township manager would work directly for the Township Board and oversee the day-to-day operations of the Township, with department directors reporting directly to the township manager. Much more investigation is needed to weigh the pros and cons of this option.

Initiatives and Action Steps

Convene a study group to evaluate the advantages and disadvantages to incorporation or hiring a township manager, then recommend action accordingly to the township board. This group should be convened soon after this master plan is adopted and should be given specific action steps and time frames. Primary focus should be on options to consider, precedents from elsewhere in Michigan via similar townships that have undergone organizational change, and a complete list of pros and cons for each alternative. **Evaluative weight Consideration** should be given to the need for increased control over local road design and management.

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9. Implementation Summary

The following chart is a summary of implementation steps necessary to achieve the vision Peninsula Township has established for itself. Vision elements described in Chapter 5 are aligned with initiatives and action steps described previously

in this document. This material is intended to serve as a “quick reference” to summarize necessary steps forward toward implementing community goals.

TOPIC	VISON AND ORGANIZING PRINCIPLES (FROM CHAPTER 5)	ACTION STEPS	REFERENCE
LAND USE	#1 Recognize and make the most of an “island-like geography.”	PDR renewal & Traffic Study .	Page 65
	#2 Continue to implement any and all steps policies that reduce build-out potential.	Parkland additions (i.e., PNA and potentially others in the future).	Page 90
	#3 Ensure that future development is constructed in ways that thoughtfully balance all land-use needs.	General review of uses and development standards in all zoning districts. Review and update procedures for SUP approvals and amendments. Continue to study and investigate the concept of TDR and a commerical center.	Page 69 Page 74 Page 74
	#4 Constructively and collaboratively work toward the goal of adding commercial value to local agricultural products without creating areas that add noise and traffic congestion.	Pursue development of updated zoning to address wineries and add more flexibility to other agri-businesses.	Page 71
	#5 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 and other beach and coastal wetlands are an important buffer against pollution and flooding.	Update shoreline regulations (potentially including an overlay zoning district) and encourage shoreline protection education.	Page 67
	#9 Continue to view alternative energy (solar/wind) as having a potential role for Peninsula Township.	Update alternative energy provisions in zoning ordinance with more public input.	Page 68
	#10 Balance demand for a local hospitality industry against the need to control growth and manage traffic.	Pursue development of updated regulations for B&Bs and/or create a new category of lodging called “country inns.”	Page 72
	#11 Continue developing an outstanding park system throughout Peninsula Township with “hubs” at Mission Point Lighthouse Park, Bowers Harbor Park, and Pelizzari Natural Area (PNA).	Continue steps toward developing an updated park and recreation plan. Pursue park expansion oppourtunities at PNA and elsewhere. In conjunction with non-motorized transportation planning, identify opportunities to connect the four major park hubs in Peninsula Township.	Page 90 Page 90 Page 80

TOPIC	VISION AND ORGANIZING PRINCIPLES (FROM CHAPTER 5)	ACTION STEPS	REFERENCE
MOBILITY	<p>#7 Make vehicular travel safer and more convenient.</p>	<p>Pursue development of a corridor plan and a study of local roads focused on the identified strategy elements. This planning is aimed at identified issues such as:</p> <ul style="list-style-type: none"> » Improving safety at the scenic turnout near Chateau Grand Traverse; » Improving certain intersection roads; » Identifying potential turn lanes, passing lanes, etc.; » Addressing parking issues near the MDNR boat ramp; » Identifying optimum locations for future driveways; and » Evaluating the potential for an overlay zoning district along M-37 to establish uniform setbacks and other development standards. 	Page 80
	<p>#6 Make pedestrian and bike travel safer and more convenient.</p>	<p>Form 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.</p> <p>This non-motorized plan (developed in coordination with neighbors) should ultimately become an amendment to this master plan and include work to evaluate issues such as:</p> <ul style="list-style-type: none"> » Paving roadway shoulders in high-use areas; » Considering one-way roads where feasible; » Improving crossings at specific road intersections with M-37; » Collaborating with Old Mission Peninsula School and NORTE to explore Safe Routes to School projects and potential funding; and » Conducting additional studies of local roads (potentially along with the M-37 corridor plan) to specifically identify right-of-way widths and options for non-motorized travel. 	Page 82

PLACES, CHARACTER, FACILITIES, AND GOVERNANCE

TOPIC	VISION AND ORGANIZING PRINCIPLES (FROM CHAPTER 5)	ACTION STEPS	REFERENCE
	<p>#12 Continue preserving, enhancing, and celebrating local history and culture.</p>	<ul style="list-style-type: none"> » Centralize the history of the Old Mission Peninsula at the Dougherty House/Log Church and the lighthouse. » Create a single website to act as a portal to all things historical and cultural on the Old Mission Peninsula. » Create and maintain seasonal displays at the library to encourage an interest in the preservation movement among younger residents. » Identify and implement sustainable ways to maintain, operate, and improve the township’s most valuable historic sites and parks. » Review the zoning ordinance and consider new ways to support historic preservation. 	<p>Page 88</p>
	<p>#11 Continue developing an outstanding park system throughout Peninsula Township with “hubs” at Mission Point Lighthouse Park, Haserot Beach, Bowers Harbor Park, and Pelizzari Natural Area.</p>	<ul style="list-style-type: none"> » Continue steps toward developing an updated park and recreation plan. » In conjunction with non-motorized transportation planning, identify opportunities to connect the four major park hubs in Peninsula Township – PNA, Bowers Harbor Park, Haserot Beach, and Mission Point Lighthouse Park – with other township facilities such as Archie Park, also owned by the township, and Pyatt Lake Natural Area, owned by the Grand Traverse Regional Land Conservancy. 	<p>Page 90</p>
	<p>#8 Operate under the best possible form of government, with suitable and essential public facilities.</p>	<ul style="list-style-type: none"> » Launch an effort to formally develop and adopt a capital improvement plan (CIP) for Peninsula Township. » Convene a study group (appointed by the township board) to evaluate the advantages and disadvantages of incorporation as a municipality, or change to a charter township. Alternatively, consider other management options such as hiring a township manager. Give evaluative weight to options that take into account the need for increased control over local road design and management. 	<p>Page 89</p> <p>Page 91</p>

Appendix

Red Tart Cherry Site Inventory Map Summary

This map depicts site suitability for red tart cherry production. Areas shown in green are the most desirable areas. Areas shown in yellow require more intensive management practices to overcome limitations. Areas shown in red have severe limitations for red tart cherry production which are difficult to overcome by management practices. The original document should be reviewed for a detailed review of mapping and an explanation of study methodology and conclusions.

