

East Bay Charter Township

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paul b. fitzsimons • architect

403 east state, traverse city, mich. 49686
tel: (231) 941-1718 / fax: (231) 941-1718
e-mail: pbfitzsimons@aol.com

1 October 2008

The East Bay Charter Township Board
c/o Ms. Susanne Courtade – Township Clerk
1965 North Three Mile Road
Traverse City, Michigan 49686

Re: **Cherry Tree Condo Hotel P.U.D. (SPR 5-08)**
Submittal Packet Comments

Dear Township Board,


I offer this letter and supporting documentation as our submittal for the Township Board public hearing regarding the proposed improvements at the Cherry Tree Condo Hotel at 2345 US-31 North, Traverse City, Michigan.

Included in this packet are:

- The project recap and “findings” as authored by Mr. Jay Kilpatrick of Williams & Works
- My referenced letter of 29 May 2008 to the Planning Commission.
- An e-mail correspondence from Mr. Paul Wisnewski of MDOT, indicating that work at the signage within the right-of-way will be allowed.
- Letters from Mt. Holiday and Pebble Brook Fun Park regarding tentative parking agreements.
- On-site car count data for portions of May and June of this year at the Cherry Tree.
- Sample parking data from similar hotels.
- 1 Architectural site plan.
- 2 Survey drawings.

Thank you for your attention to this matter.

Sincerely,



Paul B. Fitzsimons Architect

cc: Omni Hospitality
Mr. Jim Held – N.M. Real Estate Co.
file

MEMORANDUM

TO: Planning Commission
East Bay Charter Township

FROM: Jay Kilpatrick, AICP
Michael Clark, Planner

DATE: July 31, 2008

RE: Planned Unit Development for a Spa and Pool at the Cherry Tree Inn (SPR 5-08)

Mr. Paul Fitzsimons submitted a PUD application dated May 8, 2008 to establish a spa-salon use and exterior pool and hot tub area at the Cherry Tree Inn, (2345 US 31 North). This review included the application, a letter from Mr. Fitzsimons dated May 29, 2008 with various renderings and parking calculations attached and the site plan dated May 7, 2008. The applicant is proposing to add an exterior pool and hot tub to the northeast section of the hotel and to renovate an interior section of the southwest corner of the existing condominium-hotel for a spa-salon use. The submittal is presented as a Planned Unit Development because of a combination of uses and two regulatory modifications that would be required.

Recommendation: Following the public hearing on August 12th we recommend that the Planning Commission approve the proposed PUD subject to the conditions outlined and recommend it to the Township Board for adoption.

Background: The 2.13 acre parcel, located on the north side of US-31 North, along Grand Traverse Bay, is zoned Regional Business, RB, and is currently improved with a condominium-hotel where the rooms are under fractional ownership. According to the applicant, the proposed spa-salon would contain four styling chairs, two manicure-pedicure stations, two spa rooms, and a gift shop for the retail sale of convenience items and spa related products. The renovation project would also include an outdoor pool and hot tub located in an area currently used for parking, resulting in the loss of 5 parking spaces. Use of the pool and hot tub would be limited to hotel guests. The spa-salon would primarily serve condominium-hotel residents, but would also be open to the general public.

Completeness of the Submittal: The materials provided address the requirements of the Zoning Ordinance as well as the additional information we sought in our preliminary memo. We believe the application is sufficiently complete to permit the Planning Commission to reach a decision on the proposal.

Review: In considering the proposed PUD, the Planning Commission may consider the following elements of the submittal.

1. **Combinations of Uses.** Section 412, 5, of the Township Zoning Ordinance regulates combinations of uses and it permits the Township to consider such combinations as a single use when all the various uses are permitted in the underlying district and are mutually compatible with one another. The both the hotel and the spa (personal services) are permitted in the RB district. Earlier in the consideration of this case, additional information was needed regarding the inter-relationship between the uses before a judgment could be reached regarding their mutual compatibility.

The applicant indicates that the spa-salon would be used in conjunction with the condominium-hotel use. However, the spa-salon would be privately owned and operated by Ann and Pierre Pujos (Pavola European Salon and Spa). Services would be limited to massage, hair and nails care, and similar spa amenities. The use would be accessed through the hotel lobby. It would occupy approximately 2,000 square feet over two floors and will be incorporated into the existing footprint at the southwest corner of the building where the former meeting rooms and storage areas were located. The applicant indicates that approximately 70 percent of the spa-salon clientele would be hotel guests and a small retail component would occupy 218 square feet within the lobby area and would be limited to products used at the proposed salon.

Based on this supplementary information provided by Mr. Fitzsimons in his letter of May 29th, we believe the proposed combination of uses could be effectively addressed under Section 412, 5, without the need to establish a PUD for this use. (As indicated below, departure from the parking requirements will, however, necessitate the PUD process).

2. **Proposed Deviations:** Section 637, 5, allows the Township to alter the regulations of the Zoning Ordinance if the proposed deviations meet the intent of Section 637. In considering whether the PUD-authorized deviations from ordinance standards are appropriate, the Planning Commission should consider the degree to which the proposal supports the objectives of the PUD standards. Essentially, the question the Planning Commission must consider is whether the proposal offers sufficient benefit to the community, to neighboring properties and to future occupants of the site to warrant these deviations. The applicant is specifically proposing the following deviations from the ordinance's requirements, as described in submitted narrative text:
 - a. **Parking.** Section 702, 3, 1, regulates parking requirements for hotels and requires one parking space for each sleeping unit, plus one for each one employee. Section 702, 3, c, requires that beauty parlors or barbershops provide two parking spaces for each chair. The applicant indicates that current site provides 84 parking spaces. The current parking configuration accommodates the 75 hotel rooms, one model unit, and the eight employees. The proposed pool, hot tub and equipment building will remove five spaces, leaving 79 on site.

The spa-salon will offer four styling chairs, two manicure/pedicure chairs, and the two spa rooms. Assuming one space per chair or room for the patron and one for the attendant, the spa-salon will generate 16 spaces of parking demand. Together with the 84 required for the hotel, the combined uses will require 100 parking spaces.

Comment: According to the site plan, there will be 79 parking spaces on site plus two unmarked loading and unloading parallel spaces in front of the building. The angled space adjoining the proposed pool will not be safely usable without a deeper back-out flange to allow an exiting vehicle to reverse out of the space, square-up and exit the lot. The application requests approval of an off-site parking arrangement for 16 parking spaces, to bring the total provided parking to 95 spaces. The applicant has submitted a parking time-use analysis for several days from mid-May through mid-June. It indicates that the current parking lot is most fully utilized overnight, and even when the condominium-hotel is at full capacity, the lot is not full. Further, during the proposed spa hours of 9:00AM to 6:00PM, fewer than fifty of the total parking spaces are occupied. Finally, the applicant indicates that tentative arrangements have been made to lease additional off site parking spaces at Pebble Brook Miniature Golf, located 0.2 miles from the site, and Mount Holiday, located 0.9 miles from the site. Employees would be shuttled back and forth from the condominium-hotel to the off-site parking lots. On July 31, we received copies of letters from Pebble Brook and Mount Holiday agreeing, in principal to this arrangement. However, no binding documentation has been provided.

Based on the parking analysis provided and proposed off site parking agreements, the requested deviation from the ordinance requirements may be appropriate. The only place on the existing site where added parking could be placed is the so-called convertible area along the west side of the building. This area could accommodate a net of about 10 or 11 spaces accounting for the loss of two or three of the existing spaces at the west end of the front lot to accommodate a drive way. If the combination of shared parking and the off-site arrangement can be made to work, this may be preferable to forcing additional pavement if it is not needed. The time-use analysis indicates that that even without the leased off-site spaces it is unlikely the existing lot would be filled during the operating hours of the spa. However, if the approval is to rely on the off-site parking, these arrangements must be memorialized in an agreement that is satisfactory to the Township Attorney.

- b. Signage. Section 210, 5, regulates allowable signage in all commercial and office districts. A total of 80 square feet of free-standing sign and a building wall sign with an area of the lesser of 20% of the wall area or 100 square feet, are permitted. Freestanding signs must be set back the greater of 10 feet from a street or roadway curb line or the edge of the road right-of-way easement. The existing freestanding sign, which is to be modified to incorporate the spa-salon name into the existing 80 square-foot sign panel, is located completely within the US-31 right of way as is about ten feet of the front row of parking. The applicant indicates that this arrangement was

acceptable to MDOT when the facility was constructed in 1998, but the Township has not been able to locate any documentation of that approval. Even if the sign location was a part of the original approval of this facility in 1998 and approved by MDOT, it constitutes a deviation from the ordinance standards. The existing wall sign is about 6 square feet in area and together with the additional 12 square foot awning sign would meet the ordinance wall sign standards.

Comment: The applicant proposes to replace the existing 80 square-foot freestanding sign panel with a sign of the same size and location to identify both businesses. The site plan provided by the applicant indicates that the right-of-way is approximately 152 feet wide, and the replacement sign would be in the same location as the current structure, located behind the sidewalk. The leading edge of the sign scales to approximately 38-feet from the edge of the roadway. Because of the width of the right-of-way and the prior approval of the sign in this location, the Planning Commission may therefore approve this deviation, providing acceptable documentation of MDOT approval can be produced.

PUD Regulations and Conditions: Pursuant to Section 637, 4, of the Township Zoning Ordinance, Planned unit developments shall meet the following general standards:

1. The use will be compatible with adjacent land use, the natural environment, and the capacities of affected public services and facilities, and that such use is consistent with the public health, safety, and welfare of East Bay Township residents and the benefits of the development are not achievable under any single zoning classification.

Comment: Since this would be a mixed-use development with characteristics similar to other resort uses in the vicinity, it would be consistent with the existing pattern of development. Additionally, the proposed spa-salon use would be located within an existing structure and would not require significant site modifications. The pool and hot tub additions would customarily be found in resort hotel properties and would not have and adverse effect on the public health, safety, or welfare of East Bay Township Residents. We believe the Planning Commission may find that the proposal meets this standard.

2. The use shall be consistent with the East Bay Township Comprehensive Plan and Future Land Use Map as set forth in this Article.

Comment: The Township Comprehensive Plan and Future Land Use Map places this location in the Regional Commercial future land use designation. This designation anticipates uses that provide goods and services to the larger Grand Traverse Region, including jobs for residents and goods and services for residents and the tourist market. The proposed use is entirely consistent with this characterization and we believe the Planning Commission may find that the proposal meets this standard.

3. The use and development is warranted by the design and additional amenities made possible with and incorporated by the development proposal.

Comment: The proposed Spa-salon use is intended to primarily cater to hotel residents and guests. As such it will be accessory to the existing condominium-hotel use. The minimal additional signage and shared parking will allow the existing and proposed uses to function compatibly. The hot tub and pool area is intended to be completely accessory to the existing condominium-hotel use. We believe the Planning Commission may find that the proposal meets this standard.

4. The development consolidates and maximizes usable open space.

Comment: As this site is fully developed and the proposed change will have no impact on the existing footprint, this standard does not apply.

5. Landscaping is provided to insure that proposed uses will be adequately buffered from one another and from surrounding public and private property and to create a pleasant pedestrian scale outdoor environment.

Comment: Additional landscaping will be provided around the pool and hot tub area to insure privacy and create a pleasant pedestrian scale outdoor environment. Other portions of the site will not be adjusted and, we believe the Planning Commission may find that this standard is met.

6. Vehicular and pedestrian circulation, allowing, safe convenient, non-congested, and well-defined circulation within and access to the development shall be provided.

Comment: As a component of this standard, it is important to review parking and certainly this could be a challenge, at times. Based on the materials presented, the greatest potential conflict would be during the early morning from 8:30 just before the Spa opens until about 10:00AM when some hotel guests and residents begin to leave. The applicant proposes to shuttle employees to off-site parking locations to provide up to sixteen parking spaces for employees to reduce on-site demand. With the conditions of approval, we believe the Planning Commission may find that this standard is met.

7. Existing important natural, historical and architectural features within the development shall be preserved.

Comment: The proposal does not alter any natural, historical, or architectural features within the development and, consequently, this standard does not apply.

Site Plan Review. The following paragraphs highlight issues regarding the site plan the Planning Commission should consider in addressing the proposal.

1. Storm Water Drainage: The construction of the pool area results in a reduction in permeable surface, however the applicant indicates that the existing storm-water retention basins are sufficient to accommodate this change. In addition, the Planning Commission sought assurances that the stormwater management system is designed to prevent negative impacts on the Bay. The evaluation of the Township Engineer may be sought to verify that the existing drainage systems will be adequate.

2. **Building Width.** In the RB district, buildings situated along the Bay may not exceed 150 feet in width without a view corridor of at least 30 feet in width and at the June meeting the Planning Commission asked that this site plan be reviewed against this standard. The Phase 1 and phase 2 buildings are separated by the required 30-foot view corridor with the permitted second story bridge between them. The 150-foot standard applies to "buildings" and the definition of building refers to structures. Therefore, the addition of the pool with its surrounding "continuous wall/fence" when added to Phase 2 appears to exceed the 150 foot standard. The proposed site plan does not include a description of the pool enclosure and it is recommended that the approval be conditioned on the review of the facility by the Zoning Administrator to assure that the required view corridor is maintained.
3. **Parking.** The parking layout is adequate with the exception of the angled space at the north east corner of the lot. This space may be retained on the plan for a utility vehicle or for other purposes (such as snow storage) but it has such limited utility when the lot is nearly full that we would not recommend it be included in the total parking count. As to the off-site parking arrangements, we suggest any approval be conditioned on the review of the legal arrangements to assure such parking by the Township Attorney.

Recommendation: After completing the required public hearing, it is recommended that the Planning Commission adopt the findings of fact attached, as modified by their input and that of the citizens participating in the hearing, subject to the following conditions:

1. No preliminary or final earthwork, grading or timber removal shall be undertaken on the site until a land use permit has been issued.
2. Documentation acceptable to the Township Attorney of off-site parking arrangements for not less than sixteen employees.
3. Documentation acceptable to the Township Attorney of MDOT approval of the location of the sign in the US-31 right-of-way shall be provided prior to issuance of a land use permit.
4. Review and approval of the pool enclosure structure by the Zoning Administrator to assure that the combined Phase 2 Building and pool enclosure does not obstruct the view to the Bay for more than 150 feet.
5. The final approval of the site plan and construction plans by the Metro Fire Department, the Drain Commissioner and the Township Engineer.
6. Any additional conditions of approval the Planning Commission finds necessary to meet the requirements of Section 820, 7.

c: Leslie Couturier
Zoning Administrator

East Bay Charter Township Planning Commission

Planned Unit Development and Special Land Use: SPR 5-08, for Cherry Tree Inn

Date August 12, 2008

FINDINGS OF FACT

Background: The applicant is proposing to add an exterior pool and hot tub to the northeast section of and existing condominium hotel and to renovate an interior section of the southwest corner of the existing condominium-hotel for a spa-salon use.

The applicant submitted the initial application on May 8, 2008 with site plan last revised on May 7, 2008 together with copies of correspondence and elevation renderings. The Planning Commission held a public hearing on August 12, 2008 and following the hearing took the action outlined in these findings of facts.

On _____, the Township Board reviewed the proposed PUD and took the following action: ____

The materials incorporated in this findings of fact include:

1. Application for Planned Unit Development approval, signed by a representative of Omni Hospitality, LLC, the owner of the property on May 8, 2008, with various attachments, as follows:
 - a. Site plan last revised on May 7, 2008
 - b. Letters from Paul Fitzsimons dated May 29, 2008
2. Letter from Paul Fitzsimons July 30, 2008
3. Letter from Pebble Brook Fun Park dated June 26, 2008
4. Letter from Mount Holiday Ski & Recreation Area dated April 14, 2008

FINDINGS

A. Requested Modifications of Sign Location and Parking Standards. Section 637, 5 of the PUD provisions permits the Township Board to alter certain development requirements of the Zoning Ordinance when it is found that the changes are consistent with the intent, objectives and standards set forth in Section 637, 1, 2 and 3. Accordingly, the application incorporates alterations of the following requirements, which are determined in these Findings of Fact to be generally consistent with the intent, objectives and standards of the ordinance as set forth below.

1. **Sign Location** Section 210, 5, regulates allowable signage in all commercial and office districts. Freestanding signs must be set back the greater of 10 feet from a street or

roadway curb line or the edge of the road right-of-way easement. The existing freestanding sign, which is to be modified to incorporate the spa-salon name into the existing 80 square-foot sign panel, is located completely within the US-31 right of way. The applicant indicates that this arrangement was acceptable to MDOT when the facility was constructed in 1998, and this approval is conditioned on documentation of MDOT approval.

The applicant proposes to replace the existing 80 square-foot freestanding sign panel with a sign of the same size and location to identify both businesses. The site plan provided by the applicant indicates that the right-of-way is approximately 152 feet wide, and replacement sign would be in the same location as previous, located behind the sidewalk. The leading edge of the sign scales to approximately 38-feet from the edge of the roadway and is currently located behind the existing sidewalk within the parking lot. Because of the width of the right-of-way and the prior approval of the sign in this location, the Township finds that this deviation from ordinance requirements is appropriate, subject to acceptable documentation of MDOT approval.

2. **Parking.** Section 702, 3, 1, regulates parking requirements for hotels and requires one parking space for each sleeping unit, plus one for each one employee. Section 702, 3, c, requires that beauty parlors or barbershops provide two parking spaces for each chair. The current site provides 84 parking spaces to accommodate the 75 hotel rooms, one model unit, and the eight employees. The proposed pool, hot tub and equipment building will remove five spaces, leaving 79 on site. The spa-salon will offer four styling chairs, two manicure/pedicure chairs, and the two spa rooms. Assuming one space per chair or room for the patron and one for the attendant, the spa-salon will generate 16 spaces of parking demand. Together with the 84 required for the hotel, the combined uses will require 100 parking spaces.

The application requests approval of an off-site parking arrangement for 16 parking spaces, to bring the total provided parking to 95 spaces. The applicant has submitted a parking time-use analysis for several days from mid-May through mid-June. It indicates that the current parking lot is most fully utilized overnight, and even when the condominium-hotel is at full capacity, the lot is not full. Further, during the proposed spa hours of 9:00AM to 6:00PM, fewer than fifty of the total parking spaces are occupied. Finally, the applicant has provided documentation of tentative off-site parking arrangements for employees.

Based on the parking analysis provided and proposed off site parking agreements, the requested deviation from the ordinance requirements is found to be acceptable, subject to a review and approval of the off-site parking arrangements by the Township Attorney.

B. Findings With Regard to Section 637, 4, Planned Unit Development Regulations and Conditions:

A Planned Unit Development form is intended to generate innovation in design, open space and a mix of uses that may not otherwise be possible. The addition of the spa-salon to the

hotel is a worthwhile complement to the existing facility. The requested deviations will confirm the existing situation with regard to the sign and will not result in more signage in terms of area than would otherwise be permitted. The off-site parking arrangements avoid the construction of additional surface parking and impervious surfaces in close proximity to Grand Traverse Bay. In general, the proposal supports the intent of the Planned Unit Development provisions of the ordinance. More specifically, planned unit developments shall meet the following standards:

1. The use will be compatible with adjacent land use, the natural environment, and the capacities of affected public services and facilities, and that such use is consistent with the public health, safety and welfare of East Bay Township residents and the benefits of the development are not achievable under any single zoning classification.

Finding. Since this would be a mixed-use development with characteristics similar to other resort uses in the vicinity, it would be consistent with the existing pattern of development. Additionally, the proposed spa-salon use would be located within an existing structure and would not require significant site modifications. The pool and hot tub additions would customarily be found in resort hotel properties and would not have an adverse effect on the public health, safety, or welfare of East Bay Township Residents. The Township finds that the proposal meets this standard.

2. The use shall be consistent with the East Bay Township Comprehensive Plan and Future Land Use Map as set forth in this Article.

Finding. The Township Comprehensive Plan and Future Land Use Map places this location in the Regional Commercial future land use designation. This designation anticipates uses that provide goods and services to the larger Grand Traverse Region, including jobs for residents and goods and services for residents and the tourist market. The proposed use is entirely consistent with this characterization and we believe the Township finds that the proposal meets this standard.

3. The use and development is warranted by the design and additional amenities made possible with and incorporated by the development proposal.

Finding. The proposed Spa-salon use is intended to primarily cater to and be accessory to the existing condominium-hotel use. The minimal signage and shared parking will allow the existing and proposed uses to function compatibly. The hot tub and pool area is intended to be completely accessory to the existing condominium-hotel use. The Township finds that the proposal meets this standard.

4. The development consolidates and maximizes usable open space.

Finding. As a fully developed site, this standard does not apply.

5. Landscaping is provided to insure that proposed uses will be adequately buffered from one another and from surrounding public and private property and to create a pleasant pedestrian scale outdoor environment.

Finding. Additional landscaping will be provided around the pool and hot tub area to insure privacy and create a pleasant pedestrian scale outdoor environment. Other portions of the site will not be adjusted and, the Township finds that this standard is met.

6. Vehicular and pedestrian circulation, allowing, safe convenient, non-congested and well-defined circulation within and access to the development shall be provided.

Finding. The proposal to allow dual-use of existing parking areas and to provide shuttle service to off-site parking for employees will reduce on-site congestion and help to meet all parking demand, without necessitating additional impervious surfaces. The Township finds that this is an appropriate response to this standard and, subject to a final review of the off-site parking arrangements by the Township Attorney, the Township finds that this standard is met.

7. Existing important natural, historical and architectural features within the development shall be preserved.

Finding. The proposal does not alter any natural, historical, or architectural features within the development and, consequently, this standard does not apply.

C. Findings With Regard to Section 820, 7 Criteria for Site Plan Review:

The following commentary is provided pertinent to the materials submitted as outlined in Paragraph A hereof and based on Section 820, 7 of the Zoning Ordinance. In the process of reviewing a site plan, the Planning Commission shall consider the following elements:

1. That there is a proper relationship between the existing streets and highways within the vicinity, and proposed deceleration lanes, service drives, entrance and exit driveways, and parking areas to assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and access plan conform to any street or access plan adopted by the Township or the County Road Commission.

Finding. The proposed site plan will not result in changes to existing conditions with respect to on site-circulation, driveways or pedestrian facilities. The arrangement for off-site parking for employees may help to mitigate on-site congestions. Consequently, the Township finds that this standard is met.

2. That the buildings, structures, and entrances thereto proposed to be located upon the premises are so situated and so designed as to minimize adverse effects upon owners and occupants of adjacent properties and the neighborhood.

Finding. Modifications to existing structures will include the proposed pool and hot tub structure. Buildings will not be modified and access to the spa-salon will be through existing doors. The combination of the existing phase 2 building and the pool enclosure may exceed 150 feet in width and the applicant shall mitigate any obstruction to the view corridor with opaque fencing materials as outlined in the conditions of approval. With this condition, the Township finds that this condition is met.

3. That as many natural features of the landscape shall be retained as possible, particularly, where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.

Finding. The proposed plan helps to protect the Bay by locating some needed parking off-site rather than constructing additional impervious surface north of US-31. Other natural features on site will not be impacted and consequently, the Township finds that this standard is met.

4. That any adverse effect of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing or walls, or landscaping.

Finding. The proposed improvements are in keeping with the character of the existing area and no adverse effects beyond those generated by other similar uses are anticipated. Therefore, the Township finds that this standard is met.

5. That all provisions of this Ordinance are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.

Finding. This criteria is met by the proposed plan, except to the extent that departures from the ordinance requirements are incorporated into the Planned Unit Development approval. No variances are required.

6. That all buildings and structures are accessible to emergency vehicles.

Finding. As the nature of the development is improvement to existing buildings, the Township finds that this standard is met.

7. That a plan for erosion control, storm water discharge, has been approved by the appropriate public agency.

Finding. As the nature of the development is improvement to existing buildings with little change to the existing site, subject to final approval by the Drain Commissioner, the Township finds that this standard is met.

8. The relationship to shore and stream preservation principles where appropriate.

Finding. The existing facility is properly sited in relationship to the Bay and the off-site parking arrangements prevent the development of additional impervious surface in proximity to the Bay. Therefore, the Township finds that this standard is met.

9. That the plan as approved is consistent with the intent and purpose of zoning to promote public health, safety and general welfare; to encourage the use of lands in accordance with their character and adaptability to avoid the overcrowding of

population; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties; to preserve property values and natural resources; and to give reasonable consideration to character of a particular area, its peculiar suitability for particular uses and the general appropriate trend and character of land, building, and population development.

Finding. Subject to the conditions of approval, the proposed development is found to be consistent with the intent of the RB district and the PUD requirements of the zoning ordinance and the Township finds that this standard is met.

- E. Conditions of Approval.** Based on the foregoing review and findings of fact, the proposed planned unit development for the improvements to the Cherry Tree Inn (SPR 5-08, PUD 1-08) is hereby approved, subject to the following conditions:
1. No preliminary or final earthwork, grading or timber removal shall be undertaken on the site until a land use permit has been issued.
 2. Documentation acceptable to the Township Attorney of off-site parking arrangements for not less than sixteen employees shall be provided prior to issuance of a land use permit.
 3. Documentation acceptable to the Township Attorney of MDOT approval of the location of the sign existing sign in the US-31 right-of-way.
 4. Review and approval of the pool enclosure structure by the Zoning Administrator to assure that the combined Phase 2 Building and pool enclosure does not obstruct the view to the Bay for more than 150 feet.
 5. The final approval of the site plan and construction plans by the Metro Fire Department, the Drain Commissioner and the Township Engineer

paul b. fitsimons • architect

403 east state, traverse city, mich. 49686
tele.: (231) 941-1718 / fax: (231) 941-1718
e-mail: pbfitsimons@aol.com

29 May 2008

The East Bay Charter Township Planning Commission
c/o Mrs. Leslie Couturier - Zoning Administrator
1965 North Three Mile Road
Traverse City, Michigan 49686

Re: Cherry Tree Inn P.U.D. Application
Application Review Response

Dear Planning Commission

Per the 19 May 2008 PUD Application Comments by Mr. Jay Kilpatrick, for the Cherry Tree Inn, I herein offer the following response to pertinent items of the document.

Spa-Salon Use: The spa-salon will be accessed by an interior passageway through a reception/control point and will occupy approximately 2,000 square feet on two floors of the existing hotel. The spaces are currently used for meeting and coffee areas. Independent salon owners Ann and Pierre Pujos (Pavola European Salon and Spa) anticipate approximately 70% of the new spa-salon business will be generated by hotel guests. The Pujos expect weekend services to be devoted to hotel residents and mid-week appointments available to hotel guests and outside patrons. Along with hair styling, manicure/pedicures, the salon will offer "spa amenities" such as skin care and body treatments which include massage. Salon guests who are not hotel residents will not have use of the hotel pool or hot tub.

The retail area will be comprised of display shelving incorporated into the 218 square foot waiting area of the hotel. The retail inventory will offer salon-related products and convenience items to hotel residents. It will not generate outside traffic and is intended to operate within the 9:00 am thru 6:00 pm spa-salon hours. No additional staff will be required for this function.

Parking: The initial parking count of 12 vehicles for the spa was based upon Article VII-3C of the Zoning Ordinance, which designates spaces per chair in computing demands for beauty salons. We do not dispute the inclusion of added parking for the spa rooms and concur with the requirement to be adjusted to 16 spaces.

Observed parking demands at this property suggest that 80 spaces will accommodate hotel guests, outside salon patrons, as well as staff during the 9:00 am thru 6:00 pm period, regardless of the hotel occupancy. Additional parking has been tentatively secured off-site through lease arrangements at Pebble Brook Golf (0.2 miles) and Mount Holiday (0.9 miles).

From: Leslie Couturier <ebtpz@chartermi.net>
To: Paul Fitzsimons <pbfitzsimons@aol.com>
Subject: FW: Cherry Tree Inn sign
Date: Tue, 26 Aug 2008 9:35 am

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

From: Paul Wisniewski [<mailto:wisniewski@mdot.michigan.gov>]
Sent: Monday, August 25, 2008 10:05 AM
To: Leslie Couturier
Subject: Cherry Tree Inn sign

I have discussed the replacement of the sign for the Cherry Tree Inn and have told the owner that he will be required to acquire a permit for this work. As far as replacing the sign in the same location MDOT has said that it should be approved as long as it is no closer to the road.

Paul Wisniewski
MDOT

941-4110



mt. Holiday
Ski & Recreation Area

Monday, April 14, 2008

Cherry Tree Inn
Attn: Lou Ann
2345 US Hwy 31 N
Traverse City, MI 49686
(231) 938-3333 - fax

Re: Proposed use of lodge parking lot

Dear Lou Ann:

Thank you for contacting us, as a non-profit organization we like to give back to the community when possible. Per our conversations the Mt. Holiday Board of Directors is willing to allow your staff of approximately 28 to use our parking lot from approximately mid-March to mid-November with the possible exception of days when we are hosting events (please contact us each winter to discuss our arrangements). We kindly ask that you consider Mt. Holiday when the Cherry Tree Inn is making its yearly charitable contributions.

Sincerely,

Kim Peltier
Communications Coordinator

(By fax)

Our Mission: To provide educational and outdoor recreational activities in a safe, clean and inviting environment for people of all ages, through sound business and management practices.

PEBBLE BROOK



FUN PARK

June 26, 2008

Cherry Tree Condo Hotel
2345 US 31 North
Traverse City, MI 49686
(800) 439-3093

Dear Luann,

Thank you for your letter dated June 4, 2008. We have decided \$125.00 per month is an acceptable amount for parking space rental for the months Nov. to March. I read your note as you would do the snow plowing. If I am incorrect please let me know.

I will have to show you our exact parking property lines since we do bump into Mr. Bill's parking spaces.

I can be reached at 218-9127(cell) or Pebblebrook 938-2066.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kristin Erickson'. The signature is written in a cursive style and is positioned above the printed name and title.

Kristin Erickson
General Manager

Day	Date	Hotel Occupancy	8:00 AM	10:00 AM	12:00 PM	2:00 PM	4:00 PM	6:00 PM	8:00 PM	10:00 PM
Sun	5/18									
Mon	5/19	83%	53	34	15	15	24	30	32	51
Tues	5/20	70%	45	36	13	13	27	25	32	51
Wed	5/21	72%	39	32	14	14	20	26	40	55
Thur	5/22	74%	47	27	16	22	22	24	27	53
Fri	5/23	88%	48	26	23	32	29	24	40	70
Sat	5/24									
Sun	5/25									
Mon	5/26	100%	50							
Tues	5/27	58%	47	37	14	16	23	35	40	52
Wed	5/28	52%	46	20	12	12	25	22	38	45
Thur	5/29	64%	44	15	9	13	18	27	40	50
Fri	5/30	88%		34	13	14	24	30	45	51
Sat	5/31	87%	64	36	15	16	26	22	33	56

Day	Date	Hotel Occupancy	8:00 AM	10:00 AM	12:00 PM	2:00 PM	4:00 PM	6:00 PM	8:00 PM	10:00 PM
Sun	6/1	50%		36	13	15	20	17	28	33
Mon	6/2	68%	37	23	14	21	30	23	35	
Tues	6/3	82%	45	30	18	13	21	33	33	56
Wed	6/4	85%	56	36	14	15	27	31	35	59
Thur	6/5	73%	55	41	13	14	28	31	42	59
Fri	6/6	96%	56	38		19	31	40	50	65
Sat	6/7	98%	73	51	35	41	46	43	50	68
Sun	6/8	67%	78	60	15	13	31	30	46	
Mon	6/9	84%			14		25	30		63
Tues	6/10	88%		39		15	30	25	35	53
Wed	6/11	92%	64	30	10	10	34	37	35	70
Thur	6/12	97%	63	41	13	16	33	32	40	69
Fri	6/13	100%	65				38	30	32	76
Sat	6/14	100%	61		25	38	40	36	38	66

SAMPLE

83 rooms

Day	Date	Car Count Data							Hotel Property							Counted by
		Hotel Occ %	8am	10am	12pm	2pm	4pm	6pm	8pm	10pm	Hampton Inn Stow Ohio					
Sunday	1-Jun	65	55	28	12	8	11	32	41							
Monday	2-Jun	85	70	39	14	12	15	40	51							
Tuesday	3-Jun	100	78	42	16	10	18	38	48							
Wednesday	4-Jun	100	78	41	14	12	17	39	42							
Thursday	5-Jun	70	58	18	9	4	12	25	40							
Friday	6-Jun	71	50	14	7	5	11	20	29							
Saturday	7-Jun	68	51	22	8	5	9	14	41							

82 rooms

Day	Date	Car Count Data							Hotel Property							Counted by
		Hotel Occ %	8am	10am	12pm	2pm	4pm	6pm	8pm	10pm	Baymount Inn and Suites Pinedale Wy					
Sunday	1-Jun	80	58	12	5	6	20	35	41							
Monday	2-Jun	94	68	14	7	6	17	21	30							
Tuesday	3-Jun	93	67	9	6	8	12	17	28							
Wednesday	4-Jun	96	61	4	5	9	10	15	24							
Thursday	5-Jun	93	62	5	7	10	14	16	23							
Friday	6-Jun	87	47	6	8	7	11	15	20							
Saturday	7-Jun	80	41	14	12	14	19	20	39							

68 rooms		Car Count Data							Hotel Property					Comfort Suites and Spa			
Day	Date	Hotel Occ %	8am	10am	12pm	2pm	4pm	6pm	8pm	10pm	Counted by						
Sunday	1-Jun	62	32	31	12	12	18	21	31	38							
Monday	2-Jun	60	43	14	16	21	28	26	30	41							
Tuesday	3-Jun	75	48	27	16	22	23	24	27	32							
Wednesday	4-Jun	75	47	27	14	18	20	21	26	40							
Thursday	5-Jun	72	41	26	18	12	14	25	29	38							
Friday	6-Jun	85	52	24	9	11	8	12	23	45							
Saturday	7-Jun	83	52	20	8	11	14	17	25	47							

83 rooms		Car Count Data							Hotel Property					Hampton Inn Stow Ohio			
Day	Date	Hotel Occ %	8am	10am	12pm	2pm	4pm	6pm	8pm	10pm	Counted by						
Sunday	8-Jun	74	57	18	9	8	14	30	39	47							
Monday	9-Jun	80	64	30	12	9	14	40	55	62							
Tuesday	10-Jun	92	70	38	16	10	18	38	48	68							
Wednesday	11-Jun	98	69	32	14	12	14	32	40	58							
Thursday	12-Jun	91	72	18	9	4	12	25	40	53							
Friday	13-Jun	74	48	13	10	9	14	20	31	51							
Saturday	14-Jun	70	42	22	12	7	12	14	38	41							

		Car Count Data				Hotel Property				Baymount Inn and Suites Pinedale Wy			
Day	Date	Hotel Occ %	8am	10am	12pm	2pm	4pm	6pm	8pm	10pm	Counted by		
Sunday	8-Jun	72	58	18	6	8	14	37	41	52			
Monday	9-Jun	85	64	14	7	8	14	21	30	56			
Tuesday	10-Jun	90	67	9	6	8	12	17	28	40			
Wednesday	11-Jun	92	64	10	12	12	10	15	24	49			
Thursday	12-Jun	95	70	7	10	14	17	20	31	55			
Friday	13-Jun	94	58	6	8	7	11	15	20	44			
Saturday	14-Jun	88	41	14	12	14	19	20	39	43			

		Car Count Data				Hotel Property				Comfort Suites and Spa			
Day	Date	Hotel Occ %	8am	10am	12pm	2pm	4pm	6pm	8pm	10pm	Counted by		
Sunday	8-Jun	45	30	20	8	6	18	21	25	32			
Monday	9-Jun	66	38	18	12	14	10	16	29	38			
Tuesday	10-Jun	72	41	11	9	12	18	19	37	45			
Wednesday	11-Jun	79	50	12	9	9	14	21	32	48			
Thursday	12-Jun	82	52	11	5	8	11	18	33	51			
Friday	13-Jun	83	54	7	5	7	10	14	28	60			
Saturday	14-Jun	85	49	9	8	9	12	18	50	62			

PUBLIC NOTICE
EAST BAY CHARTER TOWNSHIP, TRAVERSE CITY, MI 49686

TO THE RESIDENTS OF EAST BAY CHARTER TOWNSHIP: The Please take notice that the East Bay Charter Township Board of Trustees will hold a public hearing at a regular meeting on Monday October 13, 2008 at 6:30 pm., in the Township Hall at 1965 N. Three Mile Road, Traverse City, Michigan, for the purpose of considering the following requests:

1. Special Land Use (SLU) 1-08/Site Plan Review (SPR) 5-08; a Planned Unit Development (PUD), for Omni Hospitality, LLC: A special land use to establish a planned unit development, and SPR for a previously approved condominium hotel. The purpose of the application for a SLU/PUD and Site Plan is to amend the site plan to allow a combination of uses on the site, including the condominium hotel and a Spa-Salon and to permit fewer than the required total parking spaces on the site. The request also includes the addition of an outdoor in-ground swimming pool. The subject property is located at 2345 US 312 North (property identification number 28-03-392-000-00). The property is zoned Regional Business (RB). A revision to the existing site plan may be permitted as a SLU subject to the SLU and PUD standards of Article 6 and the SPR requirements of Section 820 of the East Bay Township Zoning Ordinance. Final approval authority for a PUD rests with the East Bay Charter Township Board.

Copies of the proposed Zoning Ordinance amendments, requests, and the existing Zoning Ordinance are available for public viewing during regular business hours at the Office of Planning and Zoning, Township Hall, 1965 Three Mile Road, Traverse City, Michigan. Written Comments will be received until the night of the hearing.

If you are planning to attend this hearing and are handicapped requiring any special assistance, please notify the Township Clerk by calling at (231) 947-8647 as soon as possible.

Sue Courtade

From: pbfitzsimons@aol.com
Sent: Tuesday, August 26, 2008 3:06 PM
To: ebtclerk@chartermi.net
Subject: The Cherry Tree Condo Hotel

Susanne,

I would herein request that this PUD matter, recommended for approval by the East Bay Township planning commission be added to the Township Board agenda for the earliest possible hearing.

Regards,

Paul Fitzsimons Architect
tele: 941-1718

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No virus found in this incoming message.

Checked by AVG - <http://www.avg.com>

Version: 8.0.138 / Virus Database: 270.6.9/1635 - Release Date: 8/26/2008 7:29 AM

Sue Courtade

From: Leslie Couturier [ebtpz@chartermi.net]
Sent: Tuesday, August 19, 2008 9:36 AM
To: Sue Courtade
Subject: FW: Board Memo on Cherry Tree
Attachments: Board memo on Cherry Tree PUD.pdf

From: Kilpatrick, Jay [mailto:Kilpatrick@williams-works.com]
Sent: Monday, August 18, 2008 4:26 PM
To: Leslie Couturier
Subject: Board Memo on Cherry Tree

Leslie,


Here's the Board memo. Note that the Board must hold the required hearing since they ultimately approve the PUD, notice for the hearing must be in accord with Section 831, with at least 15 days notice. You could probably use the same legal notice we used for the PC hearing, just change the particulars. If you'd like help with that, let me know.

Jay Kilpatrick, AICP
Williams & Works, Inc.
549 Ottawa NW
Grand Rapids, MI 49503

616-224-1500
kilpatrick@williams-works.com

MEMORANDUM

TO: Township Board
East Bay Charter Township

FROM: Jay Kilpatrick, AICP 

DATE: August 18, 2008

RE: **Planned Unit Development for a Spa and Pool at the Cherry Tree Inn (SPR 5-08)**

At its meeting on August 12, 2008, the Planning Commission adopted a motion to recommend to the Township Board approval of the subject Planned Unit Development (PUD) and site plan, subject to several conditions and the attached Findings of Fact. The Planned Unit Development was subject of a public hearing before the Planning Commission on August 12, 2008. However, since the Township Board has final approval authority of PUDs under Section 637, 8 of the Zoning Ordinance and both that section and Section 503, (5) of the Michigan Zoning Enabling Act require that a hearing be held by the body responsible for final approval, the Township Board must also hold a hearing on this application.

The recommended conditions of approval are as follows:

1. No preliminary or final earthwork, grading or timber removal shall be undertaken on the site until a land use permit has been issued.
2. Documentation acceptable to the Township Attorney of off-site parking arrangements for not less than sixteen employees.
3. Documentation acceptable to the Township Attorney of MDOT approval of the location of the sign in the US-31 right-of-way shall be provided prior to issuance of a land use permit.
4. Review and approval of the pool enclosure structure by the Zoning Administrator to assure that the combined Phase 2 Building and pool enclosure does not obstruct the view to the Bay for more than 150 feet.
5. The final approval of the site plan and construction plans by the Metro Fire Department, the Drain Commissioner and the Township Engineer.

In addition to the attached findings of fact, we have provided a copy of our report to the Planning Commission to provide the Board with the same background considered by the Planning Commission.



MEMORANDUM

TO: Planning Commission
East Bay Charter Township

FROM: Jay Kilpatrick, AICP
Michael Clark, Planner

DATE: July 31, 2008

RE: Planned Unit Development for a Spa and Pool at the Cherry Tree Inn (SPR 5-08)

Mr. Paul Fitzsimons submitted a PUD application dated May 8, 2008 to establish a spa-salon use and exterior pool and hot tub area at the Cherry Tree Inn, (2345 US 31 North). This review included the application, a letter from Mr. Fitzsimons dated May 29, 2008 with various renderings and parking calculations attached and the site plan dated May 7, 2008. The applicant is proposing to add an exterior pool and hot tub to the northeast section of the hotel and to renovate an interior section of the southwest corner of the existing condominium-hotel for a spa-salon use. The submittal is presented as a Planned Unit Development because of a combination of uses and two regulatory modifications that would be required.

Recommendation: Following the public hearing on August 12th we recommend that the Planning Commission approve the proposed PUD subject to the conditions outlined and recommend it to the Township Board for adoption.

Background: The 2.13 acre parcel, located on the north side of US-31 North, along Grand Traverse Bay, is zoned Regional Business, RB, and is currently improved with a condominium-hotel where the rooms are under fractional ownership. According to the applicant, the proposed spa-salon would contain four styling chairs, two manicure-pedicure stations, two spa rooms, and a gift shop for the retail sale of convenience items and spa related products. The renovation project would also include an outdoor pool and hot tub located in an area currently used for parking, resulting in the loss of 5 parking spaces. Use of the pool and hot tub would be limited to hotel guests. The spa-salon would primarily serve condominium-hotel residents, but would also be open to the general public.

Completeness of the Submittal: The materials provided address the requirements of the Zoning Ordinance as well as the additional information we sought in our preliminary memo. We believe the application is sufficiently complete to permit the Planning Commission to reach a decision on the proposal.

Review: In considering the proposed PUD, the Planning Commission may consider the following elements of the submittal.

1. **Combinations of Uses.** Section 412, 5, of the Township Zoning Ordinance regulates combinations of uses and it permits the Township to consider such combinations as a single use when all the various uses are permitted in the underlying district and are mutually compatible with one another. The both the hotel and the spa (personal services) are permitted in the RB district. Earlier in the consideration of this case, additional information was needed regarding the inter-relationship between the uses before a judgment could be reached regarding their mutual compatibility.

The applicant indicates that the spa-salon would be used in conjunction with the condominium-hotel use. However, the spa-salon would be privately owned and operated by Ann and Pierre Pujos (Pavola European Salon and Spa). Services would be limited to massage, hair and nails care, and similar spa amenities. The use would be accessed through the hotel lobby. It would occupy approximately 2,000 square feet over two floors and will be incorporated into the existing footprint at the southwest corner of the building where the former meeting rooms and storage areas were located. The applicant indicates that approximately 70 percent of the spa-salon clientele would be hotel guests and a small retail component would occupy 218 square feet within the lobby area and would be limited to products used at the proposed salon.

Based on this supplementary information provided by Mr. Fitzsimons in his letter of May 29th, we believe the proposed combination of uses could be effectively addressed under Section 412, 5, without the need to establish a PUD for this use. (As indicated below, departure from the parking requirements will, however, necessitate the PUD process).

2. **Proposed Deviations:** Section 637, 5, allows the Township to alter the regulations of the Zoning Ordinance if the proposed deviations meet the intent of Section 637. In considering whether the PUD-authorized deviations from ordinance standards are appropriate, the Planning Commission should consider the degree to which the proposal supports the objectives of the PUD standards. Essentially, the question the Planning Commission must consider is whether the proposal offers sufficient benefit to the community, to neighboring properties and to future occupants of the site to warrant these deviations. The applicant is specifically proposing the following deviations from the ordinance's requirements, as described in submitted narrative text:
 - a. **Parking.** Section 702, 3, l, regulates parking requirements for hotels and requires one parking space for each sleeping unit, plus one for each one employee. Section 702, 3, c, requires that beauty parlors or barbershops provide two parking spaces for each chair. The applicant indicates that current site provides 84 parking spaces. The current parking configuration accommodates the 75 hotel rooms, one model unit, and the eight employees. The proposed pool, hot tub and equipment building will remove five spaces, leaving 79 on site.

The spa-salon will offer four styling chairs, two manicure/pedicure chairs, and the two spa rooms. Assuming one space per chair or room for the patron and one for the attendant, the spa-salon will generate 16 spaces of parking demand. Together with the 84 required for the hotel, the combined uses will require 100 parking spaces.

Comment: According to the site plan, there will be 79 parking spaces on site plus two unmarked loading and unloading parallel spaces in front of the building. The angled space adjoining the proposed pool will not be safely usable without a deeper back-out flange to allow an exiting vehicle to reverse out of the space, square-up and exit the lot. The application requests approval of an off-site parking arrangement for 16 parking spaces, to bring the total provided parking to 95 spaces. The applicant has submitted a parking time-use analysis for several days from mid-May through mid-June. It indicates that the current parking lot is most fully utilized overnight, and even when the condominium-hotel is at full capacity, the lot is not full. Further, during the proposed spa hours of 9:00AM to 6:00PM, fewer than fifty of the total parking spaces are occupied. Finally, the applicant indicates that tentative arrangements have been made to lease additional off site parking spaces at Pebble Brook Miniature Golf, located 0.2 miles from the site, and Mount Holiday, located 0.9 miles from the site. Employees would be shuttled back and forth from the condominium-hotel to the off-site parking lots. On July 31, we received copies of letters from Pebble Brook and Mount Holiday agreeing, in principal to this arrangement. However, no binding documentation has been provided.

Based on the parking analysis provided and proposed off site parking agreements, the requested deviation from the ordinance requirements may be appropriate. The only place on the existing site where added parking could be placed is the so-called convertible area along the west side of the building. This area could accommodate a net of about 10 or 11 spaces accounting for the loss of two or three of the existing spaces at the west end of the front lot to accommodate a drive way. If the combination of shared parking and the off-site arrangement can be made to work, this may be preferable to forcing additional pavement if it is not needed. The time-use analysis indicates that that even without the leased off-site spaces it is unlikely the existing lot would be filled during the operating hours of the spa. However, if the approval is to rely on the off-site parking, these arrangements must be memorialized in an agreement that is satisfactory to the Township Attorney.

- b. Signage. Section 210, 5, regulates allowable signage in all commercial and office districts. A total of 80 square feet of free-standing sign and a building wall sign with an area of the lesser of 20% of the wall area or 100 square feet, are permitted. Freestanding signs must be set back the greater of 10 feet from a street or roadway curb line or the edge of the road right-of-way easement. The existing freestanding sign, which is to be modified to incorporate the spa-salon name into the existing 80 square-foot sign panel, is located completely within the US-31 right of way as is about ten feet of the front row of parking. The applicant indicates that this arrangement was

acceptable to MDOT when the facility was constructed in 1998, but the Township has not been able to locate any documentation of that approval. Even if the sign location was a part of the original approval of this facility in 1998 and approved by MDOT, it constitutes a deviation from the ordinance standards. The existing wall sign is about 6 square feet in area and together with the additional 12 square foot awning sign would meet the ordinance wall sign standards.

Comment: The applicant proposes to replace the existing 80 square-foot freestanding sign panel with a sign of the same size and location to identify both businesses. The site plan provided by the applicant indicates that the right-of-way is approximately 152 feet wide, and the replacement sign would be in the same location as the current structure, located behind the sidewalk. The leading edge of the sign scales to approximately 38-feet from the edge of the roadway. Because of the width of the right-of-way and the prior approval of the sign in this location, the Planning Commission may therefore approve this deviation, providing acceptable documentation of MDOT approval can be produced.

PUD Regulations and Conditions: Pursuant to Section 637, 4, of the Township Zoning Ordinance, Planned unit developments shall meet the following general standards:

1. The use will be compatible with adjacent land use, the natural environment, and the capacities of affected public services and facilities, and that such use is consistent with the public health, safety, and welfare of East Bay Township residents and the benefits of the development are not achievable under any single zoning classification.

Comment: Since this would be a mixed-use development with characteristics similar to other resort uses in the vicinity, it would be consistent with the existing pattern of development. Additionally, the proposed spa-salon use would be located within an existing structure and would not require significant site modifications. The pool and hot tub additions would customarily be found in resort hotel properties and would not have and adverse effect on the public health, safety, or welfare of East Bay Township Residents. We believe the Planning Commission may find that the proposal meets this standard.

2. The use shall be consistent with the East Bay Township Comprehensive Plan and Future Land Use Map as set forth in this Article.

Comment: The Township Comprehensive Plan and Future Land Use Map places this location in the Regional Commercial future land use designation. This designation anticipates uses that provide goods and services to the larger Grand Traverse Region, including jobs for residents and goods and services for residents and the tourist market. The proposed use is entirely consistent with this characterization and we believe the Planning Commission may find that the proposal meets this standard.

3. The use and development is warranted by the design and additional amenities made possible with and incorporated by the development proposal.

Comment: The proposed Spa-salon use is intended to primarily cater to hotel residents and guests. As such it will be accessory to the existing condominium-hotel use. The minimal additional signage and shared parking will allow the existing and proposed uses to function compatibly. The hot tub and pool area is intended to be completely accessory to the existing condominium-hotel use. We believe the Planning Commission may find that the proposal meets this standard.

4. The development consolidates and maximizes usable open space.

Comment: As this site is fully developed and the proposed change will have no impact on the existing footprint, this standard does not apply.

5. Landscaping is provided to insure that proposed uses will be adequately buffered from one another and from surrounding public and private property and to create a pleasant pedestrian scale outdoor environment.

Comment: Additional landscaping will be provided around the pool and hot tub area to insure privacy and create a pleasant pedestrian scale outdoor environment. Other portions of the site will not be adjusted and, we believe the Planning Commission may find that this standard is met.

6. Vehicular and pedestrian circulation, allowing, safe convenient, non-congested, and well-defined circulation within and access to the development shall be provided.

Comment: As a component of this standard, it is important to review parking and certainly this could be a challenge, at times. Based on the materials presented, the greatest potential conflict would be during the early morning from 8:30 just before the Spa opens until about 10:00AM when some hotel guests and residents begin to leave. The applicant proposes to shuttle employees to off-site parking locations to provide up to sixteen parking spaces for employees to reduce on-site demand. With the conditions of approval, we believe the Planning Commission may find that this standard is met.

7. Existing important natural, historical and architectural features within the development shall be preserved.

Comment: The proposal does not alter any natural, historical, or architectural features within the development and, consequently, this standard does not apply.

Site Plan Review. The following paragraphs highlight issues regarding the site plan the Planning Commission should consider in addressing the proposal.

2. Storm Water Drainage: The construction of the pool area results in a reduction in permeable surface, however the applicant indicates that the existing storm-water retention basins are sufficient to accommodate this change. In addition, the Planning Commission sought assurances that the stormwater management system is designed to prevent negative impacts on the Bay. The evaluation of the Township Engineer may be sought to verify that the existing drainage systems will be adequate.

3. **Building Width.** In the RB district, buildings situated along the Bay may not exceed 150 feet in width without a view corridor of at least 30 feet in width and at the June meeting the Planning Commission asked that this site plan be reviewed against this standard. The Phase 1 and phase 2 buildings are separated by the required 30-foot view corridor with the permitted second story bridge between them. The 150-foot standard applies to "buildings" and the definition of building refers to structures. Therefore, the addition of the pool with its surrounding "continuous wall/fence" when added to Phase 2 appears to exceed the 150 foot standard. The proposed site plan does not include a description of the pool enclosure and it is recommended that the approval be conditioned on the review of the facility by the Zoning Administrator to assure that the required view corridor is maintained.
4. **Parking.** The parking layout is adequate with the exception of the angled space at the north east corner of the lot. This space may be retained on the plan for a utility vehicle or for other purposes (such as snow storage) but it has such limited utility when the lot is nearly full that we would not recommend it be included in the total parking count. As to the off-site parking arrangements, we suggest any approval be conditioned on the review of the legal arrangements to assure such parking by the Township Attorney.

Recommendation: After completing the required public hearing, it is recommended that the Planning Commission adopt the findings of fact attached, as modified by their input and that of the citizens participating in the hearing, subject to the following conditions:

1. No preliminary or final earthwork, grading or timber removal shall be undertaken on the site until a land use permit has been issued.
2. Documentation acceptable to the Township Attorney of off-site parking arrangements for not less than sixteen employees.
3. Documentation acceptable to the Township Attorney of MDOT approval of the location of the sign in the US-31 right-of-way shall be provided prior to issuance of a land use permit.
4. Review and approval of the pool enclosure structure by the Zoning Administrator to assure that the combined Phase 2 Building and pool enclosure does not obstruct the view to the Bay for more than 150 feet.
5. The final approval of the site plan and construction plans by the Metro Fire Department, the Drain Commissioner and the Township Engineer.
6. Any additional conditions of approval the Planning Commission finds necessary to meet the requirements of Section 820, 7.

c: Leslie Couturier
Zoning Administrator

East Bay Charter Township Planning Commission

Planned Unit Development and Special Land Use: SPR 5-08, for Cherry Tree Inn

Date August 12, 2008

FINDINGS OF FACT

Background: The applicant is proposing to add an exterior pool and hot tub to the northeast section of and existing condominium hotel and to renovate an interior section of the southwest corner of the existing condominium-hotel for a spa-salon use.

The applicant submitted the initial application on May 8, 2008 with site plan last revised on May 7, 2008 together with copies of correspondence and elevation renderings. The Planning Commission held a public hearing on August 12, 2008 and following the hearing took the action outlined in these findings of facts.

On _____, the Township Board reviewed the proposed PUD and held a public hearing pursuant to Section 637, 8 and took the following action:

MOVED by _____, and SUPPORTED by _____.

To conditionally approve the Cherry Tree Planned Unit Development, subject to these findings of fact:

The materials incorporated in this findings of fact include:

1. Application for Planned Unit Development approval, signed by a representative of Omni Hospitality, LLC, the owner of the property on May 8, 2008, with various attachments, as follows:
 - a. Site plan last revised on May 7, 2008
 - b. Letters from Paul Fitzsimons dated May 29, 2008
2. Letter from Paul Fitzsimons July 30, 2008
3. Letter from Pebble Brook Fun Park dated June 26, 2008
4. Letter from Mount Holiday Ski & Recreation Area dated April 14, 2008

FINDINGS

- A. Requested Modifications of Sign Location and Parking Standards.** Section 637, 5 of the PUD provisions permits the Township Board to alter certain development requirements of the Zoning Ordinance when it is found that the changes are consistent with the intent, objectives and standards set forth in Section 637, 1, 2 and 3. Accordingly, the application incorporates alterations of the following requirements, which are determined in these Findings of Fact to be

generally consistent with the intent, objectives and standards of the ordinance as set forth below.

1. **Sign Location** Section 210, 5, regulates allowable signage in all commercial and office districts. Freestanding signs must be set back the greater of 10 feet from a street or roadway curb line or the edge of the road right-of-way easement. The existing freestanding sign, which is to be modified to incorporate the spa-salon name into the existing 80 square-foot sign panel, is located completely within the US-31 right of way. The applicant indicates that this arrangement was acceptable to MDOT when the facility was constructed in 1998, and this approval is conditioned on documentation of MDOT approval.

The applicant proposes to replace the existing 80 square-foot freestanding sign panel with a sign of the same size and location to identify both businesses. The site plan provided by the applicant indicates that the right-of-way is approximately 152 feet wide, and replacement sign would be in the same location as previous, located behind the sidewalk. The leading edge of the sign scales to approximately 38-feet from the edge of the roadway and is currently located behind the existing sidewalk within the parking lot. Because of the width of the right-of-way and the prior approval of the sign in this location, the Township finds that this deviation from ordinance requirements is appropriate, subject to acceptable documentation of MDOT approval.

2. **Parking.** Section 702, 3, l, regulates parking requirements for hotels and requires one parking space for each sleeping unit, plus one for each one employee. Section 702, 3, c, requires that beauty parlors or barbershops provide two parking spaces for each chair. The current site provides 84 parking spaces to accommodate the 75 hotel rooms, one model unit, and the eight employees. The proposed pool, hot tub and equipment building will remove five spaces, leaving 79 on site. The spa-salon will offer four styling chairs, two manicure/pedicure chairs, and the two spa rooms. Assuming one space per chair or room for the patron and one for the attendant, the spa-salon will generate 16 spaces of parking demand. Together with the 84 required for the hotel, the combined uses will require 100 parking spaces.

The application requests approval of an off-site parking arrangement for 16 parking spaces, to bring the total provided parking to 95 spaces. The applicant has submitted a parking time-use analysis for several days from mid-May through mid-June. It indicates that the current parking lot is most fully utilized overnight, and even when the condominium-hotel is at full capacity, the lot is not full. Further, during the proposed spa hours of 9:00AM to 6:00PM, fewer than fifty of the total parking spaces are occupied. Finally, the applicant has provided documentation of tentative off-site parking arrangements for employees.

Based on the parking analysis provided and proposed off site parking agreements, the requested deviation from the ordinance requirements is found to be acceptable, subject to a review and approval of the off-site parking arrangements by the Township Attorney.

B. Findings With Regard to Section 637, 4, Planned Unit Development Regulations and Conditions:

A Planned Unit Development form is intended to generate innovation in design, open space and a mix of uses that may not otherwise be possible. The addition of the spa-salon to the hotel is a worthwhile complement to the existing facility. The requested deviations will confirm the existing situation with regard to the sign and will not result in more signage in terms of area than would otherwise be permitted. The off-site parking arrangements avoid the construction of additional surface parking and impervious surfaces in close proximity to Grand Traverse Bay. In general, the proposal supports the intent of the Planned Unit Development provisions of the ordinance. More specifically, planned unit developments shall meet the following standards:

1. The use will be compatible with adjacent land use, the natural environment, and the capacities of affected public services and facilities, and that such use is consistent with the public health, safety and welfare of East Bay Township residents and the benefits of the development are not achievable under any single zoning classification.

Finding. Since this would be a mixed-use development with characteristics similar to other resort uses in the vicinity, it would be consistent with the existing pattern of development. Additionally, the proposed spa-salon use would be located within an existing structure and would not require significant site modifications. The pool and hot tub additions would customarily be found in resort hotel properties and would not have and adverse effect on the public health, safety, or welfare of East Bay Township Residents. The Township finds that the proposal meets this standard.

2. The use shall be consistent with the East Bay Township Comprehensive Plan and Future Land Use Map as set forth in this Article.

Finding. The Township Comprehensive Plan and Future Land Use Map places this location in the Regional Commercial future land use designation. This designation anticipates uses that provide goods and services to the larger Grand Traverse Region, including jobs for residents and goods and services for residents and the tourist market. The proposed use is entirely consistent with this characterization and we believe the The Township finds that the proposal meets this standard.

3. The use and development is warranted by the design and additional amenities made possible with and incorporated by the development proposal.

Finding. The proposed Spa-salon use is intended to primarily cater to and be accessory to the existing condominium-hotel use. The minimal signage and shared parking will allow the existing and proposed uses to function compatibly. The hot tub and pool area is intended to be completely accessory to the existing condominium-hotel use. The Township finds that the proposal meets this standard.

4. The development consolidates and maximizes usable open space.

Finding. As a fully developed site, this standard does not apply.

5. Landscaping is provided to insure that proposed uses will be adequately buffered from one another and from surrounding public and private property and to create a pleasant pedestrian scale outdoor environment.

Finding. Additional landscaping will be provided around the pool and hot tub area to insure privacy and create a pleasant pedestrian scale outdoor environment. Other portions of the site will not be adjusted and, the Township finds that this standard is met.

6. Vehicular and pedestrian circulation, allowing, safe convenient, non-congested and well-defined circulation within and access to the development shall be provided.

Finding. The proposal to allow dual-use of existing parking areas and to provide shuttle service to off-site parking for employees will reduce on-site congestion and help to meet all parking demand, without necessitating additional impervious surfaces. The Township finds that this is an appropriate response to this standard and, subject to a final review of the off-site parking arrangements by the Township Attorney, the Township finds that this standard is met.

7. Existing important natural, historical and architectural features within the development shall be preserved.

Finding. The proposal does not alter any natural, historical, or architectural features within the development and, consequently, this standard does not apply.

C. Findings With Regard to Section 820, 7 Criteria for Site Plan Review:

The following commentary is provided pertinent to the materials submitted as outlined in Paragraph A hereof and based on Section 820, 7 of the Zoning Ordinance. In the process of reviewing a site plan, the Planning Commission shall consider the following elements:

1. That there is a proper relationship between the existing streets and highways within the vicinity, and proposed deceleration lanes, service drives, entrance and exit driveways, and parking areas to assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and access plan conform to any street or access plan adopted by the Township or the County Road Commission.

Finding. The proposed site plan will not result in changes to existing conditions with respect to on site-circulation, driveways or pedestrian facilities. The arrangement for off-site parking for employees may help to mitigate on-site congestions. Consequently, the Township finds that this standard is met.

2. That the buildings, structures, and entrances thereto proposed to be located upon the premises are so situated and so designed as to minimize adverse effects upon owners and occupants of adjacent properties and the neighborhood.

Finding. Modifications to existing structures will include the proposed pool and hot tub structure. Buildings will not be modified and access to the spa-salon will be through

existing doors. The combination of the existing phase 2 building and the pool enclosure may exceed 150 feet in width and the applicant shall mitigate any obstruction to the view corridor with opaque fencing materials as outlined in the conditions of approval. With this condition, the Township finds that this condition is met.

3. That as many natural features of the landscape shall be retained as possible, particularly, where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.

Finding. The proposed plan helps to protect the Bay by locating some needed parking off-site rather than constructing additional impervious surface north of US-31. Other natural features on site will not be impacted and consequently, the Township finds that this standard is met.

4. That any adverse effect of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing or walls, or landscaping.

Finding. The proposed improvements are in keeping with the character of the existing area and no adverse effects beyond those generated by other similar uses are anticipated. Therefore, the Township finds that this standard is met.

5. That all provisions of this Ordinance are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.

Finding. This criteria is met by the proposed plan, except to the extent that departures from the ordinance requirements are incorporated into the Planned Unit Development approval. No variances are required.

6. That all buildings and structures are accessible to emergency vehicles.

Finding. As the nature of the development is improvement to existing buildings, the Township finds that this standard is met.

7. That a plan for erosion control, storm water discharge, has been approved by the appropriate public agency.

Finding. As the nature of the development is improvement to existing buildings with little change to the existing site, subject to final approval by the Drain Commissioner, the Township finds that this standard is met.

8. The relationship to shore and stream preservation principles where appropriate.

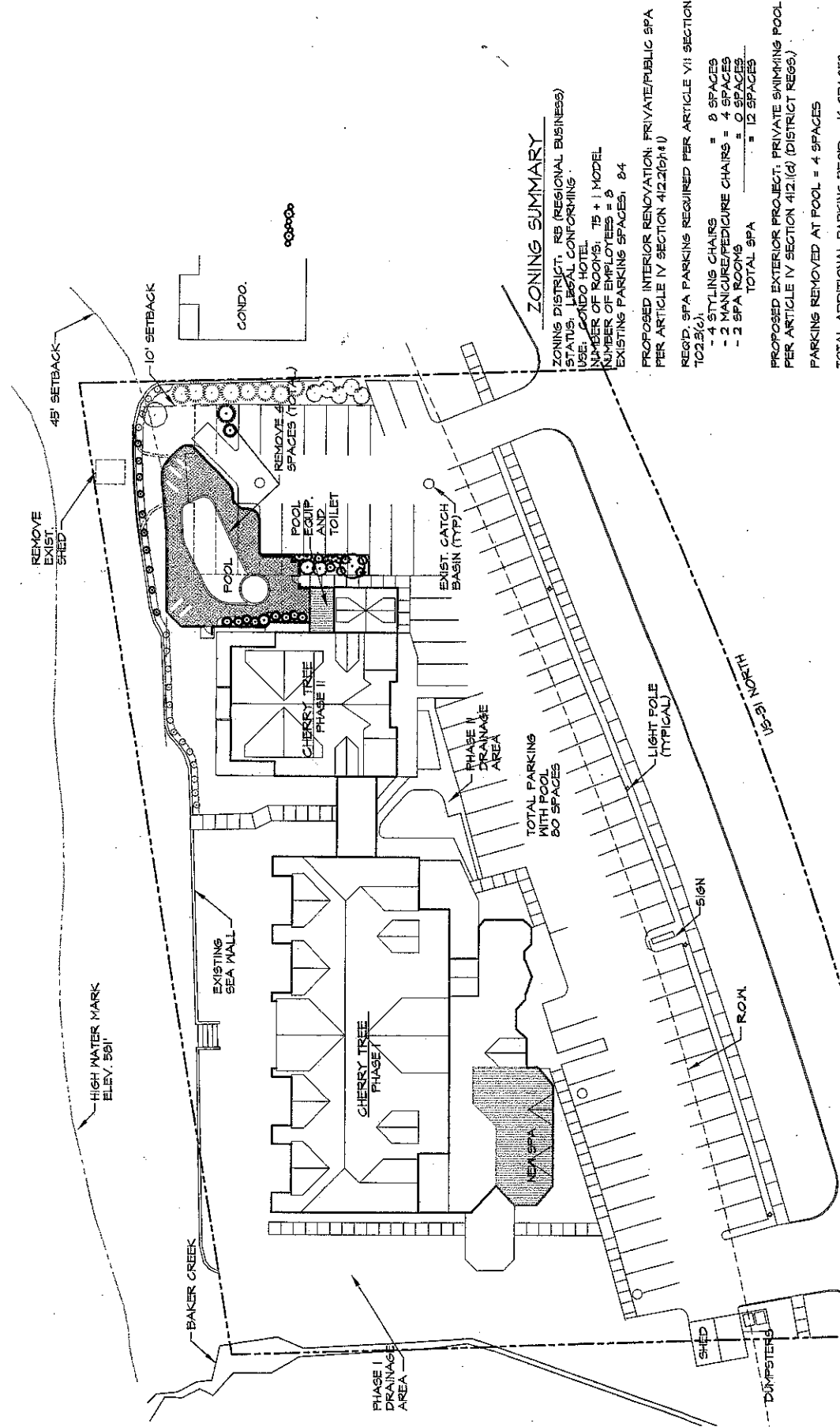
Finding. The existing facility is properly sited in relationship to the Bay and the off-site parking arrangements prevent the development of additional impervious surface in proximity to the Bay. Therefore, the Township finds that this standard is met.

9. That the plan as approved is consistent with the intent and purpose of zoning to promote public health, safety and general welfare; to encourage the use of lands in accordance with their character and adaptability to avoid the overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties; to preserve property values and natural resources; and to give reasonable consideration to character of a particular area, its peculiar suitability for particular uses and the general appropriate trend and character of land, building, and population development.

Finding. Subject to the conditions of approval, the proposed development is found to be consistent with the intent of the RB district and the PUD requirements of the zoning ordinance and the Township finds that this standard is met.

E. Conditions of Approval. Based on the foregoing review and findings of fact, the proposed planned unit development for the improvements to the Cherry Tree Inn (SPR 5-08, PUD 1-08) is hereby approved, subject to the following conditions:

1. No preliminary or final earthwork, grading or timber removal shall be undertaken on the site until a land use permit has been issued.
2. Documentation acceptable to the Township Attorney of off-site parking arrangements for not less than sixteen employees shall be provided prior to issuance of a land use permit.
3. Documentation acceptable to the Township Attorney of MDOT approval of the location of the sign existing sign in the US-31 right-of-way.
4. Review and approval of the pool enclosure structure by the Zoning Administrator to assure that the combined Phase 2 Building and pool enclosure does not obstruct the view to the Bay for more than 150 feet.
5. The final approval of the site plan and construction plans by the Metro Fire Department, the Drain Commissioner and the Township Engineer



ZONING SUMMARY

ZONING DISTRICT: RB (REGIONAL BUSINESS)
 STATUS: LEGAL CONFORMING
 USE: CONDO HOTEL
 NUMBER OF ROOMS: 75 + 1 MODEL
 NUMBER OF EMPLOYEES: 8
 EXISTING PARKING SPACES: 84

PROPOSED INTERIOR RENOVATION, PRIVATE/PUBLIC SPA
 PER ARTICLE IV SECTION 412.2(D)(11)

- REQD. SPA PARKING REQUIRED PER ARTICLE VII SECTION 202.2(G):
- 4 STYLING CHAIRS = 0 SPACES
 - 2 MANICURE/PEDICURE CHAIRS = 4 SPACES
 - 2 SPA ROOMS = 0 SPACES
 - TOTAL SPA = 12 SPACES

PROPOSED EXTERIOR PROJECT, PRIVATE SWIMMING POOL
 PER ARTICLE V SECTION 412.(G) (DISTRICT REGS.)

PARKING REMOVED AT POOL = 4 SPACES

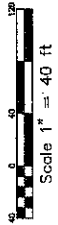
TOTAL ADDITIONAL PARKING REQD. = 16 SPACES

LOT AREA: 42,828 SQ. FT. (2.18 ACRES)
 OPEN SPACE REQD PER ARTICLE IV SECTION 412.6 = 25%
 EXISTING LOT COVERAGE = 47,685 SQ. FT.
 EXISTING OPEN SPACE = 44,755 SQ. FT. = 40%
 ADDITIONAL LOT COVERAGE AT POOL=485 SQ. FT.
 REVISED OPEN SPACE = 47%
 ADDED IMPERVIOUS SURFACE AT POOL = 140 SQ. FT.




SITE PLAN
 SCALE: 1" = 40'-0"



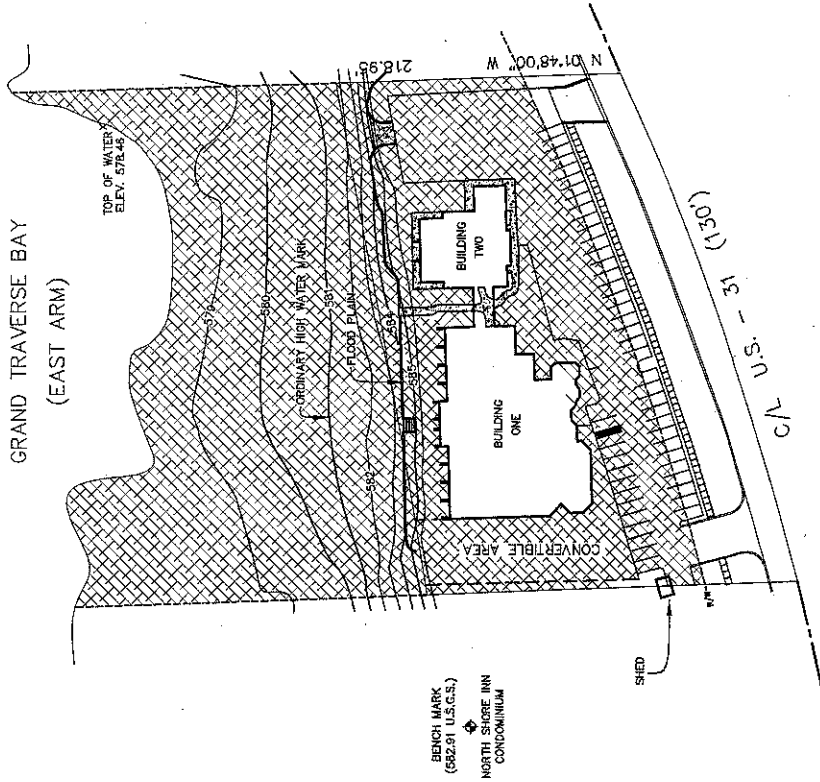
CHERRY TREE CONDOMINIUM
 A SITE CONDOMINIUM OF
 PART OF SECTION 9, TOWNSHIP 27 NORTH,
 RANGE 10 WEST, EAST BAY TOWNSHIP,
 GRAND TRAVERSE COUNTY, MICHIGAN.



Legend

-  GENERAL COMMON ELEMENT
-  LIMITED COMMON ELEMENT
-  EXISTING BUILDINGS

NOTES: OTHER UTILITIES NOT SHOWN MAY EXIST.
 UTILITY INFORMATION FROM FIELD OBSERVATIONS.
 PORTIONS OF THIS PROJECT ARE CONVERTIBLE AND
 CONTRACTIBLE.
 ALL IMPROVEMENTS SHOWN ARE AS BUILT, JULY 12, 2006,
 ORDINARY HIGH WATER MARK ELEVATION = 581.0 AND
 THE FLOOD PLAN ELEVATION = 584.0 (U.S.G.S)



NEIL B. LIVASY
 PROFESSIONAL SURVEYOR NO. 31811
 GRAND TRAVERSE SURVEYING COMPANY
 554 EAST EIGHTH STREET
 GRAND TRAVERSE CITY, MICHIGAN 49686

DATE

FILE NO. 06-5165



554 EAST EIGHTH STREET
 GRAND TRAVERSE CITY, MI 49686-0771
 WWW.GRANDTRAVERSESURVEYING.COM

TITLE: FLOOD PLAN AND SITE PLAN

SHEET DATE: 07/19/2006