

**Item 8., B. Request for Extension of SLU 6-05
& SPR 2-05; East Shore Hills**



November 6, 2008

Leslie Couturier, Planning & Zoning
East Bay Charter Township
1965 N Three Mile Road
Traverse City, MI 49686

Subject: *East Shore Hills* Approval Extension

Ms. Couturier,

Per our phone conversation, I would like to please request that the approval of the *East Shore Hills* residential development be extended as it is set to expire on 07FEB09. If possible, I would appreciate it if the extension could be for an additional 2 years as we expect a delay in the project due to current economic conditions.

Please do not hesitate to contact me at the number below should you have any questions, comments or concerns. Thank you.

Regards,


Kevin M. Vann

13919 S West Bay Shore Dr
Suite G01
Traverse City, MI 49684

p 231.946.8772
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www.GenerationsMgmt.com

MEMO

12/29/08

To: East Bay Township Board

From: Tina Allen, Zoning Department

RE: Extension of Special Use and Site Plan Approval for East Shore Hills

On December 4, 2007 the East Bay Township Planning Commission recommended approval of a one year extension of SLU 6-05 & SPR 2-05/East Shore Hills to February 7, 2009. This recommendation was not heard by the Township Board so the extension has not technically been approved.

Generations Management has recently requested another extension of their permit. The Planning Commission will be taking action on that request at their January meeting. The Township Board will be asked to take final action in February.


It has been recommended by Attorney Peter Wendling that the Township Board needs to take action on the first request before it hears the second request. To that end, the Planning Commission requests that the Township Board take affirmative action on the original one-year extension of SLU 6-05 & SPR 2-05/East Shore Hills at its January regular meeting.

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MEMORANDUM

TO: Planning Commission
East Bay Charter Township

FROM: Jay Kilpatrick, AICP, PCP 

DATE: December 30, 2008

RE: East Shore Hills PUD Extension

In February, 2006, the Planning Commission approved the Planned Unit Development for East Shore Hills, a large, multi-phase residential development proposed for about 261 acres in Sections 16 and 21 between Four Mile and Five Mile Roads, north of Hammond. The proposal included 188 single-family site condominium lots, 263 attached and detached conventional condominiums. Approximately 40 acres of the site comprised regulated wetlands and approximately 63 acres of open space was proposed. To date, no land use permit has been issued and in December 2007, the Planning Commission recommended a one-year extension of the prior approval, which extension will expire in February.

The applicant is now Generations Management, and they are requesting an additional two-year extension of the prior approval to February, 2011, due to the weak economy. The Planning Commission will recall that this proposed development included several phases and the Planning Commission and developer worked out a number of conditions to protect the natural features of the site and the public interest over several meetings.

It is recommended that the Planning Commission recommend an additional two-year extension to the Township Board.

This case points out the need for a further adjustment of the extension language currently under consideration. A PUD is treated as a Special Land Use in East Bay Charter Township and under the current ordinance, both Sections 637, 12 and 601, 6, would apply. Currently, section 601, 6, which applies to all special land uses, simply states that a special land use that is not started or extended by the Planning Commission will expire. In October, the Planning Commission recommended an amendment to Section 601, 6, and the Township Board is scheduled to consider that amendment in January. The proposed amendment will allow only one extension of two years duration upon request if the Planning Commission finds that the project has encountered unforeseen difficulties. On the other hand, Section 637, 12, provides that a PUD will expire after two years unless extended by the Township Board in response to a written request and if the Planning Commission recommends it. The current PUD language does not limit the number of


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extensions that may be requested. This discrepancy need not affect the current request since the Planning Commission and Township Board could act before the amendment to Section 601, 6 is effective. However, in the future it may be necessary to consider adjusting 637, 12, to either (1) conform 601, 6 with the limitation of only one extension, or (2) exempt PUDs from the "one-only" extension provision. The latter approach may be preferred since the Township Board is involved in PUD approvals and those projects tend to be more complex, requiring extended periods for design, permitting and financing.

c: Leslie Couturier
Tina Allen

MEMORANDUM

TO: Planning Commission
East Bay Charter Township

FROM: Jay Kilpatrick, AICP, PCP 

DATE: December 30, 2008

RE: Planning Commission Annual Report

Section 19 (2) of the Michigan Planning Enabling Act (Act 33 of 2008) requires that the Planning Commission prepare "an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development." There is no prescribed format or timing for such a report, other than the above excerpt. However, the end of the calendar year would seem to be an appropriate opportunity to prepare the report and I have developed the following as an outline for the Planning Commission to consider. Of course, this may be adjusted, augmented or revised as you desire, but it is suggested that we consider the finalization of this report at the January 6th meeting.

East Bay Charter Township Planning Commission Annual Report

Introduction. The East Bay Charter Township Planning Commission met thirteen times in 2008, including the joint meeting with the Township Board on March 25, 2008, but not including many site visit meetings in advance of regularly scheduled meetings. Attendance and participation by the Planning Commission members has been exceptional and the Planning Commission members maintain strong dedication to the conduct of their responsibilities. The Planning Commission meetings are usually well-attended and the Commission takes extraordinary efforts to gather public comment on virtually every matter it considers.

In general, construction activity in the Township diminished significantly in 2008 with the downturn in the economy. A total of eleven site plans were considered by the Planning Commission, while the Planning and Zoning Office issued a total of 120 land use permits. This reduction in activity has allowed the Planning Commission to turn its attention to other responsibilities, such as the Master Plan update and certain Zoning Ordinance amendments.

Important Reviews. The following summarizes some of the more significant development proposals the Planning Commission considered and approved or recommended in 2008:

1. South Airport Road Apartments (SPR 3-08); this involved the siting of four garden-style apartment buildings in the HDR district. The project was challenged somewhat by its proximity to the Mitchell Creek overlay area and the relatively narrow lot. However, as a permitted use and a conforming lot, the Planning Commission and the applicant worked through those challenges to improve the design and ultimately approve the development.
2. Tamarack Lodge Parking Structure (SPR 4-08); this involved an amendment to the previously approved site plan to replace some surface parking with a parking structure which would be designed to resemble the cottage-style architecture of the lakeshore.
3. Cherry Tree Inn PUD (SPR 5-08); this involved a slight adjustment to the existing site plan to allow a spa-salon and pool on the site. This project was challenged by the excessively wide US-31 right-of-way.
4. East Towne Planned Unit Development (SPR 6-08); this conditionally approved PUD will eventually include three, 120-unit congregate care senior housing units, a 100-bed assisted living facility and some mixed use commercial, office or residential development with significant areas of open space preserved. This development involved several complications, including the Mitchell Creek Overlay, a court-ordered settlement, MSHDA financing timeframe and the approval of a design guidebook.
5. Pirates Cove Expansion (SPR 10-08); this development will include new tourist attractions at the existing mini-golf and recreation facility. A ropes course and zip-line attraction will be added and a nonconforming structure will be removed.

An additional six more routine development proposals were also considered.

Master Plan Update. In 2007, the Planning Commission began work on the mandated five-year review of the Township's Master Plan and this effort began with the Smart Growth Readiness Assessment Tool exercise and culminated with the public hearing on October 7th. The Master Plan is scheduled for final adoption by the Planning Commission in January and will be recommended to the Township Board.

Zoning Ordinance Adjustments. The Planning Commission considered and recommended several amendments to the Zoning Ordinance in 2008. These included:

1. Definition of Structure. (ZOA 1-08). This altered the definition of the term "structure" in keeping with a recommendation from the Zoning Board of Appeals.
2. Removal of professional office use restrictions in industrial parks. (ZOA 2-08). This adjusted Section 415, 2, m, to liberalize the restrictions on office uses in planned industrial parks.
3. Text and map change pertaining to RV Parks. (RZ 1-08 and ZOA 3-08). This was both a rezoning (zone map amendment) and a text change. It rezoned about 40 acres at the east end of Hammond Road from LDR to NA for the Timber Ridge RV Park and added text to the

LDR district to make camps and campgrounds a special land use with standards added to Article 6 and revised definitions.

4. Lakes Area Overlay. This was a significant effort that involved building a consensus regarding added zoning standards near the Township's many inland lakes. It created general provision standards to establish an overlay around defined lakes and provided for standards that would apply in the LA and NA district. It also added a defined term.
5. Sliding scale for parcel area in MDR and HDR. This established a varying minimum parcel area for single-family dwellings in the MDR and HDR districts to enable densities approaching the district maximums.
6. Clarification of standards for the extension of special land use approvals.

Capital Improvement Plan. For the first time, the Planning Commission has participated in the Township's capital improvements planning process. This included an effort to work with Township staff in the evaluation of capital needs in keeping with the development policies of the Master Plan. A set of recommended capital improvements and prioritization was prepared for the Township Board's consideration.

Recommendations for the Future. The Planning Commission has considered the following issues or concerns that the Township may need to take action to address.

- ◆ Village Center Plan. The Master Plan calls for the development of a detailed sub area plan for the village center area including discussions with property owners and the development of a detailed development plan and pattern book. This is a key implementation strategy of the Master Plan which the Planning Commission has set aside pending a final decision on professional planning services.
- ◆ Trails Plan and Policy. The Recreation Plan and the Master Plan both call for the development of a detailed, long-range plan for non-motorized trail connections through the Township and within new developments. This may include work with the Road Commission, key property owners and the development of subdivision control standards.
- ◆ Signage. The existing sign ordinance has not been addressed in many years. It was intentionally not addressed when the new Zoning Ordinance was developed in 2003 as the prior effort to make adjustments was quite controversial. However, the current ordinance includes some several provisions that are inconsistent and other parts are out of date.

EAST BAY CHARTER TOWNSHIP
LAND USE PERMIT LOG

DECEMBER - 2008

	DATE	LUP#	USE	OWNER	ADDRESS	PIN	D.O.I.
1	12/02/08	PL080117	SFD/AG/DK	G. HEMMING	2200 E RIVER RD	116-013-00	
2	12/02/08	PL080118	RA	R. BOYSE	5601 BROWNWOOD	112-051-00	
3	12/19/08	PL080119	AS	L. MINKOFF	2402 PINEHURST TR	590-005-00	
4	12/29/08	PL080120	AS	G. GIBELYOU	4270 HOLIDAY RD.	215-044-00	
5							
6							
7							
8							
9							

*PIRATES COVE

USE	TOTALS FOR MONTH	TOTALS YEAR TO DATE
SINGLE FAMILY DWELLING (sfd)	1	27
RESIDENTIAL ADDITIONS (ra)	1	25
ACCESSORY STRUCTURES (as)	2	29
COMMERCIAL (co)		8
SIGN PERMITS (sp)		4
HOME OCCUPATIONS (ho)		
MISCELLANEOUS (m)		26
TOTALS	4	119