



# 211 N. Main St. Proposed Mixed-Use Building

Planned Unit Development Application

Submitted to  
**Leland Township**  
PO Box 238  
Lake Leelanau, MI 49653  
231-256-7546

**Mansfield**  
Land Use Consultants

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6/26/2023

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**PROJECT DATA**

**Owner:** William and Main, LLC  
7270 Thornapple River Drive, Suite B  
Ada, MI 49301

**Applicant:** William and Main, LLC  
7270 Thornapple River Drive, Suite B  
Ada, MI 49301

**Planning and Civil:** Mansfield Land Use Consulting  
Doug Mansfield, President  
830 Cottageview Drive, Suite 201  
Traverse City, MI 49684  
[doug@maaepe.com](mailto:doug@maaepe.com)  
(231) 218-5560

**Architect:** AMDG Architects  
25 Commerce SW, Suite 300  
Grand Rapids, MI 49503  
(616) 454-1600

**Parcel ID:** 45-009-750-210-00

**Location:** 211 N. Main St.  
Leland, MI 49654

**Parcel Zoning:** C-1, Village Commercial

**Parcel Size:** **Required:** 6,000 S.F. Minimum  
**Provided:** 10,000 S.F.

**Lot Width:** **Required:** 50' Minimum  
**Provided:** 100'

**Lot Coverage:** **Required:** 80% Maximum  
**Provided:** 48.0%

**Existing Use:** Vacant

**Proposed Use:** Retail/Commercial and Residential on Upper Floors

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<b>Building Setbacks:</b>	<b>Required:</b>	<b>Provided:</b>
Front:	5'	5'
Side:	5'/10'	5'/10'
Rear:	25'	25'
<b>Building Height:</b>	<b>Allowed:</b> 35' Maximum	
	<b>Provided:</b> 33' – 1 ¾"	
<b>Parking:</b>	<b>Required:</b> 8 Spaces (2 per residential unit)	
	<b>Provided:</b> 8 Spaces	

Note: No parking spaces are required for the proposed commercial uses, according to the Zoning Administrator, as the C-1 zoned subject site is located within the central core of Leland and parking is provided on adjacent and surrounding streets.

## TAX DESCRIPTION

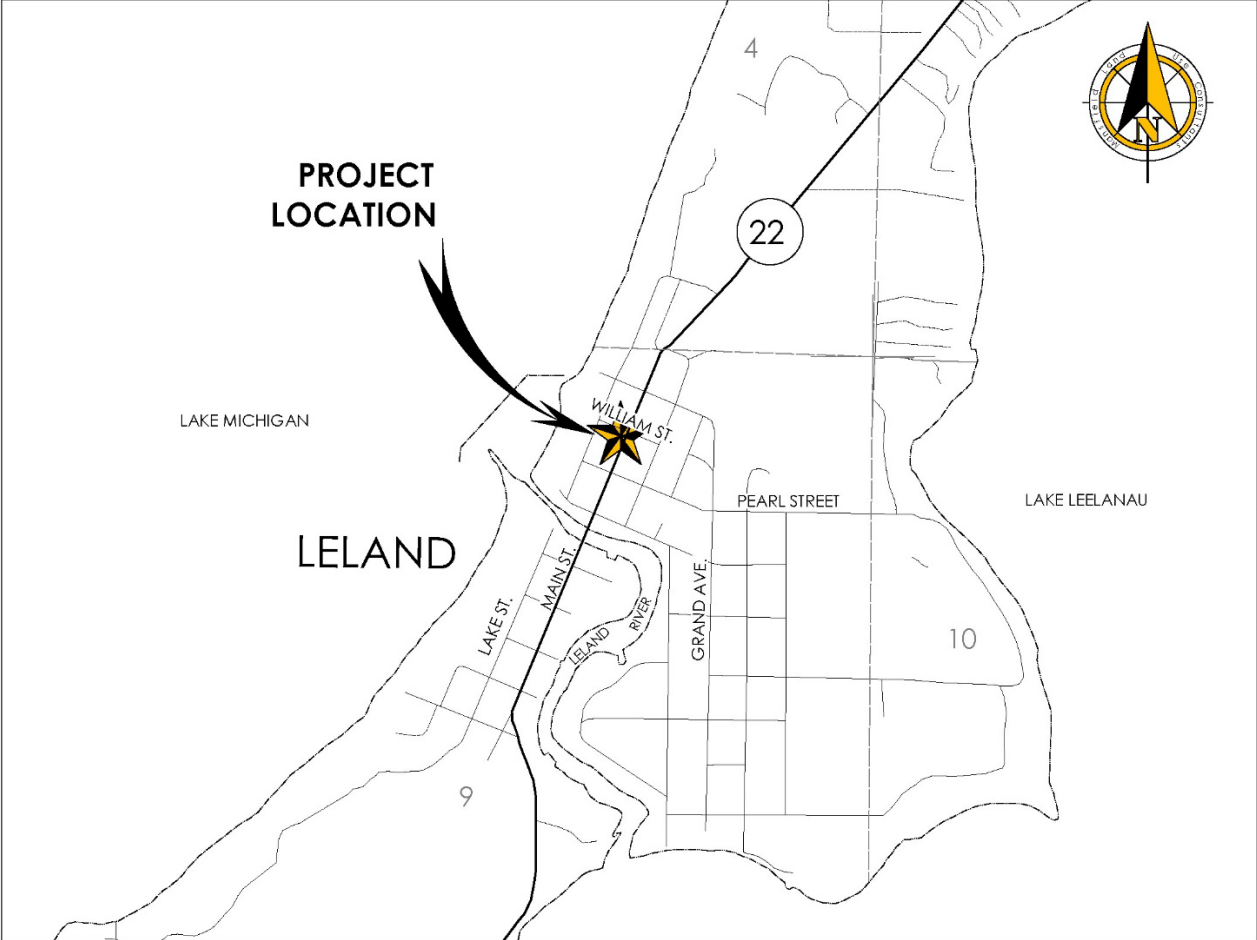
Parcel 45-009-750-210-00  
Lots 10 and 11, Block 2, Village of Leland

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**SITE INFORMATION AND EXISTING CONDITIONS**

**PROJECT LOCATION**

The subject property is located on the southwest corner of the Main St./William St. intersection in the village of Leland area.

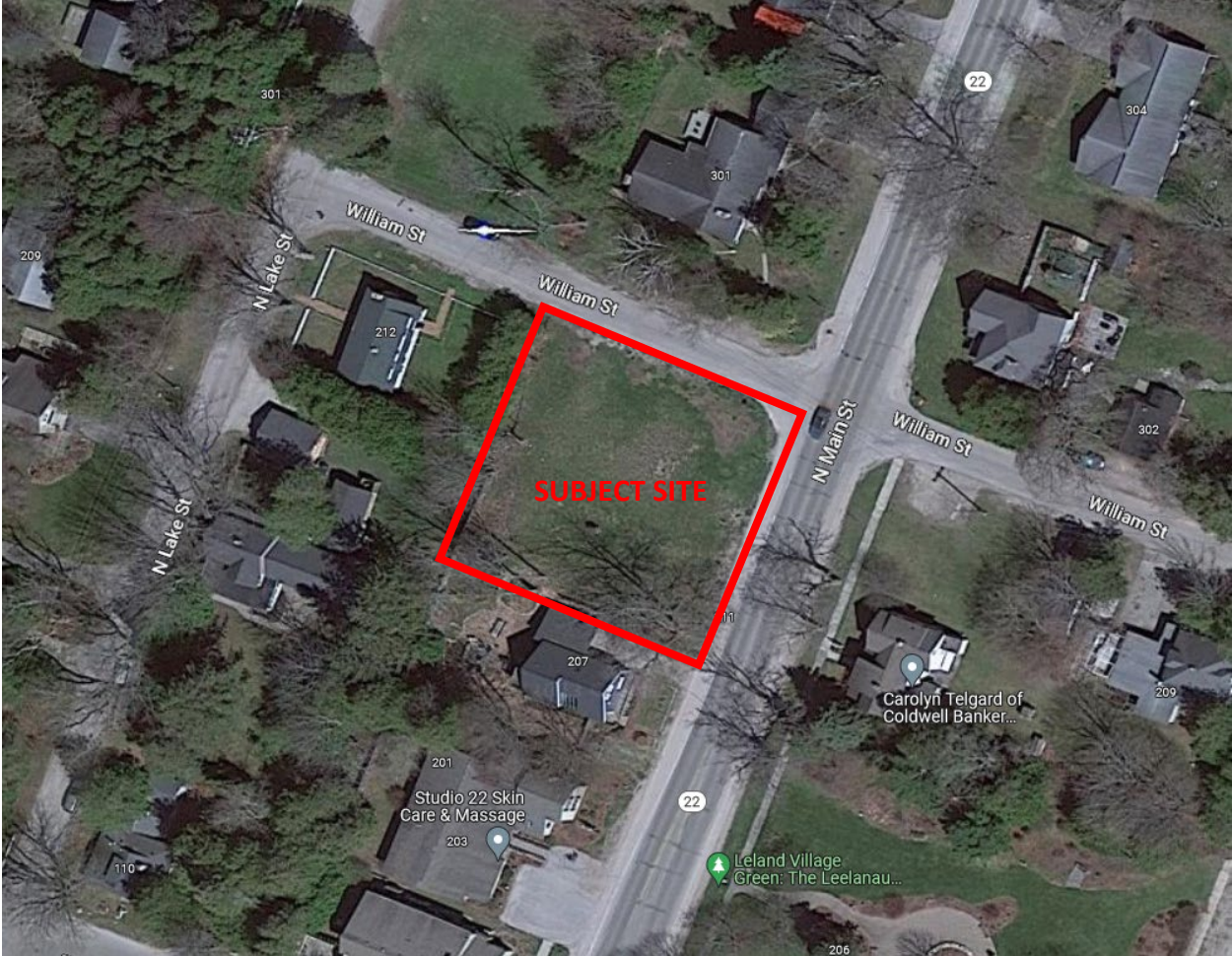


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## AERIAL PHOTO

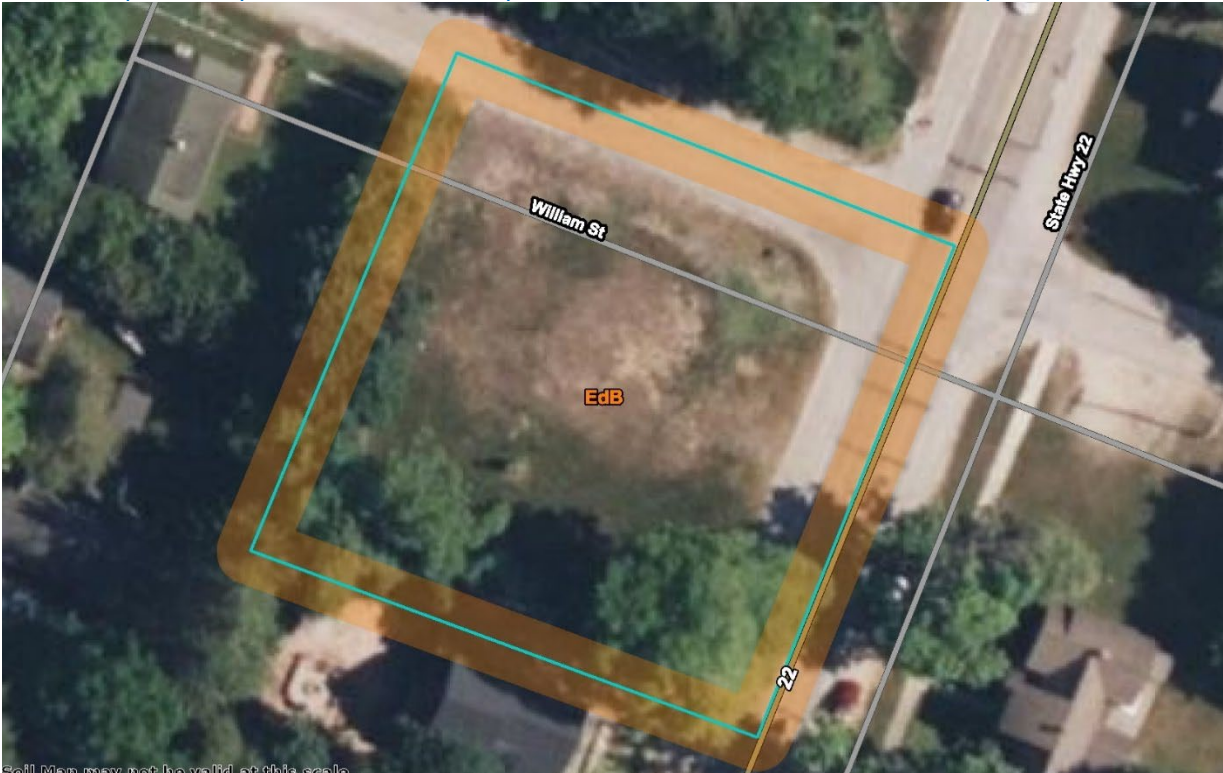
The most current available aerial photo shows the project site in its current condition.



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**USDA SOILS MAP**

The site primarily consists of sandy soils, as shown on the soils map below.



Soil Map may not be valid at this scale.

**Map Unit Legend**

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
EdB	Eastport sand, 0 to 6 percent slopes	0.5	100.0%
<b>Totals for Area of Interest</b>		<b>0.5</b>	<b>100.0%</b>

**EXISTING CONDITIONS**

The subject site is a 10,000 square foot parcel of land in the Village Commercial (C-1) Zoning District. The site is located on the southwest corner of the N. Main St./William St. intersection. The site is bordered by C-1 zoned properties to the south and east, and R-2 zoned properties to the north and west.

The subject site is relatively flat, with approximately 4 feet of grade change across the site from a high point located on the northeast corner of the property to a low point in the southwest of the site. Formerly a residential site, the property is largely free of any features following the demolition of the single-

family residence that once occupied the lot. The site is generally free of vegetative cover other than open grass, but there are scattered trees along the south and west lot boundaries. There are no water bodies or wetlands on or adjacent to the subject site.

## **PROPOSED USES**

It is proposed that one three-story, mixed-use building be constructed on site. The first floor of the proposed building would contain four commercial/retail tenant units and four garages that serve the four residential units on the second and third floors. The proposed commercial and residential uses are permitted by right by the Township Zoning Ordinance.

The proposed building is accessed by a driveway off of William Street, with a permeable paver driveway providing access to the four two-car garages located at the rear of the building. These garages satisfy the minimum parking requirements for the residential units and the commercial units, according to the Zoning Administrator, do not require any on-site parking, as public parking is available on adjacent streets and in community parking lots. Proposed sidewalks are provided along the north and east property lines along the adjoining streets.

The proposed uses will be served by private well and municipal sewer in accordance with Health Department standards and Township Sewer standards, respectively. The Benzie-Leelanau Health Department has already issued a permit for the proposed well and a proposed sewer lead along the south property line will direct effluent into the public sewer main along N. Main St.

## **STANDARDS FOR SITE PLAN APPROVAL**

The following portion of this document provides responses and information related to the standards for site plan approval, as outlined in Section 6.05 of the Township Zoning Ordinance. Ordinance language is shown as plain text, while responses and information provided are shown in blue text.

### **SECTION 6.05 - SITE PLAN APPROVAL STANDARDS**

Each site plan shall conform with the applicable provisions of this Ordinance and the standards listed below:

- A. All elements of the Site Plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not

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to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

The proposed mixed-use building and other site elements are organized in a way that is harmonious with the commercially-zoned properties in Leland and on the small, village-scale lot that offers frontage on N. Main Street. The proposed commercial and upper floor residential uses are permitted by right in the C-1 zoning district. The proposed building has been designed to complement the small-scale commercial buildings found in Leland and other small villages within the region. Large windows and store fronts face N. Main Street and provide a small-town, pedestrian-scale feel to the front of the property. By complying with all relevant zoning regulations, the proposed site plan does not impede any type of development on surrounding properties.

- B. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree, other vegetative material, and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas. Landscape elements shall minimize negative impacts and, in the case of parking lots, provide directional guidance to drivers. Landscaping, buffering, and screening shall conform with the requirements of Article 23, Landscaping and Screening. The subject site is currently vacant, with little existing vegetation following the removal of a former residential home on the property. As a result, there is very little vegetation on the site to remove for the proposed project. Small quantities of fill are proposed to support the proposed building and driveway as the proposed first floor elevation matches that of the adjacent street, but existing topography drops slightly away from the road. Proposed landscaping shown on submittal plans complies with the requirements of the Zoning Ordinance.
- C. Special attention shall be given to proper site drainage so that removal of storm waters will not increase off-site sedimentation or otherwise adversely affect neighboring properties due to flooding. The proposed project has been designed to comply with the storm water control standards of the County Drain Commissioner and to retain storm water on site using Low Impact Development strategies. The proposed building will include a green roof to capture and retain storm water and the rear portions of the garage will be covered with roof decks for the residential units that are equipped with a pedestal paver system over the top of a storm water retention system. These roof systems are becoming common and offer an effective way to capture and retain storm water in areas that, using traditional methods, would normally be impervious surfaces. The proposed driveway is to be constructed using permeable pavers over an open-graded aggregate base with the capability of



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storing storm water beneath the driveway. The project has already received an erosion control and storm water permit from the County.

- D. The site plan shall provide reasonable, visual, and sound privacy for all dwelling units located therein. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.  
Living spaces of the proposed residential units are located on the second and third floors of the proposed building, providing privacy by elevating the units above the busy ground level adjacent to the street. The roof decks of each residential unit face towards the rear of the site, separating them from traffic along Main Street.
- E. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.  
The proposed building is easily accessible to emergency vehicles on the north and east sides by its proximity to the public streets adjoining the site. Additionally, the proposed driveway is of sufficient size to accommodate emergency vehicle access to the rear of the building.
- F. Every structure or dwelling unit shall have access to a public street, walkway, or other area dedicated to common use.  
All units within the proposed structure have access to public streets and walkways. The residential units exit at the rear of the building and have both pedestrian and vehicular access to William Street at the north edge of the property. The commercial units front directly onto a proposed sidewalk along the N. Main Street side of the property.
- G. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.  
Pedestrian sidewalks along the north and east property lines adjacent to Main and William Streets are provided and are separated from the vehicular travel lanes of the streets by tree lawns.
- H. Exterior lighting shall be designed and arranged so that it is deflected away from adjacent streets and adjoining properties. Flashing or intermittent lights shall not be permitted.  
All exterior lighting will be shielded and dark-sky compliant and in accordance with all standards of the Zoning Ordinance.
- I. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a

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width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way according to the standards of the County Road Commission.

The proposed driveway complies with the standards of the Road Commission and Ordinance and proposed walks continue the pattern of existing sidewalks in the general vicinity. A driveway permit for the project has already been issued by the Road Commission.

- J. All streets shall be developed in accordance with County Road Commission specifications, unless specifically provided for otherwise in this Ordinance.  
No streets, public or private, are proposed.
- K. All parking areas shall be so designed to facilitate efficient and safe vehicular and pedestrian circulation, minimize congestion at access and egress points to intersecting roads, including the use of service drives as appropriate, and minimize the negative visual impact of such parking areas.  
The proposed driveways and residential garages comply with all applicable standards of the Road Commission and Zoning Ordinance. All provided on-site parking is within garages, effectively hiding parked vehicles from view. The proposed driveway access on William Street is located as far as possible from the William/Main intersection as allowed by applicable standards in order to reduce potential turning and traffic conflicts to the greatest degree possible.
- L. When abutting major or minor thoroughfares, residential and nonresidential development shall not include unnecessary curb cuts and shall use shared drives and/or service drives where the opportunity exists unless precluded by substantial practical difficulties.  
No unnecessary curb cuts are proposed. One driveway is proposed to serve the required on-site parking for the planned residential units.
- M. The site plan shall provide for the appropriate location of all necessary and proposed utilities. Locational requirements shall include underground facilities to the greatest extent feasible.  
The proposed private and public utilities and connections have been designed and sited in accordance with all applicable standards of the Health Department and Township Sewer Authority. All proposed utilities and service leads will be located under ground in order to hide them from view.
- N. Site plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned on the applicant receiving necessary state and federal permits before the final site plan approval is granted.

The proposed project conforms with all known state and federal regulations. There are no known state or federal permits required for the construction of the proposed project.

- O. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment including:
1. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, ground water, lakes, streams, rivers, or wetlands.  
No hazardous substances are proposed to be stored, used, or generated on site.
  2. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan ground water discharge permit.  
Any proposed floor drains will comply with applicable local and state standards.
  3. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to ground water, including direct and indirect discharges, shall be allowed without required permits and approvals.  
There are no hazardous substances to be stored, used, or generated on site.

## **GENERAL STANDARDS – SPECIAL USES**

The following portion of this document provides responses and information related to the general standards for special uses, as outlined in Section 16.01 of the Township Zoning Ordinance. Ordinance language is shown as plain text, while responses and information provided are shown in blue text.

### **SECTION 16.01 – GENERAL STANDARDS APPLICABLE TO ALL SPECIAL LAND USES**

- A. Approval of a special land use shall be based on the determination that the proposal, will comply with all applicable requirements of this Ordinance, including site plan review criteria set forth in Article 6, and applicable supplemental standards for specific use set forth in this Article. The land use or activity shall be consistent with and shall comply with the following standards:

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1. The general principles and objectives of the Comprehensive Development Plan of the Township are proper and relevant consideration by the Planning Commission in reaching its decision. When considering the principles and objectives of the Township Master Plan during their review of the proposed project, the Planning Commission should note that the proposed plans are supported directly by Goals 7.3.1 and 7.3.4 of the Master Plan. The proposed project is within the village of Leland area, where the Master Plan encourages growth and development in order to help preserve farmland, forestland, and open space in the remainder of the Township (Goal 7.3.1). Additionally, the proposed project provides a type of housing unit that is less common within the Township and improves the range of housing opportunities for varying economic, family and lifestyle needs of residents and tourists (Goal 7.3.4).
2. The proposal is consistent with and in accordance with the general objectives, intent and purposes of this Ordinance. The proposed project is consistent with the objectives and intent of the Ordinance in that it adds to the variety of housing types and commercial uses within the Township while complying with all dimensional and other standards of the Ordinance.
3. The proposal is designed, constructed, operated and maintained so as to be consistent, compatible and appropriate in appearance with the existing adjacent land uses, existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed. In determining whether this requirement has been met, consideration shall be given to:
  - a. Compatibility with Adjacent Land Uses The proposed special approval shall be designed, constructed, operated and maintained to be compatible with uses on surrounding land. The site design of the proposed special approval shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:
    - 1) The location and nature of the use will not be in conflict with any Use Permitted by Right of the district. The location and nature of the proposed uses on the subject site will not be in conflict with any permitted uses in the C-1 district, as they are themselves allowed

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by right in the zoning district and comply with all applicable standards of the Zoning Ordinance.

- 2) The location and screening of vehicular circulation and parking areas in relation to surrounding development. All on-site parking for the proposed project occurs within enclosed garages, providing effective screening from the adjacent streets and surrounding properties. Additionally, an evergreen vegetative screen in compliance with Ordinance standards is proposed along the west property line to screen the proposed building and driveway from view of the adjacent property.
- 3) The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development. No outdoor storage, activity, or work areas are proposed as part of this application.
- 4) The hours of operation of the proposed use. Approval of a special approval request may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses. Potential hours of operation of ultimate commercial tenants are unknown at this time, but are assumed to be similar to other comparable commercial uses within the Leland village area.
- 5) The design and placement of the structures and infrastructure for the proposed use in relation to surrounding uses. The proposed building has been located in compliance with applicable setbacks and adjacent to N. Main Street in order to continue the downtown development pattern provided for in the C-1 district. This building location separates the proposed structure as far as possible from the residentially zoned properties located to the west of the subject site.

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- 6) The relation of the character, density and open space of the surrounding area to density and open space of the proposed project, considering the overall site design, including landscaping and other proposed site amenities.

The subject site is located in the C-1 zoning district in the established Leland village area where a mix of uses in close proximity to each other creates a vibrant, walkable community where residential uses are located near shopping, dining, and entertainment opportunities.

b. Public Services

The proposed special approval shall be located so as to be adequately served by essential public facilities and services, such as highways, streets, emergency services, drainage systems, water and sewage facilities, and schools, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the special approval is established.

The proposed project has been designed to comply with the published standards of all public agencies related to utilities, streets, emergency services, and drainage. Previous portions of this narrative document describe how these portions of the project have been designed and how they comply with the various applicable standards of the Township and other permitting agencies. As part of the Township's plan review process, preliminary comments related to the proposed project from the applicable permitting agencies will be provided and all applicable permits will be obtained prior to construction. The project already has permits from the Health Department (well), Road Commission (driveway), and County Conservation District (soil erosion and storm water).

c. Impact of Traffic

The location of the proposed special approval within the zoning district shall minimize the impact of the traffic generated by the proposed use. In determining whether this requirement has been met, consideration shall be given to the following:

- 1) Proximity and access to major thoroughfares.

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The subject site has direct frontage on M-22 (N. Main St.), a major state highway that is designed to accommodate heavy traffic volumes. By only providing on-site parking for the proposed residential uses, the project does not draw undue levels of traffic onto William Street for commercial traffic to an on-site parking area.

- 2) Estimated traffic generated by the proposed use.  
As there is no on-site parking provided for the proposed commercial uses, no specific vehicle trip-ends can be calculated for these uses. Commercial customers to the site will park somewhere in the village and access the commercial units via the proposed sidewalks adjacent to N. Main St. According to the ITE Trip Generation Manual (9<sup>th</sup> Edition), the four proposed residential condominium units will generate an average of roughly 23 vehicle trip-ends per day, which is about half of the expected volume created by four free-standing, single-family homes.
- 3) Proximity and relation to intersections.  
The subject site is located on the southwest corner of the N. Main St./William Street intersection. The proposed driveway onto William Street has been located as far as possible from the intersection while still complying with applicable standards in order to limit potential traffic conflicts to the greatest extent possible.
- 4) Adequacy of driver sight distances.  
The proposed driveway complies with all Road Commission standards, including those for sight distances.
- 5) Location of and access to off-street parking.  
The location and access to the proposed off-street parking complies with all applicable standards of the Road Commission and Township Ordinance.
- 6) Required vehicular turning movements.  
Standard and emergency vehicular turning movements are accommodated by the proposed

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driveway design. The Road Commission has already issued a driveway permit for the proposed project.

7) Provisions for pedestrian traffic.

Pedestrian traffic to and from the project site is accommodated by the provision of concrete sidewalks along the north and east property lines adjacent to the adjoining public streets.

d. Detrimental Effects

The proposed special approval shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental or hazardous to persons or property or to public health, safety, and welfare. In determining whether this requirement has been met consideration shall be given to the level of traffic noise, vibration, smoke, fumes odors, dust, glare and light.

The proposed commercial and residential uses are allowed by right in the C-1 zoning district and are similar in potential impact to the existing commercial and residential uses found in the general vicinity and within the village area of Leland. No excessive noise, vibration, smoke, fumes, odors, dust, glare, or light will be produced by the proposed uses.

e. Economic Well-Being of the Community

The proposed special approval shall not be detrimental to the economic well-being of those who will use the land or residents, businesses, landowners, and the community as a whole.

The proposed uses, structures, and site elements are allowed by right in the C-1 zoning district and are similar to the existing uses within the district as well as immediately surrounding area. Their addition to the Township will not be detrimental to the economic well-being of the community.

f. Compatibility with Natural Environment

The proposed special approval shall be compatible with the natural environment and conserve natural resources.

As the proposed project is located on a redevelopment site within the Leland village area, there are no undue impacts on the natural environment or natural resources. The County



Conservation District has already issued a Soil Erosion and Storm Water control permit for this project.

4. Meet the site plan review requirements of Article 6.  
As previously discussed in this narrative documents, the application complies with the requirements of Article 6 of the Ordinance.
5. Conform with all applicable county, state and federal requirements for that use. The Planning Commission may deny, approve, or approve with conditions, requests for special approval, based on the standards above.  
The proposed project will conform to all applicable local, state, and federal requirements. All applicable permits for the project have been or will be obtained prior to construction.

## **STANDARDS FOR PLANNED UNIT DEVELOPMENTS**

The following portion of this document provides information related to the Ordinance standards for Planned Unit Developments as outlined in Section 17.01 of the Ordinance. Ordinance language is shown as plain text, while responses and information provided are shown in blue text.

### **Section 17.01 Approval Standards**

- A. Minimum Eligibility: To be considered as a planned unit development project, the proposed development project must be consistent with the intent of a planned unit development pursuant to Section 7.01(A)(1)(a-f), and comply with the provisions of 17.01(B-D).  
See previous portions of this narrative document for information related to the project's consistency with the intent of PUDs within the Township.
- B. Permitted Uses: Uses permitted in the applicable district and/or any of the following uses may be allowed in combination (Amendment 2007-03):
  1. Single family platted subdivision, consisting of single family dwellings or two family dwellings. None Proposed.
  2. Condominium subdivisions, consisting of single family dwellings or two family dwellings. None Proposed.
  3. Condominium Projects. The proposed project is a condominium project.
  4. Multifamily dwellings, provided no more than four (4) dwelling units are located within any single building. The proposed project contains four residential dwelling units within the one proposed structure.

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5. Nonresidential subordinate uses (an integral part of the planned unit development) in the AC, AR, R-1B or R-2 districts shall be permitted provided:
  - a. the applicant can demonstrate subordinate usage by a site plan and explanation.
  - b. the Planning Commission finds that the nonresidential uses as part of the residential component of the planned unit development in the AC, AR or R-1B district shall principally serve the residential component of the planned unit development project as demonstrated by applicant with the site plan and expert analysis.
  - c. the Planning Commission finds that the nonresidential uses are subordinate to the residential component of the planned unit development project when located in the R-2 district, and are compatible with the character of the surrounding area, regardless of whom the nonresidential uses principally serve.

Unless the Township establishes otherwise by its findings, historically nonresidential uses (in place for more than 40 years) shall be presumed to be compatible with the surrounding area, subject to the other requirements for accessory uses defined in this section. (Amendment 2007-03)

[Not applicable as the project site is in the C-1 district.](#)

#### C. Minimum Parcel Size and Lot Width

1. In the AC, AR, and R-1B Districts the minimum size of a parcel used for a planned unit development shall be ten (10) acres of contiguous land and have frontage of at least three hundred thirty (330) feet.

[Not applicable as the project site is in the C-1 district.](#)

2. In the C-1 and C-2 Districts the minimum size of a parcel used for a planned unit development shall be of sufficient size to contain on the site both physically and aesthetically, not only the development proposed, but also any effects of such development that would ordinarily be apparent and different from the effects of permitted uses on the adjacent properties. (Amendment 2004-07)

[The subject site is of sufficient size to contain the proposed structure and driveway from both a physical and visual standpoint. The proposed project consists of two uses allowed by right in the C-1 district and complies with all of the applicable Ordinance standards. The proposed commercial and residential units are](#)

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appropriate for the site and comparable to the permitted uses on properties zoned C-1 adjacent to the site on the south and east.

3. In the R-2 district and/or any PUD which incorporates in part a portion of land zoned R-2, shall be a minimum of two (2) acres and shall not exceed four (4) acres in size. (Amendment 2007-03)  
Not applicable – the subject site is in the C-1 district.

D. Unified Control: The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.  
The subject site is under the sole ownership of the applicant, who is also acting as the developer and will maintain sole control over the completion of the project.

E. Dedicated Open Space

1. Guarantee of Open Space: The planned unit development shall include dedicated open space. The dedicated open space shall forever remain open space, subject only to uses approved by the Township on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited. The applicant shall guarantee to the satisfaction of the Township Attorney that all open space portions of the development will be maintained in perpetuity and in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the open space development.
  - a. Any structure(s) or building(s) accessory to a recreation, conservation or agriculture use may be erected within the dedicated open space, subject to the approved site plan. These accessory structure(s) or building(s) shall not exceed, in the aggregate, one percent (1%) of the total dedicated open space area.

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Open space surrounding the proposed building and driveway area will be maintained as part of the project and development within this space will be prohibited by the Condominium Documents.

#### 2. Open Space Requirements:

- a. The total area of dedicated open space (as defined by this ordinance) shall equal at least fifty (50) percent of a parcel located in the AC District, at least forty (40) percent of a parcel located in the A-R District, at least twenty (20) percent of a parcel located in the R-1B District. In the C-1, C-2 and R-2 districts, the total amount of dedicated open space shall be site-determined, based on environmental features, lot size and neighborhood character. Dedicated open space may include flood plain areas and/or may include perimeter buffer areas, but required dedicated open space shall not include required yard setback areas, roads, parking spaces, public rights-of-way, and year-round submerged lands. (Amendment 2007-03)

The open space provided on this site within the C-1 district is determined based on the size of the proposed building and space required for the access driveway. As the subject site is a small (10,000 S.F.) lot in the central portion of the Leland Village area, a more densely developed site is comparable to the development patterns in the surrounding area and consistent with the intent of both the Ordinance and Master Plan for the commercially zoned areas in the Leland village.

- b. All land within a development that is not devoted to a building, dwelling unit, an accessory use, vehicle access, vehicle parking, a roadway, or an approved land improvement, shall be set aside as common land for recreation, conservation, agricultural uses, or preserved in an undeveloped state.

All land within the proposed project not dedicated to building or driveway will be set aside as common area within the Condominium Documents for the project. These documents will prohibit the future development of any open space within the project.

- c. The dedicated open space shall be set aside by the owner through an irrevocable conveyance that is found acceptable to the Township Attorney, such as recorded deed restrictions, covenants that run perpetually with the land, transfer to a non profit land trust, or a conservation easement established per the State of Michigan

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Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L.A. 399.251). Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:

- 1) Indicate the proposed allowable use(s) of the dedicated open space.
  - 2) Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
  - 3) Provide standards for scheduled maintenance of the open space.
  - 4) Provide for maintenance to be undertaken by the Township of Leland in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.  
[Common and open space areas within the proposed project will be protected from future development and satisfy the requirements listed above through the establishment of the Master Deed and Bylaws of the proposed condominium project.](#)
- d. All dedicated open space must be a minimum of twenty (20) feet wide, except that the dedicated open space must include the land directly adjacent to any major or minor thoroughfare right of way and run the full length of the right of way along the project site at a width of at least one hundred (100) feet. No more than two access roads may cross the dedicated open space along this right-of-way.  
[Open space quantity and size for projects within the C-1 district is dictated by the size of the property and proposed improvements. Common areas within the proposed development will be shown on Condominium drawings and their regulation will be dictated by the Master Deed and Bylaws.](#)
- e. Dedicated open space must be easily accessible from all planned unit development dwelling units.  
[Common area within the proposed project is easily accessible from all units within the development as it lies directly adjacent to the driveway and pedestrian walks proposed as part of the project.](#)

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#### F. Access and Circulation

1. Direct access: Direct access from a paved minor or major thoroughfare to a planned unit development is required. The nearest edge of any entrance or exit drive shall be located no closer than two hundred (200) feet from any existing street or road intersection (as measured from the nearest intersection right-of-way line).

The proposed project is provided with vehicular access to William Street, a paved, public road. The proposed driveway is located as far from the William St./Main St. intersection as possible (89') based on the property size and applicable regulations allow. The Road Commission has already issued a driveway permit for the proposed project.

2. Pedestrian Circulation: A pedestrian circulation system may be required along one side of, or all of, the internal roads of the planned unit development. The exact location and alignment of the sidewalks shall be jointly agreed upon by the applicant and the approving body, and shall be coordinated with existing or planned sidewalks and roads in the area. Pedestrian circulation network shall assure ease of access from residences to the designated open space areas.

There are no proposed internal roads within the development project.

3. Vehicular Circulation: Construction of private roads or private access drives as a means of providing access and circulation and increasing the rural character of the planned unit development project is encouraged. They shall meet clear view, drainage, and signage requirements of this Ordinance. Private roadways within a planned unit development must be constructed according to the provisions of Section 20.05, unless such provisions are exempted from the design requirements where the following findings are made by the Planning Commission:

- a. a deed restriction is placed on the project site that perpetually vests fee simple use of the land area used for the road in the parties adjoining the road and prohibits future transfer to the public; and,
- b. a maintenance plan, including a means of guaranteeing maintenance assessments from the affected property owners, is reviewed and approved by the Planning Commission.

There are no proposed internal roads or streets within the proposed project. The ensured maintenance and common use of the

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proposed shared driveway will be dictated by the language within the Master Deed and Bylaws for the proposed development.

- G. Natural Features: The development shall be designed to promote the preservation of natural features. If animal or plant habitats of significant value exist on the site, the Planning Commission, as a condition of approval, may require that the open space development preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas. The planned unit development site plan shall clearly show the location of existing natural features in relation to proposed buildings, roads, parking areas, areas to be graded, and other project elements.

There are no significant natural features or habitats that exist on the subject site.

- H. Lots and Dwelling Units: The following minimum and maximum standards shall apply to all lots and dwelling units in planned unit developments:

1. Minimum Lot Area: The minimum lot area shall be five thousand (5,000) square feet where public sewer is available. Where public sewer is not available, minimize lot size shall be determined by the application for and approval of an on-site sewage disposal system permit by the Leelanau County Health Department.

The subject site, which has access to public sewer, is 10,000 S.F. in size.

2. Minimum Lot Frontage and Width:

- a. Each parcel of land for a single-family detached residence shall have frontage of not less than sixty (60) feet, except for a corner lot which shall have continuous frontage of not less than seventy (70) feet along each front lot line.

Not applicable – no single family detached residences or lots proposed.

- b. Each parcel of land for a two family dwelling shall have frontage of not less than seventy-five (75) feet, except for a corner lot which shall have continuous frontage of not less than eighty-five (85) feet along each front lot line.

Not applicable – no two family dwellings or lots proposed.

3. a. Number of Dwelling Units (Amendment 2004-09):

- 1) The total number of dwelling units permitted in a planned unit development in the AC District shall be based on the maximum allowable density of one (1) dwelling unit per four (4) acres, rounded down to the nearest full unit.

Not applicable – Subject site is located in the C-1 district.

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- 2) The total number of dwelling units permitted in a planned unit development in the AR District shall be based on the allowable density of one (1) dwelling unit three (3) per acres, rounded down to the nearest full unit.

Not applicable – Subject site is located in the C-1 district.

- 3) The total number of dwelling units permitted in the R-1B District shall be based on the maximum allowable density of one and one-half (1.5) dwelling units per acre, rounded down to the nearest full unit.

Not applicable – Subject site is located in the C-1 district.

- 4) The total number of dwelling units permitted in a planned unit development in the C-1, C-2 or R-2 districts shall be based on the compliance with applicable building code requirements, the provisions of adequate septic or sewer disposal and the provision of adequate on-site parking standards, as determined by the Planning Commission based on the applicable (or similar use) standard(s) of Section 21.03. Additionally in the R-2 District, a maximum of seventy (70) percent of the total PUD project area may be covered with buildings and impervious surfaces, and at least 51% of the usable enclosed square footage shall be devoted to housing or lodging uses. (Amendment 2007-03)

The four proposed dwelling units within the project comply with all relevant building code requirements and will be served by an already permitted well and public sewer.

- b. Residential Density Bonus Densities in excess of those specified by district in subsection H.3.a of Section 17.01 may be granted at the discretion of the Planning Commission, based on meeting Township's objectives of increasing the amount of dedicated open space for purposes such as preserving the opportunities for the continuation of agricultural activities, preserving rural character through the preservation of existing woodlands, views from roads and lakes and/or providing at least ten percent (10%) affordable housing units. The Planning Commission shall have full discretion in determining the amount of bonus to grant within the guidelines of the maximum allowable bonuses



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provided in the chart below. In determining the incentive bonus amount, the Planning Commission may take into account the magnitude and quantity of proposals for open space presented.

[No density bonuses requested.](#)

4. Yard and Setback Requirements – in AC or AR Districts (Amendment 2007-03)

- a. Lot Front Yard: Twenty-five (25) feet.
- b. Lot Side Yard: None if shared wall construction is used, ten (10) feet otherwise.
- c. Lot Rear Yard: Twenty (20) feet.
- d. A minimum fifty (50) feet buffer area along the perimeter of the PUD project shall be required.

[Not applicable – Subject site is located in the C-1 district.](#)

5. Yard and Setback Requirements – in C-1, C-2, R1B or R-2 Districts (Amendment 2007-03)

- a. PUD project perimeter setback shall be equal to applicable setback of the underlying zoning district, unless reduced by the Planning Commission based on the following criteria:
  - 1) Use of the adjacent property
  - 2) Architectural design and character of the adjacent property
  - 3) Location of structure and/or applicable setbacks on the adjacent property
  - 4) Location along a public street or road
- b. Building spacing: Emergency vehicle access shall be approved by the Leland Township Fire and Rescue Department.

[Perimeter setbacks proposed as part of this application comply with those of the underlying C-1 zoning district. Plans for the proposed project have been provided to the Township Fire Department for review. Comments received will be provided to the Planning Commission.](#)

6. Maximum Building Height – Thirty-five (35) feet. (Amendment 2013-07)

[Proposed building height is 33'-1.75".](#)

7. Building Design – in R-2 District – The architectural design of the buildings, including style, size, mass, scale and character, shall be reviewed by the Planning Commission for compatibility with the surrounding area. (Amendment 2007-03)

[Not applicable – Subject site is located in the C-1 district.](#)

#### I. Utilities

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1. The planned unit development shall provide for underground installation of all utilities.  
[All public and private utility lines will be installed underground.](#)
2. A planned unit development permit shall not be issued unless public water and sanitary sewer service is provided to the development if such service is available.  
[Public sewer is available to the proposed project and will be used.](#)
3. Provisions shall be made for the construction of storm water facilities. The storm water system may include the establishment of detention or retention basins.  
[The proposed storm water control system for the project has been designed to comply with the standards of the County Ordinance and a Soil Erosion and Storm Water Control Permit from the County has already been issued for the proposed project.](#)

#### J. Scheduled Phasing

1. Scheduled Phasing (Amendment 2016-01): When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to ensure protection of natural resources and the health, safety and welfare of the users of the open space development and the residents of the surrounding area. The timing for the beginning and completion of each phase of a use, development or activity shall be proposed by the applicant, modified as necessary, and approved by the Planning Commission. Projects which require phasing shall contain easily identifiable completion of activities or construction as stated in the approved finding of facts, to allow the Township to verify that the agreed-upon timetable is being met.  
[The proposed project is intended to be built in one phase.](#)
2. Timing of Phases: Each phase of the project shall be commenced within twelve (12) months of the schedule set forth on the approved site plan. If construction of any phase is not commenced within the approved time period, an extension may be granted following review of a formal request for extension by the owner and approval of same by the Planning Commission. Such approval may be withheld only where harm to adjacent lands or uses would occur, there have been significant changed conditions in the area, or in the case of fraud or violation of the terms of the original approval.  
[The proposed project is intended to be built in one phase.](#)

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3. Revision of Approved Plans: Approved plans for an open space development may be revised in accordance with the procedures set forth in Section 6.08.
- K. Applicable Provisions of Article 20, Access Control and Private Roads; Article 21, Off-Street Parking and Loading; Article 23, Landscaping and Screening; and Article 24, Environmental Standards.