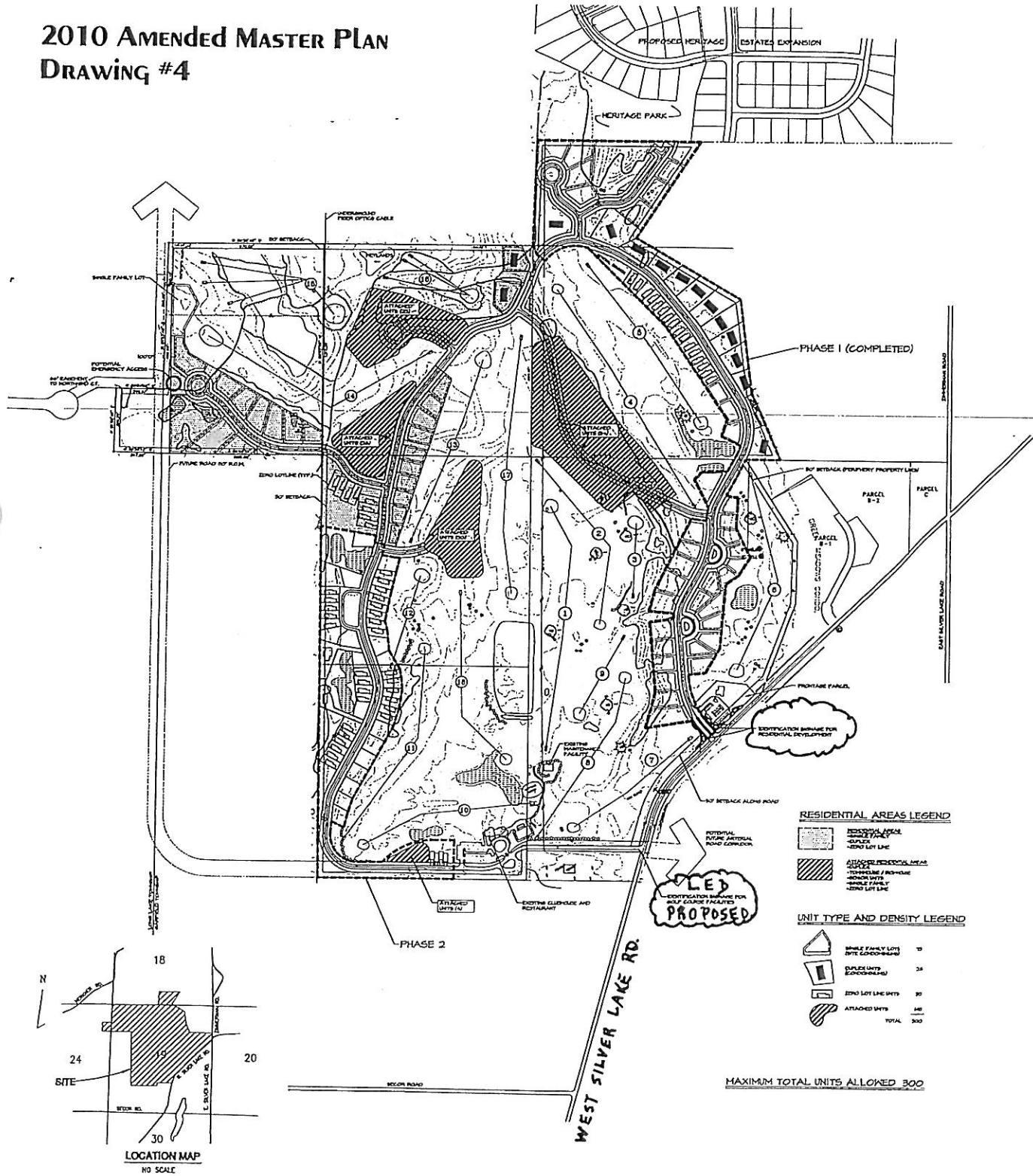


# 2010 AMENDED MASTER PLAN DRAWING #4

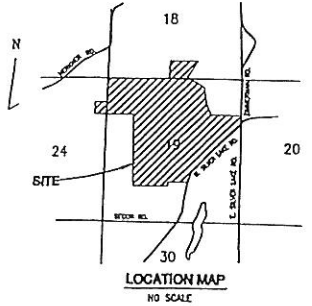


- RESIDENTIAL AREAS
- ATTACHED RESIDENTIAL AREAS
- ATTACHED RESIDENTIAL AREAS
- ATTACHED RESIDENTIAL AREAS

### UNIT TYPE AND DENSITY LEGEND

- WHOLE FAMILY LOTS (BYE CODE-2000) 10
- DUPLEX UNITS (BYE CODE-2000) 24
- TOWNHOME / 20-HOUSE 20
- ENDO LOT LINE UNITS 30
- ATTACHED UNITS 140
- TOTAL 300**

MAXIMUM TOTAL UNITS ALLOWED 300



 <b>Charter Township of Garfield</b>		General: <input checked="" type="checkbox"/>
		Budget Related: <input type="checkbox"/>
		<input type="checkbox"/>
Department:	Planning	Report No. PD 2014-41
Prepared:	June 5, 2014	Pages: 1 of 3
Meeting:	June 11, 2014 Planning Commission	Attachments: <input checked="" type="checkbox"/>
Subject:	Buffalo Ridge Center	
File No.	PUD 2014-02	Parcel No. 016-032-00 & -05
Applicant:	TC Center Partner LLC	
Agent:	Doug Mansfield - Mansfield Land Use Consultants	
Owner:	TC Center Partner LLC	

**SUBJECT PROPERTY:**

3639 Marketplace Circle, the site of the existing Horizon Outlet Mall on US-31. The subject property measures approximately 34.41 acres and is zoned C-2 General Business District.

**PURPOSE OF APPLICATION:**

The application proposes a commercial (redevelopment) PUD project including deconstruction of the northern half of the outlet mall and construction of a 14-screen movie theater, additional commercial building, and associated parking area. The south half of the site will remain in its present state for the time being until future redevelopment opportunities are explored and approved through the appropriate amendment.

The application has been before the Planning Commission on February 12, 2014, March 12, 2014, April 9, 2014, and May 14, 2014.

**STAFF COMMENT:**

At this time the applicant has been moving through the review process for a number of months. The applicant has addressed the changes to the site plan and application materials which have been requested by the Planning Commission, Staff, and the Township's legal counsel. Staff feels that the Planning Commission is now in a position to move the application forward to the Township Board for review.

As you may expect, the attached Findings document addresses not only the routine findings but also the opposing legal arguments which have been made through the course of review. This document will act as the backbone of a final decision, setting out the reasons as to why the Planning Commission feels that the project is appropriate, meets the intent of the Zoning Ordinance, and meets the intent of the Township's Master Plan. The Findings must be reviewed, amended as necessary, and adopted prior to any further action.

The applicant has provided individual replacement pages for the 3-ring binder previously provided to the Planning Commission. These pages are enclosed.

**ACTION REQUESTED:**

The Planning Commission is a recommending body for a Planned Unit Development application. As such, the following separate motions are offered for your consideration:

**THAT** the Findings of Fact for Planned Unit Development Application #2014-02, Buffalo Ridge Center, BE ADOPTED. (*motion to be made only following review, amendment as necessary, and acceptance of this document.*)

**THAT** Planned Unit Development Application #2014-02, Buffalo Ridge Center, BE RECOMMENDED FOR APPROVAL to the Garfield Township Board for the reasons set forth in the adopted Findings of Fact, subject to the following conditions:

1. Prior to the issuance of building or land use permits, all necessary reviews and permits shall be obtained from agencies with jurisdiction, and all conditions of approval shall be met.
2. Approval is subject to Planning Department review and approval of final site plans indicating compliance with all provisions of the zoning ordinance, with all conditions of approval, with the representations made in the application materials, and with the adopted Findings of Fact.
3. The asphalt bike path along US-31 shall be constructed to a width of 10-feet and shall be constructed within one (1) year of the date of project approval. A performance bond or letter of credit in an amount 10% over the estimated pathway construction cost shall be provided to the Township prior to the issuance of a Certificate of Occupancy for the theater.
4. The pervious path to connect to the Creekside subdivision shall be constructed of crushed limestone and shall be regularly maintained by Buffalo Ridge Center.
5. Internal sidewalks shall be constructed of raised, curbed concrete so as to limit vehicle intrusion with the walkway. Site plans shall be updated accordingly.
6. Buffalo Ridge Center shall regularly maintain (stripe/paint) the bike lanes and crosswalks so that such are clearly visible and understood to function for that purpose.
7. Prior to the issuance of any land use or building permits the Applicant shall have protected the sensitive wetland areas with a conservation easement acceptable to the Township.
8. Trees that are to be retained shall be appropriately marked and protected prior to and throughout site construction.
9. All signs shall be approved by the Planning Commission. Approval of the present application does not include any sort of sign approval regardless of signs being shown on structure elevations or site plans.
10. All existing connections to adjacent properties shall remain open.
11. The hours of operation for snow removal, other parking lot maintenance, trash removal, and truck deliveries including the parking of idling trucks on the West and South sides of boundaries of the PUD shall be limited to the hours of 6:00 a.m. to 11:00 p.m. except in emergency situations. Equipment operation shall be in such a manner as to minimize back-up beepers, the operation of large engines and heavy equipment which will disrupt the night time peace and serenity of adjoining neighbors.

12. Buffalo Ridge Center will prepare and file a “best management practices program” for maintaining parking lots and storm drainage systems associated with the project so as to minimize the potential for contamination of stormwater and shall implement such program on a regular and continuing basis. Such plan shall be subject to review by the Township engineer.
13. The applicant shall record promptly the Report and Decision Order (RDO) and any amendment to such order with the Grand Traverse County Register of Deeds in the chain of title for each parcel or portion thereof to which the RDO pertains. Alternatively, a Memorandum of RDO may be prepared by the Township in such a recordable form as deemed appropriate and shall then be recorded promptly by the applicant with the Grand Traverse County Register of Deeds. A copy of each recorded document shall be filed with the Township within ninety (90) days of final approval by the Township or approval shall be considered to have expired. No land use permits shall be issued until all required recorded documents have been provided to the Township.

Additional conditions may be added to the above if necessary. If the Planning Commission is not yet ready to make a recommendation then the above motions would be premature and the application should be tabled.

Attachments:

Staff Draft Finding of Fact 6/11/14

Updated application material packet



# Charter Township of Garfield

## Grand Traverse County

3848 VETERANS DRIVE  
TRAVERSE CITY, MICHIGAN 49684  
PH: (231) 941-1620 • FAX: (231) 941-1588

### **Planned Unit Development #2014-02 – Buffalo Ridge Center**

Subject Property: 3639 Marketplace Circle

Permanent Parcel Number: 05-016-032-00

Request: Redevelopment of existing commercial site via PUD

Owner: TC Center Partners, LLC

Agent: Mansfield Land Use Consultants

### **Staff Draft Findings of Fact – June 11, 2014**

#### **General Findings:**

1. TC Center Partners, LLC has applied for the redevelopment of an existing commercial site as a Planned Unit Development (“PUD”). The project is known as Buffalo Ridge Center.
2. The subject property is the site of the Preferred Outlet Mall. The outlet mall is functionally obsolete, has a high rate of vacancy, and is in a various state of disrepair.
3. The application is presented as a mixed-use commercial site including a 14-screen movie theater, restaurant, and various commercial or general retail buildings. A number of the existing retail structures on the site will continue to be leased until future improvements are identified and reviewed as an amendment to the PUD.
4. The subject property measures approximately 34 acres and is zoned C-2 General Commercial. Movie theaters, restaurants, and commercial retail are permitted as of right in the C-2 district and currently exist upon the subject property.
5. An application for, and any subsequent amendment to, a Planned Unit Development is subject to review under Article VIII of the Garfield Township Zoning Ordinance (“GTZO”).
6. In acting upon a Planned Unit Development the Township may alter the regulations of the GTZO, such as required parking, height limitations, setbacks, and so on provided that the spirit and intent of the Comprehensive Plan and GTZO are met.
7. The application proposes a number of publicly beneficial improvements, including pedestrian connections, perpetual preservation of a wetland and stream via a Conservation Easement, and stormwater management best practices.
8. Legal counsel for the Grand Traverse Mall has objected under numerous standards of the Zoning Ordinance as to the validity of the application. The findings herein are intended to identify and address each of these objections.

#### **Township Zoning Ordinance Article VIII**

##### **Section 8.1.3: Basis for Determination**

- (1) **General Standards:** The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that each use on the proposed location will:
  - (a) Be designed, constructed, operated and maintained so as to be harmonious,

**compatible, and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.**

- Finding: The standard **has been met based on the following:**
  - The US-31 corridor has been developed in a commercial nature. The proposed redevelopment includes a similar variety of commercial uses as exist on the current site, and can therefore be anticipated to operate without negative impact on the surrounding parcels or area. The proposed redevelopment and use of the site will be consistent with the existing and intended character of the area.
  - The uses which are proposed by the development include a theater, restaurant, retail, and office, each of which is permitted as-of-right within the C-2 zoning district. The application proposes an increase in height of the theater. Height increases are also permitted as-of-right in the district provided that setbacks are increased by one (1) foot for each one (1) foot in height increase; the project as designed to meet standard. The application also requests a reduction in required parking spaces, which would not be permitted within the C-2 district absent a variance. In comparing these requested variations with what is permitted within the underlying zoning district, it is found that application does not conflict with this standard.
  - Since the time of original approval various commercial and residential uses have been constructed. At the time of approval these uses were deemed compatible and harmonious with the Preferred Outlet Mall.
  - Residents of the neighboring Creekside neighborhood attended the public hearing on March 12, 2014 and voiced support for the project. Some changes to the project were made in response to this public comment, including improved pedestrian connectivity within and across the site.

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

- Finding: The standard **has been met based on the following:**
  - Commercial uses border the project site to the north, east, and south. The Creekside residential neighborhood is adjacent to the west. The project includes efforts to buffer this residential area through landscaping and screening buffers.
  - The project includes proposed redevelopment of a functionally obsolete outlet mall, and will be a substantial and desirable improvement to the property.
  - Also see Finding 8.1.3(1)(a).

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

- Finding: The standard **has been met based on the following:**
  - The site is served by Marketplace Circle, a private collector street with immediate access to US-31, a State highway and designated as a Major Thoroughfare (Regional Arterial Road) by the Comprehensive Plan; MDOT has administratively determined that adequate capacity on US-31 exists to

support the site.

- Fire and police protection are available to the site; issuance of land use permits will be subject to final review and approval of the Grand Traverse Metro Emergency Services Authority. Plans for on-site drainage are subject to review and approval by the Township engineer. The site is served by municipal sewer and water systems; issuance of land use permits will be subject to approval of the County DPW.

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

- Finding: The standard **has been met** based on the following:
  - No additional requirements at public cost for public facilities and services are anticipated.

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

- Finding: The standard **has been met** based on the following:
  - No uses or activities are anticipated which would create unusual amounts of fumes, glare, or odors are foreseen.

**(2) Specific Requirements: In reviewing an impact assessment and site plan, the Planning Commission shall consider the following standards as the specific standards outlined in the following sections:**

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

- Finding: The standard **has been met** based on the following:
  - The applicant is the owner of the property and may legally apply for site plan review.

**(b) That all required information has been provided.**

- Finding: The standard **has been met** based on the following:
  - The applicant has submitted sufficient information as requested by the Garfield Township Planning Commission to demonstrate that the project meets the intent of GTZO § 8.1 and GTZO § 8.10.

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

- Finding: The standard **has been met** based on the following:
  - As a Planned Unit Development the Planning Commission may waive or modify the development regulations of the underlying C-2 Zoning District. The requested uses are permitted as-of-right within the underlying C-2 zoning district. Within the C-2 district allowable building height may be increased by one (1) foot for every one (1) foot increase in setback. Through the flexibility of the PUD the application has also requested a reduction in required number of parking spaces. These variations will not adversely

impact upon the site itself or upon surrounding properties.

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

- Finding: The standard **has been met** based on the following:  
See Finding 8.1.3(1)(c).

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

- Finding: The standard **has been met** based on the following:
  - Final review and approval of the project is subject to approval by the Federal Aviation Administration to allow construction of a building exceeding 35-feet, and approval by the Department of Environmental Quality (DEQ) to construct a non-motorized pathway within a wetland and stream area.

**(f) That natural resources will be preserved to a maximum feasible extent, and that areas to be left undisturbed during construction shall be so indicated on the site plan and at the site per se.**

- Finding: The standard **has been met** based on the following:
  - The remaining natural resource area on the site is a wetland and stream corridor, which will be permanently protected via a Conservation Easement.

**(g) That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property and open space areas as designated on the future land use map of Garfield Township.**

- Finding: The standard **has been met** based on the following:
  - The wetland and stream area is identified as a Stream Environment / Wetland by the Master Plan, and the same will be perpetually protected via a Conservation Easement.

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

- Finding: The standard **has been met** based on the following:
  - No site conditions that would cause construction difficulties are known to exist.

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

- Finding: The standard **has been met** based on the following:
  - Final construction plans are subject to approval by the Grand Traverse County Soil Erosion and Sedimentation Control office.



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

- Finding: The standard **has been met** based on the following:
  - Final drainage plans are subject to review and approval by the Township engineer.

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

- Finding: The standard **has been met** based on the following:
  - Grading or filling is relatively minor and is not foreseen to adversely impact neighboring properties or the character of the corridor.

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

- Finding: The standard **has been met** based on the following:
  - Not applicable as the project will be constructed in one phase. Any future application for additional redevelopment will be reviewed so that adequate access, utilities, drainage facilities, and erosion control are maintained.

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

- Finding: The standard **has been met** based on the following:
  - No site changes that would provide an opportunity for expansion of these facilities are proposed. The site is properly served by existing utilities.

(n) **That landscaping fences or walls may be required by the Planning Commission in pursuance of the objectives of this Ordinance.**

- Finding: The standard **has been met** based on the following:
  - A landscape plan has been provided. Topography will further limit potential impacts of the subject property on surrounding properties.

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

- Finding: The standard **has been met** based on the following:
  - As designed, the parking layout will not adversely affect the flow of traffic within the site or to and from adjacent streets. Connections to adjacent properties shall remain open to ensure safety and convenience.

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

- Finding: The standard **has been met** based on the following:

- The project is designed to meet this standard. An internal network of crushed limestone trails and concrete sidewalk will provide on-site and thru-site pedestrian travel, and a bike path will be constructed along the site's US-31 frontage.
- The Michigan Department of Transportation (MDOT) has indicated that the redevelopment of the site as proposed does not require work to the driveway or the signalized intersection of Marketplace Circle and US-31, and that the development as presented is adequately served by the traffic signal currently in place. At such time as the remainder of the property is redeveloped following the appropriate project amendment, traffic signal changes or geometric changes may be needed at this intersection. A permit will not be required from MDOT as there are no changes required or proposed within the MDOT right-of-way.
- The Planning Commission has determined that a traffic study is unnecessary due to the elimination of approximately 70,000 square feet of existing retail space and a net loss in anticipated ITE trip generations, and because there is a signalized intersection for traffic to enter and leave the site from US-31. The Commission finds that future redevelopment opportunities approved through the appropriate project amendment procedure may warrant requirement of a traffic study.
- An objection has been made that additional background studies are required to show compliance with this standard. The Township finds that while additional studies are within the prerogative of the Township to request, such are not necessary for the reasons set forth in this document.

**(q) That outdoor storage of garbage and refuse is contained, screened from view and located so as not to be a nuisance to the subject property or neighboring properties.**

- Finding: The standard has **been met** based on the following:
  - Outdoor storage of garbage will be maintained within fully enclosed and screened dumpster enclosures. Final dumpster enclosure details are subject to administrative review and approval.

**(r) That the proposed site is in accord with the spirit and purpose of this Ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.**

- Finding: The standard **has been met** based on the following:
  - The proposed use of the site is in line with the policies of the existing C-2 General Business zoning district and Planned Commercial and Stream Environment/Wetland categories of the Township's Comprehensive Plan.
  - All uses proposed as a part of the redevelopment presently exist on the site.

**Section 8.10: Planned Unit Developments:**

**Section 8.10.1 Statement of Intent**

It is the purpose of this section to further the health, safety, and welfare of township residents by permitting the Township flexibility in the regulation of land development, and to encourage innovation and variety in land use and design of projects of sufficient size to be considered self-

contained, to the extent the projects are physically and visually separated from other land uses in the immediate vicinity, are not an integral part of other already developed or committed land uses, are directly accessible from major thoroughfares as designated on the Major Thoroughfare Plan for the Township, and will not have any adverse economic, social, or environmental impact on surrounding land uses. Planned unit developments may be located anywhere in the Township upon the issuance of a special use permit by the Township Board. The spirit and intent of the Charter Township of Garfield Comprehensive Plan shall be followed by all planned unit development applications.

- Finding: The standard **has been met** based on the following:
  - An objection has been raised that the proposed application cannot be contemplated under the PUD standards because it constitutes “spot zoning.” However, the Planning Commission finds the application which has been presented for review is a PUD application. It is up to the Planning Commission to make a recommendation and the Township Board to decide whether the intent, objectives and standards for a planned unit development have been satisfied. GTZO §8.10.1 and §8.10.2. To some degree every PUD application will resemble uses allowed in an existing zoning district and will ask to have the dimensional restrictions and/or the use restrictions modified. GTZO §8.10.3. An argument that the PUD should not be granted and that the requirements of a zoning district be applied is a legitimate opinion which has been considered by the Township. However, the ultimate test is the intent, objectives and standards together with the other PUD requirements in the GTZO, and the Planning Commission finds that these standards have been met.
  - Further, the Statement of Intent for PUDs provides multiple safeguards to avoid becoming “spot zoning.” For example, the site has to be large and self-contained, visually separated from other land uses. Projects also must not have an adverse economic, social or environmental impact on surrounding land uses. If an application meets those requirements, it should not be determined to be spot zoning which by definition is an island of incongruous zoning. Furthermore, the policies and objectives of the Garfield Township Comprehensive Plan must also be considered.
  - An objection has been made under this standard that the applicant must prove with objective evidence that the proposed application and use will not have any “adverse economic, social, or environmental impact on surrounding land uses.” The Planning Commission finds that because a hearing on a permit is not an adversarial hearing, there is not an established “burden of proof.” Township Board members and Planning Commissioners have to determine, in their sound discretion, whether the standards are satisfied. The evidence and reasoning may come primarily from the applicant, but may come from staff or other Township officials. Oftentimes, evidence has a subjective quality to it, by being an individual’s opinion on a standard that is itself subjective, such as “adverse social impact.”
  - An objection has been made that the application lacks sufficient “baseline evidence” regarding adverse impacts and is therefore deficient. The Planning Commission finds that it is within the Township’s discretion to require this “baseline evidence,” however there is no specific legal requirement to do so. Instead, the analysis of a generalized zoning standard should be done in light of the uses allowed as of right in the current zoning district. This analysis has been made within the specific findings of this document.

- The Township has been urged to require a market study, traffic study, and statement of financial responsibility, and to require that the application be resubmitted until this information is provided. However, as stated above, there is no requirement in the Township Ordinance regarding these matters, and the Township finds that for the reasons set forth within this document these studies are unnecessary at this time.

### **Section 8.10.2 Objectives**

#### **(1) To permit flexibility in the regulation of land development;**

- Finding: The standard **has been met** based on the following:
  - The uses proposed as part of this development would be permitted on a by-right basis within the C-2 zoning district. However, the application is presented as a PUD due to the flexibility allowed by a PUD including a reduction in the amount of required parking spaces, which reduction is supported by the Planning Commission but not permitted under the standard zoning regulations of the C-2 district.

#### **(2) To encourage innovation in land use and variety in design, layout, and type of structures constructed;**

- Finding: The standard **has been met** based on the following:
  - The project incorporates multi-use buildings, architecture undulation to minimize massing, vehicular and pedestrian connectivity to surrounding land uses, internal pedestrian circulation, protection of environmentally sensitive areas and increased storm water protections to the site. Additionally, approval of the project site via the PUD standards will allow for the future redevelopment of the remainder of the existing commercial site following an appropriate project amendment procedure.

#### **(3) To achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and utilities;**

- Finding: The standard **has been met** based on the following:
  - The redevelopment of an existing commercial site is an economic use of land in that it does not necessitate outward growth and development of remaining vacant land, and the extension of public services and utilities associated with that outward expansion.

#### **(4) To encourage useful open space; to provide improved housing, employment, and shopping opportunities particularly suited to the needs of the Grand Traverse Region;**

- Finding: The standard **has been met** based on the following:
  - The application ensures the permanent protection of open land designated as Stream Environment / Wetland by the Master Plan, including a wetland and Kid's Creek. The redevelopment will replace an outlet mall with a high vacancy rate with a modern commercial development which will bring with it new employment and shopping opportunities.

#### **(5) To provide the innovative use, re-use, and improvement of existing sites and buildings;**

- Finding: The standard **has been met** based on the following:

- The application entails the re-use and redevelopment of an obsolete commercial site.

**(6) To permit development in accordance with the policies and objectives of the Charter Township of Garfield Comprehensive Plan.**

- Finding: The standard **has been met** based on the following:
  - The redevelopment project meets the intent of the Garfield Township Comprehensive Plan including the provision of commercial uses within the Planned Commercial land use designation and the protection of sensitive natural lands and open space within the Stream Environment / Wetland land use designation.

**Section 8.10.4 Qualifying Conditions:**

It is the purpose of this section to further the health, safety, and welfare of township residents by permitting the Township flexibility in the regulation of land development, and to encourage innovation and variety in land use and design of projects of sufficient size to be considered self-contained, to the extent the projects are physically and visually separated from other land uses in the immediate vicinity, are not an integral part of other already developed or committed land uses, are directly accessible from major thoroughfares as designated on the Major Thoroughfare Plan for the Township, and will not have any adverse economic, social, or environmental impact on surrounding land uses. Planned unit developments may be located anywhere in the Township upon the issuance of a special use permit by the Township Board. The spirit and intent of the Charter Township of Garfield Comprehensive Plan shall be followed by all planned unit development applications.

- Finding: The standard **has been met** based on the following:
  - The standards of §8.10.4 must to be met in order to issue planned unit development approval. They are not requirements which must be satisfied within the application itself, but must be demonstrated to the satisfaction of the Township through the PUD process.
  - This Section mandates disapproval if, within the sound discretion of the Township Board, the PUD is sought “primarily to avoid the imposition of standards and requirements of existing zoning classifications rather than to achieve the objectives of this ordinance.” It is noted that each of the uses proposed within the PUD is permitted within the underlying C-2 General Business district, as is the height of the movie theater. The application proposes less parking than would be required for a commercial development the C-2 District, which is supported by the Planning Commission’s principle of reducing impervious surface and associated stormwater runoff where possible.
  - The proposed PUD is an appropriate method to accommodate and resolve certain design constraints involved with the redevelopment of a former commercial site, and is presented to meet the objectives of the PUD ordinance rather than to avoid the requirements of the C-2 District.

**(1) The use will be compatible with the capacity of existing public services and facilities or of planned and feasible future public services and facilities, and such use is consistent with the public health, safety and welfare of the Township residents, and the benefits of the development are not achievable under any single zoning classification.**

- Finding: The standard **has been met** based on the following:
  - Public services and facilities exist and have served the existing retail site for over twenty years. The use is consistent with the public health, safety, and welfare and

meets the intent of the Comprehensive Plan and C-2 General Commercial Zoning District. The development as a whole is not possible under any single zoning classification unless development regulation variances were granted.

- An objection has been made that the applicant must demonstrate that its application meets this standard. The Planning Commission finds that the standards of §8.10.4 must be met in order to issue planned unit development approval. They are not requirements which must be satisfied within the application itself, but have to be demonstrated to the satisfaction of the Township through the PUD process.

**(2) The use will be compatible with the natural environment and adjacent and surrounding land uses and properties and will not have an adverse economic, social or environmental impact on adjacent and surrounding land uses and properties.**

- Finding: The standard **has been met** based on the following:
  - The natural areas of the immediate site and regional water resources to an equal or greater degree than required by the Township Zoning Ordinance and Stormwater Ordinance. The redevelopment of an obsolete and deteriorating commercial site will have a beneficial impact on surrounding land uses and properties.
  - An objection has been made that the application cannot be found to satisfy this standard until “baseline data” is provided. The Planning Commission finds that this baseline data is not a requirement which must be satisfied within the application itself, but must be demonstrated to the satisfaction of the Township through the PUD process.

**(3) The site shall be self-contained and shall contain no less than twenty (20) acres (exclusive of all existing public and private road rights of way on the perimeter of the site). Notwithstanding anything contained in the preceding sentence to the contrary, in the event that a planned unit development is proposed which lies partially within and partially outside the jurisdictional boundary of the Township and that portion lying within the Township is less than twenty (20) acres in size, that portion lying within the Township, may, in the discretion of the Planning Commission, be combined with the acreage of those areas of the proposed planned unit development lying beyond the Township's jurisdictional boundaries for purposes of establishing whether the twenty (20) acre minimum has been met.**

To encourage flexibility and creativity consistent with the objectives of the zoning ordinance, the Planning Commission may approve projects of less than twenty (20) acres. Such a deviation shall be approved through a finding of fact by the Planning Commission that the deviation meets the purpose of a planned unit development set forth in Section 8.10.2. In granting such a deviation, the Planning Commission shall consider factors such as preservation of steep topography, soils unsuitable for development, surrounding land uses which may make the parcel unsuitable for traditional development, transfer of acreage to the Township for broadly beneficial public projects, or truly innovative design. Such a dimensional deviation is not subject to variance approval by the Zoning Board of Appeals.

- Finding: The standard **has been met** based on the following:
  - The project area measures roughly 34 acres.

**(4) The use and development is warranted by the design of additional amenities made possible with and incorporated by the development proposal.**

- Finding: The standard **has been met** based on the following:
  - The protection of Kids Creek and 5.5 acres of wetland associated is a public benefit to the Grand Traverse region, as is the incorporation of stormwater treatment practices which will meet or exceed the requirements of the Township Stormwater Ordinance. Additional amenities include pedestrian connections to allow residents of the Creekside subdivision to reach Kids Creek Park, and construction of an asphalt bike path which is identified in the Township's non-motorized plan.

**(5) The development consolidates and maximizes useable open space.**

- Finding: The standard **has been met** based on the following:

Useable open space is consolidated to the southeast corner of the site and will be protected via a conservation easement.

**(6) 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: The standard **has been met** based on the following:

A landscaping plan has been provided and found to meet the intent of this standard. The project includes an open space buffer adjacent to the Creekside subdivision, within which is a pedestrian connection to the mall and surrounding properties. Many mature trees will be protected through construction to provide an immediate buffer.

**(7) Vehicular and pedestrian circulation, allowing safe, convenient, uncontested and well defined circulation within and access to the development shall be provided.**

- Finding: The standard **has been met** based on the following:
  - Refer to Finding 8.1.3(2)(p).
  - An objection has been made that a traffic study should be required. The Planning Commission and MDOT find that a traffic study is not required due to traffic control measures being in place and adequate capacity existing on State Highway US-31.

**(8) Existing important natural, historical and architectural features within the development shall be preserved.**

- Finding: The standard **has been met** based on the following:

The wetland area which will be protected is the only feature relevant to this standard.

**(9) The project is directly accessible from major thoroughfares as designated on the Major Thoroughfare Plan for the Township. The Township Board may authorize a project that does not have direct access to a major thoroughfare provided appropriate findings of fact are made demonstrating that:**

1. **The project is directly accessible from a public road of suitable design and construction to handle any anticipated traffic that will be generated by the project**
2. **The anticipated traffic volumes are not reasonably expected to result in adverse impacts for those uses and properties along the public road system**

**3. The efficiency and safety of the overall public road system will not be negatively impacted.**

- Finding: The standard **has been met** based on the following:  
Refer to Finding 8.1.3(c).

**Section 8.10.7 Additional Required Information: Upon request of the Zoning Administrator or Township Board, the applicant shall provide the following information:**

- (1) **A plan identifying the location and type of individual trees of 10 inch caliper or larger, clusters and types of smaller vegetation.**
- (2) **Developer intent and objectives (physical, social and environmental).**
- (3) **A description of all exterior building materials.**
- (4) **Population profile for the development.**
- (5) **Proposed financing.**
- (6) **Impact of development on local streets, natural features, schools and utilities.**
- (7) **Market and economic feasibility.**
- (8) **Such other information pertinent to the development or use.**

- Finding: The standard **has been met** based on the following:
  - Opposing legal counsel proposes that the Township require additional information pursuant to GTZO §8.10.7(5)-(8). Under that ordinance, the decision to require such information is up to the Zoning Administrator or the Township Board. To date the Zoning Administrator has not decided to require such other information.

**Section 8.10.10 Phased PUD's.**

**Where a PUD is proposed for development in phases, a phasing plan that provides for the timely and integrated development of all proposed uses, infrastructure and other improvements shall be submitted**

- Finding:
  - Multiple objections have been made that the application fails to address the phasing requirements of the GTZO. However, the Planning Commission finds that the application as presented makes no request for phasing approval. While the applicant hopes for other future development, none is sufficiently identified to support approval of any other future development. The application asks for only one stage of development for the entire parcel, consisting of the new buildings described and retaining most of the old buildings, including descriptions of the requested approvals for all structures. If in the future the owner wishes to change that stage of development, it shall pursue an amendment pursuant to GTZO §8.1.6.



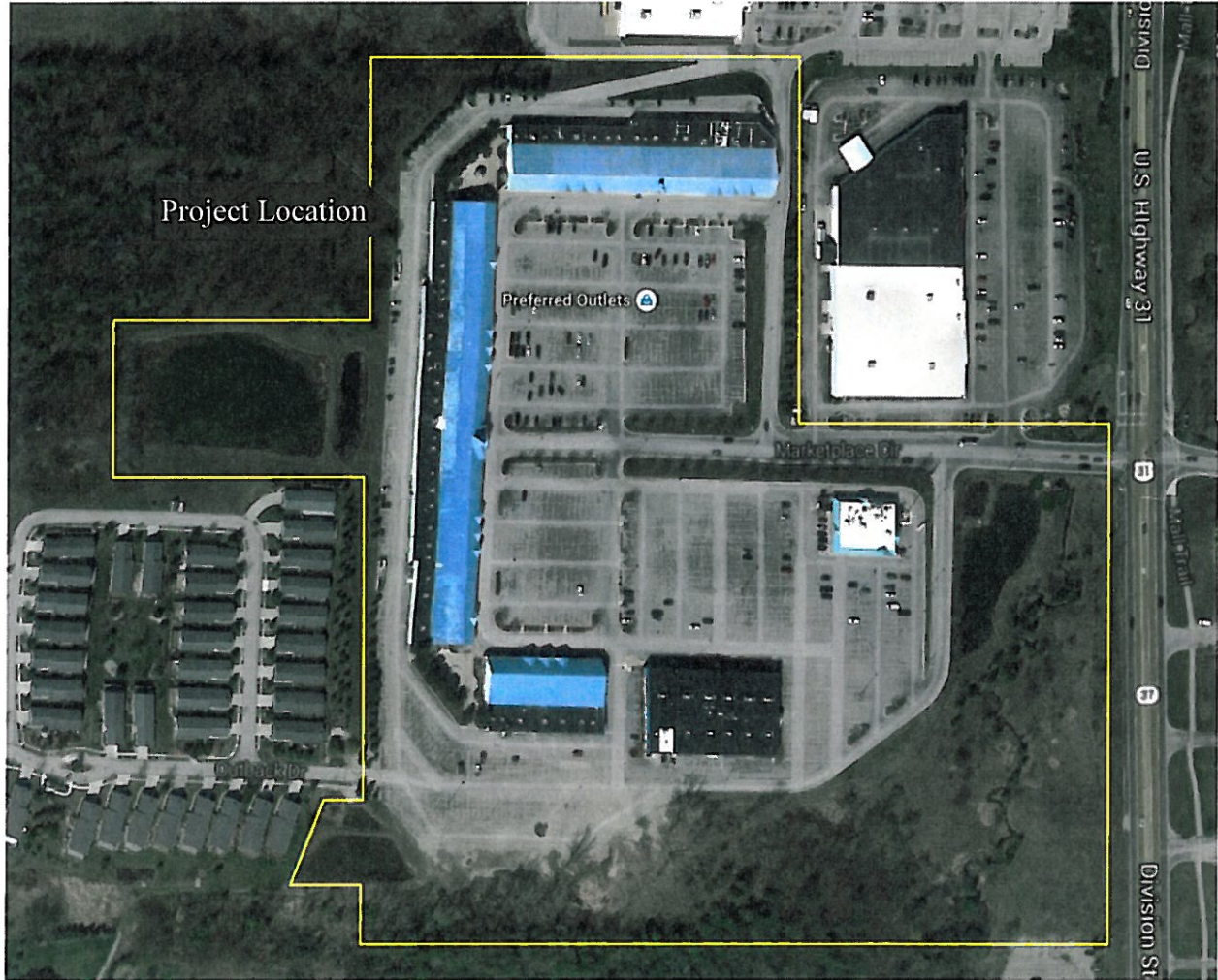
**Section 6.8 Planned Shopping Center**

- Finding: Multiple objections have been made that the application should be considered under the standards of Section 6.8, C-4 Planned Shopping Center, of the GTZO. In any zoning jurisdiction, a landowner has the right to choose the type of zoning approval the owner wishes to pursue. In this case the owner is pursuing a PUD application, not requesting a change in zoning to C4. Therefore, the application and the process for considering that application have to be governed by the PUD ordinance rather than the standards of a different zoning district.

**CLARIFICATION**  
of the text  
May 28, 2014

# Buffalo Ridge Center

Application for:  
Planned Unit Development



Submitted to  
**The Charter Township of Garfield**

3848 Veterans Drive  
Traverse City, MI 49684  
231-941-1620

**CLARIFICATION**  
of the text  
May 28, 2014



**Mansfield**  
Land Use Consultants

830 Cottageview Drive  
Traverse City, MI 49684  
p 231.946.9310  
f 231.946.8926  
i www.maaeps.com

February 2014

BUFALLO RIDGE CENTER  
application for Planned Unit Development

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BUFALLO RIDGE CENTER  
application for Planned Unit Development

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**Project Team**

**Applicant:**

TC Center Partners, LLC  
Joseph Sarafa  
3639 Market Place Circle  
Traverse City, MI 49684  
Phone: (231) 631-2600  
Email: jsarafa@aol.com

**Planning and Engineering Consultant:**

Mansfield Land Use Consultants  
Douglas Mansfield, President  
830 Cottageview Drive, Suite 201  
Traverse City, MI 49685  
Phone: (231) 946-9310  
Email: dougm@maaeps.com

**Architectural Consultants:**

Artech Design Group, Inc  
1410 Cowart Street  
Chattanooga, TN 37408  
Phone: (423) 265-4313

Traverse Architect Group  
David Spala, President  
830 Cottageview Drive, Suite 201  
Traverse City, MI 49685  
Phone: (231) 946-9940  
Email: daves@tcarchgroup.com



# BUFFALO RIDGE CENTER

application for Planned Unit Development

## Project Introduction

In 2012, TC Center Partners LLC purchased the now functionally obsolescent Outlet Mall property with the intent of transforming it into a modern multi-use shopping and entertainment center. Originally opened in 1992 as the Horizon Outlet Mall, it was the first commercial retail complex along US-31 (*the Grand Traverse Mall opened the same year*).

It was built on the hill, behind a Lumber Yard (*now the West Marine, Gander Mountain, ABC Warehouse, Qudoba, and Honor Bank complex*) and brought 22 retail stores and later a movie theater and restaurant to the area.

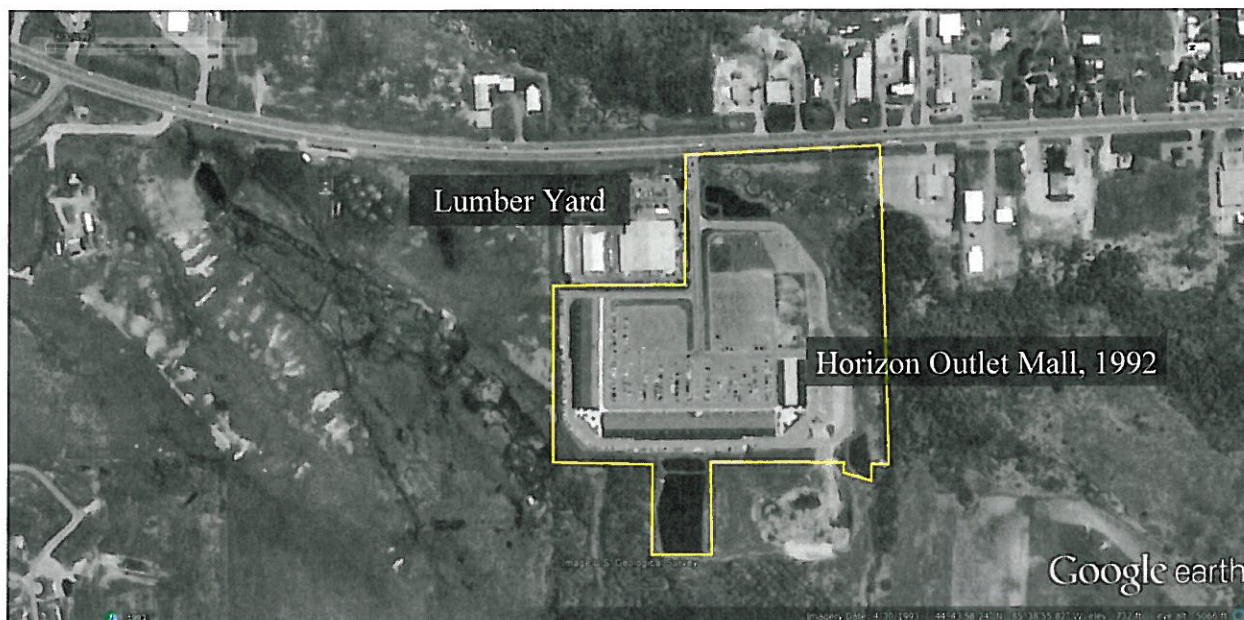


In addition to retail and employment opportunities, the old Horizon Outlet Mall brought municipal sewer and water to this area of the US-31 corridor allowing for the future development density of the Stone Ridge Subdivision in 1999, Creekside in 2003, and Kohl's, Michael's, and Bed Bath & Beyond and Lowes in 2004.

Quite frankly, the buildings at the Outlet Mall are run down and the current strip mall shopping configuration is outdated and no longer desirable to today's popular retailers. The types of retailers it will be necessary to attract in order to successfully rehabilitate this blighted, tired, old shopping center. The Carmike Big D Theater proposed in the current phase north half of the PUD will be the anchor in the redevelopment of the entire center with the intent of attracting other complementing tenants in future phases re-development. The Big D Theater will be one of the biggest and best movie theater experiences in Michigan. Measuring 60-feet wide by 30-feet tall, it will be the biggest screen north of Grand Rapids. The proposed Carmike Big D Cinema is a destination entertainment event that will draw people in from all over the region.

# BUFFALO RIDGE CENTER

application for Planned Unit Development



Originally opened in 1992 as the Horizon Outlet Mall, this was one of the first commercial retail complexes along US-31 and brought 22 retail stores and later a movie theater and restaurant to the area.



The Market Place Circle intersection along US-31 is has become a well established hub of C-4 Planned Shopping Center type uses including many national retailers that would benefit greatly by the rehabilitation of the blighted, functionally obsolescent Traverse City Outlet Center.

# BUFFALO RIDGE CENTER

application for Planned Unit Development

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## Existing Conditions

The project site is a 22-year old, blighted, mostly vacant shopping center in need of revitalization. Of the 34-acres total acres, over half of the site is natural open space, including 5.5 acres of wetland and a branch of Kid's Creek located along the south and east edge of the site. These areas will be preserved and donated to a conservation agency as ~~part of future development~~. The existing developed area totals 14-acres of hard surface. The main shopping plaza is 25-feet in elevation above the elevation of US-31. There are steep slopes located on the perimeter of the developed area. The site has municipal sewer and water services, and a stormwater management measures in place. There are three points of access to the site, one is the signalized intersection at Market Place Circle and US-31, two is the Kohl's Driveway along US-31 and the third is an emergency access through Creekside development.



The Traverse City Outlet Center site is currently comprised of five buildings including:

- three buildings of existing retail space totaling 146,800 square feet,
- the existing Carmike theater totaling 25,870 square feet,
- and the existing Outback Steakhouse restaurant totaling 6,700 square feet,
- resulting in a total of 179,370 square feet of commercial uses on the site.





# BUFFALO RIDGE CENTER

application for Planned Unit Development

## Site Plan

Revitalization of the Traverse City Outlet Center will bring the existing blighted shopping center to the level of modern shopping and entertainment convenience that is being set by the neighboring national retail and restaurant chains. Replacing the now, mostly vacant shopping center with new and exciting retail, entertainment and restaurant businesses will not only boost the viability of the existing shopping center, but also its surrounding commercial uses.



The intent of the redevelopment is to remove the existing structures on the north half of the site and replace them with exciting new modern retail and commercial uses. The redevelopment will be on the footprint of the existing shopping center, maintaining the major site accesses and circulation. The project will be a multi-phase redevelopment as new tenants become interested in the property. Existing buildings on the south half of the site will continue to be leased to tenants compatible with the C-2 use district.

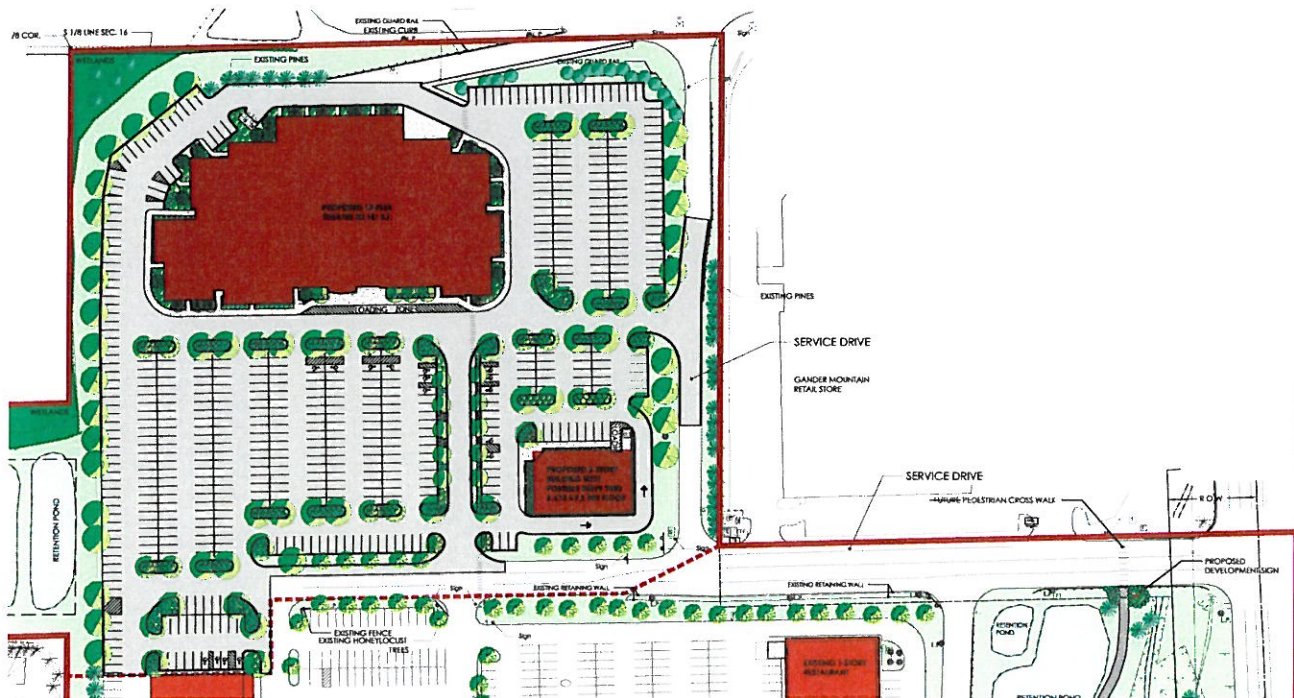
# BUFFALO RIDGE CENTER

application for Planned Unit Development

The first phase of **Physical** rehabilitation improvements is **are** located on the north half of the project site and includes construction of a 14-screen cinema including one IMAX style theater and a two story retail building. The new state-of-the-art theater will serve as an anchor for the development of **to attract** future compatible uses on the south half of the site. The Outback Steakhouse restaurant has a long term lease on the site and will remain as it currently is indefinitely. Future improvements will be built around it in a compatible manner.

The theater was placed in the northwest corner of the site in order to maximize the parking around the site and to accommodate the flush of circulation that occurs between show times. This building placement also helps to alleviate the issue of the blind spot that currently exists when entering the site from the Kohl's parking lot service drive.

A two story building is placed in the prominent corner of the service drive and Market Place Circle. This location somewhat mirrors the Outback Steakhouse building and creates a sort of towering gateway into the shopping center. The building may be used for commercial, office, or retail uses including a drive thru. Possibly a high turnover restaurant or bank.



All natural open spaces and wetland areas will remain as they currently are. A connection to the sidewalk at Bed Bath & Beyond will provide access to the Kids Creek Park trail and the Buffalo Trail. Additional sidewalk provides a pedestrian connection between the proposed Cinema, the proposed two story building and future phases to the south **half of the site**.

# BUFFALO RIDGE CENTER

application for Planned Unit Development

## About Carmike Cinemas ([www.carmike.com](http://www.carmike.com))

Carmike Cinemas, Inc. is a U.S. leader in digital cinema and 3-D cinema deployments and one of the nation's largest motion picture exhibitors. As of September 30, 2012, Carmike had 232 theatres with 2,242 screens in 35 states. Carmike's digital cinema footprint reached 2,119 screens, including 208 theatres with 748 screens that are also equipped for 3-D. The circuit also includes 14 "Big D" large format digital experience auditoriums, featuring state-of-the-art equipment and luxurious seating. As "America's Hometown Theatre Chain," Carmike's primary focus for its locations is small to mid-sized communities.



The "BIGD" auditorium features the incredible wall-to-wall screen measuring over 60 feet wide and three stories tall. The new facility will be equipped with auditoriums featuring stadium style seating, with comfortable high back rocking luxury seats, in addition to retractable armrests and convenient cup holders. The Carmike 14 will also contain large, wall-to-wall screens, as well as DLP DIGITAL projection and DIGITAL sound. The new theatre will have an upscale lobby and multiple concession areas featuring Coca-Cola Freestyle drink centers. One-stop ticketing and concessions stations are a unique design feature of the Carmike 14. Filmgoers can escape the elements, purchase their tickets and favorite concessions and quickly move into their comfortable seats. The new complex will also feature special services for the visually and hearing impaired.

# BUFFALO RIDGE CENTER

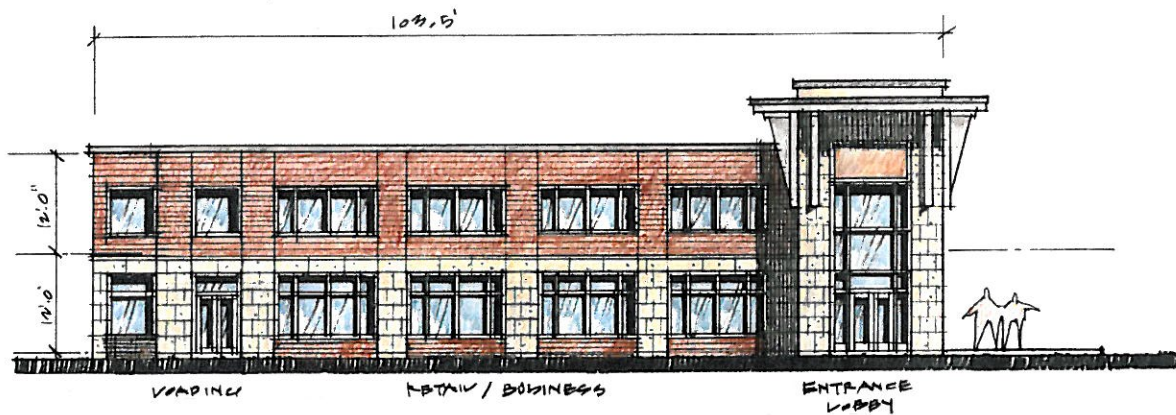
application for Planned Unit Development

## Architecture



WEST ELEVATION

SCALE: 1/8" = 1'-0"



NORTH ELEVATION

PROPOSED TWO  
STORY BUILDING  
TAX 1/10/14

The proposed Carmike Cinema architecture is a nice clean brick and masonry style typical of the national chain. The proposed two-story building located opposite the theater is complimentary to the theater architecture with brick and masonry construction and a tower element mimicking that of the theater.



# BUFFALO RIDGE CENTER

application for Planned Unit Development

The proposed 60,000 square foot Carmike Cinema building is made up of a series of connected theater cubes of differing heights. The underlying C-2 zoning allows for structure heights of up to 35 feet. The various structure heights of the proposed Carmike Cinema range from 32 feet to 44 feet 8 inches. The variation in roof heights is an attractive architectural technique that reduces the appearance of the overall mass of the building. The building has five different roof heights and a decorative tower element.

<u>roof height</u>	<u>square footage of structure</u>	<u>% of total roof surface</u>
32ft	17,359sf	29%
34ft	8,432sf	14%
35ft	19,243sf	33%
38ft	6,985sf	12%
44ft 8inches	6,945sf	12%
50ft tower element	223sf	0.3%

The calculations above show that 76% of the total structure is in compliance with the 35 foot structure height maximum as allowed in the underlying C-2 zoning district. As part of the flexibility in design allowed under a PUD development, the applicant is requesting an approval of the proposed roof heights associated with the corporate architecture of this national theater chain.



# BUFFALO RIDGE CENTER

application for Planned Unit Development

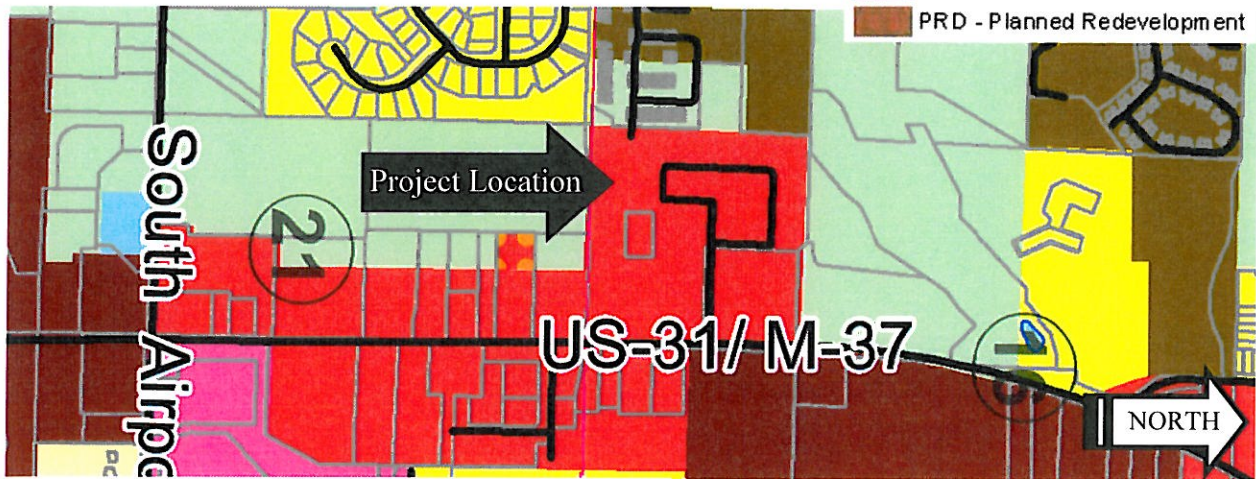
## Zoning

The proposed Buffalo Ridge Center site is currently zoned C-2 District - General Business, which is described as:

*Section 6.6.1 Intent and Purpose: These districts are designed to cater to the needs of a larger consumer population than is served by the local business district, and typically accommodate those retail and business activities that serve the whole community. Such activities require land and structure uses that generate large volumes of pedestrian and vehicular traffic. It is the purpose of these regulations to recognize those retail establishments presently existing within the Township and to permit a wide variety of business enterprise types which cannot practicably be incorporated into the Local Business District, or the Planned Shopping Center District.*

### Legend

- A1 - Agricultural
- R1B - Single Family Res
- R1M - Multi Family
- C2 - General Business
- C2 - Conditional Zoning
- C3 - Highway Service
- C4 - Planned Shopping
- PRD - Planned Redevelopment



In reviewing the Zoning of the project site with Township Staff, it was identified that 45-foot height of the proposed theater use, ~~which is the first phase and anchor of this rehabilitation,~~ is not allowed in the C-2 General Business District. ~~The current C-2 zoning also does not allow for the 45ft structure height required to construct a modern theater.~~

The C-4 Planned Shopping Center Zoning District more closely resembles the existing and proposed uses and site configuration being proposed as part of this shopping center rehabilitation, in that the theater is a use-by-right (*auditorium, indoor entertainment*) in C-4 district. However, the setback and height restrictions of the C-4 District do not allow for the practical rehabilitation of the current infrastructure of the project site.

It is for the above mentioned reasons that the township staff recommended that this project be submitted for review as a Planned Unit Development. The flexibility in the regulation of land development allowed under a PUD will be used to accommodate and resolve some of the site plan peculiarities that go along with rehabilitating an existing use.

## Comprehensive Master Plan

The Garfield Township Comprehensive Plan designates the Outlet Mall site as:

*Planned Commercial*

*Areas occupied by or suited for the development of regional retail sales and service establishments. Typically such planned centers are located on a single unified site, are designed and constructed as an integral unit for shopping, other business activity, and related land uses. To foster the concept of a housing-jobs balance, planned centers are encouraged to have a residential component, or be located in close proximity to residential uses.*



Stream Env. Wetland	Community Commercial	Neighborhood Convenience Commercial
Public	Planned Commercial	Existing School
Semi-Public	Professional Office	Existing Park
Rural Land	Mixed Use Business	Existing Recreation
Moderate Residential	Planned Development	
Medium Residential	Utility	
High Residential	Section Line	

### Future Land Use Map

Garfield Charter Township  
3848 Veterans Drive  
Traverse City, MI 49684  
Phone: 231.941.1620  
Fax: 231.941.1688  
[www.garfield-twp.com](http://www.garfield-twp.com)



The proposed rehabilitation of the existing shopping center meets the intent of the Comprehensive Master Plan, in that it provides regional retail opportunity on a unified site with high density housing directly adjacent the property.

The proposed Buffalo Ridge Center location is surrounded by large national retailers and well known national chain restaurants. Within 1,000 feet of the site there is a Micheals Store, Bed Bath & Beyond, Gander Mountain, ABC Warehouse, West Marine, Honor Bank, Kohl's, Lowes, Qudoba, Outback Steakhouse, Olive Garden, Pizza Hut, Red Lobster, numerous car dealerships, and the Great Wolf Lodge. These neighboring uses help to define the area as a hub of regional commerce. With this proposed rehabilitation of this area, the Township can look forward to ridding itself of a vacant and blighted shopping center, and replacing it with a new centerpiece for this regional shopping and entertainment destination with the development of the proposed Big D (IMAX style) theater.





**BUFALLO RIDGE CENTER**  
application for Planned Unit Development

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**Regulations Summary**

**Project Address:**

3639 Market Place Circle  
Traverse City, MI 49684

**Project Parcel:**

Tax ID	28-05-016-032-00	Horizon Outlet Parcel	33.41 acres
	28-05-016-032-05	Carmike Cinema	<u>1.00 acre</u>
			34.41 acres

**Project Size:**

Existing Public ROW ( <i>US-31</i> )	<b>34.41 acres gross</b>
	<u>-1.91 acres</u>
	32.50 acres net
Existing Private ROW ( <i>Market Place Circle and service drive</i> )	<u>-1.53 acres</u>
	30.97 acres net

**Existing Zoning:**

C-2 - General Business

**Proposed Land Use:**

Planned Unit Development –Mixed-Use Lifestyle Center

**Underlying C-2 General Business Zoning**

These districts are designed to cater to the needs of a larger consumer population than is served by the local business district, and typically accommodate those retail and business activities that serve the whole community. Such activities require land and structure uses that generate large volumes of pedestrian and vehicular traffic. It is the purpose of these regulations to recognize those retail establishments presently existing within the Township and to permit a wide variety of business enterprise types which cannot practicably be incorporated into the Local Business District, or the Planned Shopping Center District.

**Township Comprehensive Master Plan, Future Land Use:**

Planned Commercial -Areas occupied by or suited for the development of regional retail sales and service establishments. Typically such planned centers are located on a single unified site, are designed and constructed as an integral unit for shopping, other business activity, and related land uses. To foster the concept of a housing-jobs balance, planned centers are encouraged to have a residential component, or be located in close proximity to residential uses.

<b>Schedule of Regulations:</b>	<b>Zoning C-2</b>	<b>PUD proposed</b>
Height	35ft max.	45ft
Front Yard Setback	40ft	50ft
Side/Rear Yard Setback	10% of width/depth or 25-foot max.	30ft

# BUFFALO RIDGE CENTER

application for Planned Unit Development

## Regulations Summary continued

<b>Parking:</b>	<b>required</b>	<b>provided</b>
<i>North of Marketplace Circle</i>		
Carmike Cinema (1 per 3 seats/1 per 2 employees)	1,015 spaces	499 spaces
6,700sf Restaurant (1 per 75sf floor area)	90 spaces	20 spaces
6,700sf Office (1 per 200sf floor area)	34 spaces	10 spaces
	1,139 spaces	529 spaces
<i>South of Marketplace Circle</i>		
6,700sf Restaurant (1 per 75sf floor area)	90 spaces	70 spaces
21,000sf Retail(1 per 250sf floor area)	84 spaces	40 spaces
20,300sf Retail(1 per 250sf floor area)	82 spaces	40 spaces
25,800sf Auditorium (1 per 3 seats/1 per 2 employees)	672 spaces	575 spaces
	928 spaces	725 spaces
*parking is shared between uses	2,067 spaces total	1,254 spaces total

<b>Parking Lot Landscaping:</b> <i>(north of Marketplace Circle)</i>	<b>required</b>	<b>provided</b>
10sf of interior landscape for each parking space	5,290sf	11,141sf
1 tree per each 100sf of interior landscape area	53 trees	63 trees
<i>(South of Marketplace Circle to remain the same)</i>		

<b>Uses:</b>	<b>size</b>	<b>height</b>
<i>North of Marketplace Circle</i>		
Proposed Carmike Cinema	60,000sf	45ft
Proposed Commercial/Retail Building	6,700sf	30ft
	66,700sf	
<i>South of Marketplace Circle</i>		
Existing Out Back Restaurant	6,700sf	21ft
Existing Retail	21,000sf	33ft
Existing Retail	20,300sf	33ft
Existing Theater <i>converted to retail</i>	25,800sf	20ft
	73,800sf	

140,500sf of structures total post-redevelopment  
 179,300sf of structures total pre-redevelopment

<b>Lot Coverage:</b>	<b>Phase I <u>North</u></b>	<b>Future Development <u>South</u></b>	<b>Total</b>
	(Carmike Cinema)	(existing structures)	
acres gross	12.20 acres	22.21 acres	34.41 acres
ROW easement	-0.74 acres	-2.70 acres	-3.44 acres
acres net	11.46 acres	19.51 acres	30.97 acres
impervious lot coverage	-4.39 acres	-9.36 acres	-13.75 acres
dedicated open space	7.07 acres (62%)	10.15 acres (52%)	17.22 acres (58%)
	(0.30 acres wetland)	(5.17 acres wetland)	(5.47 acres wetland)

**Section 8.1.2 Permit Procedures:**

(2) Data Required: (d) A written Impact Assessment to include the following information:

- 1) **A written illustrative description of the environmental characteristics of the site prior to development, i.e., topography, soils, vegetative cover, drainage, streams, creeks or ponds.**

*The proposed project site is the now functionally obsolete, mostly vacant, Traverse City Outlet Center property. It originally opened in 1992 as the Horizon Outlet Mall. The buildings at the Outlet Mall are run down and the current strip mall shopping configuration is outdated and no longer desirable to today's popular retailers.*

*The entire project site is 34-acres. 5.5-acres of wetland associated with a branch of Kids Creek is located along the south and east edge of the site. The existing developed area totals 14-acres of hard surface. The main shopping plaza is 25-feet in elevation above the elevation of US-31. There are steep slopes located on the perimeter of the developed area.*

*The primary site access and circulation will remain as currently configured and all improvements to the site will remain within the existing footprint of development.*

- 2) **Types of uses and other man-made facilities.**

*Proposed uses at Buffalo Ridge Center include:*

- *A 14 theater, 3,015 seat cinema,*
- *A two story building with potential for drive thru service (bank/restaurant) on the ground floor and potential for office use on the upper floor,*
- *The existing Outback Steakhouse Restaurant,*
- *Related roads and parking facilities within the same footprint as the current shopping mall,*
- *A pedestrian trail connection to the Kid's Creek Trail,*
- *Remaining existing retail space may continue to be leased on a short term basis in anticipation of future improvements within the development (a major amendment to the proposed PUD),*
- *~~The old Carmike theater will remain vacant in anticipation of future improvements within the development (a major amendment to the proposed PUD).~~ will be leased to a use allowed in the C-2 district. (the intent was to not use the facility as a theater, but to repurpose it for uses allowed in the C-2 district)*

*Existing natural areas and wetlands will be preserved as open space.*

- 3) **The number of people to be housed, employed, visitors or patrons and vehicular and pedestrian traffic.**

*Existing and proposed active uses:*

*Proposed Carmike Cinema:*

- *14 theaters*
- *3,015 seats*
- *3 shows per theater at 75% capacity*
- *equals 6,780 patrons per day*