

PENINSULA TOWNSHIP
PLANNING COMMISSION MINUTES
13235 Center Road Traverse City, MI 49686 (Township Hall)
February 27, 2017 5:30 pm - amended time

Meeting called to order at 5:30 pm by Couture.

Present: Peters, Couture, Serocki, Hornberger, Elliott, Shipman.

Also present: Brian VanDenBrand, Gordon Hayward and Rachel Mavis (recording secretary).

Absent: Wunsch

Approve Agenda

Request by VanDenBrand to remove 1/23 minutes from the consent agenda. Motion by Hornberger / Peters. Motion passed unanimously.

Motion by Shipman / Serocki to approve amended agenda. Motion passed unanimously.

Brief Citizen Comments

none

Conflict of Interest

Serocki - SUP #127

Motion by Hornberger / Shipman to accept Serocki's request for recusal. Motion passed unanimously.

Consent Agenda

Motion by Hornberger / Peters to approve consent agenda. Motion passed unanimously.

New Business

In the minutes from 1/23, on page 9, where there is a motion from Hornberger / Peters - request to remove word "special."

Peters would like minutes to go to Hornberger for an edit before they are published. Would like to see that as a procedure. The recording secretary and Hornberger will meet for the next couple of months to work on this.

Motion by Hornberger / Shipman to approve minutes as amended. Motion passed unanimously.

Zoning Ordinance / Master Plan Review (led by VanDenBrand)

1. Discussion regarding definition of "guest house." Term "secondary house" could be a better option - or "secondary dwelling."
2. Discussion regarding "kennels" and definition, as well as how "pet-sitters" fit in. Term "pet-sitter" could be added into kennel's definition (if they have more than 5 animals).
3. Discussion regarding definition of a zoning administrator - technically there is not someone with that title. That will refer to Brian VanDenBrand, Director of Zoning.
4. Discussion regarding changing language of "lots" to "parcels." Two categories could be parcels and lots, with a site being 2 or more parcels. VanDenBrand suggested having McKenna take a look at this.
5. Discussion regarding excessive words and definitions pertaining to roads (major thoroughfare, highway road, local road, local access road, primary road, street, street line, major arterial road. All roads could be classified as major road, road, or private road.
6. Discussion regarding Ordinary High Water Mark. For smaller bodies of water (other than Lake Michigan), the mark could be where physical markers (possibly vegetation) indicate the water mark or as determined by the state.

7. Discussion regarding unresolved district boundaries. If there's an unresolved piece, it could default to be within the agricultural district.
8. Discussion of proposed definition of open space. Open space could be defined as an area that is open to sky. Suggestion of not removing the "exclusive of roads, parking lots, and building envelopes." Open space could also be considered open from the ground up, in which case it's more of a definition of what the ground is than what open space is.

Master Plan Discussion:

Peters: There was another round table discussion on commercial areas. Committee (Shipman, Elliott, Peters) is meeting with planners on Wednesday (9:30 am in conference room) and doing more work within spreadsheet regarding higher priority items. They will bring group more information on what implementation of master plan would be.

Memo to PC (from Monnie Peters) regarding need for a traffic corridor study on southern part of Center Rd: Has traffic study been scheduled? Asking PC to address possible resolution at bottom of memo: that the Planning Commission request the Peninsula Township Board to budget sufficient funds in the upcoming fiscal year to allow the Township to work with MDOT and a qualified private consultant to prepare a Traffic Corridor Study and/or Intersection Study for Center Road.

Motion by Peters / Shipman to pass possible resolution / recommendation. Motion passed unanimously.

Motion by Hornberger / Couture to recess until 7:00. Motion passed.

7:00 pm

Motion by Hornberger / Peters to come out of recess and go back into session.

i. Zoning Rewrite Working Committee Report

Peters: Thank you to the committee. Have been addressing structural issues and wordsmithing. She went to town board at 2/14 meeting and had a great reception from them. Proposed steps once committee is finished:

- Zoning Ordinance Committee finish (round one)
- Presentation / Resolution of big issues at PC (and decisions about which issues to delay into the future) - could include wineries and possibly B&B's
- Draft to McKenna
- Draft 3 from McKenna
- Accept by PC for Public input sessions
- Public Input Sessions (and Town Board Input) - PC members need to attend as many sessions as possible
- ZO Committee changes as a result of input
- Back to McKenna for preliminary final draft
- Accept by PC for Public Hearing
- PC Public Hearing and approval (move on to Town Board)

ii. Master Plan Round Table Committee Report
(reviewed earlier)

Year-End review (prepared by Wunsch).

Elliott brought up that the report mentioned that township authorized upgrades, but not dollar amounts. There was \$2800 for mapping upgrades. VanDenBrand will now be able to cover that, so that can be removed and will now be handled in-house.

Motion by Hornberger / Shipman that 2016 PC annual report, as contained in Planning Department Report No. 2017-02, be accepted with modification and forwarded to township board as required by Section 19(2) of the Michigan Planning Enabling Act. Motion passed unanimously.

iii. Continuation of SUP #127 - Vineyard Ridge P.U.D.

Serocki recused herself.

Motion by Peters / Hornberger to untable the discussion and decision. Motion passed unanimously.

Doug Mansfield of Mansfield Land Use: Successful meeting with staff regarding the concerns. He'd like to go over some of the concerns and findings and has a plan to pass along tonight. Time is off the essence. They're looking for a decision tonight. He shared the updates made to the current proposed map regarding the open space, including expansion of the original easement, proposed breaks in the fence, and movement of the fence.

Pat Hines is with him - can speak as attorney and as owner of land. Hines can also speak to the easement language changes.

Pat Hines - 580 Hidden Valley. He wants to extend his appreciation to the PC for their thought and energy into this process. He is also requesting approval tonight. It's been almost a year since application came in. Greg Donahue worked with Nicole Essad to work with specific language on the easement. What was originally discussed was a 10' easement then moved to 12' with a grading buffer. The fence was a concern because it was in the easement - it's now been moved to the easement line. The attorneys will work on the language to put finishing touches on it. This is a high quality, good use of the property. He would urge the PC to pass along to the town board as finer points are worked out.

VanDenBrand: Initial concerns from PC were where the slopes are, where fences are, etc. This is a great step forward - there are still a few tweaks to be made. That is a good compromise. With these changes and language in easement, this is a good indication that it will be a useable public benefit.

Essad: She just received the easement language from this afternoon. A lot of her concerns have been addressed. She will talk to the other attorney, but she thinks they're close to agreeing on the easement language. The PC hasn't been able to see it, but staff has looked at it. PC has given staff concerns, Nicole's concerns have been passed along, and they're working in the right direction.

Peters: Condition #4 - should be "compliant". To planners and future developers - getting this at the meeting and being asked to make a decision, given that the walk was done back on the 25th, is frustrating. Materials need to be in a week ahead of time otherwise they don't have time to look at it. On one hand, she wants to say no because of the timing. On the other hand, she understands the urgency to move ahead.

Elliott: Has a problem that the grant of easement documents aren't in front of her. It's an integral part of application. She doesn't have what she needs to send it on to town board.

Shipman: Comment in packet - days after site visit. The PC members made every effort to get out and make a site visit immediately. Doesn't think it's fair to be asked to be responsive. Wouldn't want to pass anything along to the town board when she hasn't seen even a draft. Still has hesitation that land behind a fence can be of public value, but appreciates the improvements.

Hornberger: Needs easement language before she can vote.

Couture: Not concerned with easement language. Wouldn't have a problem recommending it to the township board. Doesn't have a problem with the late submission. Would be in favor of recommending it on to the township board.

VanDenBrand: Recognize that this is last minute. There are reasons for why things were presented as they were. It's a technical document that as long as it addresses what it needs to, it's a yes or no. The easement is sufficient. If we're supportive of overall plan, you could say yes and create a minor subcommittee who would dot i's and cross t's.

Essad: The overall plan hasn't changed. There are standards met. Easement language is a technical document. It implements what the site plan is. It implements the 10% dedication space. The township board also has final decision regarding easement language. As long as the overall plan meets the standards, then the PC can move forward.

Elliott: As she moves through findings of fact, there are 15 she doesn't know. Hard for her to know that a standard has been met without a thorough understanding of it. Will it truly be a benefit?

Couture: The developers have really worked hard. They are really trying to accommodate this PC and he hates to hold this project up. It's a good plan, it's a good use of this property. It's a top notch process. He's comfortable going through those standards. It can be recommended with conditions. One would be that the easement has to be satisfactory.

Hayward: After last meeting, PC had concerns about location of easement. The PC wanted individuals to walk the site, which happened. The concerns were going to come to planners and go to developers. That was done. They sent draft easement language. The only way to proceed in their mind was to meet with applicants and work through issues. They met with the applicants today to try to address some concerns. This proposal was their response to the issues the board had raised. They proposed more easement than he would have even asked for. Applicants and staff have been working together to address every concern.

Couture: We're talking about an easement for a trail that may never be built. There's no obligation for anyone to ever build this trail.

Peters would only be happy moving forward if a couple of the board members were a part of the designated sub-committee (in report from VanDenBrand). She doesn't want to see anything going to town board that isn't done.

Shipman is willing to put in the extra time to go as far as possible and is willing to be on a committee. She is much happier with concessions on south side. Also agrees that she wants information a week ahead of time.

Couture: Seems that the sense of the board is that before a final approval can happen, they'd like to see the easement language.

VanDenBrand said that a special meeting could be scheduled if necessary (only 18 hours advance notice). Elliot said that if that happens, she'd recommend the applicant fee being waved.

Essad: The township board has several public hearings on 3/28 - they may not be able to add another one. She could have a draft by the end of this week and get it to their attorneys.

VanDenBrand suggested that instead of scheduling a special meeting immediately, everyone could look at their schedules. If a special meeting is needed ahead of the next regularly scheduled meeting, it could replace that meeting.

Motion by Hornberger / Peters that Couture appoint a committee to review application. Motion passed unanimously. Couture appointed Elliott, Shipman, and Hornberger to the ad hoc committee.

Motion by Hornberger / Shipman to table discussion and decision on SUP #127. Motion passed unanimously.

Elliott would like to see current documentation on the option (isn't anything since July '16). Hines said that there is nothing more current than that in writing.

Citizen Comments:

none

Board Comments:

On 1/24 Hornberger attended the Scenic Heritage Route Committee meeting. She has a written report and is willing to be the appointed PC member to the committee. Couture appointed Hornberger to be the PC representative on the Scenic Heritage Route Committee.

Couture: Has a friend in Gaylord who is designing and marketing maps. Would the peninsula would be interested in doing this (businesses, wineries, lakes, parks, etc.)? They would sell for around \$10 - his friend would get sponsorships from wineries. Could be sold to tourists, available in the community at places that are featured on them, etc.

Peters: Wants the planners to put in their schedule that the 1/23 minutes will be revisited. Also, minutes from 2/2 round table need to go on agenda to be approved. She would be willing to go through them to make corrections. VanDenBrand would also like to review them.

Motion by Hornberger / Serocki to adjourn at 9:00 pm. Motion passed unanimously.