

PENINSULA TOWNSHIP
13235 Center Road, Traverse City Michigan 49686
Ph: 231.223.7322
Planning Commission Special Meeting
March 6, 2023, 7:00 p.m.

1. **Call to Order:** 7:00 p.m. by Shipman
2. **Pledge**
3. **Roll Call:** Present: Shanafelt, Hall, Alexander, Shipman, Hornberger, Couture, Dloski; also present: Jenn Cram, director of planning and Beth Chan, recording secretary
4. **Approve Agenda:**
Moved by Hornberger to approve the agenda as presented, seconded by Alexander
approved by consensus
5. **Brief Citizen Comments (For Non-Agenda Items Only):** None
6. **Conflict of Interest:** None
7. **Consent Agenda:**
 - a. **Approval of Meeting Minutes: Planning Commission Regular Meeting, December 19, 2022, and January 23, 2023**
Moved by Dloski to approve the consent agenda, as presented, seconded by Shanafelt
approved by consensus
8. **Reports and Updates:**
 - a. **Bella Vue SUP/PUD withdrawn**
Cram: the applicant has withdrawn their application. Tree clearing has taken place on the lot. The proper permits were issued for this work from Grand Traverse County Soil Erosion and Sedimentation Control and Peninsula Township Stormwater. Summarized the steps moving forward.
 - b. **Zoning Ordinance Re-write Update**
Cram: gave a brief history and summary of the zoning ordinance rewrite. Explained that the study group and township staff decided, upon discussion, that the zoning ordinance should undergo a complete redo. This process will take one to two years. An RFP will go out in the near future to find a consultant to help with the process for a complete update.
Dloski: what will the RFP entail?

Cram: a consultant will be hired to assist with the process; it is a large undertaking and since planning practices have changed, a consultant is necessary.

Discussion of expectations for the zoning ordinance rewrite and updating process

9. Business:

a. Coastal Resiliency-Barry Hicks with LIAA

Hicks presented a PowerPoint presentation on coastal resiliency which is included in the packet.

Couture: concerning the rip rap issue, homeowners were constructing sea walls, sometimes without permits, when high water events happened unexpectedly.

Discussion

Alexander: it is important to look at how it affects the neighbor's property

Shipman: education is very important in this case

Hall: explained the shoreline control measures/situation due to erosion at Eagles Landing subdivision.

Cram: explained the importance of the vegetative buffer on the shoreline and the consequences of removal.

Couture: Haserot boat launch was lost due to high water; there is a need to look at future concerns for these lakefront areas.

Hicks: an example is shifting sand as an impact around rip rap; Google Earth will show the buildup of sand. A pier is an interrupter in which sand deposits and it is seen along the coastline.

Discussion of the government entities such as the Grand Traverse County Road Commission's involvement, funding, and responsibility

Hicks: the information presented this evening is an assessment of coastal resiliency and points out the issues that need to be addressed policy-wise and introduces what could happen. Collaboration among state and local government agencies is important.

Cram: will share the link to the assessment, and will review the recommendations for inclusion in the master plan.

b. Bowers Harbor Boat Works SUP #14, Amendment #1-Introduction (16961 Center Road, Traverse City, MI 49686)

Cram: reviews the memo contained in the packet for SUP #14, Amendment #1; the applicant needs to provide additional information. Stated what information is needed to move forward.

Shipman: requests the original SUP for review.

Cram: the original SUP, with findings of fact and conclusions, allowed for boat storage, boat maintenance, manufacturing of fishing poles, and fruit storage.

c. OMP Seven Hills Development LLC SUP #35, Amendment #2 – (13795 Seven Hills Road, Traverse City, MI 49686) Review of new information and continued discussion with potential PC action to occur.

Cram: reviews the draft findings of fact and conditions contained in the packet.

Received an updated site plan; briefly reviewed parking space requirements: the drive aisles have been widened to twenty feet wide and have received approval from the fire chief as a condition of approval. The buildings meet setbacks for the C-1 and meet the zoning requirements. The applicants are asking to increase the coffee and whiskey bar capacity indoors and outdoors to seventy (70) occupants. Grand Traverse County Health Department has approved the onsite septic system. The applicant has submitted a detailed lighting plan. Amplified sound has been proposed, so it is important to discuss the hours of operation which are proposed to be 9:00 a.m. to 10:00 p.m. Sunday through Thursday and 9:00 a.m. to 11:00 p.m. Friday and Saturday. The applicant plans on following the noise ordinance.

Dloski: was there a diagram with the houses?

Cram: there is an aerial view that shows the proximity of the residences. With the hours proposed in mind, other C-1 businesses were polled for hours of operation. These businesses close at 9:00 p.m. in summer and winter. The winter hours proposed by the applicant are Sunday through Thursday 9:00 a.m. to 9:00 p.m., Friday and Saturday 9:00 a.m. to 10:00 p.m. Winter hours are Sunday through Thursday 9:00 am to 10:00 pm, Friday and Saturday 9:00 a.m. to 11:00 p.m.

Hall: concerned with noise from patrons plus amplified music.

Cram: reads the township noise ordinance #40, Amendment #1.

Discussion of decibel measurement and the police power ordinance for enforcement

Alexander: nothing should go that late, outdoor activity should cease at 9:00 p.m. and move indoors.

Cram: the uses that are proposed in C-1, are consistent with allowed uses, this is where we want commercial uses to occur; they also need to be harmonious with adjoining properties. The hours proposed demonstrate that the applicants are trying to be reasonable.

Shanafelt: if the noise ordinance is violated, they should be held accountable.

Cram: legal counsel will review draft conditions of approval.

Discussion of possible complaints and enforcement mechanisms

Couture: has a concern about the hours of operation and music every single day; amplified music to be limited to weekends for a possible solution.

Dloski: the noise is not limited to amplified music.

limit, then after that, patrons must move inside.

Discussion of closing time

Cram: sound is not only music; all noise should be taken into consideration.

Alexander: proposed 9:00 p.m. for the week and 10:00 p.m. on the weekends.

Shanafelt: outdoor use should be capped at 10:00 p.m.

Shipman: when looking at other ordinances, everyone capped out at 10:00 p.m.; this is a big issue and a big problem and requires extended discussion.

Dloski: reiterated a closing time to be 9:00 p.m. for the outdoor Sunday through Thursday, and 10:00 p.m. on Friday and Saturday.

Discussion of hours, noise, and compliance with the noise ordinance

Cram: in the updated January packet, they noted they would play music; the outdoor space closure was 10:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday. We did hear from neighbors during the public hearing about concerns with noise. With valid complaints, the SUP could be revoked under a condition of approval.

Discussion

Dloski: proposed a motion to set hours at seven days with an outdoor closing time of 10:00 p.m. with no limit on the indoor and ongoing compliance with the noise ordinance.

Shanafelt: agree with the motion; are we concerned with the indoor hours?

Cram: staff did find that the applicant has met all of the general standards under 8.1.3(1) and specific requirements under section 8.1.3(3) with the conditions of approval and addressing the hours of operation. For future issues on Seven Hills Road, if parking complaints to the sheriff's department occur, then no parking signs will be placed on Seven Hills Road. Applicants are willing to install no parking signs that could be placed in the parking lot to alert patrons not to park on Seven Hills Road if the business parking lot is full.

Moved by Dloski that the planning commission recommend approval of OMP Seven Hills Development LLC, SUP #35, Amendment #2 to the township board, subject to the approval conditions and safeguards on pages six and seven of the staff report and to include #3 which includes outdoor operation that must cease at 10:00 p.m. seven days a week and compliance with the noise ordinance, as amended, seconded by Hall.

approved by consensus

Cram: this will go before the township board at the April 11, 2023 meeting.

d. Policy Discussion on Roadside Stands

Cram: the main goal of these amendments is to update the zoning ordinance so that the roadside stand regulations are consistent with farm market GAAMPs. The GAAMPs are included in the packet for reference. Summarized the proposed amendments included in the memo in the packet. Currently, our limit for a roadside stand is one-hundred and fifty (150) square feet. We could still have a square foot limit for farms not following GAAMPs. A roadside stand should not be limited in size as long as it is accessory to active production. There are definitions adopted in the farm processing facility that carry forward with the roadside stand. The retail space has been limited in a farm

processing facility to fifteen hundred (1500) square feet. Processing is not protected by the Right to Farm Act, that is left to local zoning. The size of the area where the farmer can have the transactions should go back to that fifty (50) percent based on their retail area or sales over a five-year period. Second, there is clarification on what may be sold and what processed products are. It is limited to what they grow and what they process. Thirdly, standards have been updated for where roadside stands may be located. Finally, information was included to help the applicant to understand what other permitting may be required as part of the use. Briefly reviewed building permit standards. In addition, parking was addressed in the updated version; it is consistent with the township parking standards. Also, recommending that we update the sign ordinance to allow for a larger sign for a roadside stand. Would like to discuss processing kitchens as a use by right in the near future.

Alexander: addresses the topic from the e-mail included in the packet: fifty (50) percent of the primary or namesake ingredient produced on and by the farm processing operation that controls the roadside stand. References lavender as an example. Fifty (50) percent in this case is not feasible.

Cram: will discuss this with legal counsel.

Discussion of Right to Farm/GAAMP language and policy for roadside stands for the zoning ordinance amendment

Hall: raises the issue of the location of a roadside stand for multiple farm operation parcels.

Cram: when going through the farm processing ordinance the goal was to make a zoning ordinance that was legally defensible with regard to the commerce clause. The minimum acreage must be sixty-five (65) percent in active production but could process products from another county. Took a similar thought process for roadside stands.

Discussion of location and product, farmstands and GAAMPS

Cram: proposes a joint meeting with the township board to pass this amendment

e. Process Discussion on Special Use Permits and Site Plan Review

Cram: proposes to update the process documents, they are outdated. For a SUP, suggests: a pre-application meeting and the requirement that a complete application be submitted six (6) weeks before the meeting that will include the introduction to the Planning Commission. That will allow for staff review and outside agency review. This allows for incomplete issues to be addressed before a public hearing.

Discussion

Cram: an administrative SUP would notify the neighbors and they could comment, if more than thirty (30) percent responded, a public hearing would occur at the township board level.

Dloski: the bylaws will need to be updated with this change

10. Public Comments:

Dave Edmondson, 12414 Center Road: commended planner Cram on the farmstand policy, it is very encouraging as a farmstand operator to see it moving in a positive direction. This supports real agriculture. The direction of the zoning ordinance rewrite is appropriate.

Nancy Heller, 3091 Blue Water Road: observed in these meetings the good intentions but there is not a good enforcement system in place for the township. Need to talk to law enforcement and see what Peninsula Township can expect in response to complaints. The time allotment for the township enforcement officer is limited.

11. Other Matters or Comments by Planning Commission Members: None

12. Adjournment: 9:50 p.m.

Moved by Dloski to adjourn, seconded by Hall

approved by consensus