

PENINSULA TOWNSHIP
TOWN BOARD MEETING MINUTES
13235 Center Road Traverse City, MI 49686
April 25, 2017 7:00 pm Township Hall

Meeting called to order at 7:00 pm by Manigold.

Present: **Manigold, Westphal, Achorn, Wahl, Bickle, Sanders, Wunsch**

Absent: none

Also present: Brad VanDenBrand (township planner), Gordon Hayward, and Rachel Mavis (recording secretary)

Approve Agenda

Motion by **Sanders / Wunsch** to approve agenda as amended. Motion passed unanimously.

Brief Citizen Comments - for items not on the Agenda

none

Conflict of Interest

none

Consent Agenda

1. Meeting Minutes Approval - April 11, 2017
2. Reports and Announcements (as provided in packet)
 - A. Officers - Clerk, Supervisor, Treasurer
 - B. Departmental - Assessor, Planner, Attorney, Engineer, Library, Park Commission, and Township Deputy (recommend approval)
3. Correspondence (as provided in packet)
4. Edit list of invoices (recommend approval)
5. Resolution authorizing Consumer Power to make changes in the lighting service at Haserot Beach to comply with night lighting ordinance standards.
6. Annual renewal of the One Year Contract with Bob Wilkenson as Peninsula Township Sexton

Motion by **Sanders / Bickle** to approve consent agenda. Roll call. **Manigold** - yes, **Westphal** - yes, **Achorn** - yes, **Wahl** - yes, **Bickle** - yes, **Sanders** - yes, **Wunsch** - yes. Motion passed unanimously.

Business

1. Public Hearing for the Vineyard Ridge Planned Unit Development

Brian VanDenBrand explained that Vineyard Ridge is a 27.87 acre piece across from Pelizarri; it's a proposed 47-unit single family condominium unit. It has been recommended by the Planning Commission to approve the development, based on their findings of fact, subject to certain conditions being met.

A visual presentation took place, given by Doug Mansfield. Vineyard Ridge is a single-family residential development, primarily geared towards the senior age group. It's an R1-C zoned area. 11.58% of the total project is dedicated as a recreational easement. The development will take place in a 3-phase plan. The

township planner and planning commission have been instrumental in working with them to develop the plan into what it is now.

Manigold: The township has worked out with the developer that there could be three additional points of easement, so when the gravity system is developed for the sewer, one of the pump stations could be given to the township.

Regular meeting closed at 7:17 pm and public hearing opened.

George Mikowski - 7044 Hilltop Ave. (north side of Matheson Rd.) - Is the main water coming off Center Rd. or also off Matheson?

Brian Boals (Gourdie Fraser): Exclusively off Center Rd., then when all phases are complete, it will create a loop. It won't affect that property.

Mikowski: How about sewer? Is it a septic system?

Boals: It's a full sanitary sewage system.

Monnie Peters - 1425 Neah-Ta-Wanta Rd.: Wants to clarify what Planning Commission heard during two public hearings. The first one was last July (project was looking at 65% open space); second one was in January. Nine people spoke at the first one and two people spoke at the second one. Monnie thought this may be due to the months that the public hearings were held. Therefore, the minutes of these meeting may not be based on a broad base of the community. In July, the traffic issue on Center Rd. was addressed. Varying people met with MDOT, and MDOT felt that the current road conditions would work with the new development. The Planning Commission felt it was important to look at the traffic. The Planning Commission sent a recommendation to the Town Board to do a traffic study and requested money to be set aside for that. The impact of any additional development really does impact Center Rd. Also, this is the first time the township is looking at a PUD with the 10% dedicated space. The current zoning standard is that open space is readily available - which it is - and the Planning Commission worked with applicant on that. It's now 11.68% open space, which is even more than is required.

Manigold: About two months ago, when we were doing the budget, it was requested to have a traffic study - but we put it back to the Planning Commission, because it was unclear where the study would begin and where it would stop. It was given back to the Planning Commission to research.

Public hearing closed at 7:26 pm and regular meeting opened.

Motion by **Wahl / Bickle** to approve that the Township Board Addendum to the Planning Commission's recommended Finding of Fact, dated 4-25- 2017 and in further support of Special Use Permit No.127, be adopted. Motion passed unanimously.

Westphal: According to scheduled regulations for an R1-C PUD, maximum building coverage can be 15%... what coverage is currently in your plan for buildings, roads, etc.?

Hayward: It's at 13%.

Mansfield: Under tab #7 (set of plans), sheet 4.0 (halfway through), at the top right hand corner - it says parcel calculations: maximum allowed 15%, proposed is at 13.14% - that is structures, not roads.

Hayward: Roads are counted for density, but not structural coverage.

Westphal: In looking at the retention basins, there are several housing structures that are less than 15 feet from some of the retention basins. In my opinion, that could be a hazard for homeowners. There hasn't been any correction in the plans over the past 5 months; I continue to think this is something that needs to be looked at from a safety standpoint. Those topo lines suggest a steep embankment behind some of those houses.

VanDenBrand: As part of the conditions of approval, there's a final review by the township engineer, and we have been looking at options to shallow the retention basins out a bit. Once we get the big pieces of the picture taken care of here, we can work on accommodating that.

Mansfield: As your planner said, we have requirements to meet, and we are within those requirements, but we are always willing to work with the township to make these have the least amount of impact possible.

Westphal: I would disagree - if you look at the plan, there are at least three lots where the structures are touching or immediately accessing the basin. That's the potential hazard.

Bickle: On roads, this is a 3-phase project. If I was a resident, I might want construction trucks coming in from the back of the development as it keeps progressing so the trucks are not running through the built-out environment.

Mansfield: I think the residents on Matheson would not want them coming through from the west. For emergency vehicles, they could create a temporary gravel road to allow for that. He can work with the fire department to create a road, which would make sure the fire department can operate effectively in an emergency. Phase 1 is 14 houses, so a second access road could be opened up in phase 2.

Westphal: On page 4, under standard E - you're introducing vineyards that will have to be maintained and sprayed. There are several homes that are directly east of those vineyards. Given the prevailing west-by-southwest winds in this area, how will you control for your spray?

Mansfield: This has been a concern. Those vineyards will be cared for by licensed agents who will spray, and the spraying will occur within the homeowners association guidance.

Achorn: How large will the bond be (page 5, E)?

Mansfield: We usually prepare a cost estimate from the contractor. The township adds 10% for contingency, which the developer has to go get a bond on it. It's by phase. I can't tell you exactly how much, except that it's the cost proposal plus 10% as provided by the owner. It includes the sewer and water and everything that is required for a certificate of occupancy.

Bickle: Has the contractor been chosen?

Mansfield: I don't think a contract has been signed, but it will be someone who has experience and the manpower to get this done.

Westphal: This question is for the township Planning Department. In the Findings of Fact report that you submitted with this project, under B2, I would like to know how a "standard is met" if only a part of the required permits have been secured?

Hayward: That will be a condition of approval - they can't get their project approved until those are submitted.

VanDenBrand: Those are pretty typical conditions that must be met if project approval is to be granted.

Westphal: I think this format of Finding of Fact is at best misleading, and at worst deceptive, to an applicant—it suggests that an applicant has completed a standard before it is complete.

Westphal: Under Standard 5, what does "conceptual approval" mean, if you're talking about soil erosion?

Hayward: It means we approve a plan for controlling soil erosion in concept, but the details will be worked out with further township approval.

Achorn: You have some beautiful landscaping designs and some are next to the houses. I just wanted your input on how those landscapes will be maintained, and/or whether they are maintenance-free.

Mansfield: One of the aspects of [landscapes] in this project is that you don't have to maintain them. The outdoor elements are maintained by the association.

Motion by **Wunsch / Sanders** that the Planning Commission's recommended Finding of Fact, dated 3-20-17, and in support of Special Use Permit No. 127 be accepted. Roll call. **Sanders** - yes, **Wahl** - yes, **Bickle** - yes, **Manigold** - yes, **Achorn** - yes, **Wunsch** - yes. **Westphal** - no. Motion passed.

VanDenBrand: The temporary gravel road in phase 2 can be added as a condition. We also had correspondence from the community regarding the environmental factors.

Achorn: Didn't the applicant say that there would be minimal movement of soil, and they'd use the existing elevations as much as possible?

Mansfield: Yes. We'll be moving some dirt, but working with the site as much as we can.

Motion by **Wunsch / Sanders** that the application for Special Use Permit No. 127, Vineyard Ridge Planned Unit Development Condominium Subdivision, be approved based upon the adopted findings of fact and subject to the following conditions:

- a.) Proof of Compliance with all Federal, State, County, Township and other governmental regulations relative to the establishment of a Condominium Subdivision Planned Unit Development shall be submitted to the Peninsula Township Planning and Zoning Department prior to issuance of the Special Use Permit.
- b.) The existing structure at Parcel 28-1-336-072-00 shall be demolished prior to the issuance of the Special Use Permit.
- c.) The signs shall comply with Section 7.11 of the Zoning Ordinance and also comply with Reed v Town of Gilbert, ___ US ___; 135 S Ct 2218; 192 L Ed 2d 236 (2015).
- d.) Subject to Section 5.9 of the Zoning Ordinance, the applicant shall provide a bond for compliance, in an amount determined appropriate by the Township Engineer, to ensure proper completion of sewer and water utilities, private roads, and storm water management systems.
- e.) Prior to any construction activity, the applicant shall install a snow fence or other suitable temporary barrier to delineate and protect areas to be left undisturbed during construction and afterward as depicted on the site plan.
- f.) The public open space easement shall be recorded prior to the issuance of the Special Use Permit.
- g.) Review of Master Deed and Bylaws and site plan by Township Attorney to ensure compliance with these conditions and the SUP/PUD shall occur prior to the issuance of the Special Use Permit.
- h.) Final design of engineering plans for water supply and sanitary sewer systems shall be accepted by the Township Board prior to the issuance of the Special Use Permit.
- i.) As a part of Phase II, the applicant shall construct a temporary access road meeting the requirements of the Township Zoning Ordinance and the Peninsula Township Fire Department west to Mathison Road.
- j.) The applicant shall work with the Township engineer in an attempt to shallow stormwater management basins while retaining compliance with the Township Stormwater Control Ordinance.

Pat Heinz - 580 Hidden Valley (one of the property owners) - He has worked with the Planning Commission on this project, and it has been good. On these conditions, with the tearing down of the house and the

grant the easement - he asked that the wording be changed to "contemporaneous". He also appreciates Doug and his team and the work that they've done.

Hayward: Do you need to move the house in order to build the road entrance?

Mansfield: yes.

VanDenBrand: If this is approved tonight, they can start their project. When they get the SUP, they can start putting up the first house. It is ok as written, without having to change the wording.

Westphal: This project presented the township with an opportunity to really meet one of the standards that so many of the projects have failed to meet - to have an imaginative and creative approach to subdivision design. This isn't imaginative, nor creative. There's no diversity, no affordable housing, no consideration of the architectural styles that historically make up the peninsula - I think it's an opportunity missed. I'd like to see future developments have a more creative approach. I'm not opposed to the development, just disappointed that a higher standard could have been met.

Motion passed unanimously.

Manigold: Thank you to the Planning Commission for all of your work on this project.

Bickle: The Townboard came in feeling prepared because of the work done, so thank you.

2. Master Sewer Agreement with Grand Traverse Department of Public Works

John Divozzo (DPW): The reason he is here is because of a memo that was sent - one showing red lines; the final agreement has a sentence added by the Board of Public Works, which required a new agreement.

Manigold: The Townboard doesn't have the latest one. The one sentence that was added, was to help determine calibration of the flow. Both attorneys have looked the agreement over.

Divozzo: The reason for the amended is because the DPW challenged some of the invoices from the city. The city categorized them as maintenance; the DPW categorized them as capital (maintenance means the cost is 10% more for the township). Over the course of the year, the 10% difference was almost \$200,000. The townships received a 5% capacity increase at the waste water plant (up about 400,000 gallons per day to be spread between the townships). [The city??] agreed to pay the outstanding amounts on the project, and moving forward, all costs would be made based on flow. Peninsula owns 2% of the plant, which will never go away.

Manigold: We're talking about the regional waste water plant in GT County. 5 townships own it. A couple townships are expanding their sewer usage, so they needed more capacity. We have plenty of capacity for what we intend to use. The other 4 needed the capacity.

Audience member - 6772 Mission Ridge: Two months ago there were sewer backups at one of their condos. The initial response was to have Rot-Rooter come out. A month later, it happened again. We found the issue was with the township's line (manhole covers over sewer lines). What's the procedure for maintaining what you have? We've contacted the county and they inspected all the manhole covers, but it was probably 25 years of neglect that caused this.

Divozzo: They sent a claim. The area they're talking about is gravity sewer, which isn't maintained daily. Call the DPW before you call Roto-Rooter because we can come out and help. If its DPW's responsibility, we take care of it immediately. It's on our radar now, so we'll inspect the gravity lines more in the future. Normally, we concentrate on the pressure systems. With gravity systems, we rely on homeowners to let us know.

Motion by **Westphal / Wunsch** to approve the new agreement. Roll call. **Manigold** - yes, **Westphal** - yes, **Achorn** - yes, **Wahl** - yes, **Bickle** - yes, **Sanders** - yes, **Wunsch** - yes. Motion passed unanimously.

Manigold: We have a newsletter coming out that we could put an article about the sewer maintenance in - we could let them know to call the DPW.

Divozzo will provide contact information to Westphal for the newsletter.

Citizen Comments

Mark Nadolski : Thank you to the board for improving the visuals. Can we also improve the audio more by having you [the Board] speak loudly into your microphones so that we can hear it in the back?

Board Comments

Sanders: We thanked the Planning Commission, but thank you to Brian and Gordon for your exceptional work.

Manigold: Just an update - we did get sued by the 8,1 and it's now turned over to insurance, so we can't talk about it. Also, the coyote population seems to be getting bigger on the south end of the peninsula.

Motion to adjourn by **Wahl / Sanders** at 8:40 pm. Motion passed unanimously.