

**PENINSULA TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
May 16, 2016**

Meeting called to order at 7:00 p.m.

PRESENT: Leak, Serocki, Rosi, Peters, Wunsch and Hornberger

ALSO PRESENT: Michelle Reardon, Director of Planning and Zoning; **Claire Schoolmaster**, Planning and Zoning Coordinator; and **Deb Hamilton**, Recording Secretary

ABSENT: Couture

APPROVAL OF THE AGENDA

Serocki added as Old Business Item #2 - SUP 32 2nd Amendment, Bowers Harbor Vineyards and as Old Business Item #3 - SUP 125, BHV Dining in the Vines

MOTION: Rosi/Hornberger to approve the Agenda as amended. **MOTION PASSED**

BRIEF CITIZEN COMMENTS – FOR ITEMS NOT ON THE AGENDA

None

CONFLICT OF INTEREST

None

CONSENT AGENDA

1. Reports and Announcements
2. Correspondence
3. Meeting Minutes – April 18, 2016

Peters asked to postpone approving minutes until next Joint Planning Commission and Township Board Meeting.

MOTION: Hornberger/Wunsch to approve the Consent Agenda with minutes removed. **MOTION PASSED**

NEW BUSINESS

1. Peninsula Township Zoning Ordinance DRAFT: Articles 8-11 (Discussion)

Article 8 Environmental Performance Standards- **Leslie Sickterman** asked for comments on Article 8. **Rosi** asked in Article 8.101 Wetland restrictions why “docks, patios terraces, decks, pathways, and similar structures may be permitted within the wetland setback...” **Reardon** will research if DEQ allows it and have conversation with Sloan. **Sickterman** said the Township’s floodplain restrictions are stricter than regulations in most communities that participate in the flood insurance program. Article 8.104 Soil Erosion and Sedimentation Control and Protection of Steep Slopes – **Reardon** said this is a change. It is not just when a residential subdivision is being developed it is any earth movement. There needs to be a trigger based on the amount, not for agricultural purposes or a change in use. Protection of steep slopes is in the title but the way it is worded it seems like any earth movement is going to trigger a plan. Article 8.105 Mining or Removal of Topsoil- **Peters** asked what areas other than Traverse Bay Gravel fit under this. **Reardon** said a large part of the Township could. Mining is regulated by the State as well. Sloan recommended the Township Attorney look at this because the Township may or may not be able to do some of the regulations. Staff can contact Traverse Bay Gravel for input. Article 8.106 Storm Water Management– **Reardon** said current storm water policy as adopted by the Township Board is any principle structure with a footprint of 3,500

sq. ft. or larger is subject. We need to make sure this reflects that policy. When talking about impervious surface need to be talking about the impervious surface of the principle structure. Reardon will send this to Township Engineer for review. Article 8.107 – **Reardon** said not a lot of changes here. Exemptions #3 needs to be clarified or deleted. **Rosi** said there is a strong feeling in the community to focus on Dark Night Sky.

Article 9 Parking, Loading and Access Management– **Peters** suggested adding Private Roads to the label for the general public’s understanding. Peters also said the definition of frontage road is not in Section 2. **Reardon** said frontage road was changed to private road. **Peters** said should promote shared driveways. **Reardon** said any ingress/egress that has more than two homes has to have a name according to the County. Only driveway regulations is it has to be a 13x13 cleared area and each property has to have frontage on the road. This is a policy decision that needs to be talked about. Also need to look at length too. Peters suggested a recorded easement for shared driveways be on file going forward. **Reardon** said she will review. Article 9.103 Off-Street Parking Site Development Requirements– **Peters** asked about dustless surface in #5. **Reardon** said previous approvals have allowed a gravel surface as a dustless surface. Reardon will ask Township Engineer what are dustless surfaces. **Sickterman** suggested “maintained in a dust free condition.” Article 9.107 Private Roads– **Leak** said the joint maintenance agreement does not cover someone who purchases the property. Reardon will have Township Attorney review. Reardon would like the Commission to look at the Table in (K) Existing Non-Conforming Private Roads. This introduces what triggers improvements to legal non-conforming private roads. Reardon reviewed the table and thinks there may need to be another category here for when new lots are created. Also need to look at improving connectivity and if not connectivity improving turnarounds. **Wunsch** asked about the un-paved county road ends. **Reardon** said the County has jurisdiction. **Peters** asked why the County Equalization Department was deleted from (G) Road Names. Reardon will ask Sloan.

Article 10 Landscaping and Screening- **Reardon** said ordinance currently says “and landscaped appropriately” or “with appropriate vegetative buffer”. That needed to be defined. This is all new and may not have wanted to go this far. **Rosi** asked who would be enforcing Section 10.105 Landscape Installation and Maintenance. **Reardon** said may want to talk about what is appropriate landscaping materials, what does that mean and ensure maintenance. Staff does understand the problem with enforcement. **Leak** said should ensure nothing is planted close to the road. **Reardon** said will talk to Road Commission but nothing should be planted in the road right-of-way. **Wunsch** said may want to look at how this landscaping ordinance would apply to new buildings or renovations on agricultural parcels too. **Rosi** said a list of native plants is available through different organizations. **Peters** said the list should be a moveable list. **Reardon** said Section 10.105 should be scaled back and approved plant list could be a policy document similar to fee schedule. **Peters** asked about Certificate of Occupancy mentioned in (A)(1). **Reardon** said on larger scale developments it does mention performance guarantees. Also the certificate of occupancy is issued by the County but the County will hold if staff requests. Leak is concerned about fertilizer. **Rosi** said would rather have non-fertilized lawns and more native grasses.

Article 11 Signs- **Reardon** said according to new Supreme Court decision sign regulation cannot be content based. This also needs to be reviewed by the Township Attorney. This is an unexplored issue right now. Sloan worked with the intent of the Township’s sign ordinance. **Rosi** said the City said they did not want TOD signs. She thought the Township had no control over those signs. Peters concerned about illumination of signs with Dark Night Sky. **Reardon** said will look at regulations and vet them with Dark Night Sky.

Reardon said will be focusing on the 5:30 meeting before the meeting. During the May 3, 2016 meeting there were uses that need more discussion. Reardon would like to schedule an informal round table discussion with industry as well as people involved in the original drafting of ordinances specifically on those winery/production ordinances.

OLD BUSINESS

1. Master Plan 5-year review (Discussion)

Reardon said Peters prepared a report from the April 28th meeting. Peters has created a spreadsheet with goals and action items and can provide to Commission. Schedule a possible meeting in June for a public meeting session. **Wunsch** said he is working on census data polls and found good comparable data in the American Community Survey but not able find the education distribution from the 2010 census.

2. SUP 32 2nd Amendment, Bowers Harbor Vineyards

3. SUP 125, BHV Dining in the Vines

Reardon said need to talk to Township Attorney on how to remove from the Commission's agenda.

MOTION: Wunsch/Rosi to un-table SUP 32 2nd Amendment and SUP 125. **MOTION PASSED**

MOTION: Hornberger/Wunsch to re-table SUP 32 2nd Amendment and SUP 125 until next meeting.

MOTION PASSED

CITIZEN COMMENTS

Brit Eaton, 1465 Neah Ta Wanta Rd., said he is here to compliment the process that the Township Board and the Planning Commission have gone through in the last months. One of yur Commissioners has proposed the OHWM clarification from the water's edge clarification.

Andy Valdmanis, 1484 Chimney Ridge Dr., asked to reach out to residents about this process. A lot of legislation is proposed here.

Joanne Westphal, 12412 Center Rd., said you all are doing a great job bringing the ordinance back into some semblance of organization but concerned about having the horse behind the cart without having the Master Plan updated. She encouraged the boards and staff to focus on getting citizen involvement. 28 ½ acres are zoned commercial which is almost exactly what it was in 1972. Many of the uses in the McKenna revised ordinance are targeted for commercial uses. This document was not developed for our community. Less is more when it comes to zoning ordinances. Simple language that wraps around the master plan is a winning combination.

BOARD COMMENTS

Peters said she would like a discussion on making the Zoning Ordinance and the Land Division Act the same as how to measure acreage in regards to OHWM and water's edge. **Reardon** said that will be a policy discussion at the next meeting. The Assessor would bring Land Division Act. **Wunsch** gave ZBA report. **Hornberger** would like a definition of "event"

ADJOURNMENT

MOTION: Hornberger/Wunsch to adjourn the meeting at 9:38 p.m. **MOTION PASSED**

Respectfully Submitted,
Deb Hamilton, Recording Secretary

These minutes stand to be approved at the next meeting scheduled for June 20, 2016