

PENINSULA TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
June 20, 2016
7:00 P.M.

Meeting called to order at 7:15 p.m.

Present: **Wunsch; Peters; Couture; Hornberger; Serocki; Rosi; Leak-Chair**

Also present were Michele Reardon, Director of Zoning and Planning; Peter Wendling, Township Attorney; and Mary Ann Abbott, Recording Secretary

Approve Agenda

Serocki would like to add Bowers Harbor SUP 32 Second Amendment and Bowers Harbor SUP 125 Dining in the Vines to be added under old business.

MOTION: Serocki/ Wunsch to approve Agenda with additions.

PASSED UNAN

Brief Citizen Comments – for items not on this Agenda

Andris Valdmanis, 1484 Chimney Ridge repeated his statement from the 5:30 meeting for those that were not present. *Valdmanis* has worked with the Township for over 35 years and they have been very cooperative with him. He would like to talk about Zoning and the Master Plan which are critical and reflect the needs and wants of the residents. Resident surveys are 10 years old and needs to be looked at. McKenna has not been inclusive of the residents. *Valdmanis* advocates more education, more community participation and less legislation.

No further comments.

Conflict of Interest

Serocki has a conflict with Business item SUP 127 so she will be stepping down during that portion of the meeting.

Consent Agenda

Any member of the Board, staff, or the public may ask that any item on the Consent Agenda be removed and placed elsewhere on the agenda for full discussion.

1. Reports and Announcements (as provided)
2. Correspondence (as provided)
3. Meeting Minutes

May 16, 2016, 5:30 PM Special Meeting

Hornberger has a correction to the minutes of May 16, 2016. Page 3 First citizen comment should read One of ~~you~~ your.

MOTION: Hornberger/Serocki to approve the consent agenda as amended.

PASSED UNAN

New Business

1.Preliminary Plat Review – The 81 Development Company, LLC (Introduction, discussion and schedule public hearing)

Reardon reviews the application of a platted subdivision for a 53-unit development. The 55-unit Plat has been withdrawn. This has no bearing on the 81 PUD that was previously approved by the Township Board. That decision was appealed and was remanded back to the Town Board. There are two outstanding issues that are still out for review. Two different tracks same piece of land.

Reardon's staff report lists suggestion for a public hearing and a list of items to be addressed

Rosi It has been a long time since the Township has looked at a plat. What is the Plat Review Process?

Wendling For today this is just the introduction so you will look at it from the zoning perspective. *Wendling* will set in writing the Plat Process so the Planning Commission will be ready for the public hearing. The State will have to approve the Plat.

Rosi since this is a new review will Commissioner Byron be able to participate. *Wendling* He will have to look into this, as it is a different request. **Rosi** And Mr. Correia? *Wendling* Not aware of any conflict but will have him weigh in on that.

Phillip Settles, Attorney for developer Kevin O'Grady interrupts to inform Commission that he is available to answer questions.

Doug Mansfield, Mansfield Land Use Consultants, 830 Cottageview Drive Suite 2 states that the plat process takes longer but it has an outcome. It is a use by right and if it meets the Township standards it must be approved. The agencies must approve within a certain time period and if not it is automatically approved. It has an outcome. That is the sole reason.

Wunsch what level of consistency can we anticipate? It seems like we have looked at about a ½ dozen maps of the same property and your plans have not been consistent

Mansfield A PUD is it is very subjective in it's design. It evolves through the process. Tonight we are looking at the tentative approval of this plan.

Further discussion by the Planning Commission included: 3 out lots for water access, parking for water access, Lots 3,4,5 which look closer than 60' setback, docks, out lot C for waterfront access, erosion of ridge

Mansfield Tonight what we are looking to see if the lots meet the lot area, width and size to meet zoning. Also there is no common element other than underground water tanks. Each unit will have its own well and septic. They would like to set Public Hearing tonight.

Reardon states that there are three issues: The 10' utility easement that was put into lot calculations. We need to have that removed from the lot calculation and put into the private road calculation. At this point the private road does not meet standard either as it does not have the 10-foot utility easement. So that needs to be fixed so that we can verify that they are all one-acre and have 150 feet etc. The last thing is that this private road exceeds our ordinance of 12% grade.

Mansfield You cannot treat one form of land conveyance differently. Willing to sit down with Township to make sure we have adequate land.

Reardon states that staff's statement of the three areas of concern stand.

Further questions of grading and fill, Bond, ground testing for chemical levels, and whether applicant can address concerns on staff report

Reardon suggests that Public Hearing be set and that the required information needs to be submitted by June 27th.

Wendling Will your clients wave 90 days for Public Hearing?

Mansfield states that he will take to client but would like to have the Public Hearing set tonight.

MOTION: Couture/Hornberger to set the Public Hearing for the Preliminary Plat Review – The 81 Development Company, LLC for July 18th, 2016.

PASSED UNAN

2. SUP #127 – Vineyard Ridge Planned Unit Development (Introduction, discussion and schedule public hearing)

Serocki wishes to be recused and steps down to the audience.

Reardon Wanted to bring to the attention that our Attorney has provided you comments about the Master Bylaws and the Private road description. Tonight is an introduction of the project. There is no staff report or findings. They will present plan to you tonight. Before the next meeting you will have a full report and findings.

Dustin Christensen, Mansfield Land Use Consultants, 830 Cottageview Drive Suite 2 presents the preliminary introduction and overview of the project. *Doug Mansfield, Ken Schmidt* developer and the owners of property are here to answer any questions.

47 detached single-family homes, common recreational area with pool and 65% common open space with a 90 foot buffer along the edge of the property are proposed.

Ken Schmidt, Developer believes there is a need for this type of housing.

Questions asked of the Planning Commission included the calculation of common space and the space between the building envelopes, concerns about entrance and exit onto a state road, safe access and no stoplights, marketing towards seniors, possibility of site visit, existing vegetation as a buffer, ¼ acre in production vineyards, municipal water and sewer provided for this property, possible issues of old farm property.

Mansfield states that this was probably an orchard and the developer has hired an environmental firm to prepare a due care process when and if they run into it. They will test individual home sites.

Further discussion is plan for 3 phases. *Reardon* Engineer has done a preliminary review and has a few questions, which will be addressed in the staff report.

Rosi says that frustration of 81 was information given to us at the last minute and we hope there are not any last minute changes

MOTION: Hornberger/Wunsch to set Public Hearing on SUP #127 – Vineyard Ridge Planned Unit Development for July 18, 2016.

PASSED UNAN

Serocki returns to her position on Planning Commission.

3. Peninsula Township Zoning Ordinance DRAFT: Articles 12-14 (Discussion)

Leslie Sickterman, McKenna Associates to answer questions about proposed Zoning Ordinances Drafts. The cover letter explains some of the changes that are proposed in the sections on nonconformities and administration. Largely reconsolidation and clean up of language.

Peters' questions the depth of lots and non-conforming use of buildings. **Rosi & Serocki** speak to 13-103. Staff will clarify to make sure that these issues of wording on Zoning Commission and Town Board Member as part of Planning Commission to make sure it complies with the Enabling Act.

Reardon What you have in front of you in terms of the Zoning Ordinance has all the deletions and red line items. The final draft will be much shorter. But the comments are well made that we do not want to add content where it is not necessary.

Wunsch will any of these changes made in Section 13 make substance changes to the function of the Planning Commission and Zoning board of Appeals. Staff No.

Serocki 14.3 Patrick's memo dated June 13 under "site plan" he suggests making more appropriate to Peninsula Township. Sickterman believes that Sloan bringing it to your attention because it is completely new.

Reardon Staff will sit down with site plan review sections and work with McKenna to make sure this reflects what we currently do.

Rosi How do we determine whether a wetland needs to be defined by the DEQ? Sickterman says the usual protocol is that the Zoning administration should make sure there is wetland delineation. Townships have more responsibility now than in the past.

Storm water, variance and appeals discussed

Rosi Where are the values of the Master Plan discussed in terms of Zoning Ordinance? **Reardon** This is where a standard or two would be placed to link us with the vision document. We can direct our Planning Consultant to get this in here. This is the time to do it. **Wunsch** Do you know what extent the Master Plan has been consulted? *Sickterman* knows that the Master Plan has been reviewed quite a bit. She is a big fan of the requirement of the State Law to have a Zoning Plan in the Master Plan. *Reardon* if you go back to the diagnostic review you will see straight from the Master Plan- overlay districts, shoreline,

neighborhood and preservation. It has guided the consultant. *Wendling* suggests that commission discuss with Michelle any questions so that concerns can be addressed.

Reardon will make sure that 190 is incorporated within the Zoning ordinance. She also asked attorney to review 14.105 to make sure this complies. 14.106 is mandated by Enabling Legislation.

Reardon reminds Commission that this is just the first pass at this so if you have any concerns you can bring them to staff's attention.

Old Business

a. Master Plan 5-year review (Discussion and possible recommendation)

Reardon clarifies that we are simply doing a 5-year review of a 20-year vision document. We are charged with the task to make sure we have a document that we can continue to with for the next 15 years. The process needed is to review and decide if 1. Looks great 2. Needs some minor amendments or 3 is completely defunct and make recommendation to the Town board who will then review. We are not rewriting but reviewing.

Peters we have met and reviewed data and assessed our progress. We have two or three things that we need to amend. **Hornberger** says they talked about the time since a questionnaire be sent out but it is expensive and we want to do it well.

MOTION: Wunsch/Rosi to form a sub -committee to prepare a motion regarding updating the Master Plan. Peters & Serocki will serve on this sub-committee.

PASSED UNAN

b & c. Bowers Harbor SUP 32 Second Amendment and Bowers Harbor SUP 125 Dining in the Vines

Reardon states that as you know we have been dealing with compliance issues but at the moment they are in compliance. Reardon has asked that the applicant review what they would like to do and get back to them in the fall.

MOTION: Couture/Serocki to un-table Bowers Harbor SUP 32 Second Amendment and Bowers Harbor SUP 125 Dining in the Vines and defer until we have a recommendation from staff no later than September 2016.

PASSED UNAN

Citizen Comments

Mark Nadolski, 10 McKinley Road suggests that the developers be required to provide information on the screen so that the audience can see it.

Ralph Brickman, 14610 Pyatt from his interpretation the Master Plan should drive Zoning. From what he hears Zoning is being redone before the Master Plan. *Reardon* responds that the Master plan was completed in 2011 as a 20-year vision. This is a review required at 5 years. That document is driving the Zoning Ordinance.

Board Comments

Serocki Per Diems due June 28, 2016 at 9:00 am.

Hornberger we are required to look at the Master Plan every 5 years --not change it every 5 years. There may be some areas that need tweaking but the Master Plan if you read it looks good.

Wunsch is wondering if we can look at doing Zoning ordinance work meetings separate from business matters.

Peters would like to make provisions so that applicants can only have one project plan to approve. *Wendling* can write language for that

Reardon Update on what happened on Amendment 190 at the Town Board. It was passed withholding B & B and Fences. The amendment was not going to allow 6-foot privacy fences and that is what the ZBA brought to the PC as a problem. The ZBA

wanted 6 foot privacy fences where appropriate. B & B did not have this clear direction but it will be brought back to you along with the minutes of the Town Board. CD will be available to Planning Commission members if they would like a copy.

MOTION: Hornberger/Couture to adjourn.

Respectfully submitted by Mary Ann Abbott, Recording Secretary