

PENINSULA TOWNSHIP

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Peninsula Township Planning Commission Meeting

Township Hall

July 15, 2019

7:00 p.m.

Meeting Minutes

1. **Call to Order:** 7:00 p.m. by Hornberger

2. **Pledge**

3. **Roll Call:** Present: Couture, Dloski, Hornberger, Hall, Mielnik, Oosterhouse, Shipman, Wunsch

4. **Review for Conflict of Interest:** None

5. **Brief Public Comments:**

Brad Lyman, 18420 Center Road: He is urging the planning commission to pass an amendment to the 1972 land use ordinance that does not allow (free-standing) solar panels. He needs a free standing, six hundred square foot solar panel which is not allowed in the 1972 ordinance. He is asking for language to allow solar panels for a residential application. He has contracted with Harvest Energy that has worked with Chateau Chantel which has a free-standing unit. He needs a small free-standing panel at his home.

6. **Additions to Agenda/Approval:** None

Moved by Dloski to approve agenda, seconded by Wunsch

pass unan

7. **Conflict of Interest:** None

8. **Consent Agenda**

a. Approval of Meeting Minutes: PC Meeting Minutes -June 25, 2019

Hornberger: Correction to the June 25, 2019 meeting minutes: change Suzanne to Susan and on the top of page three on the second line change “in the township park” to “near the township park.”

Moved by Wunsch to approve consent agenda, seconded by Dloski

pass unan

9. **Reports**

a. Zoning Board of Appeals (Couture)

Couture: No ZBA meeting, therefore no report

b. MAP Award (Mielnik)

Mielnik: A letter has been received from the Michigan Association of Planning informing the township that it has received an award for the PDR program that the township administers for environmental planning. The township was one of the first adopters in the early nineties of the program and it has been in effect for three decades.

c. Master Plan Steering Committee (Mielnik)

Mielnik: Met on June 26, 2019, with the members focusing on the community survey and looking at the 2006 survey. Took time to ask the new members about what questions the new survey will be using, looking at what issues are relevant, what should be reframed, and what is new. The consultant from Epic MRA joined by Skype and will be joining in for the next meeting July 22, 2019. They will

make a draft at the next meeting dealing with the issues of methodology of the phone survey and the written survey.

d. Zoning Update (Mielnik)

Mielnik: There has been a revisit of the zoning code for some time (since 2016), a huge effort (seventy meetings) has taken place involving consultants and the committee, and this ended in December of 2018. There was not a drastic change but the zoning code and map were worked on. The zoning map and code will be converted to a digital platform. There is not a large departure from the code, but an effort was made to organize, add, and clarify so that in the future the township will have a better foundation when we get into a new master plan and zoning in the future. We are close to a public review scenario; asking Becky Chown for a review for edits. We are checking cross references. We are planning on public workshops to make the code available for public review before formal consideration. We plan on moving forward in the next thirty days.

Dloski: asked when will the zoning amendment will go to the town board and be published

Mielnik: we will have public hearings or workshops/open house; that will be a first preliminary step before formal deliberation on the code

Dloski: asking specifically because of the timing of the solar panel issue brought up this evening

Hornberger: hoping to talk solar panels at the end of the meeting

Mielnik: it depends on the public response and cannot clearly predict

10. Business Items

a. 81 Development-SUP #123 Amendment 1-Public Hearing

Hornberger closes regular meeting and opens public hearing

Hornberger: the 81 developer will give the changes to SUP #123

Mielnik: At the last meeting, we had an introduction to the changes to SUP #123, and at this time we will hear public comment on this proposed project. We do not have any staff report or findings of fact at this time.

Kyle O'Grady, 10860 Bluff Road, 81 Development: Explains the changes to the development: Starting with what used to be Lot One, shown in the light blue, the southern piece of the property. Proposing to change Lot One to the northern side of the property and keep that as open space. The entrance would include more open space. The next change is at the beginning of Snug Harbour Court, shown in the yellow areas, it was originally a landscaping plan, and now the plan is to make that part of those lots. Snug Harbour Court will move twenty-five feet to the west to allow more buildable area on those lots. The next change is on units ten through twenty-eight; they are shortened five feet to add to the open space. Next, the southern end of the site, shown in dark blue (the jetty to the water), it was originally Lot One's sixty feet of water frontage is now removed entirely from the development, and it will be non-buildable with its own ID. It will eliminate the frontage from usage from the community. Finally, for the emergency access, the easement will be moved to the southern part of the property from the northern part of the (Wells) property.

Dloski: clarifies that the sixty feet of lake frontage will be taken out of the plan

O'Grady: yes, it will be taken out and have its own tax ID, and it will be non-buildable with a deed restriction

Dloski: how will that parcel be maintained?

O'Grady: it will be attached to a different home, not in the development, maintained by the property owner

Dloski: will it be sold to the subdivision across the street?

O'Grady: yes, we will attach it to another lot

Mielnik: the code does allow for that, the deed restrictions on that parcel will limit characteristics and use

Dloski: could the person that buys the property put in a dock or a fire pit?

Mielnik: for the benefit of one lot

O’Grady: remove for a single unit

Dloski: part of your request is to remove the parcel from the PUD

Mielnik; to clarify, this is a PUD, and there is a certain percentage of open space required, so there is a small increase in the amount of open space in the project.

Discussion among the members that the lot to the lake is not included, it is out of the open space, not part of the SUP permit

Mielnik: the township engineer will review the calculations and confirm that the numbers are correct

Dloski: at the next meeting, the plan will have this parcel removed

Mielnik: There will be a list of conditions and findings of fact at the next meeting that will encompass the changes, the township engineer could not attend the meeting tonight. She will review the calculations.

Dloski: for the lakefront parcel, questions if someone does not live near the development and buys the parcel, where would they park?

O’Grady: similar to when people have parcels across the street, there is a larger area before the ten feet to the water and they would use the gravel road

Hornberger: board is not prepared to make decisions tonight

Mielnik: this will go on the August agenda

Dloski: if assigned a parcel ID, does it need to conform to the zoning definition of a parcel

Mielnik: it may already have a parcel ID and it will be looked into it

Hall: what about a split land division?

Hornberger: should a parcel have a certain minimum acreage?

Mielnik: under the impression that it is an existing parcel

O’Grady: for a two parcel ID, the development will meet the requirements and the engineers will look into it, so it will meet the requirements

Hornberger: next month we will want to see a deed restriction on that

Hornberger closes the public hearing and opens the regular meeting

b. Update on Winery Chateau / B&B Zoning Amendments – Discussion

Mielnik: we had a meeting discussion in the context of PDR, the issue that John Wunsch brought to the board’s attention. It related to using PDR to compensate for extra rooms for BB/Winery Chateaus. It requires a legal opinion from the township attorney to address the PDR issue and the zoning, we do not have that yet, and it has not been completely resolved. There are many details when looking at the relationship between the PDR restricted land and the zoning code.

Hornberger: are you planning another meeting?

Mielnik: waiting for attorney’s opinion on the relationship between zoning and PDR

Land that is encumbered with a PDR easement has little development value. How this fact relates to required lot sizes is an unanswered question.

c. Submittal Deadlines – Potential bylaw amendment

Mielnik: there has been a pattern for the last six months for last-minute submittal of material for the planning commission meetings, and has been rushed so that the applicant does not have to wait for the next month for it to appear on the agenda. To be consistent with other township’s policies, the board will now require that for an actionable item, the item will have to be submitted two weeks ahead and

for an informational item, submittal will be required one week ahead of time. We should put this in the by-laws to be clear what the laws are.

Moved by Dloski to amend planning commission by-laws to insert paragraph nine regarding deadlines for submittal of materials according to a memo by Mielnik dated July 10, 2019, to the bylaws, seconded by Shipman pass unan

Couture: is there any other procedure for this?

Mielnik: an amendment to the bylaws

11. Public Comments: None

12. Other Matters or Comments by Planning Commission Members

Hornberger: it may be up to six months to wait for the zoning ordinance; we could do one of the band aids we have done in the past to help Mr. Lyman with his solar panels, which would be done in six months anyway. The language has been crafted already.

Mielnik: the issue isn't the solar panels on a roof but the freestanding element; there are height limits and setback requirements for freestanding solar panels. We can bring an amendment to the planning commission next month, with specific language, and what sections to amend in the current ordinance. This information from the current draft was provided in a letter from Mr. Lyman.

Hornberger: recently done with farm processing, this is not unheard of; fairly easy to look at. At this time, we will ask the planner to bring this to the meeting next month.

Mielnik: the solar panel issue is time sensitive with federal tax credits expiring

Dloski: we will see language and schedule a public hearing at that time

Hornberger: the board can vote and pass to the town board at the August meeting

Dloski: will it meet the minimum side yard setback requirements? What is the setback other than the residential fifteen feet?

Mielnik: minimum other than residential minimum fifteen feet, not sure about accessory structures

Dloski: minimum of fifteen feet

Mielnik: it falls under an accessory structure

Hornberger: landscaping and screening on all sides?

Dloski: do the solar panels make noise?

Mielnik: the large panels do when they have invertors (large solar fields with one hundred plus acres) and they make noise; does not know about the residential units

Dloski: mentions a noise study may be required

Mielnik: the larger applicants require a noise study, paid by the applicant

Dloski: and individual noise study may be required, not clear

Mielnik: will take a look at that issue

Shipman: delineation for ten kilowatts or less, should the engineer look at this, it is unclear

Board members discuss and agree that an engineer should look at this

Wunsch: would this restrict a winery or agricultural operation?

Hornberger: this is residential

Mielnik: this is intended to be an accessory use to a residential structure

Dloski: roofs, are all zoning districts

Hornberger: we want this only for residential

Mielnik: not utility grade which apply to one hundred plus acres; looking at residential only

Dloski: if approved, do they have to submit a site plan to the township?

Mielnik: yes, a land use permit is required

Peninsula Township
07-15-2019 Planning Commission
Beth Chan, Recording Secretary

13. Adjournment:

Moved aby Dloski, seconded by Wunsch

pass unan

Adjournment time: 7:45

Peninsula Township has several portable hearing devices available for audience members. If you would like to use one, please ask the clerk