

**PENINSULA TOWNSHIP
PLANNING COMMISSION MINUTES**
13235 Center Road Traverse City, MI 49686 (Township Hall)
July 17, 2017
7:00 pm

1. Call to Order

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

2. Pledge

The Planning Commission recited the Pledge of Allegiance.

3. Roll Call

Present: Serocki, Peters, Hornberger, Elliott, Shipman, Couture, and Wunsch

Also Present: Brian VanDenBrand

4. Approve Agenda

Motion by Peters/Wunsch to approve agenda. PASSED unanimously.

5. Brief Citizen Comments

None.

6. Conflict of Interest

None.

7. Consent Agenda

Motion Hornberger/Peters to approve consent agenda. PASSED unanimously.

a. Reports and Announcements

b. Correspondence (as provided)

c. Approval of Meeting Minutes

i. June 19, 2017 Planning Commission

d. Committee Notes

i. Zoning Ordinance Rewrite Committee 6/20/17, 6/26/17, 7/11/17

ii. Master Plan Subcommittee Notes 6/27/17

8. Reports and Updates

a. Township Board

Wunsch informed the Planning Commission that the Boathouse Restaurant application (amendment to SUP #42) and revised amendment No. 192 to Ordinance #2 (Section 7.10.11 – Private Roads) were approved by the Township Board. The Township Board approved a contract for a backup generator for the township hall and office building.

b. Zoning Board of Appeals

Serocki reported that Request 859 made by Northern United Brewing Company was tabled. Northern United Brewing applied to move the tasting area from the Mission Table restaurant to the brewery

area. This request was tabled because the applicant did not include specific dimensions of the building and list of items for sale.

Serocki reported that Request 860 made by Tom and Ann Schofield to fill within the great lakes floodplain was denied.

c. Park Commission

VanDenBrand reported that an inspection at the lighthouse to go over improvements was completed. New fencing and sidewalks are still ongoing. Grass is starting to come in and reimbursement will come next with the submission of the grant. There is ongoing installation of fencing at the Bowers Harbor Park area.

VanDenBrand also noted there is a tentative plan for an August 2nd meeting and he is hoping DNR can come and make a presentation on Haserot and Kelley Park and how these two parks will work together.

9. Business

a. Zoning Rewrite Working Committee report and work session

Peters reported that the committee spent time at its last meeting listening to information presented about Bed and Breakfasts (B&Bs). Peters feels the issue needs to come back in a more broad form. Hayward had a great comment on that at the end of the committee meeting, stating that there is need to define B&B.

The next subject discussed was building height. Peters noted that the consensus was that a building height be no more than 35' from the ground on any side of the structure. Westphal's idea that was submitted in the Planning Commission packet states, "No residential structure is to exceed 35 vertical feet in elevation from the natural topographic ground plane (as recorded on the US Department of Interior, Geologic Survey, 7.5 minute quadrangles for the Peninsula [1960] and more recently on the North American Vertical datum of 1988) from the foundation/basement corner to the highest point on the roof line". Material sent by Brit Eaton and David Taft regarding building height were also discussed.

Peters discussed 35' from natural grades. Problems existing now include: What is the front? What is the back? What do people look at?

Shipman made a comment about Westphal's proposal. Is this clear enough to go into the ordinance?

VanDenBrand will provide clear and concise draft language based on how the board would like to go. Couture commented about the difference in roof pitch and the difference in 5' and 10' height of the building based on the pitch of the roof.

VanDenBrand will bring examples and draft language if the board is in support. He will try to figure in what happens to height when roofs/gables are added to the height requirements.

The following individual addressed the Planning Commission:

Joanne Westphal of 12142 Center Rd.

When people come to get their permit and they have their set of plans, which should include the elevation of that structure, there is no reason you cannot to measure from the basement to the top of the roof. The ordinance can be based on a simple and direct definition tied to the original ground plane based on existing topographic maps. The simpler and easier this language is in the ordinance, the fewer variances will arise.

Hornberger stated she thought that what we have been saying is we are not going to measure from the front of the building or the back of the building, but all sides of the building.

VanDenBrand said that the definitions of basement and cellar probably may not be critical if we create clear language in the building height section.

VanDenBrand presented the Planning Department Report

Definition of Open Space – What do we consider open space? Obviously not roads and buildings. Not storm basins. The inclusion of "consolidated and contiguous to the greatest extent reasonably possible so as to provide usable park-like areas" might well resolve some issues.

Peters thinks the wording is a little vague. We might be able to spend time and think about the area of the open space vs. its outside dimension.

Wunsch responded that one of the things talked about at the MSU Citizen Planner class was encouraging higher densities of development and more open space. Could we do something that would encourage the developer to cluster units and limit the amount of land area that the development would sprawl over. Perhaps using some bonus such as the ability to add another unit if they reduce the total footprint would encourage higher density.

VanDenBrand responded that with a PUD you can't get a density bonus but the goal is to consolidate open space and useable areas.

The board agreed with the proposed Open Space definition.

VanDenBrand moved on the definition of Road Right of Way –The term "right of way" can be changed to "road right of way" and the definition can stay the same.

VanDenBrand moved on to Private Roads. The last part of the packet has a document discussing different types of roads. This has already partially been solved with Amendment No. 192, but doesn't help solve the rest of the issue involved in the Master Plan. The Planning Commission needs to think about the different types of roads.

Serocki asked if the Planning Commission is waiting on the chart McKenna put together.

VanDenBrand suggested that the rewrite committee take another look at the McKenna chart and how it relates to Amendment. No 192.

In regards to Section 14.05 (H) Rezoning with Conditions.

VanDenBrand stated that the Planning Commission could decide to keep the current rewrite language, replace it with something like Garfield's, or meet somewhere in the middle.

Elliott liked the Garfield document, stating it was 5 pages shorter and also covered more ground. It was something she feels is defensible. It eliminates any ambiguities that exist in the 9-page proposed Rezoning with Conditions draft. She shared a strong preference for the Garfield language.

Peters questioned whether McKenna added things to ours at the back end like fees being collected and wondered if we should send the Garfield one to McKenna to see if there is anything he feels that we really need that is not in the Garfield document. Peters voiced concern about the lack of fees being in the document.

VanDenBrand said that a fee schedule is established by the Township Board and it does not need to be in the rezoning with conditions section. He reiterated that rezoning with conditions is simply that. It is a voluntary offer of zoning restrictions on the future use of property. It is stated clearly in the conditional rezoning agreement. It is not overly complicated.

The consensus of the Planning Commission was to send the Garfield Township ordinance to McKenna with the Planning Commission's recommendation that it be used and that McKenna evaluate it to see if anything should be added to it.

In regards to Section 5.01 Planned Unit Developments – Group Housing Apartments, VanDenBrand explained the concept of attached housing, duplexes etc. The Planning Commission had determined to remove group housing from the existing definition. However, do we want to strike that from PUDs? It would be best to preserve group housing apartments as an option in a PUD. If it is there, someone is given the option to do something creative, maximizing his or her density in a smaller area.

Planning Commission members agreed that group housing apartments can stay in the draft.

Section 6.14 Secondary Dwellings. VanDenBrand stated that the ordinance currently allows a guesthouse if the property has twice the required frontage etc. As noted in the staff report this could be problematic down the road as property changes hands, allowed lot sizes change, etc.

Elliott would prefer to allow people to be able build a secondary dwelling on their property without splitting it. What would the Planning Commission be trying to accomplish by taking this ability to build a secondary dwelling away?

VanDenBrand explained that his concern was that 50 years down the road, if property is passed down or if a 2-acre minimum lot size changes, then all of a sudden there is a problem with a secondary dwelling being on the property.

Elliott stated that this does not appear to be a priority at this time.

Wunsch commented on how many guesthouses there are currently. There are quite a few farms with two houses clustered together. If you look at ordinance language, this leaves limited ability to split that off. There are a few old farmsteads that have this now. It might be useful from the standpoint that this is already occurring to look at language specific to guesthouses with the assumption you couldn't split it off in the future.

Peters commented that the committee did not like the term guesthouse. The ordinance committee agreed it ought to should be called secondary dwelling. It currently says you can do a secondary dwelling if they have double the amount of frontage, lot size, with appropriate setbacks. You can do everything but go in and split it. That would not affect old farms. They would all still be grandfathered in and so that is a sort of different issue.

Wunsch asked about how those will be dealt with moving forward.

VanDenBrand stated that if this is an issue and headache, maybe leave well enough alone. Change the name to secondary dwelling and leave definition in place.

b. Master Plan Round Table Committee Report and work session

VanDenBrand provided information on the updated Future Land Use Maps. The draft land use map has been supplied so the board can identify any errors etc. This will eventually be adopted as a more accurate future land use map and will also include topography, wetlands, etc.

Peters commented that she was pleased when these are pulled up on the website as a pdf and one has the ability to maneuver within them. She commented she thought our zoning map should be up there on the website as well. This is wonderful and there are obviously enough pixels there to find all sorts of things. Is the only change from what is published in the Master Plan around Buchan Rd. and Old Mission Estates?

VanDenBrand commented that he thought he indicated those properties in the proposed plan. He will double-check that.

Peters noted that the Master Plan Committee should, at some point, spend time with the zoning map vs. this one and seeing how they are the same and how they are different.

VanDenBrand stated that would be helpful.

Peters finished up with continuation of Master Plan Report. The subject of roads has been the focus of the Master Plan Committee. The designation of Bluff Road as a Natural Beauty Road has been petitioned of the Grand Traverse County Road Commission by a citizens group. The committee wondered if there other roads that should be petitioned as well. The committee has started to build an inventory of the public roads.

c. Discussion of creating Peninsula Township Library development review committee.

VanDenBrand said that Peninsula Community Library will be requesting a SUP for the new library. He said that they have met with the Planning Department and discussed potential design changes. Progress is being made and everyone has been cooperative. At some point, this process for SUP will begin to evolve. The committee formed to review final Vineyard Ridge issues before they came before the Planning Commission worked well and Gordon Hayward suggested there could be a committee to review the Peninsula Library PUD to expedite the review process. Elliott said she would be interested in being on the committee.

Hornberger comment that the Vineyard Ridge subcommittee made it easy for the Planning Commission not to get bogged down during PC meetings.

Couture thanked VanDenBrand and Hayward for being foresighted. It's easy to miss what is right in front of you, let alone, plan for down the road.

10. Citizen Comments

Nancy Heller of 3091 Bluewater Rd.

Heller said that, in her view, the Vineyard Ridge PUD request was not as smooth as was previously described. What expediting was done?

Britt Eaton of 1465 Neahtawanta Rd.

Elections have consequences, in his opinion, the Planning Commission is doing an excellent job..

Vicki Shurly of 1156 Lindale Dr.

Shurly thanked VanDenBrand and Hayward for their work on the library planning for building. Time is of the essence. There is huge support for the library. Peninsula Community Library is unique in the state of Michigan in that it is an independent library within the geographic area of a district library, along with Fife Lake and Interlochen. Were the library to close, even for a short period of time, the library would be in jeopardy of no longer being independent and could be required to become a branch of the district library. There is even danger that the district library would not desire to have a branch in Peninsula Township. The Library is well on its way to collecting the funds to build. To have the Planning Commission create a committee to expedite the approval of a SUP would be very important to getting a building in place before the library needs to vacate its current location in the Peninsula Elementary School.

Joanne Westphal of 12142 Center Rd.

Westphal talked about secondary dwellings, their size and function. Perhaps secondary dwellings could be small and could function as guest quarters for main houses.

11. Board Comments

Peters responded to Heller's statement about Vineyard Ridge. The Planning Commission only created a committee for the purpose of working with the development of easement language.

Peters stated that The Planning Commission definitely should set up a committee to work with the library. There is a time constraint that needs to be addressed.

12. Adjournment

MOTION made by Shipman/Wunsch to adjourn 8:05 PM. PASSED unanimously.