

**Peninsula Township Planning Commission
Regular Meeting Minutes 7:00 PM
August 15, 2016**

Meeting called to order at 7:03 PM

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

Absent: **Wunsch**(excused), **Rosi** (excused)

Also present: *Michelle Reardon*, Director of Zoning and Planning; *Claire Schoolmaster*, Planning and Zoning Co-coordinator; *Jim Young*, Township Attorney and *Mary Ann Abbott*, Recording Secretary

Approve Agenda

MOTION: Hornberger/Couture to approve Agenda

PASSED UNAN

Brief Citizens Comments- for items not on the Agenda

David Taft, 952 Nehtawanta, spoke on SUP #123, the planned unit development for the 81. There are two remanded issues requiring more clarification-the fire plan and the soil erosion plan. There is now a public hearing scheduled for August 23rd. Taft has asked the Township Board to ask the developer or his attorney to initiate due care and conduct an environmental assessment of the site. We know that a large portion of the site was extensively farmed. Shouldn't someone examine if the soil is contaminated or not before the developer is allowed to contour the site.

Conflict of Interest

None

Consent Agenda

1. Reports and Announcements (as provided)
2. Correspondence (as provided)
3. Meeting Minutes
July 18, 2016 (recommend approval)

Serocki would like to have added on her statement on page two the "During the review of the Zoning Ordinance the Planning Commission should look at the intent of open space."

MOTION: Hornberger/Peters to approve the Consent Agenda with changes to the minutes.

PASSED UNAN

Business

1. The 81 on East Bay Pre-Preliminary Plat (public hearing)

Reardon just wants to clarify that we are at the pre-preliminary plat review tonight. It has been published as the same. ~~Tonight by ordinance the staff has reviewed.~~ **Staff has reviewed the Ordinance and per the ordinance we are required to hold a public meeting.** We are required to hold a public hearing and then we forward the results to the Town Board. This is not for tentative approval. Once the Public Hearing is concluded we will forward your comments, the minutes and the staff report to the Town Board. Then the developer will have to come back with the second portion of the application, which is a far more detailed plan.

Jim Young, Township Attorney would like to further explain so that the audience understands that you will not be making a decision tonight. The Township's Subdivision Control Ordinance creates this pre-preliminary plat procedure whose purpose is to provide guidelines to the preparer of the plat concerning development policies of the Township and the Planning Commission with general information regarding the development. Nothing at tonight's meeting assures acceptance of the Preliminary Plat when you get to that point. You must have a public hearing and shall inform the Town Board with a report. No decision will be made tonight.

Doug Mansfield, Mansfield Land Use Consultants, 830 Cottageview Drive, Traverse City for the pre-preliminary review of "The 81 on East Bay". It is a 53-lot platted subdivision per the statute of the State of Michigan and Peninsula Township. There are 53 one plus-acre lots, residential single-family lots. Thirteen lots have direct access to the bay. The rest of the lots will have access as allowed through your ordinance. The site is served with individual wells and septic, private roads designed to meet

the standards of the Grand Traverse Road Commission, the Grand Traverse Drain Commission, The Township Engineers and the Township Fire Department. At this point it is a tentative approval, we are looking at the size of the lots, the depth of the lots, the width of the lots, the necessary easement and the common areas. There is a long process ahead of us and I am here to answer any questions.

Leak asked the applicant to explain the drawing to the audience.

Peters How much of the land will be re-graded? *Applicant* Cannot say at this time. *Reardon* There will have to be re-grading. That level of detail is not available at this time. **Peters** what agencies will report before the next step. *Reardon* all the normal items that you see will be submitted. *Reardon* will review the Subdivision Control Ordinance and get information back to the Commission.

Leak Bond? *Applicant* ready to post agreed upon bond.

Leak is there concern with the septic and drain field tainting the downhill side of the development. *Applicant* Will leave up to the Health Department

Leak what about docks that were shown on the other plan. *Applicant* other plan showed a 36 slip T-dock. This plan has 13 lots that can build out according to codes. It is the plan to develop the common shoreline for access to the water. **Leak** Outlot C? *Applicant* Yes. *Reardon* based on staff calculations that staff does not agree that there is enough frontages for everyone to have access

Hornberger is there still a Water Storage Tank? *Applicant* will build a 30,000 underground storage tank connected to a water well so that it is full at all times.

Leak asks for further questions from the Commission. **Leak** then opens Public Hearing at 7:28 PM

Amy Treare, 8563 East Beach Trail is concerned about traffic on Center Road. She is concerned about the environmental impact and would like to see the studies done.

Scott Howard, 420 East Front, Attorney for Jim Komendera and Protect the Peninsula the critical document is the Subdivision Control Ordinance. He wants to be clear on how he sees the procedure for this process. Section 3.2.3 (1)(d) says if the preliminary plat does not meet all the requirements the Planning Commission shall notify the sub divider by letter giving the earliest date for the resubmission of the plat and additional information required. He sees this as meaning that you need to tell the proposed platter all the information that they do not have according to this document and provide it to you. Once you have all that information that is when you go to the Township Board. *Howard* would like to highlight a few of the standards in the ordinance that he thinks are critical for consideration. Section 4.7.11 uninhabitable areas talks about land that is deemed uninhabitable may not be platted. That is why you need that information before you move forward. Section 4.9.2 Natural Features states that natural assets should be preserved. Section 5.4.12 Plan required for control of Erosion and *Howard* urges the Commission to look at this. *Howard* feels that staff has done a good job and have put together a list of 12 items that need to be supplied before you can even reconsider this sub-division plan. Last thing to note is that there are some details missing. Section 3.2.1 subparagraph 3 of the Subdivision control ordinance talks about those details. In particular, D. No names of abutting subdivisions is missing. No site report from the Department of Health as required in subparagraph L; No preliminary engineering plans as required by 3.2.1 subparagraph 4. Everything needs to be here before you can actually take the next step.

Chris Fifarek, 13046 Center Road there has not been a three-dimensional drawing done and it is hard for the community to understand the grade. There should also be a tax analysis done to see the benefit of larger lots.

Britt Eaton, 1465 Neahtawanta is extremely concerned about the traffic. We have 53 homes here plus 42 at Vineyard Ridge which is 93 vehicles times 2 cars in each household times 5 trips a day leads to 900-1000 trips down this already crowded road. Someone is going to get hurt on these roads. Concerned what MDOT will say about the traffic on our highway. In the spirit of the Master Plan there is too much traffic and you should consider denying this plan.

Katherine Hardy 11261 Bluff is also concerned about traffic and in particular is concerned about the safety of the large groups of bikers. She feels the potential for an accident is very large with the construction traffic.

Philip Settles, 5168 US 31, Acme who represents the developers states that this is one of two alternate plans of the developer before the township. This sketch plan is to get your comment as to what you do not like about this plan or what you like. This is your opportunity to talk about the plan.

Kevin Novorolski, 15750 Smokey Hollow states that his property is close to this development and he is concerned with the water table and what may happen to his well. He is also concerned with the soil. Hopes the Planning Commission takes a good look at what is in the dirt. Also if they are doing this much grading how much soil will they bring in and will this soil be tested.

Ellen Kerr, 14548 Bluff wonders if all the lots will perk. And also how will they handle all the sewage if you cannot put a septic in.

Wendall Woodard, 17768 Smokey Hollow states that we need a definitive knowledge if there is a toxicity problem and how much can be moved because we do not have this right now.

Leak asks for additional comments. Hearing none the public hearing is closed at 7:47 PM

Reardon Staff has created a list from the comments tonight. She would like to state that the planner recommendations on page 4 of her report have been revised. Items 3 & 4 have been addressed and can be removed. Item 5 has some setback lines that are questioned. The utility easement has not been removed from the lots and the recalculation of those lot areas have not been provided. Items 6-12 still need to be addressed as well as items here tonight. This then goes in a report to the Town Board as well as the developer. The Town Board does not take action but it is up to the developer to resubmit a plan that is in conformance.

Peters even though this is a plat - it maximizes the amount of houses but it disregards what is in our future land use map but also in maintaining any of the natural features. She suspects that a more interesting plan might be done. There is a lot that can be done that could make this plan acceptable but she is not particularly pleased with this version.

Jim Young, Township Attorney please understand that the Planning Commission will be reviewing not under the Zoning Ordinance but under your Subdivision Control ordinance. Some of the things that people are asking you to review may be something that you are not able to as a matter of law. You may also find that there may be flexibility between the two plans. His office will render an opinion if something is missing. Your duty under the ordinance is to send a report on behalf of the Planning Commission to the Town Board.

Hornberger what is our next step? *Reardon* you are done at this stage. The ball is in the other court.

Leak can the public get this report. *Reardon* It will be available online or could be emailed.

2. Master Plan 5-year review (Recommendation to Township Board)

Peters states that she and Commissioner Serocki worked on the following recommendation to the Town Board.

The Planning Commission recommends the following actions related to the Master Plan as part of the 5 year review:

1. Compare the Future Land Use (FLU) map for conflicts with current uses (i.e. upzoning-Buchan Farms)
2. Prepare digitized and readable maps for ease of use
3. The Township Board should work with a professional survey company to create and conduct a survey for use in the next 5 years review of the Master Plan and in advance of the 2022 PDR expiration.

Items 1 & 2 are estimated to take approximately 150 hours of GIS work inclusive of staff analysis with a budget of \$2800.00.

Peters over and above this our committee talked about forming a work plan where we spend some time going from Master Plan goals and look at the actions required to reach that goal.

MOTION: Peters/Hornberger to send the Master Plan 5- year review recommendation to the Town Board.

PASSED UNAN

Peters states that the new Board will influence the work plans. She suggests a discussion group and to listen to the public talk about the actions and the goals. *Reardon* suggests to make it a part of an agenda. This is where the people expect the planning commission to be doing its work. We get bogged down in site plan review and SUP but this may be a better venue. Could be started with the September meeting to decide how to start. Just because it is not a public hearing does not mean that you cannot have public discussion.

Hornberger would like to see questions in advance so that people could be prepared. A Township Newsletter would be a perfect avenue for this.

Reardon suggests that the spreadsheet that was prepared may be a place to start. She will be put on the September agenda.

Couture why doesn't this Town Hall have a big screen TV for presentations? *Reardon* the request can be given to the Town Board. **Couture** it would encourage a visual presentation

3. Appoint Officer Nomination Committee

MOTION: Hornberger/Peters moves to table the Officer Nominations until the December Meeting.

PASSED UNAN

Reardon The Town Board has decided to continue the terms of the expiring Planning Commission members until the new Town Board takes their positions.

Citizen Comments

Nancy R. Heller, 3091 Blue Water Road suggest to the Planning Commission that all fees need to be reviewed and updated. Also on *Monnie's* discussion - when you put items on a regular meeting for discussion you are always pressed for time. Try but if it does not work go back to what *Monnie* suggested.

Margaret Achorn, 11284 Peninsula Drive asks has an escrow account been established for this new 81 project and the Vineyard Ridge? If not please make a motion now to have it done. The taxpayers do not want to continue to have their tax money going for developers' fees

Curt Peters, 1356 Buchan Drive wants to make sure that the Planning Commission saw his request to have the minutes changed to reflect to have the future zoning map for properties: Buchan Farm, Old Mission Estates and non-producing orchard just south of OME back to the existing map which is Ag. The future shows this to become R1. He did make a request verbally that you reconsider the future land use map for the three parcels he described.

Reardon states that Mr. Peters comments become part of the record as they are included in the packet.

Board Comments

Peters is glad to see that Mr. Wendling has given us language about two projects at the same time. He also promised something about the Ordinary High Water. *Reardon* he is still working on that. The language was about two projects at the same time was more timely.

Peters where are we on the escrow issue. *Reardon*. You established an escrow on Vineyard Ridge that has been paid. Based on fee estimates. When the preliminary plat comes through is the time it needs to be paid. *Reardon* will check on the timing of the payment on the Plat.

MOTION: Hornberger/Serocki to adjourn at 8:28 PM

PASSED UNAN

Respectfully submitted by Mary Ann Abbott, Recording Secretary