

## PENINSULA TOWNSHIP

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### PENINSULA TOWNSHIP PLANNING COMMISSION MEETING

13235 Center Road

Traverse City, MI 49686

August 19, 2019

7:00 p.m.

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

**2. Pledge**

**3. Roll Call: Present:** Dloski, Hall, Oosterhouse, Shipman, Wunsch. Also present, Randy Mielnik, Township Planner, and Christina Deeren, Zoning Administrator  
Excused: Couture, Hornberger

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

**5. Brief Public Comments:** None

**6. Additions to Agenda/Approval:**

**Shipman:** strike item 7 as it is a repeat

**Mielnik:** The planning commission recommends an individual that also serves on the ZBA. Al Couture is interested in continuing in that role, that is the pleasure of the planning commission.

**Shipman:** adding ZBA Recommendation as Business Item f.

**Moved by Wunsch to approve agenda as amended, supported by Dloski pass unan**

**7. Conflict of Interest:** None

**8. Consent Agenda**

a. Approval of Meeting Minutes: PC Meeting Minutes – July 15, 2019

**Moved by Dloski to approve meeting minutes for July 15, 2019 supported by Wunsch pass unan**

**9. Reports**

a. Master Plan Steering Committee (Mielnik)

**Mielnik:** The next meeting is September 9, 2019. The members will review draft number four of the survey. Susan and Todd are on the committee. Once the draft undergoes revisions, it will be on the agendas of the planning commission, the township board, and will launch after that. We have made efforts to frame the survey questions well and plan to keep it brief.

b. Zoning Update (Mielnik)

**Mielnik:** Becky Chown is almost done with grammatical editing, it is expected to be released later this month. Tentatively, September 23<sup>rd</sup> is a targeted workshop date to answer any questions from the public and hear feedback on the draft.

## **10. Business Items**

### a. First Congregational Church SUP Amendment-Introduction

**Jeff Parker, Jeffrey Parker Architects, on behalf of the church:** We have just finished meeting with church neighbors and are here tonight to share plans for the church expansion. With a PowerPoint slide, he shows the aerial map of the church with the upper left showing the community garden and to the right, a kid's park. Down from the community garden is the retention pond. The Garden of Remembrance is also shown and is under an easement for protection. The church has not been updated for a while and there are two projects for the church. The first project is for children newborn to sixth grade. Currently, they compete for the same space. Plans are to build space in the area on top of the existing roof, shown as a rectangle on the upper right corner of the slide. Referring to the top and right of the addition, this would be made into a park complete with nice landscaping. The L shaped part of the property which loops around the kid's zone would be landscaped, and would entail lowering the grade, moving the ground to where the arrow is shown on the slide. That would balance the cut and the fill. A slide of the inside of the building is shown, and it is noted that the exterior appearance is seventeen feet tall.

The second phase is a Christian Life Center, intended to be used by the community with its own entrance. The interior would include an elevated walking path, meeting rooms and a multi-use gym. This will displace parking and a parking area would go where the fill would go for the first project. There are plans for a storage area to be built to the side of the sanctuary's chancel, and it will blend into the church architecture. The garden will include a twenty-four by forty-eight shed for use by the community garden. A slide is shown of the inside of the Christian Life Center and the front view with its own entrance. The next slide shows the Kid's Zone to the right and the Christian Life Center to the left, with a height of thirty feet.

**Dloski:** What is the frequency of use for the Christian Life Center?

**Parker:** introduces Pastor Chad Oyer of First Congregational Church

**Pastor Oyer:** The hours for the building are seven a.m. to six p.m. with sixty-five to eighty families using the daycare. In the evenings there are meetings and worship services. The building is used until ten at night. The church is used heavily by groups in the community and the Christian Center will be in step with those hours, seven a.m. to ten p.m. at night.

**Deeren:** What about Sunday, times of worship?

**Pastor Oyer:** Simultaneous worship services are held on Sundays from ten a.m. to eleven a.m., two services occur at that time. We have had staggered services in the past.

**Shipman:** What is your timeline for a formal submittal package?

**Parker:** I will introduce the civil engineer of Gosling Czubak Engineering Sciences for that timeline.

**Bob Rochet, Gosling Czubak:** We are working through plans with the church and we are hoping for the next meeting for submittal. The Kid's Zone and the storage area are important and necessitates amending the SUP.

**Hall:** Jeffrey indicated that there would be some land rebalancing, and parking lots would be reconfigured somewhat. Do you anticipate any problems with storm water management?

**Bob:** I do not. There is a large storm water basin currently in place. The Kid's Zone addition will fit over the existing footprint. We have not analyzed the Christian Life Center. There is existing storm water drainage there.

**Oosterhouse:** What is the timeline for the second phase, is the full package for both phases?

**Parker:** We will seek approval for both projects. At present, the church is undergoing a capital campaign. We want to do the projects well. The first project is the Kid's Zone addition, the park, the two storage areas, and renovating the tired areas of the church. The second phase is the Christian Life Center and it may be another year for that project.

**Shipman:** We will look for your packet.

**Mielnik:** The deadline is two weeks before the scheduled planning commission meeting to have the entire packet.

b. 81 Development – SUP# 123 Amendment

**Kyle O'Grady, 901 South Garfield Avenue:** I am here tonight seeking approval of Amendment One of PUD #123. It is my understanding that a small portion of this amendment has been opposed by property owners to the north of the development living on Trevor Lane. Specifically, their concern regarding the amendment is related to the public hearing notice and its wording. They have claimed this notice, published, June 29, 2019, mentioned all changes other than the movement of lot one to the north side of the property. They claimed they didn't attend the public hearing because they didn't know we planned on moving one of our lots. Although we believe that "adjustments of several lots" as stated in the public hearing notice adequately introduces the idea of moving the location of one of our lots to a different location on the property, we are willing to alter tonight's amendment request to include all previous changes and exclude moving lot one to the northern side of the property. This request, including lot change, has been thoroughly vetted and proved to be in conformance of the zoning ordinance by Jennifer Hodges.

**Shipman:** asks for a summary

**O'Grady:** We will move the road named Snug Harbour Court on the east side of the property about twenty-five feet to the west, as well, we are proposing to remove five feet of lot depth on lots eleven through twenty nine in order to make up for the open space. By request of the Well's family, the fire department emergency access route located at the northwest corner of the development is re-aligned. Those are the only changes for this amendment.

**Dloski:** wants to clarify, referring to page one of the introduction, the seven points, is number one part of your proposal?

**O'Grady:** yes

**Dloski:** So you are going to relocate the road Snug Harbor Court twenty-five feet to the west and this would enlarge units nine, eight, seven, six and five. Number two: lots one

through nine are adjusted. Number three: landscaping along Double Eagle Drive associated with unit ten and four is eliminated, enlarging those two lots. So, numbers four and five are deleted.

**O’Grady:** yes, we are going to delete number four, and delete number five.

**Dloski:** Units eleven through twenty-eight were shortened along the easterly lot line to achieve the 65% PUD open space requirement. Number seven, the fire department emergency access route located at the northwest corner of the development is re-aligned are included. To review one, two, three, six and seven are your requests and eliminate four and five?

**O’Grady:** yes

**Wunsch:** What range? Twenty-five? Will you modify number one to give a range to deal with?

**O’Grady:** We are asking for twenty-five feet exactly.

**Shipman:** Are you satisfied with the packet?

**Mielnik:** Yes, the issue set aside may come back.

**Shipman:** Is there engineering documentation from Jennifer Hodges?

**Mielnik:** There is a letter as an exhibit, and double checked today with regard that changing lot number twenty-nine as discussed still maintains compliance with the required open space calculations.

**Shipman:** We will take public comments at this time.

**Scott Howard, Attorney on behalf of the Lewis family:** We appreciate what has happened here tonight. We understand that the request for unit one to be unit twenty-nine and realize it may come back. Wanted it to be in the record that they strenuously object if this issue does come back.

**Moved by Dloski to recommend to the township board approval of revision for SUP #123 items one, two, three, six and seven found on page one of the introduction and background sheet to the request, as amended, and the amendment is to delete the word about and to make it clear that it is twenty five feet, supported by Wunsch.**

**pass unan**

**Shipman:** this will now go to the town board

c. Solar Zoning Amendment

**Mielnik:** At the last meeting, a resident pointed out that our ordinances do not address on site solar energy systems. It was the will of the board to include a draft zoning amendment. The zoning rewrite text (not released) included material that addressed this topic specifically, but several shortcomings were found in this material and edits were made to improve the draft language provided in the packet. Additionally, photos of different sizes of free-standing solar panels were included to provide a sense of scale. One change from the zoning rewrite text was to adjust the required setback given the size of the equipment. An additional two feet of setback is required for each kilowatt over one to a maximum of ten kilowatts. The planning commission can take action and schedule a public hearing to hear public and trade association input. A few areas need more attention and review.

**Nancy Heller, 3091 Blue Water Road:** The planner and applicant want to move forward but it needs more work before it goes to the public hearing. We need to know dimensions and see pictures. The concern is about the size of the ten-unit panel and size of the property it is put on. We need more information for the set area and roof. If it moves forward, people could request variances and her opinion is that it needs tightening up.

**Deeren:** For the request that came before me, the panel was a forty-seven feet long panel.

**Dloski:** What kilowatt was that?

**Deeren:** Ten kilowatts, and has seen fairly large lot coverage as well. We need to look at the size of the panels and the lot coverage.

**Shipman:** Yes, that is item C.

**Hall:** Why is the limitation expressed in terms of kilowatts instead of square footage of the panel, with advancing technology the panel could produce twenty kilowatts?

**Mielnik:** That is a good point, and perhaps there should be a limit set in terms of both kilowatts and the size. Going forward, the relative question is to decide to go to a public hearing now, or work on it more and delay a month?

**Dloski:** The gentleman asked that we come together because he could not put a solar panel in, and asked it to be considered, so he could have something to use. We should schedule a public hearing as is. I propose a motion to schedule this for a public hearing at the next meeting as is.

**Wunsch:** I would support a public hearing, but more research is in order. Ten kilowatts is good for the average, but would look at bumping up the square footage and look at setback requirements.

**Mielnik:** The area of concern is one size fits all. It would be lost on five acres, but prominent on a half-acre lot.

**Oosterhouse:** Put some acre definitions in there, and what the standard allows. What are the size requirements? There is a need to look at the standard to go by in 2019, what does the panel look like, and adjust it if technology improves.

**Dloski:** The pictures show two to ten kilowatts. We can see some perspective from the Central High School array.

**Deeren:** A field can be seen on M-72 as well.

**Mielnik:** Can come up with some drawings to show size but more input is needed

**Shipman:** Can we move forward to public hearing, knowing that issues will naturally come up? Do I see a motion on the floor?

**Moved by Dloski for the Solar Zoning Amendment for on-site solar energy systems to go to public hearing, seconded by Wunsch pass unan**

**Shipman:** This will go to public hearing.

**John Bercini, 716 Walnut Ridge, serves on the board of directors for the**

**Groundwork Center for Resilient Communities:** There is a new section 7.2.8, is that a replacement or addition to 6.3?

**Mielnik:** created a new section

**Bercini:** Regarding the three-foot height limit above the roof line, which is fine for a normal roof, how does that work on a flat roof? How do you measure three feet above a flat roof, is it the parapet or the floor of the roof? The parapet is the side wall and the standard solar panel is three feet wide and five feet tall. There will be variance requests. The other issue is a definition problem, for example, there could be a six kilowatt on the garage and a ground mount of six to eight that equals fourteen kilowatts. Many homes do not face dead south. The efficiency of the panels is changing. Three panels make a kilowatt. Ten kilowatts is thirty (three by five) panels. Also, you need to clarify the landscaping at the base. Is that a fence, pine trees, what do you mean?

**Oosterhouse:** In looking at the three feet above the roofline, are they at the most efficient level? There is a need to make sure that they are the right height.

**Bercini:** Most modern systems track and change the angle and degree. There is a need to consider given angle and the given panel as to the kilowatts generated.

**Dloski:** question about a flat roof, three feet seems easy

**Bercini:** You might want five, how do you measure the three feet from the base or the parapet? You will not see above the parapet.

**Oosterhouse:** If the roof does not have a parapet, five feet goes up, limiting the full use of what these panels could be.

**Deeren:** on the ground instead of the roof

**Board discussion on flat roof verses ground and the variables of larger systems**

**Mielnik:** to clarify, there is no language on landscaping in this draft

**Brad Lyman, 18420 Center Road:** He had requested that this item be considered. Urges not to allow perfect to get in the way of good. He has a south facing roof issue and cannot do anything. He requests a straight forward amendment for those who want to use solar.

d. Winery Chateau / B&B Zoning Amendments

**Mielnik:** Today, he found a section of the code that we were not aware of that speaks to part of it, in section 4.2.3, the proposed change. The question is how PDR easements impact the zoning code is significant. John Wunsch spoke a few months ago on the PDR land being included in Winery Chateaus, which spilled to bed and breakfasts, which spilled over into lot sizes. Section 4.2.3 needs additional work, but we can go forward and hold a public hearing on the bed and breakfast amendment. Not many communities have the PDR, it is important to clarify how PDR land is treated under the zoning code. For the most part, the zoning code trumps PDR.

**Dloski:** With a couple of very small revisions, 4.2.3 may get us where we want to be. However, there are additional discrepancies in the zoning ordinance that we need to attend to. Recommends to table and let committee meet one more time.

**Moved by Wunsch to table the Winery Chateau Zoning Amendments, supported by Dloski**  
**pass unan**

e. Updated Bylaws Attached

**Mielnik:** this is not an action item, but informational

**Hall:** Looked at the bylaws and did not see a provision for indemnification of planning commission members, it is common to have this. Recommends to include one.

**Dloski:** On occasion, members can be sued individually, agree we should have a provision. Typically, the township insurance carrier has this to indemnify the board members.

**Shipman:** question to Randy Hall, did he research with the township staff on this issue about the insurance?

**Hall:** There is an insurance policy, but would want to ensure the planning commission members are insured/included. When individuals are sued, they do not have to hire an attorney at their own expense.

**Dloski:** question to Randy, do you have language?

**Dloski:** a copy should go to the planner and to the township attorney

**Deeren:** and check insurance carrier and name out individuals

**Dloski:** to backtrack, we need to move ahead on the B&B Zoning Amendment, item d., it can move forward to public hearing

**Shipman:** let's jump back to item d.

**Mielnik:** This had the provisions for additional guest rooms for larger sites and excluded PDR land to be counted as that. Currently the Bed and Breakfast ordinance says that the number of guest rooms is three guest rooms regardless of the lot size.

**Motion by Dloski to schedule public hearing on B&B Zoning Amendment, supported by Hall** **pass unan**

**Mielnik:** Therefore, there will be two public hearings next month, the Solar Amendment and the B&B Amendment

f. ZBA Recommendation

**Shipman:** Alan Couture has expressed interest in continuing.

**Mielnik:** Need for the planning commission to recommend someone to the township board. They will appoint that person in September.

**Moved by Dloski to recommend Alan Couture as our ZBA recommendation to the town board, supported by Oosterhouse** **pass unan**

**11. Public Comments**

**Monnie Peters, 1425 Neahtawanta Road:** Commented on the need to move forward with the zoning update as soon as possible.

**Mielnik:** There were many technical areas of the zoning rewrite that required more attention and review in recent months. The zoning map is actually part of the zoning ordinance and it requires attention as we move from a paper map to a digital map that can be updated easily going forward. It is important to have a solid product to present to the community.

**12. Other Matters or Comments by Planning Commission Members**

**Shipman:** will be absent next meeting

**13. Adjournment:**

**Moved by Dloski, supported by Wunsch** **pass unan**

**Adjournment time: 8:12 p.m.**

Peninsula Township  
Planning Commission Minutes  
August 19, 2019  
Beth Chan, Recording Secretary