

**PENINSULA TOWNSHIP
PLANNING COMMISSION
AMENDED AGENDA
13235 Center Road
Traverse City, MI 49686
October 17, 2016
7:00 p.m.**

- 1. Call to Order**
- 2. Pledge**
- 3. Roll Call**
- 4. Approve Agenda**
- 5. Brief Citizen Comments – for items not on the Agenda**
- 6. Conflict of Interest**
- 7. 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.

- a. Reports and Announcements (as provided)
- b. Correspondence (as provided)
- c. Meeting Minutes
 - i. October 3-2016 Zoning Rewrite Process Committee Meeting
 - ii. July 13 - 2016 Special Joint Meeting
- 8. Business**
 - a. SUP #127 – Vineyard Ridge – Remove consideration of the 10-3-16 plans and discuss proposed changes to the site plan per Mansfield letter of 10-13-2016.
 - b. Consider scheduling a December public hearing for the revised SUP #127 Project.
 - c. Zoning Rewrite Process
 - d. September 19, 2016 7:00 Regular (Peters 10-12-2016 memo)
- 9. Citizen Comments**
- 10. Board Comments**
- 11. Adjournment**

Peninsula Township has several portable hearing devices available for use during this meeting. If you would like to use one, please contact the Chairperson.

October 13, 2016

Gordon Hayward
Director of Planning & Zoning
Peninsula Township
13235 Center Road
Traverse City, MI 49686

Dear Gordon,

Thank you for your continued review of the proposed Vineyard Ridge Planned Unit Development. As discussed earlier this week, we are now planning some changes to the application and proposed plans for the project. As a result, we are requesting that the documents that were submitted on October 3, 2016 be removed from the agenda for the October 17, 2016 Planning Commission meeting. We do, however, plan on being at the meeting to discuss the following:

- A revised site plan for the proposed development.
- Scheduling a new public hearing for the project, as you required, based on the proposed site plan changes that we have discussed.

We will continue working on the proposed changes to the site plan and have them ready prior to the October 17 Planning Commission meeting for discussion purposes. The additional information that will be required for further review of the plans will then be created prior to the scheduled public hearing. Please let me know if you have any questions.

Sincerely,



Dusty Christensen, LLA

5.00 PC Approval
10/17/16

Peninsula Township Board/Planning Commission
Zoning Board of Appeals/Park Commission
Special Joint Meeting – Township Hall
July 13, 2016 – 7:00 p.m.

Meeting called to order at 7:00 p.m.

Present: Town Board - Correia, Hoffman, Byron, Rosi and Witkop
Planning Commission: Leak, Peters, Serocki, Hornberger, Couture, Rosi and Wunsch
Zoning Board of Appeals: Vida, Soutar, Witkop, Wunsch, and alternates, Snow and Elliott
Park Commission: Sanders, Shipman, Skerski, and Griffiths
Also present: Attorney Jim Young

Absent and excused: Avery, Weatherholt, Cowall and Andrus

1. Call to order
2. Pledge
3. Roll Call
4. Approve Agenda

Motion: Byron/Rosi to approve agenda.	Passed Unan
Motion: Hornberger/Wunsch to approve agenda	Passed Unan
Motion: Vida/Witkop to approve agenda	Passed Unan
Motion: Shipman/Skurski to approve agenda	Passed Unan

5. Brief audience comments for items not on the agenda.
Nancy Davy 14713 Shipman Rd., T.C. Davy read a statement regarding land splits, easements, and the OHWM (Ordinary High Water Mark) and commented about the land split that was done for Correia.

Louis Santucci 12602 Center Rd., T.C. was concerned with being limited to 3 minutes per person for public comment. He was concerned that the attorney here this evening is the same one that sat through the meetings with regards to the previous speakers comments...however, he was not sure.

6. Conflict of Interest - None for all boards and commissions

7. Business

1. Code of Ethics/Conflict of Interest/Policies and Procedures –
Review with Township Attorney

Young gave a brief background of his work stating that 99% of his work is municipalities.

Young talked about appearance of impropriety, and the difference between Legislative and Administrative decisions. Administrative decisions are easier to overturn than Legislative. Young provided the boards and commissions with really life examples. Young boards and commissions should follow the standards and look at the Zoning Ordinance and the Master Plan.

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Young stated that board and commissions members should not be talking with supporters or opponents outside of the public meeting, and said that electronic media, email should not be done either.

Young said Town Board members should not be making zoning decisions, such as SUP (Special Use Permits) that Township's need a well-trained Planning Commission this is their job. He said a wiser course of action is to have Planning Commission making these zoning decisions following the Zoning Ordinance and the Master Plan.

Young asked Hoffman to read the "Code Of Ethics". then took questions from the boards and commissions.

Young was asked about taking campaign contributions. Young said people have a legal right to do so.

Byron asked about "liking" a Facebook page during a recent decision and that she had to recuse herself, but was not informed by council that attended the meeting that she could then participate in the public hearing process. Young said she could have and is going to review the details and get back to the Byron on this.

Shipman asked about the Township Attorney bringing the Finding of Facts to the boards and commissions. Young said that the boards and commissions needs to review them the Findings and that they are being met.

Witkop asked about board members and commissioners recusing themselves. Young said to disclose it, so it is on the record and if needed get a legal opinion of the conflict.

- 8. Citizen Comments - none
- 9. Board Comments - Leak, stated he was happy that none of the Planning Commission members do not have any hidden agendas. Sanders, the meeting was very helpful.

Motion: Byron/Witkop to adjourn.	Passed Unan
Motion: Wunsch/Peters to adjourn.	Passed Unan
Motion: Soutar/Wunsch to adjourn.	Passed Unan
Motion: Shipman/Skurski to adjourn.	Passed Unan

Adjournment - 8:35 p.m.

Respectfully Submitted

Monica A, Hoffman CMMC/CMC
Township Clerk

Approved by Township Ed 8-9-16

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**PENINSULA TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
SEPTEMBER 19, 2016**

Meeting called to order at 7:00PM

Present: **Peters; Hornberger; Leak-Chair; Couture; Serocki; Wunsch.** Also present were *Michelle Reardon*, Director of Zoning and Planning; *Peter Wendling*, Township Attorney and *Mary Ann Abbott*, Recording Secretary.

Absent: Rosi (excused)

Approve Agenda

MOTION: Hornberger/Peters to approve agenda.

PASSED UNAN

Brief Citizen Comments – for items not on the Agenda

None

Conflict of Interest

Serocki has a conflict of interest with SUP#127 and will recuse herself during that portion of the meeting.

Consent Agenda

1. Reports and Announcements (as provided)
2. Correspondence (as provided)
3. Meeting Minutes
 - i. August 15, 2016 (5:30 PM Special & 7:00 PM Regular)
 - ii. August 22, 2016 (5:30 PM Special & 7:00 PM Special)

Typographical corrections to the minutes of August 15,2016 Regular meeting and August 22, 2016 Special meeting.

Correction to August 15, 2015 Business item #1 should read: ~~Tonight by ordinance the staff has reviewed.~~ **Staff has reviewed the Ordinance and per the ordinance we are required to hold a public meeting.**

MOTION: Hornberger/Serocki to approve the Consent Agenda with minutes corrected.

PASSED UNAN

Business

1. SUP#127 – Vineyard Ridge (discussion and potential recommendation)

Serocki recuses herself from Business Item #1 and takes a seat in the audience.

Reardon would like to note to the Planning Commission that the Engineer's Report is included in their packets and that the Attorney has not had time to review this item.

Dusty Christensen, Mansfield Land Use Consultants is present to answer questions of the Planning Commission. He indicates that the applicant has complied with the request for more information on the following topics: Hammerhead turnarounds before roads are finished; final environmental study; correspondence from the Road Commission which states that plan is agreed upon and acceptable; proposal for individual mailboxes; grading summary and intent to comply.

Couture states that he appreciates the work that has been done on this project but has a major concern with the traffic on Center road. **Couture** does not feel that this is a safe place to put a road and feels that it is a safety concern and dangerous without a turnaround or a bypass lane.

Peters The Master Deed has a reference of Limited and General Common Elements. We have raised concerns about this being clear to the buyers. *Applicant* will be defined when filed with the deed. *Reardon* What is the difference between the site plan and the Map labeled exhibit B. Is it a level of survey that is not completed yet? So we have not seen that map. *Reardon* Judge Rodgers decision has impacted the level of detail that this Township requires in decision-making. *Wendling* every standard of the PUD and SUP must be finished or completed prior to the decision of the Town Board. Preferably since you are an advisory

body you will have it completed before you send it to the Town Board. It is critical that all the elements are met and completed before it is passed to the Township Board. *Applicant* if the board would like to have this requested they could have it.

Peters is interested if the Township Engineer thinks there are other things outstanding. *Brian Boals, Township Engineer* would like more answers before recommending approval. Still has some specific grading information that he would like to see as a framework for those building sites. Same with water supply and sewer and would recommend gravity line. Would like to see this information as soon as possible. *Applicant* will work with Engineer.

Wunsch would echo Couture. Still hearing three concerns of curb cut onto Center Road, significant reshaping of the property, and the open space use especially between the houses. Wonders what applicant has done to address these issues. *Applicant* we are complying with comments from the Department of Transportation and the Road Commission. Slopes are not overly steep and they do currently do not know the floor plan that each home will select. Intend to have all slopes stabilized and intend to make slopes not too steep. Units are clustered in order to maintain the 90' open area setback.

Reardon In terms of the US Postal Service they are indicating one mail post for every two houses. Open space needs to be void of any structures. These will need to be in the building envelope. This needs to be addressed prior to sending to the Town Board and should consider a condo mailbox. Also keep in mind that open space can be used for recreation.

Leak It would help the Township and the Planning Commission is the covenant has defined use of the open space. This is a good looking project and you have gone to a lot of effort, but I feel it is necessary to provide turn lanes on Center Road so there will not be a danger to the citizens.

Wendling Center Road is a State road and there is a question if they would allow these changes. The County Road Commission and the Township have more say in the other roads. If this is a concern of the Planning Commission then you could ask the applicant to open this dialog as far as traffic. *Applicant* is this a traffic issue or a safety issue. **Couture** our edict speaks to traffic and safety. Do you think that this is a safe thing to do? *Applicant* it is as safe as any other development along Center Road.

Hornberger concerned that the reason to approve a PUD is because PUD gives you better open spaces than Use by Right. She does not see this in this plan. Seems that use by right gives you better use of the land. *Applicant* in return to putting units closer together we have provided a 90' buffer. We are trying to comply and benefit surrounding neighbors.

Reardon mailboxes need to be resolved and cannot be in the general common elements. Open Space elements need to be free of structures and impact your calculations. We should be able to figure something else.

Wunsch believes that we need to see more value to the community to justify granting this PUD.

Leak would applicant be willing to post a bond to put in turn lanes on Center Road. **Applicant** would have to ask. *Reardon* would you be willing to sit down with MDOT, PC member and staff to see if an option can be figured out. **Applicant** Certainly. **Couture** would like to be in on this meeting.

Reardon suggests that applicant may have a different vision of the open space that what the Planning Commission is seeing and suggests that perhaps a better depiction of this vision would be helpful.

Reardon Hearing that the commission would like to see a Map B and they have some other concerns. Gordon Hayward will get that list to you. Also would like to see in the restrictions language about those areas of concern so that buyers sitting down at the closing table will be aware of them also. *Wendling* is willing to draft the language on that.

Hornberger we are looking for a plan that has substantial improvements over use by right. **Reardon** is there a way to show the aerial photo with the landscaping plan so that each group's vision may focus on those items rather than the clear cutting.

Reardon also a reminder that this property is zoned in its entirety R 1-C.

Discussion to continue at the next meeting.

Gordon Hayward, Interim Planning & Zoning Director spoke to his concerns about the proposed private roads connecting to public roads and the developer may want serpentine roads to discourage through traffic.

Commissioner Serocki returns to her seat on the Planning Commission at 8:11 PM

2. Zoning Ordinance Amendment #191 (public hearing)

Reardon this is the language that will prevent two permits for a single piece of land as requested by the Planning Commission. Tonight is Public Hearing on this language. We will then send it to the County for a comment period and then to the Township Board for final action.

Serocki questions the language and suggests the following changes to the first paragraph. **Couture** requested deletion of (1):

Order of Processing Permits for Use of Land: Any parcel or parcels under the same ownership shall only be allowed to have one (1) application pending at any time for any permit for the use of any **that** parcel or **those** parcels which requires the application of the regulations under this Zoning Ordinance. For the ~~purpose~~ **purposes** of this provision, a single application that is pending would include, but not be limited to the following:

Leak opens up the Public Hearing.

Britt Eaton 1465 Nehtawanta Road felt offended at the meeting for the Vineyard Ridge where the applicant pulled out an alternate plan. He felt as if he was being threatened. Found it offensive for this project as well as for the "81".

Gordon Hayward, 17777 Shitake Trail had a couple of considerations. There are times when people may need multiple permits from other agency. *Wendling* Zoning Ordinance only - does not pertain to other departments. *Hayward* asked for a clarification on the email from Consumers Energy.

Reardon the intent is not to impend but to preserve resources of the Township. We are talking about a single piece of land can have only one permit at any time. Consumers Energy with several easements over multiple parcels is not impacted by this change.

Hornberger thinks this is necessary for our Township so that we are not using up our Township staff and resources.

Leak asks for any other comments. **Leak** closes Public Hearing at 8.22 PM

MOTION: Wunsch/Hornberger to recommend the passage of the Amendment No 191 with the changes as noted to the Township Board.

PASSED UNAN

Citizen Comments

Laura Serocki, 6924 Center Road regarding SUP 127 curious about the difference in the sewer and the gravity feed to Huron Hills or the pump up to Matheson Road. Is the Township responsible for all maintenance and repairs. Does the Township need to accept that? Brian Boals, Township engineer says they are with in the public sewer district and if they put in a new pump station will be turned over to the Township and maintained to the DPW. Recommendation is for a gravity feed. Paid through user fees.

Serocki was reading about disturbing soil with arsenic. What about dust during construction and the health of workers and neighbors? *Wendling* There would be dust control regulations as part of the construction code

Board Comments

Peters Has some items that are still pending:

- Approval of 7/13/16 Joint Meeting Minutes
- Bed and Breakfast back from the Town Board
- Attorney Language on Land Division and Ordinary High Water.

Reardon Attorney is only authorized to look at this in regards to working with regulating Docks and Hoists as part of the Zoning Ordinance rewrite. If the Town Board wants the attorney to look at the Land Division Ordinance that direction needs to come from the Town Board. That request can come from the Planning Commission or any resident.

Peters would like to formally request as a Planning Commission Member and an individual citizen that the Town Board look at the Land Division Ordinance and the Ordinary High Water Mark.

Peters inquired on the Zoning Ordinance rewrite and the Master Plan work plans. *Reardon* There is a lot of change at the Township. Did not want to waste our time with the consultant. The Town Board will now need to decide how they want to proceed with this process. Gordon Hayward is appointed for a 60-day period not to exceed 90 days.

Serocki Per diems due on 9/28 at 9:00 AM.

Peter would like to get going on the work plans for the Master Plan. **Leak** thinks choice should be with the planner. **Hornberger** would like to get participation from the residents and should be in the Newsletter as to what we will be doing. **Wunsch** thinks it would be useful to have a general goals and objectives for the Planning Commission and what resources the Town Board should be allocating for that. He is happy to sit on the committee. Suggests that Peters, Hayward and Wunsch meet in the next week to look at direction. *Hayward* Planning Commission should tell the Town Board what they would like to see.

Couture Thank you to Michelle Reardon for all her hard work.

MOTION: Hornberger/Wunsch to adjourn at 8:47 PM.

Respectfully submitted by Mary Ann Abbott, Recording Secretary.