

**PENINSULA TOWNSHIP
PLANNING COMMISSION
AGENDA**

13235 Center Road
Traverse City, MI 49686
December 18, 2017
7:00 p.m.

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, Hornberger, Peters, Elliott, Shipman, and Wunsch

Absent: Couture with notice.

Also Present: Brian VanDenBrand and Gordon Hayward

4. Approve Agenda

Addition made by VanDenBrand to dismiss the 11/27/17 Zoning Ordinance Subcommittee notes and section 9B has been removed.

Motion made by Hornberger/Serocki to make additions to agenda as proposed by VanDenBrand. **PASSED** unanimously.

5. Brief Citizen Comments

None.

6. Conflict of Interest

Peters, Wunsch, Hornberger and Shipman have donated to the library and are members of the friends group and do not feel this is a 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.

Motion made by Wunsch/Serocki to approve consent agenda. **PASSED** unanimously.

a. Reports and Announcements

b. Correspondence (as provided)
Officer Election

c. Approval of Meeting Minutes

i. Planning Commission Regular Meeting 10/16/17

ii. Planning Commission Special Meeting 10/16/17

d. Committee Notes

i. Zoning Ordinance Subcommittee Notes 11/20/17, 11/27/17, 12/4/17

ii. Master Plan Subcommittee Notes 11/8/17

8. Reports and Updates

- a. Township Board
Wunsch reported that the Township Board passed 81 North Development and noted that in future, there are particular points of concern and changes to be made to the Zoning Ordinance.
- b. Zoning Board of Appeals
Serocki reported a meeting was held last week with one request. On 10/26 and 11/9 a request to place fill in a flood plain. This was tabled and worked on 11/3 in a study session and on 11/9 denied. Zoning Board of Appeals sent letter to the Planning Commission regarding, including standards in 7.4.7 for future fill requests.
- c. Park Commission
VanDenBrand reviewed a rough draft of a 5-year plan. Meeting today was pushed back for a work session to discuss public comment from public hearing a few weeks ago. Still trying to be recommended for adoption through the commission and finally the Township Board.

9. Business

- a. Peninsula Township Library SUP Request – Introduction, applicant presentation, discussion, and potentially schedule public hearing for January 22, 2018.

VanDenBrand stated that this is located at the corner of Island View and Center. What is before you tonight is a formal application from the applicant with what they deem to be their complete request. The series of responses to the SUP standards is in the packet. Applicant can speak to the request. The library will be on the northwest corner of the lot, which differs from the original due to grading of the land etc. Environmental Report has just been received and not included in the current packet, but available for use. There will be a public hearing on January 22, 2018 should this board approve.

Bob Vershaeve of Gosling Czubak 1200 Business Park Dr., Traverse City, MI

There were questions when we met earlier referencing shifting parking. That has been adjusted and moving forward is our application for the Special Use Permit. After August meeting, we met another time with VanDenBrand and committee. Further ideas were discussed and what is in front of you is what was submitted in November for the final Special Use Permit. Quick summary on parking change. There was parking down along the end that was moved to the side and introduced a bio swale to the middle to drain from the parking lot, which also filters the water and make its way down to a larger retention basis. Slopes are very gentle and there is a lot of area for water to collect and infiltrate back into the ground. All water is contained from desired storms on site. Walking path added around perimeter. Play area for children with garden planters and gazebo have been added to the design for future. As we were working to get things together. Sheriff's department did not have issues with the site. Fire Chief still needs to look at the plan and review it. I do not anticipate any issues, but would be happy to discuss further if need be. Met with Health Dept. October and did test pits. Soils are suitable for septic field. Some dirt will need to be removed and replaced with sand on the upper layers. Road Commission brought up a concern with the driveway location involving sight distance. They requested looking at moving the driveway further to the east. I have prepared a revised drawing to present and copies are available for everyone. The revision shows that the driveway has been slid over to line up with the circulation route already designed in the parking lot to meet the standard of the Road Commission.

VanDenBrand - With the driveway shifted to the east, we were concerned with headlights to the property on the north and this was originally shielded by the building. What is the plan to shield this, with the move, from the house to the north?

Rashae – This will be worked through with the landscape architects and Power Company. We just received the email on Friday.

Peters – When I compared your parking diagram and your bio swale and looked at the tree one, it looked like there were actually trees to be put in, but I was not quite sure. Red maples?

Rashae – Yes, red maples are shown there.

Peters – Parking on either side of a swale, how does this make for people to walk completely around the swale to get to the building?

Rashae – There is a sidewalk along this parking area and another along the other side to allow them to walk down the path to the building. It is contoured to be about 2' deep, gradual and shallow. There is nothing to prevent someone from walking across it if they want to.

Peters – I just wondered about it.

Rashae – I will point it out to our landscapers. My sense is that I think the everyday user will stay on the sidewalk, especially during the winter.

Peters – Hemlocks on the corner?

Rashae – Yes, Eastern hemlocks. There are 7 of them. I am not a landscape architect. I trust them to capture the feel of the area.

Peters – My concern was this area impacting traffic on Center Rd.

Rashae – They are outside the clear vision area. These trees being used are not going to create a thick screen. There will still be lines of site among the trees. They are spaced about 25-30' apart.

Peters - Are you presently asking for the area for overflow parking, are you looking for approval for that if necessary at some point in the future. We should address this in the SUP at this time as opposed to wait. Is this going to be a paved parking lot?

Rashae - No. There will be additional parking. No, it's a good thought, but

VanDenBrand – on that same note, will there be sub grade improvements to support cars on grass?

Rashae – Currently there is no sub grade improvement planned. However, if that is what the fire department wants to discuss, we can. Ultimately, it will look the same so it can support the cars.

VanDenBrand – you mentioned the bio swale and a sidewalk running along it.

Rashae – On north side, there is intent to have a curb there, with 3 spots cut out to allow water to get into the swale. On south side, there is sidewalk, which would be a curb sidewalk. There will be detail where water is able to pass through. It is not currently in the plan, but I would be happy to do so. It would be a 1-2' gap in sidewalk with a grate over top of it so the water can go under it.

VanDenBrand – you mentioned the beech trees and we have a growing problem with beech tree disease. You may wish to look at that as well.

Rashae – I will discuss that with the landscaping architects to bring their awareness to it.

VanDenBrand – Talk to me about lighting. How illuminated will this be? Color temperature of the lights etc. What we are looking for the warmer kind of light vs. bright blue light. You will use LED's, correct? The lower the better.

Rashae – When we met we talked about 3500 k would be the max with 2700 being the target. I will mention that to the electrical designer who prepared this and we will relay that information to them.

Mark Humitz of Cornwell Architects, 401 E. Front St., Traverse City, MI

Conversations we have already had will be no more than 3000 k. Maybe slightly higher than the 2700, but not more than 3000 k.

Hayward – Security lighting only after hours?

Humitz – Correct.

Hayward – Sign? We have 2 diagrams and neither of which have dimensions etc. How tall is the sign structure?

Rashae – No more than the limit in the ordinance.

Hayward – Proposed lighting? The way it is proposed will be added to the height requirement. From the profile view, it looks like the lenses will be visible and we need to have some discussion with them without those lenses showing.

Rashae – Are you saying fixture counts in the sign height?

Gordon – Cannot tell for sure, but we can discuss a different way of lighting the sign.

Peters – Other questions? There will be several other opportunities as this process moves forward.

Rashae – Environmentals have tested to be below the limits of what have been looked at. The state has defined ranges of what is safe and we are in the safe range. A report is available for your use.

Motion made by Wunsch/Serocki to accept the current request and schedule the public hearing for January 22, 2018. **PASSED** unanimously.

VanDenBrand and Hayward will work with the applicant for revisions throughout the process.

~~b. Bowers Harbor Vineyard SUP Request – Introduction, applicant presentation, discussion, and potentially schedule public hearing for January 22, 2018.~~

c. Discussion of possible zoning ordinance amendments:

- Section 7.4.7 Flood Plain Controls

VanDenBrand – Starting with wetlands, we have normally required 25' setbacks. Section 6.9.3.7 is actually within our condominium section of the ordinance. It is not very clear there, but if someone comes in for a condo project, we kick that down. That is now going away. We keep 6.9.3.7 description. Moving on to 7.4.7 flood Plain Controls, I have attempted to add on SUP, PUD, and condominiums.

The second part of that is flood plain filling. This came up in a recent Zoning Board of Appeals case. This was at the discretion of the Zoning Board of Appeals. 580.5 is what we call the high water mark and ordinance states you cannot fill within that area, which causes problems up and down the coast. In this amendment, you cannot do anything within 25' of a wetland and if you want to fill in a flood plain, you need PC approval and not Zoning Board of Appeals approval. This was coming out of my office last

minute on Friday. It is somewhat sketchy, but Monnie created the rough draft and I added my own comments in red.

Peters – Serocki, Couture and I worked on that in a few meetings to come to this discernment. I do not know whether eventually the diagram on the back table was part of it, would actually go into the zoning code. As this was discussed, we wanted to be sure people understood the water, beach, vegetative protection with some sort of buffer and flood plain. What becomes a problem, if I understand this, is in our ordinance we allow normally 60' behind the flood plain, you can put your structure there. This is a case where it is very low, beyond that 60' and that is where the problems arise. Gordon, please speak about what you found when looking at the shoreline. We do not have many, but there are a few.

Hayward – there are some areas and current ordinance says Zoning Board of Appeals can approve this within the 60' setback or beyond. You still cannot put a building there, but the issue Zoning Board of Appeals was faced with the ordinance says they may approve filling in a flood plain, there are not any standards. This is not normally something ZBA deals with. Typically, they are dealing with variances etc. The thought is we would deal with more of a SUP type of procedure, but to try to give some guidelines for specific uses in flood plain. You have flood plain area, at the time ordinance was founded, and flood plain itself, which is an elevation. This is a good start and we will look at the same process as SUP for moving forward with the Planning Commission with a stop here as opposed to going to the Township Board.

Peters – Thoughts?

VanDenBrand – This has gone to the attorney. We could consider a public hearing in January.

Serocki – Is the attorney giving us some direction to whether this can be allowed or not?

VanDenBrand – POC, I would think about this as a conditional approval as opposed to a SUP. I do not know that this is a use as much as something that could be approved if certain conditions are met. As stated, the attorney will turn this around pretty quick. Because this meeting is later in January, we should have time to get this back to you for public hearing to be amended, tabled etc. The intention is to give you a final draft in January. This would be a quick fix to the current Zoning Ordinance.

Wunsch – With my limited familiarity, this sounds like a good fix.

Shipman – The only concerns I have are verbiage and I am sure the attorney will take care of this. This does need to be expedited.

Serocki – I am hoping we can see it before the packet goes out. Not wait for the packet. I think it would be good to hold the public hearing.

VanDenBrand – we are awaiting findings in support of approval or denial of the request. We are down to reviewing findings. I am comfortable promising you guys a complete product in early January and have it up 15 days in advance of the meeting.

Motion to schedule a public hearing for proposed amendments to Section 6.9.3.7 Wetland and Flood Plain Restrictions as well as Section 7.4.7 for January 22, 2018 Flood Plain Controls and Wetland Controls made by Shipman/Wunsch. **PASSED** Unanimously.

- Section 4.2.1. Enforcement/Violations and Penalties

VanDenBrand – I apologize for mark ups on last page of the packet. Serocki was kind enough to provide this for us. I misunderstood what she was trying to get it. Long story short, what we are dealing with in current Zoning Ordinance section is the problem with short-term rentals and what the ordinance states is enforce every 15 days. People are just making money here. What we are looking at is an amendment to allow us to strengthen our position and issue tickets more frequently. These are two different options prepared by Serocki. One is immediate enforcement and one is within 7 days. I do not think this one is ready to schedule for public hearing, but to obtain attorney feedback and await that outcome.

Serocki – This came to Zoning Ordinance Committee having trouble with 15-day enforcement limit. When we started it, we worked on the new section 4.2 from the current ordinance. When we met in November, it was discussed that when written notice is sent out, it is done by certified mail. They consider that written notification. We discussed 7 days after written notice and violation has been sent. If you do it within 7 days, you have no notice anyone has received it. The reason we are working on this is as something that can be expedited due to enforcement issues that exist now.

VanDenBrand – It does not feel we are ready to proceed with this until review from the attorney. There are two very different options here. What we are looking at here, 7 days? Immediately? We could potentially have a public hearing on this in February after a committee review this. Attorneys have wonderful ideas at this point and it will be interesting to see his views on this. As your planner, I would push for immediate enforcement. This is a question for our attorney.

Wunsch – In light of some of the discussion we have had, do we want to put it on the agenda tentatively? This would be easy to cancel.

VanDenBrand – The problem for this is that we would need it on the website by January 7th. That is up to you. Maybe we can and maybe we cannot. I am not sure of his turnaround time.

Wunsch – I am fine with immediate enforcement. This would be helpful to move forward with this as soon as practical.

Hayward – the concern had with trying to schedule public hearing is that you have to have the actual language in the notice and to get everything done; I do not think you want to publish for two different amendments at the same time. It is too tight to expect an attorney to have language to plug right in on one or the other of those procedures.

Serocki – Section should be 4.2, should be Zoning Board of Appeals and I left off the S. Third line in both of them.

Peters – this would be 4.2.1?

Serocki – Yes.

Motion was made by Elliott/Serocki, subject to the attorney's submittal of language for 4.2.1 that a public meeting be held on January 22, 2018. **PASSED** unanimously.

Approval of consent agenda missing C, and Serocki made numerous changes to the minutes of 10/30/17 Special Meeting. These corrections will be submitted to the clerk's office.

Motion to approve the minutes Wunsch/Shipman to approve 10/30/17 minutes with Serocki's recommended corrections. **PASSED** unanimously.

10. Citizen Comments

Nancy Heller of 309 Blue Water Rd., Traverse City, MI

I have heard it in enough meetings by the attorney that I think that when this commission wants immediate gratification on something you have to keep in mind an individual's constitutional rights and if it is defensible.

Vicki Shirley of 1156 Lindale Dr., Traverse City, MI

Thanked VanDenBrand, the commissioners and committee members for all their work and promise to meet all requirements.

Brit Eaton of 1465 Neahtawanta Rd., Traverse City, MI

On behalf of a large number of other Neahtawanta residents, I'd like to voice our support of the building program at the library. We have demonstrated that to name one of the rooms on behalf of the friends of Neahtawanta. It is our duty to be good stewards of the peninsula. I commend you on your vote this evening and hope you give it continued attention.

11. Board Comments

Peters – We did get the draft back from McKenna. I think that just after the beginning of the year, Laura, Alan and I will be going through it making sure the appropriate changes are made. Should you want a copy, VanDenBrand would be able to get one for you.

To bring you up to date on the Master Plan, other things destroyed VanDenBrand's schedule and timing so we hope there is more time to be able to be spent moving forward on the Master Plan.

Serocki – Year-end report?

VanDenBrand – this will be on the agenda for January.

12. Adjournment

MOTION made by Serocki/Shipman to adjourn 8:37 PM. **PASSED** unanimously

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