

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

www.peninsulatownship.com

Township Board Regular Meeting Minutes

January 12, 2021, 7:00 p.m.

Township Hall

1. **Call to Order** by Supervisor Manigold at 7:00 p.m.
2. **Pledge**
3. **Roll Call:** Achorn, Wunsch, Sanger, Wahl, Bickle, Manigold, and Chown
Also present: Jennifer Hodges, township engineer with Gourdie-Fraser & Associates (GFA)
4. **Brief Citizen Comments (for agenda items only):**
Bill Serocki, 6529 Center Rd.: lives between Pelizzari [Natural Area] and the proposed development called Peninsula Farms. Is concerned about the language in the development plans that mentions a possible future easement through his property. Feels this language should be removed from the plans. Is concerned it will entice residents in Peninsula Farms to trespass through his property to the park.
5. **Approve Agenda:**
Chown: requested a correction be made to business item number 4. Should be presented by Murray, not Akerley.
Manigold: requested that business item number 8, request to approve three-year attorney fee proposal for fiscal years 2021–2022, 2022–2023, and 2023–2024 (Meihn), be removed from the agenda at this time.

Moved by Chown to approve the agenda as amended, seconded by Wunsch. Passed Unan
6. **Conflict of Interest: none**
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
 1. Invoices (recommend approval)
 2. Reports
 - A. Peninsula Community Library November and December 2020
 - B. Old Mission Peninsula Lighthouse Park “Litter Pickers” 2020 Annual Report
 - C. Grand Traverse County Sheriff Daily Officer Summary and Daily Count for October and November 2020
 - D. Grand Traverse Sheriff’s Office Citation, Accident, & Arrest Statistics for November and December 2020 and fourth quarter totals for 2020
 - E. Peninsula Township Fire Department for November and December 2020 and Yearly Report for 2020
 - F. Peninsula Township Ordinance Enforcement Officer 2020 Annual Report
 3. Peninsula Township Proposed Fiscal Year 2021–2022 Regular Meeting Dates for Review
 4. Gregory M. Meihn named 2020 Lawyer of the Year in Employment Law by the American Institute of Legal Professionals
 5. Minutes from November 10, 2020, township board regular meeting and November 23, 2020, township board special meeting
 6. Approval to seek RFP for waste hauling in the township (current contract expiring)
 7. Annual assessment change notices postage payment
 8. Confirmation of PDR monitoring completion (receive and file)
 9. Budget amendment and authorization for transfer of funds from the lighthouse gift shop to the lighthouse to cover lighthouse operating expenses (see details in packet)

10. Correspondence
 - A. Jim and Carol Raphael
 - B. Loren and Nancy Wolf
 - C. Larry Nelson
 - D. Michigan Historic Preservation Network
 - E. David D. Taft
 - F. David P. McClary
 - G. Edward Stych
 - H. Paul and Karen Karolionok
 - I. Scott Phillips
 - J. Northwest Michigan Fishing Club
 - K. Bethany K. Wyman
 - L. James and Carol Raphael
 - M. Cathy and Ross Lillie
 - N. Laura Serocki
 - O. Bill Serocki
 - P. Wendy O'Brien
 - Q. Jim Floraday
 - R. Fire Chief Fred Gilstorff

Moved by Wunsch to approve the consent agenda as presented, seconded by Chown.
Roll call: Passed Unan

8. Business:

1. Request to approve Peninsula Farm Subdivision, a use-by-right subdivision (Mielnik)

Mielnik: the packet contains the description of the Peninsula Farms Subdivision development. This is a use-by-right proposed development, not a PUD (planned unit development). The site is nine acres and will contain ten future home sites.

Outlined the process for approval of a use by right subdivision, which required a public hearing conducted by the planning commission.

An issue was raised concerning Wildwood Estates, which is north of the proposed development, and a possible connection by easement between these developments along with a proposed pedestrian easement on the southerly property line shared with the Serocki family connecting to Pelizzari Natural Area. Discussed this easement with the residents of Wildwood Estates, who would be responsible for the cost of the improvement to maintain the road along with the pedestrian easement near the cul-de-sac of Peninsula Farms to the Serockis' property. Changes were made to the plans and some of the language was altered to remove the Serocki name. Language identifying a 20-foot strip was edited and approved by the Planning Commission. GFA and Fire Chief Gilstorff have conducted a preliminary review of the proposed development. The township attorney is preparing final paperwork.

Manigold: asked if this meets the requirements of a use-by-right development.

Mielnik: it meets the preliminary requirements but final engineering and related final approvals are needed.

Hodges: requested an escrow for full-time inspections with the sewer and water installations.

Chown: does the language contained in the site plan mention the potential easement?

Mielnik: removed the adjacent neighbors' names from the plans.

Sean McCardel, 310 Water Watch Lane, developer of Peninsula Farms: if the plan is approved, when construction is complete, the easements will not be developed. Is trying to be transparent in this project and to identify future easements that could connect to Pelizzari [Natural Area]. Does not want to have to amend the plans at

a later time.

Manigold: the easement should not be built at this time.

Mielnik: went over sections 6.9.6 of the Peninsula Township Zoning Ordinance.

Moved by Sanger as follows: per section 6.9.6 of the zoning ordinance, the township board finds that the proposed condominium subdivision meets or will meet the ordinance and the regulations of Peninsula Township subject to the conditions set forth by the planning commission. Per section 6.9.6.3, the township board instructs the township attorney to prepare a contract setting forth the conditions to be entered into between the township and petitioner prior to the issuance of a land use permit for any construction in accordance with the approval condominium subdivision plan. Approval is further conditioned upon the petitioner furnishing a cash bond or irrevocable bank letter of credit in the amount of the cost and with an additional 10% of the cost of the proposed improvements to common land as estimated by the township planner, guaranteeing the completion of such improvements and time to be set forth by the township board, seconded by Wahl.

Roll call:

Passed Unan

2. Request to allow Bella Vue to proceed with plans to develop a planned unit development (PUD) given that the proposed development contains fewer than the 20 acres required by PUDs (Mielnik)

Mielnik: back in September an issue was addressed by the township board for a planned unit development on fewer than the required 20 acres. The township board through approval can waive this requirement if it is in the best interests of the community. The planning commission took action on the concepts of this PUD and found it to be reasonable. The number of proposed units has decreased from six to five. The concept plan has five units and the township board needs to concur with the planning commission for the process to proceed. Planned unit developments are flexible on the grouping of homes within a site. This site contains 50 feet of elevation differences and if approved will go back before the planning commission to continue through the approval process and back before the township board for final approval. The planning commission will produce findings of fact. This is a unique site due to the topography elevations. A 3D computer model of the site in three-dimensional diagrams would be beneficial along with drawings of the structures, site plan, and bluff stabilization plan. Requested the applicant reach out to the district forester and an arborist for a management plan along with a management plan for the open space area. A preliminary engineering plan and emergency access plan with approval from Chief Gilstorff will be required. More information for this development is needed in order for approval to occur.

Dan Leonard, 1256 Fairwood Drive, developer of Bella Vue: has been working on this development plan for some time. No new fill will be brought in and added to the site. A district forester has already walked the site and reviewed the health of existing trees. In some areas, trees are dead or diseased. Wants to maintain the character of the peninsula. A 3D model is an additional cost. This is a five-unit home site on a smaller project so is interested in finding other creative solutions.

Achorn: we have learned from other similar projects that 3D models are most beneficial and necessary to help everyone see what the project will look like on the landscape.

Wunsch: we need a clearer understanding of elevation changes on the site and how the proposed development will work with existing topography. In the past, 2D drawings have not always depicted proposed development activity clearly.

Achorn: what happens if the proposed five units are not conducive to this site?

Dan Leonard: Cannot see scaling down to fewer sites; feels this is above and beyond for a community development and increases the cost for the development. All storm water and water run off will be contained to one location on the property.

Mielnik: the zoning ordinance describes alternate ways to calculate homes sites and this site yields approximately

five buildable units. Not much opportunity to go back to six sites.

Achorn: this might be a realistic project once the studies are complete.

Sanger: are you suggesting we allow the planning commission to move forward?

Mielnik: yes; this is still the same process as a normal planned unit development.

Moved by Sanger to allow a PUD on this site, with fewer than 20 acres, as it would be a “suitable and reasonable use of land” compared with conventional development and based on the recommendation of the planning commission and the conceptual design provided. Further, this action is based on the understanding that the planner, planning commission, and township engineer will proceed with a complete project evaluation and produce a document with required findings of fact and conclusions. Because of the unique topography and location, particular attention must be directed to providing:

- 1. Existing topography of the property (two-foot contour intervals or fewer) and development of a 3D computer model (sketch up or similar) showing final grades and full build-out.**
- 2. A grading and stabilization plan depicting areas of proposed earthwork and additional reinforcement.**
- 3. Drawings of each building showing elevations and floor plans.**
- 4. A site plan and written management plan for all open space, including the undisturbed forested bluff based on recommendations from the district forester and a professional arborist. Plans must describe proposed tree and vegetation removal, native replacement plant material, and allowed activities during pre- and post-construction.**
- 5. Preliminary engineering plans for water supply, stormwater and wastewater management.**
- 6. Approval of emergency access and fire control plans from the township fire chief.**
- 7. Details for shared water access, including parking and planned storage of any docks and hoists.**

Additionally, as a considerable amount of information has yet to be provided as part of the design review process, this action in no way assures final approval of Bella Vue by either the planning commission or township board, seconded by Chown.

Roll call:

Passed Unan

3. Update on new online engagement tool called Participate Old Mission (Mielnik)

Mielnik: the master plan review began 18 months ago. In November 2019 a phone survey was conducted. Public meetings were held to build a consensus of key issues within the township and the trend was for more online types of community engagement as the public needs to be able to contribute to key issues without having to attend public hearings. Bang the Table software has been used around the world and has good reviews. Nine months ago, the township board approved the purchase of the software and for the past six months the master plan steering committee has been developing the topics and issues for residents to comment and weigh in on. The current newsletter will have a segment pertaining to this new software explaining how residents can log in and provide comments. The tentative launching date to open this to the public is Friday, January 15. We are encouraging residents to register and participate but we also need to ensure that these are residents participating. Links were distributed to the township board members and committee members.

Chown: the newsletter will be sent out Friday or Saturday with an article introducing this new tool.

4. Marty Lagina road name requests (Murray)

Manigold: presented the proposed names for the roads within this development and informed the board that the names of the roads have been approved by Grand Traverse County 911.

Moved by Wunsch to approve the names as presented, seconded by Bickle.

Roll call:

Passed Unan

5. Annual approval of county computerized tax roll (Bickle)

Bickle: BS&A is a county-wide assessing and tax computerized system This is a yearly renewal for approval to use these database programs.

Moved by Bickle to approve the computerized tax roll, seconded by Wunsch.

Roll call: Passed Unan

6. Request by Mannor Properties LLC to approve Resolution 2021-01-12 #1 to amend a recorded conservation easement (Deeren)

Deeren: before you is a request for a reserved residential building site relocation on PDR (Purchase of Development Rights) property. The PDR ordinance states that a reserved building site may be relocated per the approval of a resolution from the township board after a public hearing, appraisal, survey, and with no cost to the township or residents of the township. We do not have an adopted permit fee for this type of service so it is up to the board to determine the fees. The cost of this would be \$1,000.00, which the applicant would have to supply in an escrow so all costs associated are paid for by the applicant. We have a \$1,500.00 non-refundable fee.

Moved by Wunsch to approve the resolution with a thousand-dollar escrow deposit, seconded by Bickle.

Roll call: Passed Unan

7. Update on winery lawsuit (Meihn). **No action or discussion on this item was taken by the board.**

9. Citizen Comments:

Maura Sanders, 20222 Center Rd.: is glad good to see everyone. Informed the board that she contacted the zoning administrator earlier in the day to inform her of shoreline erosion issues and tree removal that occurred along West Bay near the lighthouse and on state land.

Beth Pack, 7253 Center Rd.: commented on the roads and traffic. Developments continue to be created with little or no discussion on traffic issues. Has witnessed several accidents on Center Road. Is concerned about heavy truck loads. This needs to be a focus in addition to people driving too fast or too slowly.

Manigold: the township is looking at hiring a second deputy to monitor traffic.

10. Board Comments:

Jennifer Hodges, GFA, gave a brief engineering report.

11. Adjournment:

Moved by Wahl to adjourn, seconded by Sanger.

Roll call: Passed Unan

Final adjournment: 7:58 p.m.