

## PENINSULA TOWNSHIP

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### PENINSULA TOWNSHIP PLANNING COMMISSION MINUTES

January 22, 2024

7:00 p.m.

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

2. **Pledge**

3. **Roll Call:** Present: Alexander, Hall, Hornberger, Dloski, Beard; Excused: Shanafelt, Shipman; Also present: Jenn Cram, Director of Planning and Zoning and Beth Chan, Recording Secretary; Remotely, Wayne Beyea, Fahey, Schultz, Burzych & Rhodes

4. **Approve Agenda:**

Moved by Hornberger to approve agenda, as presented, seconded by Alexander  
**approved unanimously**

5. **Brief Citizen Comments (For Non-Agenda Items Only)** None

6. **Conflict of Interest:** None

7. **Consent Agenda:**

a. Approval of Meeting Minutes: Planning Commission and Township Board Joint Meeting, November 14, 2023, and Planning Commission Regular Meeting December 18, 2023.

**Beard:** correction to December 18, 2023, minutes: strike *no action taken* on page seven and nine.

Moved by Hornberger to approve the consent agenda, as amended, seconded by Alexander  
**approved unanimously**

8. **Business:**

a. Special Use Permit (SUP) #132 – Bowers Harbor Vineyards, Amendment #1 – Introduction  
2896 Bowers Harbor Road, Traverse City, MI 49686

**Cram:** this is the introduction to an amendment to SUP #132 that was approved by the township board on July 23, 2019; the approved findings of fact and conditions can be found in the packet. Explained the specific timeline, they did not meet the deadline. The amendment to the SUP is to build an addition to the single-family dwelling. The single-family dwelling was included in the SUP to meet the fifty-acre requirement for a winery-chateau. They received a variance from the ZBA for acres under the fifty-acre requirement. Additional plantings were also a requirement. With Amendment 201, Farm Processing, dated December 13, 2022, this winery chateau is a legally non-conforming use, and the single-family home is a use that is allowed by right in the A-1 zoning district.

**Alexander:** are all immediate action items finished?

**Cram:** yes, and verified in the field.

**Beard:** will this continue as a single-family residence and is there a substantive change in the application?

**Cram:** yes, it will continue as a single-family residence.

**Marc McKellar, Kuhn Rogers, 4033 Eastern Sky Drive, Traverse City:** this is exactly the same request as before and is presented as a use by right.

**Cram:** presented site plan on the screen shown with the addition to the residence.

**Discussion of the number of bedrooms and bathrooms in the single-family home and near action items**

**McKellar:** the e-mail sent to the planner this afternoon addresses the near action items.

**Moved by Dloski, seconded by Hornberger, to schedule a public hearing for Special Use Permit (SUP) #132 – Bowers Harbor Vineyards, Amendment #1, 2896 Bowers Harbor Road, Traverse City, MI 49686 for the February meeting of the planning commission, with the date to be determined. approved by consensus**

**b. Public Hearing on Proposed Zoning Ordinance Amendment #204 Related to Building Height Hall closes the regular meeting and opens the public hearing for Zoning Ordinance Amendment #204 related to Building Height.**

**Cram:** Summarized the memo contained in the packet and the study group recommendations. The consensus of the group was to abandon focusing on the number of stories, but to just look at the maximum height. The study group also agreed that it would allow for more flexibility to measure building height to the mean between the eave and the highest peak of the roof. Currently building height is measured from finished grade to the peak of the roof and the maximum is two and a half stories and thirty-five feet. There have been challenges issuing land use permits, thus this discussion is taking place and has evolved. Reviewed the three options on the screen. Reviewed information for the diagrams on the screen. There is potential for taller structures than we have customarily seen on the peninsula if we go with the study group policy recommendations. Discussed the details of a walk-out basement in the measurement process.

**Hall:** asked for an explanation to retain the term story

**Cram:** pointed to the option of average of natural grade measured to the mean of the roof. There could be four stories or more as the roof pitch gets steeper. The mean changes as the roof gets steeper. Presented photos with fill and homes that are taller than adjacent homes. This can change the character of the neighborhood.

**Scott Norris, 5250 Lone Tree Road:** Summarized items from the study group where discussion deviated from/or what was the consensus of the study group. Discussed the need to create positive drainage from the foundation. Discussed the topography of Old Mission Peninsula which is often sloped and mentioned existing grade; for example: a driveway that comes down from the road, the existing grade is the measurement, the house cannot be lifted, the actual height becomes lower. In addition, it was suggested that there should be a limit on the number of feet that can be between the mean of the natural grade and the mean of finished grade. For the height in stories, it can vary, but the top and bottom parameters prevent it from being too tall. By eliminating the story language, it eliminates the problem of figuring out what is a story and allows design flexibility. Brought up steep slopes (30%), larger parcels, and other possible exceptions to the height rule to process the permit and to avoid variances from the ZBA.

**Beard:** mentioned the necessity to get above a water table in areas near the shoreline as a legitimate need for fill. In addition, steep slopes near a road where fill is brought in to lessen the slope and get the floor and driveway aligned. There needs to be a rationale for a need for fill.

**Norris:** there are some legitimate exceptions, and if they can be named, could speed up the application process.

**Todd Wilson, 782 Neatawanta Road:** glad to see that “volcano tower homes” are being addressed. It is visually unappealing. There is a lot of water run-off and the backfill can kill the trees.

**Ellis Wills-Begley, 15419 Dunn Drive:** discussed the different measuring process of the building height as discussed in the study group. With design flexibility and change in how building height is measured, buildings could increase in height on the peninsula. The township should adopt a clear upper bound, a maximum height; whatever option is considered. Fill language should be addressed outside of building height policy. Recommends option number one because of design flexibility within those parameters, thirty-five feet might need to increase to thirty-eight feet for reasons that Scott Norris mentioned for areas where additional height is needed because of the water table.

**Hornberger:** if we go with option number one and make it thirty-five or thirty-eight and there is a walkout, would this accommodate the thirty-eight feet?

**Wills-Begley:** Yes, gave examples of walkout basement that accommodates for that without limiting stories, one could excavate lower and add stories. Limiting the stories to three encourages more efficient building footprints.

**Cram:** shows and explains option number one on the screen. With this option, the maximum building height at the peak at thirty-eight feet allows flexibility.

**Hall:** to clarify, would you recommend the three-story limit?

#### **Discussion**

**Rudy Rudolph, 4784 Forest Avenue:** commended the committee for their hard work. Remarked that the safety issue associated with a taller structure and the firemen getting a ladder high enough to rescue occupants of a home. This is especially important for homes on steep slopes. The fire chief should be consulted.

**Cram:** Chief Fred Gilstorff has been consulted and has been included in these discussions. Currently, the ladder height is twenty-four feet.

**Laura Howe, 6251 Peninsula Drive:** participant in the study group. In favor of the mean of the roof. Covered points that were proposed that differed from what the study group had discussed. Recently went through the land use permit and building permit process, which dealt with half stories, thirty-eight feet with dormers, which the builder said was a half story. The project required non-standard trusses. Discussed roof peak to achieve a walk out basement. Discussed other issues in building a home such as the height, number of stories, slope, architectural interest, and roof peak. Talked about the ordinances in municipalities around Peninsula Township, mentioning building code versus land use permits.

**Sally Erickson, 2228 Kaukauna Court, Traverse City:** participated in the study group as a builder and developer. Joined out of concern for building heights. Agreed with Scott Norris on his analysis of what occurred in the study group. Detailed reasons to use walk-out basements which was defined as a story and walk out basement incorporates a safety component. Discussed place-maker homes built with large budgets. Homes are about humans and safety is always a concern. Safety can be dealt with at plan approval. Discussed maximum average peak of the roof and ways to measure roof peak/pitch. Overall, there is a need to come up with a parameter.

#### **Discussion on the number of stories and the styles of homes**

**Hall:** discussed study groups; referred to Section G in the Peninsula Township Bylaws on study groups and advisory committees.

**Cram:** reviewed options one through three

**Discussion**

**Kathleen Wills, 15419 Dunn Drive:** involved in the architectural process for thirty-two years.

Built their home thirty years ago and knew the limitation was thirty-five feet, with a sloped flat lot. It was not a problem to build within the thirty-five-foot limit. It should be black and white, in favor of option one. Discussed scale and the fact that trees are killed when fill is brought in to a site. Flexibility comes in the fact that you are measuring from the high point to the low point and then taking the mid-center point and then measuring up to a roof height.

**Hall:** the builder community is with option one, more than thirty-five feet is needed.

**Discussion of height limit with the options presented**

**Ben Mauer, 9805 E. Carter Road, Traverse City:** talked about the new flood plain map that FEMA issued last August. The map effectively moved the bottom of a footing up by about four or five feet. That changes the depth on lakefront lots and affects the grade, finished and natural grade. This could push homes closer toward the road and could make buildings taller.

**Ben Begley, 15419 Dunn Drive:** has been an architect in the area for over thirty years. Discussed the home shown on the screen raised with fill. The adjacent properties are designed with the site that he was involved in, and the home shown has fill; the fill was needed in order to get the footings at the right height for a walkout basement. The other homes on that road had crawl spaces. Discussed the effect of fill on trees and that they are compromised. The homes on fill do not fit in with the rest of the community.

**Discussion on fill and measuring to natural grade.**

**Wilson:** discussed the fill situation in his neighborhood.

**Alexander:** asked for a defined height to the peak. Liked the discussion on option number one, with the determined height. Commented on mechanicals, in commercial properties: they should be addressed in maximum height calculations.

**Cram:** have not discussed commercial property.

**Beard:** mechanicals were the topic of a fight in the City of Traverse City, in most municipalities, they are not counted in the overall height. It would be unusual to find a code that restricted that. Does not have a problem with eliminating references to the number of stories. The critical element is the lower boundary, where you are going to start measuring from. Used examples of finished grade and truckloads of fill to achieve height. That is not the intent. Inclined to go with natural grade as the starting point with consideration for situations for steep slope and high-water table issues. The township could have an ordinance that requires a survey; could be required for a demolition permit, to determine the starting grade a survey could be done. For untouched land, a prohibition on re-grading or clear-cutting could be put in place until you get a permit for development. In this, the terrain is not altered. For option one, the 33.4 feet on one side and 39 on the other. There have been discussions about the previous determinations of building height and what the starting point was on the front of the structure. In the old system, the 33.4 would come below, under the revised option with the average natural grade, three stories are achieved, and the backside is thirty-nine feet. It can be achieved with option one. It needs to be the average of natural grade.

**Hornberger:** leaning toward thirty-eight feet.

**Beard:** this is consistent with surrounding municipalities.

**Hall:** for thirty-eight feet under option one, does the varied topography in Peninsula Township constitute a higher number?

**Ellis Begley:** the township's topography is similar to adjacent areas.

**Cram:** summarized discussion. Will redline draft language to be presented at the February meeting.

**Hall closed the public hearing and opens the regular meeting.**

c. Planning Commission Meeting Dates for 2024

**Cram:** discussed the day/date changes for the planning commission, proposed a change to the first Tuesday of the month. Asked for availability for Thursday, February 22, 2024, and the first Tuesday in March.

**Discussion of the approval of the calendar with and preparation of a resolution.**

### **9. Reports and Updates:**

a. Special Use Permit (SUP) #35 OMP Seven Hills Development, Amendment #3 – Update

**Cram:** Seven Hills are planning to apply for an amendment for a component of a microbrewery.

b. Shoreline Regulations Study Group Update

**Cram:** the first meeting will be Monday, January 29, 2024, at 5:00 p.m. The public is welcome to come and listen. Public comments taken at the end.

**Hornberger:** mentioned letter from Heather Smith, the Watershed Center

**Cram:** Smith would like the planning commission to amend the zoning ordinance for setbacks to a creek.

### **10. Public Comments:**

**Monnie Peters, 1425 Neahtawanta Road:** Reviewed meeting from November of 2019 held to discuss shoreline issues. Reminded the planning commission that November 5, 2019, Jane Boursaw, *The Old Mission Gazette*, wrote an article and there is a publication that accompanied the meeting. At that meeting, Mark Breederland, from Michigan Sea Grant, and Heather Smith, from the Watershed Center, spoke. Discussed the water cycle.

**Curt Peterson, 1356 Buchan Drive:** a resident of his association who would like to be a member of this committee, Scott Duensing.

**Cram:** I will follow up with him

### **11. Other Matters or Comments:**

**Hall:** the Michigan Municipal League Planning Commission Handbook has been emailed to members, proposed a study session in the future to focus on the planning enabling ordinance, which established the planning commission, and the by-laws.

**Cram:** the other books have arrived and will make them available. Also, the most recent master plan is available for the planning commission to review. Goal is to adopt in the first quarter of this year.

**12. Adjournment:** at 9:00 p.m.

**Moved by Beard to adjourn, seconded by Dloski.**

**approved by consensus**