

PENINSULA TOWNSHIP

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PENINSULA TOWNSHIP PLANNING COMMISSION MEETING MINUTES

VIA ZOOM FORMAT

January 25, 2021, 7:00 p.m.

Corrected on 2/23/2021 by Beth Chan

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

2. **Pledge**

3. **Roll Call:** Present via Zoom: Hornberger, Hall, Dloski, Shipman, Couture, Oosterhouse, Wunsch; also present: Mielnik, Deeren

Hornberger: The meeting is being conducted virtually because of COVID-19 and all of the members of the planning commission reside in Peninsula Township.

Roll Call:

All reside in Peninsula Township

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

5. **Brief Public Comments:**

Led by Jim Muratzki, LIAA, acting as Zoom facilitator for the meeting.

Deb Larimer, 3802 Blue Water Road, Traverse City: While reading the *Old Mission Gazette*, Larimer noticed the increase in developments such as Bella Vue. As a thirty-year resident, extremely concerned about Bella Vue and the original master plan not being followed by the township officials. Also concerned about the Peninsula Farms subdivision and the ten-unit hotel. Urges the township to follow the master plan and not approve all of the special use permits.

Jan Beckett, 671 Hidden Ridge Drive, Traverse City: For the zoning rewrite, Beckett asked questions in November and December and did not receive answers for section 2.02, the definition of structure. The change is detrimental and controversial. Asks that it be set aside for further review.

Brit Eaton, 1465 Neahtawanta Road, Traverse City: Approves of the website, *Participate Old Mission*. In the zoning rewrite, there is a concerning change of the five-acres required for a hotel. In the new zoning rewrite, there are no restrictions, only thirty- and fifteen-foot setbacks.

Leslie Young, 10720 Center Road, Traverse City: For the Bella Vue PUD, questions the twenty-acre minimum has been changed to five acres or less.

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

Moved by Dloski to approve agenda as presented, seconded by Oosterhouse.

Roll Call:

Pass unan

7. **Consent Agenda:**

a. **Approval of Meeting Minutes: Planning Commission Meeting, December 21, 2020**

Hornberger: Corrections to the December 21, 2020 minutes to include the following:

Page 1, last line of roll call the word "in" appears twice...in in Peninsula Twp. Remove one of them.
Page 2, in Miehn's comments: There is not anyone present that does not have some indirect conflict of interest at some point in time. If it is such, they should remove themselves from the discussion. The sentence needs to be modified (remove "that" and insert comma) Page 2, item 7: Fix it to read "Approval of agenda and consent agenda "Also on p. 2 when Hornberger says "To summarize" please change "will" to "wish to" On page 5, add a sentence after passing the tabling motion. Hornberger opens the regular meeting. Hornberger closes the regular meeting."

Moved by Wunsch to approve consent agenda, as amended, seconded by Hall.

Roll Call: Pass unan

8. Reports:

a. Zoning Board of Appeals (Couture)

Couture: The ZBA heard a request for a variance on a garage on a non-conforming lot.

b. Master Plan/Participate Old Mission Update (Mielnik)

Mielnik: *Participate Old Mission* was introduced in the January newsletter. This is connected to the ~~revision development~~ of the ten-year-old master plan; the intent is to gather public opinion and to share ideas. Gave an update on the process.

9. Business Items:

a. Staff Update on Zoning Ordinance Revisions

Mielnik: The public hearing was held over three consecutive months. The staff has organized the comments and the issues to resolve. A committee will convene to work on the issues.

b. Bella Vue PUD/SUP – Public Hearing on Revised Plan - SUP #137

Hornberger: Last month, there was not enough information and the public hearing was tabled.

Hornberger closes the regular meeting and reopens the Public Hearing on Revised Plan - SUP #137.

Mielnik: Summarizes the history of the Bella Vue SUP, referring to the memo in the packet. On January 12, 2021, the township board allowed a PUD on this site with the requirements listed in the memo. Because this PUD has changed, we are redoing the public hearing.

Dan Leonard, 1256 Fairwood Drive, East Bay Township, Coldwater Development: Highlights the changes in the development plan, referring to the information in the packet. The density calculations have been changed, and best practices have been put in place to minimize the disturbances to the land and vegetation. Kama Ross, from the Grand Traverse Conservation District, and Tim Taylor, an arborist, are helping address the need for a management plan for the open space. In addition, the drive has been relocated, the amount of earth that needs to be moved is minimized, and land balancing will take place.

Tim Taylor, arborist: Consumers Energy powerlines run through the property, there are trees in this area that are diseased due to the pine borer.

Leonard: For the project, density was discussed, as well as reducing parking spaces. The topography lines were updated. Soil stabilization methods will be used.

Bill Smethells, 10547 Bluff Road, Traverse City: His property shares 200 feet with the proposed development and it runs along the bluff on the bayside. When comparing the plans, the new plans show units one and two closer to the edge of the bluff. Concerned to have it so close, and would like to have that reconsidered. Mentions the seven items from the township board should be considered.

Leonard: Shows a video illustrating Bella Vue.

Hornberger closes the public meeting and opens the regular meeting.

Dloski: Refers to the letter in the packet from a homeowner with concerns about the adjoining property septic and well.

Mielnik: This will go through the review of the health department.

Leonard: The health department has been out to the site, currently waiting for the preliminary report, and we will be in compliance with their review.

Dloski: Where is this well on the lot next door? Refers to bullet point number four, will the planned septic field restrict the water well next door?

Deeren: It is south on Center Road.

Jennifer Hodges, Gourdie-Fraiser: This concern will be reviewed through the Gourdie-Fraiser and the health department review. There is a standard setback and isolation zone.

Dloski: The owners with the properties on the bluff will want to cut or trim trees to improve their view of the bay. It does not appear that they currently have a view of the bay.

Leonard: Working with Tim on a site management plan. The tree management would be managed by the association and built into the condo docs. The southern slope will have heavier management.

Dloski: The residents are concerned about the steep slope, erosion, and tree cutting.

Mielnik: Refers to number four in the packet from the township board. There is a "no disturb" area shown on the plan to be managed. That is why an arborist was called in - to articulate how vegetation on that slope will be preserved.

Hornberger: Preservation language is needed in the condo docs for the vegetation.

Hall: To follow up on the tree issue. The condo docs can be drafted and the homeowners could change it and clear cut the slope. The condition for approval for the PUD will be for them to have a specific maintenance plan to preserve the bluff. How can it be enforced (hypothetical) down the line?

Mielnik: The township attorney will be involved in reviewing the language. One of the application approval conditions will be linked to this management plan.

Hall: Would the adjacent property owners have a private right of action?

Dloski: Generally, no.

Mielnik: There can be conditions and if they are violated, the township can take action. The attorney will be involved in this. The forested bluff is a functional part of the landscape and without it, there is a concern that the vegetation will be removed. Refers to number four.

Discussion of conditions and how they can be enforced.

Leonard: We have reached out to the GTRLC for language for the condo docs.

Dloski: Signage should be used along that bluff.

Hornberger: Five houses are being built, how many for use by right?

Leonard: Six.

Discussion of use by right.

Shipman: The bluff is the greatest concern. Do the condo documents get filed with the deed? Is there a stronger mechanism to protect vegetation?

Leonard: They get filed together. Will clarify the language.

Hall: If you were not looking for a PUD approval, but on a use by right basis, would the same tree issue exist?

Leonard: They could cut everything. The PUD is more restrictive.

Deeren: Regarding the driveway, it looks to cross the property line at Center Road in the drawing. Could that be clarified? Can you provide measurements?

Leonard: That will be clarified.

Mielnik: In the three-dimensional rendering, can an addition be made to get perspective from Center Road and Bluff Road to appreciate the slopes?

Leonard: I will look into it.

Discussion of an additional rendering of the development.

Hall: For potential erosion, will the forested bluff be a common element?

Leonard: Yes.

Hall: From an enforcement point of view, requiring that in the master deed and by-laws, it will be identified as a common element and maintained as a forested bluff. If trees are cut, the adjacent homeowner could act. That is a possibility.

Deeren: This occurred on Birch Drive. The correct language will be needed to protect the bluff.

Hall: Whatever we can do for prevention is important. The people outside of the project will have concerns.

Hornberger: Summarized the process so far for this development.

Discussion of the 81 and this development.

Shipman: What is the timeline to get through the requirements? Suggests a site visit.

Leonard: Currently working on condo docs for the February meeting for the township attorney and township review. Happy to schedule potential site visits.

Mielnik: Will work on findings and conclusions if given required documentation.

Hornberger: Send public comments to the planner and he will distribute them to the planning commission members.

Wunsch: The public hearing should be back up for comments since we are doing this remotely and more changes are being made.

Moved by Wunsch to table (continue) the Bella Vue PUD/SUP Public Hearing SUP/PUD #137 to the February meeting, seconded by Dloski.

Roll Call: Pass unan

c. Zoning Ordinance Amendment #200 - Regulation of Free-Standing Solar Panels

Mielnik: Refers to the memo in the packet concerning solar panels. This has been approved by the township attorney. In *Participate Old Mission*, there is a section for public input for alternative energy.

Moved by Hall to approve Zoning Ordinance Amendment #200 - Regulation of Free-Standing Solar Panels, seconded by Couture.

Roll Call: Pass unan

d. Election of Officers/Recommendation of Member to Serve as ZBA Representative

Hornberger: The nominating committee met and the slate of candidates is: Susie Shipman, chair; Randy Hall, vice-chair, and Larry Dloski, secretary.

Moved by Wunsch to accept the slate of candidates for the Peninsula Township Planning Commission, seconded by Couture.

Roll Call: Pass unan

Hornberger: The officers will begin in February and end in August. A nominating committee should be appointed to allow for the appointment of officers in September. Al Couture has agreed to be the ZBA Representative.

e. Annual Report

Mielnik: Discusses the annual report found in the packet.

Moved by Shipman to give the annual report to the township board, seconded by Wunsch.

Roll Call: Pass unan

10. Public Comments:

Brit Eaton: Will the homes in Bella Vue be single-family?

Mielnik: Yes, single-family units.

Monnie Peters, 1425 Nehtawanta Road, Traverse City: *Participate Old Mission* looks good. It isn't clear how to find out what other people have said. It is a way to have comments among the citizenry.

Bill Smethels: Concerned about the stability of the bluff for Bella Vue. His home is below three of the five units. The bay could be seen if the trees are cut down. Discusses the level of the condominium homes.

11. Other Matters or Comments by Planning Commission Members:

Hornberger: When will Seven Hills development return?

Mielnik: In February, the hotel has been dropped.

Hornberger: The February meeting is on the 22nd.

Couture: Thanks Donna Hornberger, for her time as the chair, and the officers on the planning commission.

12. Adjournment:

Moved by Dloski to adjourn, seconded by Wunsch.

Roll Call: Pass unan

Adjournment at 8:46 p.m.