

PENINSULA TOWNSHIP

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PENINSULA TOWNSHIP PLANNING COMMISSION MEETING MINUTES

VIA ZOOM FORMAT

April 19, 2021

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

2. **Pledge**

3. **Roll Call:**

Present via Zoom: Hornberger, Hall, Dloski, Shipman, Wunsch, Couture; Also present: Mielnik, Deeren, Hodges

Shipman: The meeting is being conducted virtually because of COVID-19 and all of the members of the planning commission reside in Peninsula Township, Wunsch is in Traverse City.

Roll Call: Hornberger, Hall, Dloski, Shipman, Wunsch, and Couture are in Peninsula Township for the meeting and Wunsch is in Traverse City.

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

5. **Brief Public Comments:** None

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

Moved by Hornberger to approve agenda as presented, seconded by Dloski

Roll Call:

pass unan

7. **Consent Agenda:**

a. Approval of Meeting Minutes: Planning Commission Meeting, March 15, 2021

Hornberger: Correction on page 3, remove no action and remove the second motion.

Shipman: Correct access to assess on page 4.

Moved by Wunsch to accept consent agenda, as amended, seconded by Hall

Roll Call:

pass unan

8. **Reports:**

a. Zoning Board of Appeals (Couture)

Deeren: Briefly summarized the four cases heard by the ZBA in March.

9. **Business Items:**

a. Bonobo SUP #118 #2 Public Hearing

Moved by Hornberger to suspend the regular meeting and open the public hearing, seconded by Dloski.

Roll call:

pass unan

Public comments facilitated by Jim Muratzki, LIAA

Monnie Peters, 1425 Nehtawanta Road, Traverse City: Bonobo has a history with the township. When the first building was built with a SUP and it was twenty percent larger and done without permits. They put in six to eight feet of additional dirt. The view was destroyed at that time.

Previously, one could see to the end of Carroll Road. The value was destroyed for the house on Center Road in front of the winery. They did not get a permit for the pergola. The proposed forty by sixty foot storage shed should be moved. The pergola should be moved further north.

Harold David Edmondson, 12414 Center Road, Traverse City: Peters suggested moving the storage building to the north, but this is a “no-build” area according to the PDR contract. The parcel the winery is built on is a number one viewshed. The planning commission and the town board allowed this to happen when it did not meet the standards. A precedent was set. Summarized an additional PDR example where the applicant had moved a site that was appraised and paid for. For Bonobo, the view has already been compromised. Spoke in favor of the SUP because of this.

Moved by Hornberger to close the public hearing and open the regular meeting, seconded by Hall.

Roll call: pass unan

Mielnik: Jennifer Hodges has provided the applicant with an escrow amount. Clarifies that there are three elements, a 16x24 foot pergola, a 20x20 foot covered work area, and a 40x60 foot covered work and storage area. There was a mention of an enclosure to the east of the 40x60 foot covered work area.

Oosterhouse: There is an overhang for rain protection.

Mielnik: For clarity, something (a drawing) is needed to describe what is proposed.

Deeren: Has a problem with the application, it states there is an existing 16x20 foot pergola that was built in 2016 without a permit. It is under a temporary permit that expires in August of 2021, this is only a five-month permit.

Dloski: Is a pergola permitted in an agricultural zoning district?

Deeren: Yes, it is allowed by the ordinance.

Dloski: While at the property for a site visit, there were picnic tables and fire pits in the vicinity of the pergola. What function will the pergola serve?

Oosterhouse: It will be used as a sunshade.

Dloski: Asks for clarification of the sunshade. There is a bar, will this be used for service?

Oosterhouse: It was used during COVID restrictions. It will become a sunshade and at harvest time it will be pre-staging area for grapes.

Dloski: The patrons will be at the tables on the grass where the pergola is located. Why did the pergola go up without a permit?

Oosterhouse: It is trellis work and can be used as a decorative and usable trellis for grapes; useful from a marketing standpoint.

Dloski: Did you know the zoning code was violated?

Oosterhouse: No, did not believe it was a violation of the zoning code.

Mielnik: What will the 40x60 foot covered work area be used for?

Oosterhouse: It will be for the bins from the vineyard that cannot all be brought into the building. Rain can damage the grapes. It will be a pre-collection or staging area.

Dloski: Would you be agreeable to a provision in the SUP to limit the area to this activity?

Oosterhouse: Will not limit the activity in this space.

Hornberger: Will the bar area be removed?

Oosterhouse: Yes.

Deeren: Last Thursday, a bulldozer was moving earth on the property, what was the intent?

Oosterhouse: The area was falling down and it was to build it back up to correct erosion.

Deeren: Permits are required to move earth to a certain extent.

Mielnik: To clarify, for the 40x60 foot covered work and storage area, if patrons want to observe grapes they can, but it is not a public event space. It is for the processing and storage of grapes.

Oosterhouse: Old Mission Peninsula does not allow tents and open covered space. With COVID, patrons can go into it and it can serve as a public event space since we are at fifty percent capacity.

Deeren: Does the liquor license cover this?

Oosterhouse: The liquor license covers all fifty acres.

Shipman: The neighbor to the southeast would have their view impacted. Is it feasible to shift the 40x60 foot building to the north?

Oosterhouse: Agrees to consider the neighbor's view, would want to see the neighbor's view.

Shipman: Would be interested in exploring this. Do you have a relationship with that neighbor?

Oosterhouse: Yes, it might be possible to talk to the neighbor.

Shipman: In any case, one could go to the property line and explore the view from the property line only.

Mielnik: For the 40x60 foot work area, it is two levels?

Oosterhouse: It has underground storage. There is a door to the west.

Mielnik: How do you access the lower half? What size is the door?

Oosterhouse: Garage door

Mielnik: So there is one floor level for the 40x60 foot space and half of the building has underground storage space.

Oosterhouse: Yes.

Shipman: Guest activity will be in both the pergola and the 40x60 foot covered storage area, as well as production activities?

Oosterhouse: Yes.

Shipman: There is a need to look at it as a whole for traffic and capacity limits.

Wunsch: Not in favor of looking at it as a storage area with it becoming an event room later.

Oosterhouse: It was approved at Hawthorne.

Mielnik: Hawthorne was an existing use by right.

Deeren: Their tasting room was smaller.

Mielnik: Hawthorne was an existing use by right winery and now it is a winery chateau.

Oosterhouse: They have approved outdoor space.

Dloski: Understood the building was for storage, not to accommodate patrons. It is more than a storage area; it will accommodate patrons. It needs to be treated that way.

Wunsch: Will approve a storage area, but not open to consider it part of a guest activity space.

Hornberger: This is the first time it has come to our attention that there will be guests.

Oosterhouse: Mansfield stated that it would be used as a space for normal activities.

Deeren: The application does not define this; it needs to be clarified. It does not speak to future activities.

Hornberger: Tours would be acceptable, as opposed to guest activities.

Shipman: Mansfield said that there would be no public use in the last meeting. Need clarification.

Mielnik: Suggests the formation of a committee to further discuss the details of the application. Still need Hodge's report.

Hornberger and Hall will form the committee, Wunsch will weigh in on agricultural topics.

Moved by Couture to form a subcommittee and table Bonobo SUP #118 #2, the committee will consist of Hornberger and Hall, with feedback from Mielnik and Deeren, to look further into the Bonobo SUP and come back to the planning commission with recommendations, seconded by Dloski.

Roll call: pass unan

b. Bella Vue PUD/SUP #137

Mielnik: New material has been provided by the applicant, including an arborist report.

Dan Leonard, 1256 Fairwood Drive, East Bay Township, Coldwater Development: Significant amount of new material has been provided. Greg Luyt has worked on the master deed. We have supplied drawings for soil movement. Setbacks between the build envelopes and the steep slope have been provided. The setbacks will not negatively affect the slope. The two types of open space have been delineated. The master deed language will be incorporated into the arborist's plan and managed by the association.

Greg Luyt, Attorney for Bella Vue development: Information was sent to Greg Meihn on February 26, 2021. The vegetation management plan will be placed in the master deed. The only pruning or removal of vegetation would be if there was a danger or an infestation related to the vegetation. If anything was removed it would be replaced to maintain the integrity of the slope. The plan provides that it would run with the land and cannot be taken out of the master deed by a future association.

Hall: Has concerns that at some point the vegetation could be removed. What is the remedy of the township? The covenant for this will be in the master deed and will run with the land. In a condominium, the owners can amend the master deed. What if they decide to clear cut for a view? Looking for a remedy?

Luyt: A deed restriction can be put in that cannot be amended by a future association. The language proposed would do that. The approval is contingent on this provision being part of the plan and part of the property moving forward. The township would be able to enforce it.

Mielnik: There is a need to address issues with the open space management plans from the arborist, more details are needed. There are two open space zones, general and steep slope. Would like to see a list of permitted uses and activities for these zones. There are conflicts between the arborist's report and the site plan. In one instance the building is fifteen feet from the edge. Also, there is a conflict with the treatment of the removal of existing vegetation. The buffer delineation and the "no disturb" area measurements need to be clarified and more details added. Believed there was a larger distance from the buffer area to the buildings.

Discussion of the steep slope area regarding definition and management.

Deeren: What is the depth of tree coverage from the property line? Measurements for parking need to be added. The side yards and basins should be delineated, as well as setbacks and how far from the hillside.

Mielnik: There is a fifteen-foot buffer from the steep slope and the homes.

Deeren: There should be a deed restriction related to the cutting of the trees. This should be in each individual deed.

Dloski: On the setback issue: the lot lines run into the sensitive area to the homes on Bluff Road. Wish to see a specific measurement as to where the building units are from the bluff. Need a line from the top of the bluff. If this is not shown, there cannot be enforcement.

Leonard: It is in the packet on C1.4.

Fred Campbell, engineer for the developer: Has provided detailed drawings and also has simplified several of the drawings.

Discussion of C1.4 and C1.9 drawings.

Shipman: Some of the units are ten feet from the sensitive bluff line, some are fifteen, yet the one in the middle is six feet from the silt fence.

Leonard: When delineating from the silt fence to the proposed building, it is well within the permitting for soil erosion.

Dloski: If the middle unit is six feet from the bluff, where will decks go?

Shipman: Can Jennifer Hodges walk the commission through the numbers?

Discussion of the placement of the buildings and decks and the stabilization of the bluff.

Hodges: Sent a preliminary review to Mielnik, based on the updated plans. The bank stabilization was discussed. A geotechnical investigation should be done. Soil borings should be done.

Deeren: Was there consideration to moving the road to the bluff side?

Campbell: It was intended to encapsulate the views and give room for fire vehicles to navigate.

Leonard: The property is very steep and the road followed the land to comply with the code, and this placement was the least impactful.

Campbell: The road exists going up the slope.

Dloski: Is the cut and fill profile on C1.8? At approximately station 4+00, are you going to be cutting from approximately 6.65 to approximately 6.40? There will be a lot of cutting and where will the fill go?

Hodges: There is no overall cut and fill for the sites.

Dloski: There are four holding tanks for the private sanitary sewer system, will the obligation for maintenance be the responsibility of the five houses, and will the septic be in the condominium documents?

Campbell: This design follows health department regulations.

Shipman: Suggests a committee form to discuss the details and issues.

Shipman and Dloski will form the committee.

Moved by Hornberger to form a committee of Dloski and Shipman to work with the developer and engineer to move forward and report back to the planning commission, seconded by Dloski.

Roll call: pass unan

c. Zoning Ordinance Update

Mielnik: Reviews the memo in the packet and discussed the progress of the committee, with the intention to move the zoning ordinance update to the town board.

d. SUP Process

Mielnik: Reviewed in the last meeting that the description of the steps and the process was not clear. The planning commission approved this during the last meeting. There are edits to identify and a few more steps to be added. The edits can be described at the next meeting.

Discussion of the SUP process and consideration of a different process for very minor changes of a SUP.

e. Master Plan Update and Replacement PC member for Master Plan Committee

Shipman: A meeting was held today at 3:00 p.m. and with Oosterhouse's resignation, the committee is short a member. The goal of the master plan committee is to move the master plan, further along, to put it in front of the planning commission for the May meeting.

Dloski volunteered to be on the committee.

Moved by Shipman to appoint Dloski as a member of the master plan committee, as a planning commission member, seconded by Wunsch.

Roll call pass unan

Mielnik: There is an outline of a document and more content has been added. A challenge is defining the vision. Also, there is a need to discuss the non-motorized portion.

Shipman: As discussed today, there is a real interest in the planning commission take a step to assist in the non-motorized portion of transportation.

Mielnik: The issue came up from the community survey in November. This has driven conversation and the idea to reach out to TART, Norte, and the Cherry Capital Cycling Club. These organizations have township residents as members. These organizations will not be involved in a formal capacity

unless asked by the township. One action is for the planning commission to formally recommend to the township board to formally invite these organizations to join with the township.

Moved by Dloski to recommend to the town board to ask these organizations to work with the township, seconded by Couture.

Roll call:

pass unan

f. Eagleview Software Training

Mielnik: The deadline for registration for training is tomorrow. Brief description of software capability.

10. Public Comments:

Bill Smethels, 10547 Bluff Road, Traverse City: Shares two hundred feet of the property line with the proposed Bella View subdivision. Looked at the plans and did not see any distances from the property line to where the silt fence would be located. Three of the buildings will be above his property. Would like plans in the future to see the distances to the top of the ridge from his property line.

11. Other Matters by Planning Commission Members: None

12. Adjournment:

Moved by Dloski to adjourn, seconded by Couture

Roll call:

pass unan

Adjournment at 8:53 p.m.