

## PENINSULA TOWNSHIP

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### PENINSULA TOWNSHIP PLANNING COMMISSION MEETING MINUTES

#### TOWNSHIP HALL

13235 Center Road

Traverse City, MI 49686

July 20, 2020

7:00 p.m.

Corrected by Beth Chan on 09/27/2020

1. **Call to Order:** 7:00 p.m. by Hornberger
2. **Pledge**
3. **Roll Call:** present: Dloski, Couture, Shipman, Hornberger, Oosterhouse, Hall  
Excused: Wunsch; also present, Mielnik, Deeren, Attorney Meihn (via phone)
4. **Review for Conflict of Interest:** None  
**Hornberger:** Lives next to Pelizzari and the proposed development Peninsula Farms; has no financial interest in the development.
5. **Brief Public Comments:** None
6. **Additions to Agenda/Approval:**  
**Moved by Dloski to approve agenda, as presented, seconded by Couture.**  
**Roll call:** pass unan
7. **Consent Agenda**
  - a. Approval of Meeting Minutes: Planning Commission Meeting, June 15, 2020  
**Hornberger:** Correct minutes from June 15, 2020 by inserting the vote and motions on page 3, page 4, and adjournment.  
**Moved by Couture to accept consent agenda, seconded by Oosterhouse.**  
**Roll Call:** pass unan
8. **Reports**
  - a. Zoning Board of Appeals (Couture)  
**Couture:** No meeting, therefore, no report.
  - b. Master Plan Update (Mielnik)  
**Mielnik:** The master plan steering committee is looking at what future public engagement looks like, with the idea to build public consensus on key issues. Currently looking at an online engagement package as an interim measure which was accepted by the township board. The steering committee meets in August and will lay the framework for a public online engagement tool.
9. **Business Items**
  - a. Peninsula Farms Condominium Subdivision Plan – Introduction  
**Mielnik:** This is a proposal for a condo subdivision plan for the Carroll property. This is not a SUP or PUD, but a subdivision condo (“use by right”) that requires a public hearing before

approval. The health department, road commission, drain commission and township planner all produce reports. The proposal is for a private road with ten new lots. One lot would be the site of an existing home.

**Sean McCardle, 310 Waterwatch Lane:** This site is just under nine acres, consisting of a private road and ten lots. This is a “use by right,” with a split zoning classification (part R1-C and part R1-A). No rezoning or variances are requested. There is discussion with the Grand Traverse Regional Land Conservancy about how areas on the far east side of this site could be part of an expanding Pelizzari Natural Area.

**Shipman:** How many acres?

**McCardle:** The parcel is 8.78 acres.

**Dloski:** What exactly would be expanded to Pelizzari Natural Area?

**McCardle:** There is general interest from area property owners to possibly increase the nature area. Currently, these are simply long-term possibilities being discussed.

**Dloski:** Is the area to the east open space?

**McCardle:** The property immediately to the east is open and wooded.

**Discussion of the proposed development in terms of the topography, the natural green space, and trail links to Pelizzari.**

**Mielnik:** The township engineer is beginning a preliminary engineering review. There is another issue with a forty-foot easement on Wildwood Meadows to the north that connects to the shared property line with Peninsula Farms. This easement suggests a potential vehicular connection to provide of more than one point of access.

**Dloski:** If that connection exists, would they be required to build an access road through Wildwood?

**Mielnik:** We are looking at the condo document and exploring this issue with the township attorney.

**Mielnik:** What is the reason for a pedestrian connection shown between six and seven?

**McCardle:** Now exploring a possible connection to Pelizzari, but it is subject to more conversations and coordination with adjoining property owners. This can be eliminated if coordination with property owners is not fruitful.

**Discussion of the timeline for a public hearing.**

**Moved by Shipman to schedule a public hearing for Peninsula Farms Condominium Subdivision in August, provided all the materials are in, seconded by Oosterhouse.**

**Roll call:** pass unan

**Hornberger closes regular meeting and opens public hearing.**

b. Peninsula Shores (81 on East Bay) PUD Condo. Subdivision, SUP #123 (Amend. #2)  
Public Hearing

**Mielnik:** Recaps Amendment #1 which involved: elements of relocating a lot from the southern part to the northern part, changes of lot lines and lot adjustments, and the movement of the fire lane. A controversial element is the movement of the lot was left out of Amendment #1 and is now the stand-alone issue for Amendment #2.

**Kyle O’Grady, 901 S. Garfield Ave, Traverse City:** As a reference to last meeting, we feel this is a simple, beneficial change to our subdivision. Moving Lot #1 to the northern side of the subdivision will be beneficial to our community members, as well as the surrounding community members. The entrance to our subdivision will be untouched. The neighbors to the east of current Lot #1 will be relieved of travelers to and from the beach via the ten-foot piece of property that an adjoining property owner would acquire. We believe the proposed location of the new Lot #1 is more congruent to our subdivision layout finding itself between two existing lots verses being a stand-alone lot at the entrance of our subdivision.

**Hornberger:** Several letters and e-mails were received and they will be put together in a packet.

**Mielnik:** The correspondence is in the packet additions. The correspondences will be organized for consideration before the next meeting.

**Dloski:** Clarifying the access strip, have you sold it yet? Are you continuing to plan to move unit one to the north?

**O’Grady:** Yes, it will be sold on the completion of this process.

**Meagan Lewis Haddox, 4150 Trevore Road, Traverse City:** My family has spent seventy plus years on the Old Mission Peninsula. Originally, the family built the house on a peaceful quiet site. Putting another house nearby will adversely reduce enjoyment of their house from, a view, noise and light standpoint. There is presently an open space defined in the approved plans. The aerial photos, which our attorney submitted show removal of trees which were supposed to remain. The approved site plan shows a line of trees that are now removed. Asking for a denial.

**Scott Howard, Olson, Bzdok and Howard, representing the Lewis Family. L.L.C., and Simply Melody Family L.L.C.:** These families are directly affected by this change. Mr. Howard discusses the aerial photo of the client’s homes and the development. The photo shows the cul-de-sac and the roof of my client’s property and he points out that the other properties are buffered by trees. His client’s property does not have this buffer. Any change should be consistent with the character of the area. The developer should stick to the original plan. There is a critical requirement that any change to this proposed development be consistent with the surrounding character of the area and not detrimentally impact those neighborhood properties. Strongly recommends sticking to the original plan to keep Lot #1 in its original location. Discusses the calculation of open space for the development. There is a need to calculate open space in a way that is unique and specific according to the ordinance. Open space can be extensive areas with tree cover, lowlands along stream areas of rough terrain, where such areas have natural features worthy of preservation. The ordinance requires a look at whether these areas are significant and unique. The original plan required defining where the preserved natural features are supposed to be, and one of the critical pieces is the preservation of the trees. As shown, there is a distinct hook with preserved trees and this has been cut down and it looks like more of the trees were taken out than should have been. To add a new lot and home is an impact that should not be born to my client and should not be accepted by the planning commission and the township. Request that the original plan be followed. My client’s object strenuously.

**O’Grady:** It is untrue that Howard’s clients are the only ones affected by the moving of this lot. There is a positive effect to the neighbors to the southeast as traffic to the beach between the existing homes will be eliminated. It is not yet determined where a new home will be built on the lot, and I have offered to meet with these neighbors where the home will be built. The proposed new lot and home will not impact their view.

**Deeren:** Is there a reason the developer did not slide lot one over to the other lot?

**O’Grady:** The intent is to keep it on the high side of the property, in terms of engineering and least amount of earth moved.

**Dloski:** Why not move Lot #1 into the interior, next to lot #20, across the road?

**O’Grady:** It was the best fit to use, a single row road was preferred; grading is considered as well.

**Dloski:** There is nothing physically that would be prevent that?

**O’Grady:** The grade would prevent us from doing this.

**Mienik:** Please clarify that the former Lot #1 would be open space?

**O’Grady:** Yes, it would be community open space.

#### **Discussion of lot placement**

**Craig Haddox, 4150 Trevore Road, Traverse City:** When considering open space and views, it isn’t a matter of where our house is, because, when the leaves are off the trees, it is a much different view. This house would be immediately adjacent to our open space. No matter where the house is built, it will be a great intrusion to our property. There is a need to consider the open space for our family home.

**O’Grady:** Inquired as to verification that a letter of support was sent to planning commission members from a neighbor named Dixie, who was unable to be at this meeting. Confirming that it was received.

#### **Hornberger closes public hearing and opens regular meeting.**

**Mielnik:** Outlines the next steps for the review of this development.

**Dloski:** Are you going to address this open space issue? There is a need to study the open space between now and next month.

**Hodges:** We were able to do a more accurate computation; the computation is correct in terms of total acres of open space. We concur with the consultant’s computation on open space in terms of total acreage. Drainage easements count as open space.

#### **Discussion on what was designed on the original SUP and calculations**

**Hall:** An argument was made here tonight, that there is a subjective argument with the open space. Is this considered?

**Hodges:** We can review the calculations and consult with staff and legal counsel with respect to how the open spaces were defined previously.

**Oosterhouse:** With the original proposal submitted, was there a vegetative buffer?

**Mielnik:** Not sure about a vegetative buffer requirement, but a 30-foot setback is required along the perimeter of all PUD’s.

**Deeren:** Will look at original proposal submitted to check the buffer.

#### **Discussion of the area in question, considering the trees and setback.**

**Shipman:** As a part of the planning commission review, can a staff report be pulled from the original plan to help guide decisions for this request?

**Hornberger:** Apart from the perimeter setbacks around the PUD, are setbacks from the lot lines are also required to build a house?

**Mielnik:** Yes, perimeter setbacks and individual lot setbacks are shown on the proposed plan.

**Hodges:** Mentioned that a tree inventory was done and generally referred to why the open space was defined. Hodges offered to provide a report that summarizes the proposed changes and identify the effects of amending the characteristics of the open space from what was originally approved.

**Further discussion of trees, removal and replacement of trees, site review, and the verification of what was there and what was proposed to be there.**

**Hornberger closes regular meeting and opens public hearing.**

c. Bella Vue PUD, SUP# 137 Public Hearing

**Mielnik:** Outlines submittal timeline. Last month, new materials were submitted, there is no formal staff report at this time.

**Dan Leonard, 1256 Fairwood Drive, East Bay Township, Coldwater Development:** We are in conversation with Gordie-Fraiser and our engineering team for the calculation of the actual number of units in the density calculations. We believe there is a portion of the ordinance which is vague. In Section 8.3.5.2 of the PUD Ordinance there are contradictions in the density calculations. We have asked for clarity and we may proceed to the Zoning Board of Appeals for an interpretation. The site plan that you see illustrates the six units, based off of the ~~due~~ dual zoning classification and our interpretation of the ordinance. By another interpretation the calculation is 5.3. If an adjustment is made, plans will be resubmitted.

**Deeren:** How many stories are the homes?

**Leonard:** Two and a half stories with a maximum height of thirty-five feet.

**Deeren:** Would not be able to approve what is shown on the plans.

**Mielnik:** Note that we are not approving the buildings, but instead, the subdivision. There are two zoning districts, so this is split zoned. Application of the standards in the ordinance results in 5.3 units. Regarding open space, allocated sixty-five percent because the homes are clustered.

**Hornberger:** As a planning commission, 5.3 units instead of 6. There is option of going to the Zoning Board of Appeals for an interpretation and clarification.

**Mielnik:** Have not seen a drawing showing sixty-five percent of the site as open space.

**Hornberger:** There were several e-mails and letters received regarding this development.

**Lou Santucci, 12602 Center Road:** Supports the application for the development.

**Leslie Young, 10720 Center Road:** Doesn't a PUD have a twenty-acre minimum for clustering, has it changed?

**Mielnik:** The town board can waive the twenty-acre requirement.

**Melissa Laraway, 10657 Center Road:** As a nearby neighbor, speaking on behalf of Mary and David McGinnis to petition for ~~a~~ as few units as possible.

**Bill Byrne, 70639 Center Road:** The development requires a one-acre lot and hearing something to the contrary. Support Melissa's comment. Concerned about the density and the traffic on Center Road. The community does not benefit from this development and requests the SUP be denied.

**Dawn Bates, 1055 Bluff Road:** The development cuts along the top, cutting any part of the bluff can cause trees to fall. Preserving the crest of the bluff and keeping sufficient setbacks as it is important to keep the trees in place.

**Bob Bates, 1055 Bluff Road:** With the proposed grade, would like to know the exact cut at the highest point. Also, concerned about the setback, the size of the septic system, and the reserve. What is the reserve for?

**John Snow, 10605 Bluff Road:** Expressed serious concerns about the septic system. One of the developers is a neighbor and would pump septic waste a quarter of a mile along a fragile bluff. Another neighbor has been approached; the septic system should be for the development only.

**David Anaman, 10617 Bluff Road:** Justin, the developer is a good, honest builder.

**Denise Ryerson, 10552 Center Road:** Who is benefitting from this, it does not benefit the neighbors. It will cause erosion and septic and cause a reduction of privacy.

**Lois Byrne, 10639 Center Road:** Center Road is a scenic highway and what does this mean. It does not mean subdivisions, it means beauty, trees and open spaces.

**Jeanne Snow, 10605 Bluff Road:** Consider projects that do not encourage erosion. Preserve the peninsula and obey the permitting process.

**Kathleen Primo, 10561 Bluff Road:** Concerned about the setbacks away from the bluff and the trees that will get cut down. Will a homeowner's association deal with the septic?

**Rick Ryerson, 10552 Center Road:** Concerned about the steep road and the requirements for the fire department to get access.

**Hornberger closes public hearing and opens regular meeting.**

**Dloski:** Has the township board waived the twenty-acre minimum? Should it go to the board to waive the twenty acres? What if they don't waive the twenty-acre minimum?

**Discussion around the approval process for the twenty-acre minimum, how it is waived, who would make the recommendation, and how to proceed.**

**Deeren:** The site plan is difficult to read. Seeking clarification to how many units.

**Mielnik:** Cannot see the open space in the drawing.

**Leonard:** If conventionally developed one could fit five to six homes and divide up the parcels. The rationale for having the PUD is so restrictions can be put on the open space. The homes will be congregated to try to prevent impact and amount of earth that would be moved. The septic is a community septic with a reserve field required by the health department. The erosion has preliminary review. The private road ordinance is compliant. We have not received any issues with emergency access.

**Mielnik:** There are potential issues with four to five units developed conventionally, without the PUD. The purpose of the PUD is to address sensitive areas.

**Discussion on waiving the twenty acres required and the town board's involvement.**

**Moved by Dloski that this application should be sent immediately to the township board of trustees for the board's consideration as to whether the twenty-acre PUD should be waived, seconded by Couture.**

**Discussion of the project being sent to the town board and the question of approval of a project of this nature. Also, noting that the planning commission does not have the ability to approve, yet the town board would want to see consensus and a recommendation from the planning commission. A key issue is the advantages between a conventional development, versus a PUD.**

**Hornberger:** Asks for action for the motion on the floor ~~to waive the twenty acres minimum for this project as presented as a PUD, with a site plan, still to be determined. This is to save the applicant work if it is not approved, because it is twenty acres.~~ to go to the township board to get their feeling about waiving the minimum twenty acres minimum for a PUD.

**Roll call:** Dloski, yes; Couture, Shipman, yes; Oosterhouse, yes; Hall, yes; Hornberger, no

d. Zoning Update

**Mielnik:** The last draft of the updated Zoning Ordinance was produced on January 27, 2020. Since then, the draft has been available for public review and comment. Nine pages of material was generated describing additional edits. Some comments come from the public and some from staff. It was stressed that focus of the zoning rewrite is not on new requirements. Rather it is on clarification, re-organization and explanation. Another draft will be produced for the August planning commission meeting.

**Shipman:** How does this affect projects in the pipeline?

**Mielnik:** They go by the ordinance that we presently have, until a new ordinance goes into effect.

**10. Public Comments**

**Nancy Heller, 3091 Blue Water:** Was a motion made for the Peninsula Farms for the public hearing in August?

**Hornberger:** Yes, a motion was made.

**11. Other Matters or Comments by Planning Commission Members: None**

**12. Adjournment:**

**Moved by Dloski to adjourn, seconded by Oosterhouse**

**Roll call:**

**pass unan**

**Adjournment at 8:52 p.m.**