

PENINSULA TOWNSHIP

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PENINSULA TOWNSHIP PLANNING COMMISSION MINUTES

August 21, 2023, 7:00 p.m.

Corrected on 9/19/23 by Beth Chan

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

2. Pledge

3. Roll Call:

Present: Shanafelt, Hall, Alexander, Shipman, Couture, Dloski, Hornberger; Also present: Jenn Cram, Director of Planning and Zoning, Nicholas Wikar, Planning and Zoning Administrator, and Beth Chan, Recording Secretary

4. Approve Agenda:

Moved by Dloski to approve the agenda as amended, seconded by Couture
approved by consensus

Cram: added introduction of Nicholas Wikar.

Cram: introduced Wikar, planning and zoning administrator who joined the township on July 10, 2023.

Wikar: stated he is happy to work for Peninsula Township and briefly describes his education and work history.

Cram: noted there are two vacancies on the planning commission. It will be Al Couture's last meeting, we thank him for his service. Donna Hornberger plans to reapply. The vacancy will be posted on the website, and letters of interest are due on September 5, 2023.

5. Brief Citizen Comments (For Non-Agenda Items Only):

Kevin Beard, 221 Mathison Road: addressed the planning commission on the township's lighting and dark sky ordinance. He lives close to Vineyard Ridge where the homes are lit with LED lights. Explained that the Vineyard Ridge homes are lit with LED lights that are not shielded or downward facing. When Beard spoke with Sanger, he said they are exempt. Beard is concerned with the front-facing, glaring driveway lights. As soon as the leaves drop the lights will appear brighter. Feels the ordinance needs to be looked at for lumens and perhaps bright lights should be on timers or **motion activated dimmers**. Will be happy to join a sub-committee to address this issue.

Curt Peterson, 1356 Buchan Drive: thanks Al Couture for his service to Peninsula Township.

6. Conflict of Interest: None

7. Consent Agenda:

a. Approval of Meeting Minutes: Planning Commission Regular Meeting April 17, 2023, and Township Board and Planning Commission Joint Special Meeting, April 11, 2023.

Moved by Hornberger to approve the consent agenda as presented, seconded by Hall approved by consensus

8. Business:

a. Special Use Permit (SUP)-Peninsula Shores Planned Unit Development (PUD) #123 Amendment #4-Introduction (Waters Edge Drive and Shoreline Court)

Cram: summarizes the third Amendment, approved on May 10, 2022. The applicant is now requesting a fourth amendment. Proposing to add another lot/unit for a total of forty-two units. To maintain the required sixty-five open space, units twenty-five through twenty-nine will be reduced by 4,718 square feet. This reduction in the unit footprint moves development further from the bluff towards Waters Edge Drive. Unit forty-one is also reduced to create unit forty-two. Units twenty-five through twenty-nine will utilize an on-site septic system and new unit forty-two will tap into the community on-site septic system. The applicant has submitted a complete application and additional information: a traffic study, a geotechnical report, and detailed open space calculations (for the third and fourth amendments).

Dloski: why are they reducing the building envelopes for lots twenty-five through twenty-nine and in turn getting another unit?

Cram: the reduction in lot size for lots twenty-five through twenty-nine is required to maintain the 65% open space and they believe there is also public benefit to moving the lots away from the bluff.

Kyle O'Grady, 901 S. Garfield Road, Suite 202, Traverse City: when working on a project, things change on a day-by-day basis. For the next phase, lots twenty-four through twenty-nine, it is in the best interest to build closer to the road. Space is not needed for lots twenty-four-twenty-nine to go all the way to the ridge. Lot forty-one is a large lot with great views, to take advantage of these views, we came up with the idea to reduce lot forty-one and add lot forty-two. Lot twenty-four is currently on the community septic system, the plan is to take this off and lot forty-two will connect to the septic system; the Grand Traverse Health Department has been consulted.

Dloski: supported the movement of unit one and commented on the landscaping plan from amendment three.

Cram: the landscaping plan will be discussed during business item b.

Shanafelt: understand moving the homes away from the bluff, why another lot?

O’Grady: due to the views from lot forty-one, the decision was made to add another lot.

Shanafelt: do not see how moving lots away from bluff justifies adding another lot, why not leave it as is?

O’Grady: could come forward with only a request to add a lot, but decided to change lots twenty-four through twenty-nine.

Shanafelt: does not understand the logic, is it the right thing to do?

Alexander: unsure if it is a substantial improvement.

O’Grady: feels it benefits the community. In the process of development, lot lines are moved. It is a benefit to add another homeowner.

Shipman: for the next step, a public hearing will occur.

Cram: after tonight’s introduction, if the commission feels they have the information they need, a public hearing can be scheduled.

Shanafelt: what are the criteria to move to a public hearing?

Cram: applications have an introduction to the planning commission, and then a public hearing is held to provide the commission with information. According to Michigan law, only one hearing is required which could then be the township board meeting. It is up to the planning commission to notify staff to move forward to a public hearing.

Discussion

Hall: at what stage should the township legal counsel be consulted?

Alexander: for lots forty-two and forty-one and the changes made, is an updated stormwater review needed?

Cram: preliminary stormwater calculations have been provided and will be reviewed by engineering. The fire chief will also review.

Discussion of the setbacks and size for lots forty-one and forty-two.

Moved by Dloski to hold a public hearing on Special Use Permit (SUP)-Peninsula Shores Planned Unit Development (PUD) #123 Amendment #4 in September during the planning commission meeting, seconded by Hall.

approved by consensus

Cram: a site visit can occur for commission members in the afternoon before the meeting on September 18, 2023.

b. Special Use Permit (SUP)-Peninsula Shores Planned Unit Development (PUD) #123 Amendment #3-Condition of Approval #2 for Evergreen Plantings (Waters Edge Drive and Shoreline Court)

Cram: a landscape plan was submitted that was presented for Amendment 3; six spruce trees were proposed, but a condition of approval was for two rows of eight-foot evergreen trees spaced eight to ten feet apart for a year-round buffer to the properties to the north. Six large evergreens were planted, approximately twenty feet tall. Do you believe this meets the intent of the condition of approval?

Shanafelt and Dloski: do not agree that this meets the condition of approval.

Dloski: it is clear that it does not meet the condition of approval. is this a formal request to change the condition of approval?

Discussion

Hall: the trees will grow but the condition is not fulfilled.

Dloski: the plan should be on record with the township.

Cram: will meet with O'Grady to meet the conditions.

9. Reports and Updates:

a. Bowers Harbor Boat Works SUP #14, Amendment #1 - withdrawn

Cram: the property has sold, and the original applicant has withdrawn. Have been told the office is no longer used as a dwelling.

b. Update on Resolution RE: U-Pick and Farm Stand Signage

Cram: in July, the township board paused enforcement of temporary signs for u-pick and farmstands. There was hope that the sign ordinance would be updated. From May to November signage will not be enforced for u-pick and farm stands to support agriculture. This was formalized on August 8, 2023.

Discussed sign options for visibility

b. Policy Discussion – Building Height and Shoreline Regulations

Cram: presented definitions of basement, building height, and half story (included in the packet). Walked through a site plan example from an LUP to explain how building height is determined (diagram is in the packet). There is a misunderstanding on how building height is measured. Maximum is thirty-five feet and two and a half stories to meet the requirement of Section 6.8. A definition of a half story should be added, see packet addition for examples of the definition.

Discussion

Cram: for shoreline regulations, page eighteen of the summer newsletter gives an update that any grading, filling, or earthmoving within two hundred feet of the shoreline requires a land use permit for properties under section 7.4.3. Section 7.4.7 restricts any fill in the floodplain and restricts its uses. Walked through Sections 6.2.2(2)(c), 7.4.2, 7.4.3, 7.4.4 and 7.4.7(B). FEMA has updated their floodplain maps adopted as of April 19, 2023; the base floodplain increased for most of the peninsula several feet in some areas. Land Use Permits were not consistently issued for shoreline work in the past. A certified survey indicating the ordinary high-water mark and the base floodplain elevations are required for review and approval of a permit. Conversations were had with Grand Traverse County Soil Erosion and Sedimentation Control to notify that these measurements are needed and the applicant needs to confirm uses allowed.

Conversations occurred with EGLE and the Corp of Engineers and they support the ordinances. A mailer will go out to shoreline landowners and contractors. In addition,

neighbors are not placing docks appropriately with consideration to neighbors and this topic will be addressed this fall/winter with amendments to the zoning ordinance.

Alexander: requests the chapter from the master plan for this topic.

Cram: will look at the additional resources for shoreline regulations

Hall: suggested looking at other jurisdictions with navigable waters, and docks used in connection to real estate. Examples are Acme Township and Coral Gables, Florida.

10. Public Comments:

William Walsh, 8522 Eastbeach Trail: representing Underwood Farms, with approximately five hundred and ninety feet of beachfront and allowed 11 hoists. Approved for docks and hoists originally in 2010. In 2022, the association asked for 12 hoists and was not approved. The homeowner's association accepts the township's decision. The Army Corp approved twenty-two hoists in 2022, which expires in 2027, but local zoning must be followed. EGLE stated the Army Corp has the determination. Discussed the storage of hoists, east of Center Road and docks, west of Center Road. Finally, the association would like to add 3 hoists in the future.

Curt Peterson: Old Mission Estates is responsible for approximately two hundred and fifty feet of shoreline. We have been responsible. Each member of the association has a 1/26 share in the shoreline and so far, it is not an issue. It could become an issue because more residents may want to have a boat; as part of the value of the property is the ability to have a boat. There is a limit to the number of boats. If the property is sold and no space is available for a boat, the value goes down. Asks that the property owners be considered as the board moves forward with decision-making. The Great Lakes change every year and dock placement varies from year to year; would like to work with the township on new regulations.

Shipman: There is a letter of public comment that will be attached to the minutes. Read a letter from Andy Valdmanis.

Cram: will work with property owners and contractors on shoreline regulations.

11. Other Matters or Comments by Planning Commission Members:

Dloski: asked for updates on board actions on amendments and the zoning rewrite.

Cram: the Farm Processing Amendment #201 passed, as well as, the farm stand amendment, both are effective. An RFP to hire a consultant to assist with a complete zoning ordinance update is going out in an RFP soon.

Discussion of details for the September meeting

12. Adjournment: 8:28 p.m.

Moved by Dloski to adjourn, seconded by Hall

approved by consensus

Jennifer Cram

From: Susie Shipman <shipman.parks@gmail.com>
Sent: Monday, August 21, 2023 1:06 PM
To: Andris Valdmanis; Jennifer Cram
Cc: Jordan Valdmanis; Susie Shipman
Subject: Re: Planning Commission Meeting_8-21-2023

Hi Andy,

Thank you for sending this along - I'm forwarding it to Jenn for inclusion in the public record.

~Susie

On Mon, Aug 21, 2023 at 11:24 AM Andris Valdmanis <sendvaldmanis@gmail.com> wrote:

Good Monday Morning Susie,

I have been made aware of changes in administering the Flood Plain Regulations in Peninsula Township, along with LUP issuance.

At this time, I have looked at and downloaded communications and documents regarding this matter, since the "sign off" in April and March of 2023.

I understand that the only legal responsibility the Township has is to "publish" these changes, via approved methods, newspaper/web site.

The process in which this has and is being handled is the topic for us operating in the field.

Even more so, our Township residents who reside in this zone, have existing developed lands and are planning future work have not been informed.

Shoreline and upland work in this zone has been done and LUP's issued ever since the Storm Water Ordinance has been in place, 1993 +/-.

From the Township Planners/Zoning Administrators and the Grand Traverse county SESC Department, over this 30 + year period of time, LUP and SESC permits have been issued.

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Through my personal experience, I can state that the approach has been to apply those standards to larger scale developments and commercial work.

Individual land owners and existing subdivisions have been issued permits throughout this period of time.

There has been no direct communications to affected Peninsula Township residents/contractors/interested parties.

Any communications to any involved industry contractors has been through our outreach or "after the fact".

We are aware of numerous SESC permits that have already been issued that Peninsula Township will no longer issue LUP's for.

In your discussion on Shoreline Policy, please include this GAP in relevant communications from Peninsula Township to the "Community".

Open and transparent communication is readily available from affected Land Owners and Landscape and Professional Contractors.

Please advise.

Thank you,

Andy Valdmanis

Peninsula Home Services, LLC