

PENINSULA TOWNSHIP

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PENINSULA TOWNSHIP PLANNING COMMISSION MINUTES

October 16, 2023, 7:00 p.m.

Corrected on 11-21-23 by Beth Chan

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

2. **Pledge**

3. **Roll Call: Present: Shanafelt, Hall, Alexander, Dloski, Hornberger, Shipman; Absent: Beard;**

Also present: Jenn Cram, Director of Planning and Zoning, Chris Patterson, Fahey Schultz Burzych & Rhodes, and Beth Chan, Recording Secretary

4. **Approve Agenda:**

Moved by Dloski to approve the agenda, seconded by Alexander

approved by consensus

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 Regular Meeting September 18, 2023

Moved by Shanafelt to approve the consent agenda as amended, seconded by Hall

approved by consensus

8. **Business:**

b. Election of Officers-chair, Vice-Chair, and Secretary

Moved by Dloski to re-elect Shipman for Chair, Hall for Vice-chair, and Dloski for Secretary of the Peninsula Township Planning Commission, seconded by Hall

approved by consensus

In a discussion of Hornberger's voting, Patterson confirmed she can vote in this evening's meeting.

b. Special Use Permit (SUP)-Peninsula Shores Planned Unit Development (PUD) #123 Amendment #4-Continued discussion with Draft Findings of Fact and Conditions for Consideration and Possible Action (Waters Edge Drive and Shoreline Court)

Cram: reviewed the hearing dates, the property description, and background information found in the packet. Fire Chief Gilstorff's and Gourdie-Fraiser's comments are found in the packet: there were no concerns. The draft findings of fact and conditions have been shared with the applicant. The applicant requested that no action be taken this evening. Presented plans on the screen.

Hall: commented that the discussion should focus on the standards/conditions that staff felt had not been met.

Dloski: the developer asked that the discussion should be tabled.

Patterson: the applicant asked it to be tabled for action, he desired feedback on factors not met. You were asked not to take final action. Deliberation is separate from discussion.

Cram: reviewed proposed amendments on the screen (found in the packet). Reviewed the standards that staff feels have not been met. For the planning commission to recommend approval to the township board, the planning commission needs to find that all of the general standards under Section 8.1.3(1), have been met, as well as other standards that will be discussed. Under Section 8.1.3(b) the standard is *not to be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole*. Staff does not find that the proposed amendments would be hazardous or disturbing to future existing uses because this project has been developed for detached single-family residences and they are compatible uses. It was not found that this project was a substantial improvement to the property in the immediate vicinity and to the community as a whole. Briefly reviewed the original project and reviewed the original application, the first amendment, the second amendment which was withdrawn, and the third amendment. The addition of another lot adds 2.4% more traffic, lighting, noise with an additional family, and another septic system. Adding additional density is not an improvement. Reviewed the standards not met. On page 4, (c) *that the proposed development conforms to all regulation of the zoning district in which it is located*. This has not been met. On page 6, (p) *That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent street*. This has not been met. On page 7, (s) *That the proposed site is in accord with the spirit and purpose of this Ordinance is not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning*. This has not been met. On page 8, number 3: *To encourage developers to use a more creative and imaginative approach in the development of residential areas*. This has not been met. On page 8, number 5: *To encourage variety in the physical development pattern of the Township providing a mixture of housing types*. This has not been met. On page 9, number 4: *The proposed density of the planned unit development shall be no greater than if the project were*

developed with the lot area requirements of the particular zone district or district in which it is located subject to the provisions of Section 8.1. except as provided by Section 8.3.5(1). This has not been met. Finally, on page 9, number 7: *The proposed planned unit development shall meet all of the standards and requirements outlined in Section 8.3 and also Section 8.1 and Article VII.* This has not been met.

Shanafelt: Confirmed that the argument (against approval) is that going to forty-two units increases density and the addition of another septic system.

Shipman: the number of units is foundational to this discussion and a critical element. Struggled to find a benefit for our community with our ordinance. Should stand by the original decision for the number of units (forty-one).

Alexander: appreciates the desire to move the lot lines back on the ones along Shoreline Drive - and wondered if an SUP was needed to do that. If the homes could be moved back without amending the lot lines. Commented that homes of similar sizes are all grouped together. This change would have smaller homes next to some of the largest- it does not flow well. The developer would be increasing the density of homes within the subdivision, and anytime that happens it is not an improvement.

Hall: what is the maximum number of units that could have been approved using the original application using the PUD concept?

Cram: believed it to be forty-one based on the layout that was presented to meet the requirements.

Hall: the project to be amended still satisfies all of the requirements it should be approved; it is an immaterial change. To apply substantial improvement, it should not be applied to an amendment itself.

Discussion: forty-one units versus fifty-five units (original application), sixty-five percent open space, the original SUP, and substantial improvement as applied to this amendment and approved amendments

Kyle O'Grady, 901 S. Garfield Avenue, Suite 202: Discussed substantial improvement with the original approval and it is found in the sixty-five percent open space and the fifteen hundred lineal feet on Grand Traverse Bay. Felt this still meets the ordinance.

Cram: can Donna Hornberger vote this evening?

Patterson: Hornberger could vote: the current commissioner serves until the successor is sworn in, so Hornberger can vote.

Discussion: limit of lots maintaining the sixty-five percent open space

Moved by Dloski to table Special Use Permit (SUP)-Peninsula Shores Planned Unit Development (PUD) #123 Amendment #4-Continued discussion with Draft Findings of Fact and Conditions for Consideration and Possible Action (Waters Edge Drive and Shoreline Court) action to the next planning commission meeting November 20, 2023, seconded by Hall. approved by consensus

Cram: provided examples of how substantial improvement, for example, density could be achieved with additional density when allowing for attainable/affordable housing.

9. Reports and Updates:

a. Discussion on the Intent and Purpose of Shoreline Regulations

Cram: discussed improving shoreline regulations; referring to Section 7.4. Instructed commission members to bring thoughts to the next meeting for discussion. The document should reflect the community's needs. The first concern is the base flood plan mark has changed. FEMA has updated their floodplain maps and the floodplain elevation has been changed. This changes where certain improvements can be made (on a homeowner's property). A LUP is required for shoreline work. Secondly, the residents are not being considerate and locating their docks in front of their neighbor's property. Finally, there is the issue of parking and storage of docks, hoists, and the use of water in relation to the use of the land.

Discussion of timeline for Shoreline Regulations

10. Public Comments:

Jordon Valdmanis, 16330 Peninsula Drive: spoke from the standpoint of an owner of a landscape business. Has 250-275 clients he works with on the peninsula, some with shoreline property. The previous 584 Floodplain was not enforced, two different areas were, but this is the first year it has been enforced for residential properties. Another conflicting item is that FEMA allows thirty-two inches of access paths.

Cram: the township allows for thirty-six inches.

Valdmanis: Also, the stormwater ordinance needs updating, there are missing items.

Cram: Appendix A will be on the website

Valdmanis: for the stormwater ordinance, Peninsula Township cannot enforce Part 91 (per EGLE). For the land use permit, updating the application, and the stormwater application. These items need to be updated: township fees, elevation line need to match FEMA flood maps, and items 7.4.4 are not updated on the website.

Cram: a codified zoning ordinance will be available as soon as possible.

Valdmanis: looking out for the property owners and property rights.

Shanafelt: for enforcement, there is an expectation the ordinances are followed by the contractor.

Valdmanis: reviewed the permit application and had questions.

Shanafelt: the clear intent is to create a clear and appropriate ordinance to deal with the multiple agencies and the township will enforce it.

Valdmanis: not sure why these issues have evolved, the high-water mark has changed.

Cram: the LUP, SUP, and land division applications will come before the board in November. The stormwater ordinance will be updated.

Scott Howard, Olson, Bzdok & Howard, 4 20 Front Street: representing the Lewis Family Cottage Trust and Craig Haddox. For Peninsula Shores PUD amendment: asked the

planning commission not to take any further action on amendment four until the requirements of amendment three are completed. Concerned that the buffering does not go far enough to the west and trees are not eight to ten feet off center. Flagged this issue as a concern.

John Dolton, 10862 Eagles Landing Drive: encouraged the planning commission to complete work on the master plan. The final comments were in February 2022. It is needed to approve the ordinance and an up-to-date master plan is needed.

Sally Erickson, 2228 Kaukauna Court: involved with the home builder's association and Port of Old Mission. Remarked that the beach frontage ordinances in place are not being enforced. Referenced Hidden Ridge and their marina that does not meet their SUP. Does not agree with shutting down one unit for an SUP, believes it is a benefit for the community with taxes, having another family move in for our community. Asked the township not to wordsmith new words but instead improve on what the township has.

11. Other Matters or Comments by Planning Commission Members:

Cram: Joint meeting with the township board is on November 14, 2023, to look at building height, how it is measured, and issues relating to building height.

Discussion of availability of commission members for the meeting.

Shipman: is everyone aware that the planning and zoning administrator is no longer with the township?

Cram: has part-time assistance in the office for zoning.

12. Adjournment: 8:25 p.m.

Moved by Hornberger to adjourn, seconded by Alexander approved by consensus