

PENINSULA TOWNSHIP

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PENINSULA TOWNSHIP PLANNING COMMISSION MEETING MINUTES

November 15, 2021, 7:00 p.m.

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

2. Pledge

3. Roll Call:

Present: Hornberger, Hall, Dloski, Alexander, Shipman, Wunsch; Absent: Couture; Also present: Deeren

4. Review for Conflict of Interest: None

5. Brief Public Comments:

John Wunsch, 17881 Center Road: Correction to Gordon Hayward's memorandum regarding winery/chateau and PDR intersection in the packet. Line g should be corrected to support instead of principle.

Dave Edmondson, 12414 Center Road: Questioned agenda, the first item in the amended agenda should be pulled to give time for citizen and board discussion.

Kurt Peterson, 1356 Buchan Road: Commented on 8. Business, 2 ii: actions. Asked if there will be any actions or vote this evening?

Shipman: No

Scott Howard, Olson, Bzdok & Howard, representing the Haddox family: Spoke on business item nine. Asked that the Peninsula Shores PUD #123 – Amendment #2 Request be denied. In a previous planning commission meeting, he stated his opinion that the changes to the open space and consistency would be detrimental to his client's home and view.

6. Additions to Agenda/Approval:

Shipman: The amended agenda has two additions: the new 9a. is the Winery Ordinance Amendment Proposal, the agenda items have been re-lettered, and the addition of 9f., Sean McCardel – Peninsula Farms SUP Revocation Request

Dloski: Asked when the agenda was amended.

Shipman: Today, but the material came in last Thursday; the offices were closed for Veterans Day. Guidance from the clerk indicated to add the items. Deeren added item f. today.

Moved by Alexander to approve agenda as amended, seconded by Wunsch.

Yes: Alexander, Shipman, Wunsch, Hall, No: Dloski, Hornberger

approved by consensus

7. Consent Agenda:

a. Approval of Meeting Minutes: Planning Commission Meeting, October 18, 2021

b. Correspondence

Moved by Hornberger to accept consent agenda, as presented, seconded by Dloski.

approved by consensus

8. Reports:

a. Committee Reports

i. Master Plan Committee (Shipman/Alexander)

Alexander: The committee met on October 28, 2021, and looked at the master plan and new maps with properties with zoning changes. The future land use and existing land use maps were updated.

Dloski: At the last meeting the master plan was sent to the township board. Was there any communication from the township board on the master plan? Once looked at, they will direct the planning commission to publish it.

Shipman: The township board meets on Thursday and it is on the agenda.

ii. Zoning Ordinance Committee (Hall/Dloski/Hornberger/alt. Wunsch):

Hall: up to date

iii. Projects Committee (Deeren)

Deeren: The township board directed Deeren/Sanger to go through the zoning ordinance with a small group of citizens and incorporate the changes into the ordinance. It is open for a public hearing on Thursday at the township board meeting.

Wunsch: The Citizens' Committee to address the WOMP lawsuit has been moved under the umbrella of the planning commission. Alexander has joined the committee. The group will review ordinance language for winery/winery chateau/agriculture uses and will propose changes.

Hall: Asked how this will work with the pending lawsuit.

Wunsch: No change will occur until the lawsuit is resolved.

9. Business Items:

a. Winery Ordinance Amendment Proposal

Shipman: The material is in the packet.

John Wunsch: Reviews history of the discussion and the packet material including the update letter, dated 11/11/2021, the proposed language, a letter from Virginia Coulter (Past Planning Commissioner and Chairperson), and the letter from Gordon Hayward dated 11/15/2021 using the legal opinion from Richard Ford. This is not in conflict with the lawsuit.

Alexander: Commented that it is time to un-table this and discuss it.

Wunsch: The board interpretation has been consistent in how the policy has been applied in the township, would feel comfortable deciding on this issue. This appears to be an interpretation instead of a change of policy direction.

Dloski: Not comfortable with how this came to the agenda this evening.

Discussion

Deeren: Asked why in the current zoning ordinance it has the five acres delineated and why was it taken out of f. in the current language.

J. Wunsch: This language updates to speaking not to five-acre areas because those represented the ability to have a house, but instead it tries to define that ability to have a house as a residential equivalent.

Hall: Has looked hard at this and is uncertain that is clarification or a substantive change; suggested the planning commission do an overlay statement about it.

Moved by Dloski to table the Winery Ordinance Amendment Proposal, seconded by Hornberger. approved by consensus

Shipman: Convene a committee around it: Hall, Dloski, Alexander, and the township attorney.

b. Bonobo Winery SUP #118 - Amendment Update (No action required)

Shipman: Items in the application are under review.

Wunsch: Attorney Meihn should be consulted on how to approach this with the ongoing winery lawsuit.

Discussion

c. Introduction: Brys Estate SUP#115 – Amendment #5 Request

Shipman: The material is in the packet.

Jennifer Hodges, Gordie-Fraiser: Brys Estate SUP#115 – Amendment #5 request was received on October 18, 2021. It is administratively complete. The overview is the addition of a 760 square foot brick terrace and 1468 square foot raised deck area. Gordie-Fraiser is conducting an overview of the project. The application, the original SUP and amendments, and drawings are in the packet.

Walter Brys, 3039 Blue Water Road, representing Brys Estate for SUP #115-Amendment #5: Gave history of the amendments approved through Peninsula Township. The request for a lower-level deck is to give a better view of the vineyard and East Bay. There will be no change to the existing building and structure. The winery chateau requirement is still being met. The parking requirement exceeds the zoning requirement. The reason for the request stems from COVID when the guests used the outdoor grassy area; this was not an ideal situation. The new structures reduce the need for the lawn area but address the COVID issue. This will be a clean and safe area for guests and the new deck has handicap access. The same process for storm water is in place as with the previous decks with the use of six inches of river rock under the deck to capture the water. Believes it will not affect the neighbors. Reviewed parking plan in the packet.

Dloski: Asked what the current seating capacity for the existing decks and what is the seating capacity for the new deck.

Brys: The first is approximately 58 occupants, the second is 39 occupants, and the new deck is 40 occupants. The brick terrace will be expanded to connect to the deck.

Shipman: Refers to the packet to confirm the numbers.

Alexander: Asks for further explanation of the setbacks to the crops and the guests in an agricultural setting.

Deeren: Two-hundred-foot setback for guests and crops.

Brys: The spraying does not take place during business hours.

Discussion

Shipman: The planning commission has not received the full application. Reviewed next steps. Can assign to a review committee, request additional information, and in rare circumstances, the project would be assigned to a development review committee

Hodges: The application is administratively complete. Hodges will track the other agencies and collect the final agency review letters, and outstanding items before a public hearing takes place.

Alexander: Check with Meihn to review for conflict with the winery lawsuit.

Discussion

d. Introduction: Peninsula Shores PUD #123 – Amendment #2 Request

Hodges: Refers to the packet. This is the second amendment; the application came in on October 26, 2021. It is intended to modify the arrangement of several lots, relocate a parcel, and transfer a parcel to an adjacent neighbor. The realignment is pertinent to units thirty-eight through forty-one, removal of parcel A, which was waterfront access for unit one. It is to encompass the relocation of unit one which is in the front entrance near units twenty-nine and thirty in the back. Reviewed history of the PUD.

Dloski: Is this the same amendment that was before the Planning Commission at an earlier date?

Hodges: Yes, with some added items. It was discussed but no action was taken. Parcel one was discussed so there are added things.

Hornberger: Unit one is in the same place?

Deeren: It has been shifted to the west to get out of the view of the adjacent neighbor.

Hornberger: It is directly across the street from unit thirty, before where was it in the previous request?

Kyle O'Grady, 416 Michigan Avenue, representing Peninsula Shores: Lot one was moved to the west, closer to the emergency access. For this proposal, unit one is to be relocated, lot lines for units thirty-eight through forty-one are shifted.

Hodges: Shows color diagram in the packet for reference.

O'Grady: A small portion, the waterfront portion, not where lot one was itself, will go to the neighbor's property, sixty-six feet of waterfront. Last time we decided it would not be its own parcel I.D.

Discussion

Dloski: Transfer is contingent on plan approval, the new lot thirty, moving lot one.

O'Grady: It is referred to as lot one. Discussed frontage and usage.

Dloski: There was a large uproar last time over this location of lot one.

O'Grady: The neighbor to the north objected and did not want the current open space to be utilized for a residence. Taking that property and moving it the north side alleviates the home on the southern part of the property therefore forever being in a view shed at Bluff Road and Boursaw Road, so the utility of moving that lot not only helps us as developers but also helps the number of eyes that are physically on the home. O'Grady believes this is a better plan. He has reached out to the neighbors.

Dloski: When it is initially approved, was the area of lot one cleared of trees?

O'Grady: No

Deeren: Suggested site visit.

Dloski: Can lot one be moved further to the west?

O'Grady: This is the best location for the home, looking at many factors including septic and utilities.

Alexander: When looking at lots thirty-eight through forty-one, there is a lot of slope; asked for an explanation the changes.

O'Grady: Will not build down the hill; pulled back and widened the lots on the top of the hill for a flatter and better building envelope. That is the difference from last time.

Moved by Dloski to table Peninsula Shores PUD #123 – Amendment #2 Request, until the full application is received, seconded by Wunsch.

approved by consensus

Discussion about forming a project committee

e. Introduction: Bed and Breakfast Application – 11594 Peninsula Drive

Hodges: Refers to the packet for the application information for the bed and breakfast for 11594 Peninsula Drive. The application was received on November 3, 2021. The application was administratively complete. This will utilize a two-bedroom, one-bath space for up to eight occupants.

Beth Schroeder, 11594 Peninsula Drive: Reviews application details for the bed and breakfast.

Hornberger: Is this your permanent home?

Schroeder: Yes

Shipman: Reviewed bedroom square footage and occupancy according to the ordinance: bedroom one, three occupants; bedroom two, two occupants. That would be five total. What about the sitting area?

Schroeder: There would be a maximum of eight occupants with the queen-size pull-out sofa in the sitting area. Most likely would be six. Will abide by the limitations.

Shipman: It would be seven total occupants according to the square footage in the ordinance.

Discussion

Moved by Dloski to table Bed and Breakfast Application – 11594 Peninsula Drive until the full application is received, seconded by Hornberger.

approved by consensus

f. Sean McCardel – Peninsula Farms SUP Revocation Request

Deeren: In January 2020, Sean McCardel had approval from the planning commission and the township board for the SUP but he did not purchase the property. The plans need to be revoked so no one can use the plans for the development.

Sean McCardle: Deeren has summarized it well; McCardle wishes to have the SUP revoked.

Shipman: Will need documentation.

Dloski: This needs to be recommended to the township board that the Peninsula Farms SUP should be revoked.

Discussion

Moved by Dloski, that the planning commission recommend to the township board that the Peninsula Farms SUP is to be revoked at the request of the principal, seconded by Hornberger.

approved by consensus

10. Public Comments:

Kurt Peterson, 1356 Buchan Drive: Recommended that the planning commission does not send the zoning changes to the township board. Citizens have made these changes/recommendations, not the planning commission. The Michigan Zoning Enabling Act Section 125.3308 states that the township body has to make these changes. Recommended that the planning commission make these changes.

Dave Edmondson, 12414 Center Road: Commented on the PDR amendment issue, brought up and posted today. Time needs to be allowed for review. It is just wording or a substantive change? This affects his function in the PDR program. Bonobo did not have a retained development right to do that sight. Stated that there is misinformation of the PDR rights and the movement for that site; asked the planning commission to practice accuracy.

11. Other Matters by Planning Commission Members:

Deeren: The township board has had the zoning ordinance for several months and has held open public hearings. The changes made by the committee were made from what came from those meetings on the township board level and will go to the township board for another public hearing. They will be on the website for review.

Discussion

Hall: The township attorney should review this.

Wunsch: Meihn should do a legal review on language and impacts on winery ordinance amendment proposal. The overlay of winery chateau and PDR land should be reviewed. Look at the precedent from the past.

Discussion

12. Adjournment:

Moved by Dloski to adjourn, seconded by Hall

Approved by consensus

Adjournment at 8:50 p.m.