

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI
49686 www.peninsulatownship.com

**Planning Commission
Regular Meeting
January 5, 2025, 7:00 p.m.
Township Hall
Corrected - Minutes**

1. **Call to Order by Beard at 7:00 p.m.**
2. **Pledge**
3. **Roll Call – Present:** Beard, Hall, Hornberger, Shipman; **Excused:** Alexander, Eckstein, Shanafelt; Township Planner of Record -- Elise Loud; **Virtual:** Chris Patterson, Fahey Schultz Burzych Rhodes
4. **Approve Agenda**

Motion to approve the agenda as written made by Hornberger, seconded by Hall.

Motion Passes

5. **Brief Citizen Comments (for non-agenda items only):**

Bill Policastro, 1080 Bayside Drive: retired land use and municipal attorney urges township to obtain formal legal and insurance guidance before advancing any ordinance regulating boat hoists or in-water structures. States that Great Lakes bottomlands are owned by the state and regulated through EGLE, that municipal zoning authority ends at the ordinary high-water mark, and that state and federal jurisdiction may preempt local regulation. Warns that regulating beyond township authority could raise jurisdictional, preemption, and constitutional issues, including takings, due process, and equal protection claims. Recommends that township legal counsel formally assess authority, preemption, and constitutional risk, and that the township's insurance carrier review any proposed ordinance to evaluate litigation exposure and coverage implications. Submits handout for the record.

Anne Anderson, 10985 Trillium Ct: states that shared waterfront neighborhoods are being unfairly targeted by proposed boat hoist and parking regulations. Emphasizes her neighborhood's long history of responsible self-regulation, adequate parking, and strong community stewardship, and objects to characterizations of shared frontage areas as marinas or sources of congestion. Argues that the proposed standards do not reflect on-the-ground conditions and penalize communities that have not caused the problems cited.

Kendall Smith, 2258 Montmorency Ln: asks for clarification on how proposed limits of three shore stations per 50 feet would be calculated for shared frontage properties. Notes that his association has 292 feet of frontage and requests that the standard be applied as "per 50 feet or part thereof," which would allow additional shore stations rather than limiting them to full 50-foot increments.

Holly Mullins, 1153 Braebury Way: thanks the committee for its work and echoes prior comments from her neighborhood regarding shared waterfront concerns. References the recent survey results as a clear signal that the township should reflect, change course where needed, and avoid actions that could lead to further litigation or financial harm. Urges the committee to view the survey as an opportunity to reassess its approach, listen to community concerns, and engage in constructive dialogue, emphasizing the responsibility that comes with decision-making authority.

Sally Erickson, 2228 Kaukauna Ct: asks the committee not to codify the current shoreline draft language without further input. Requests reconsideration of provisions for shared frontage, including requiring docks to be centered and allowing L- or T-shaped configurations, which she believes would improve safety for adjacent properties. Emphasizes support for reasonable boat use, urges the committee to visualize the cumulative impact of increasing hoists from one to three per 50 feet, and encourages thoughtful decision-making before finalizing the ordinance.

Charlie Kretschmer, 1101 Bayside Dr: objects to proposed parking requirements for subdivisions, stating that Bayside Woods cannot physically accommodate the number of parking spaces contemplated. Explains that the subdivision is fully built out, lacks available space for additional parking, and has historically managed parking safely on existing roads without congestion. Argues that on-street parking within the subdivision is safer and more practical than redirecting vehicles to Peninsula Drive and urges the committee to reconsider applying uniform parking standards to established neighborhoods.

Kevin Westrick, 1089 Quaker Valley Dr: speaks strongly against proposed shoreline and parking regulations, stating that he moved to township for shared frontage access and believes the township is acting beyond its jurisdiction. Characterizes the proposals as regulatory overreach and questions the fairness and consistency of enforcing parking limits for shared waterfront use while allowing similar or greater impacts from private gatherings. Accuses the township of ignoring public input, creating unnecessary legal exposure, and placing residents at risk of increased taxes due to litigation, and urges the Commission to reconsider its direction.

Katharine Pike, 6095 Red Fox Run: speaks in support of dock configurations that protect swimmers. States that shared waterfront areas are used by swimmers as well as boaters and describes safety risks posed by boats maneuvering near swimming areas. Argues that L- or T-shaped docks are a reasonable measure to reduce propeller hazards and prevent injuries, noting that such safety issues could result in serious harm and litigation.

6. Communications: outside of packet, attachment to Kip Nickel's email left out inadvertently

7. Conflict of Interest: none

8. Approve Meeting Minutes

a. December 2, 2025 Planning Commission Regular Meeting

Motion to approve the minutes made by Hornberger, seconded by Hall.

Motion Passes

9. Planner Report

Key 2026 priorities include continued work on the zoning ordinance rewrite, updates to the zoning map, and development of an online permitting system. Announces the transition of the planning consultant role to township zoning administrator Sara Kopriva and her firm, with coordination underway to ensure a smooth handoff. Notes ongoing efforts to update the zoning rewrite project plan and align it with litigation timelines. Reports progress toward hiring a full-time planning and zoning administrator and highlights added capacity from recent staff support.

10. Business

a. Introduction: Application for Zoning Amendment #206 to rezone parcel ID #28-11-009-029-10 from R-1A/R-1C to R-1C

Loud explains that the request is consistent with the master plan's suburban residential designation, would eliminate administrative complications created by dual zoning, and would modestly increase allowable density through smaller lot sizes and greater lot coverage, while uses would remain largely the same. Applicant characterizes the request as a housekeeping measure to align zoning with surrounding parcels and the future land use map, noting that no development proposal is being advanced at this stage. Commissioners raise concerns about steep slopes, tree preservation, erosion risks, and whether engineering or development standards differ between R1A and R1C, as well as the potential precedent for other steeply sloped properties. Questions raised about the realistic number of units that could be developed given topography, road access, and fire safety requirements. Staff and the applicant explain that slope protection and engineering review occur through separate standards and permitting processes, not zoning alone, and that any future development would still require county and township review. Commission agrees additional information is needed before scheduling

a public hearing, including analysis from the zoning administrator on slope-related requirements, confirmation of remaining tree cover and long-term protection options, and clarification of engineering standards. Request that the incoming zoning administrator be fully briefed and provide input before the matter proceeds further.

b. Zoning Ordinance Rewrite Discussion

i. Amendment 201 Acreage

Review of proposed revisions regarding acreage-based agricultural uses. Staff explains that the Agricultural Advisory Committee (AAC) recommends lowering the threshold so parcels of 40+ acres would be eligible for the same uses and privileges currently limited to parcels of 60 acres or more. Staff presents preliminary data showing 81 parcels in the township that are 40 acres or larger, including approximately 40 parcels between 40 and 60 acres that could become newly eligible under the proposed change. Members note that the data provides only a high-level snapshot and does not indicate how many parcels are already in agricultural production or associated with existing wineries or farm operations. Staff/PC agrees that additional context is needed to assess potential impacts and suggests further analysis, data sharing, and consultation with the AAC.

ii. Signage Draft Ordinance

Review of updated draft signage ordinance revisions from the McKenna Group and identifies several unresolved issues. Members agree that the revisions reflect prior feedback but that additional clarification and full commission input are needed. PC decides to defer further action until a future meeting when more members are present and to refer the draft to the AAC for additional review. Members express concern about requiring permits for seasonal agricultural signage and emphasize avoiding unnecessary administrative burden. Discussion on extending the allowable duration for one-time event signs remains open.

iii. Shoreline Draft Ordinance

Review a heavily reorganized/marked-up shoreline ordinance draft prepared by McKenna and township counsel and hears counsel's legal overview that the township's role is to regulate upland land use impacts and the exercise of riparian/littoral rights, while avoiding jurisdictional overreach into state and federal permitting. In working through the draft section by section, PC proposes targeted simplifications: add riparian/littoral references to intent sections; remove or replace several land use permit triggers (especially for shared docks and a second dock on wide-frontage lots); keep the 8-foot dock width cap but exempt patios and swim platforms; and tighten wording in definitions, storage, and measurement references. PC flags the dock-placement/setback framework as overly complex and recommends a clearer "no encroachment into setbacks" rule, paired with an administrative-first dispute process (zoning staff with standards and appeal to ZBA) to handle irregular shoreline geometry and neighbor conflicts. Commission decides to retain the "three hoists per 50 feet" standard without proration for now and identifies the longstanding shared-waterfront parking language as needing clarification so the long-used shoulder-parking interpretation is explicit rather than discretionary.

Next steps are influenced by the need for clarity and timing before dock installation season. Staff outlines a tight timeline involving incorporation of comments, review by McKenna and legal counsel, coordination with the zoning administrator, and required publication deadlines. To ensure accuracy before a public hearing, the commission agrees to hold a special meeting on January 14 at 4:00 p.m. solely to review the revised draft. The commission defers setting a public hearing for the February 5 regular meeting until after that review, with the goal of staying on track for township board consideration and timely enactment.

c. Planning Commission Training Opportunities

Beard describes option training opportunities for commissioners which include the MSU Extension Citizen Planner course (online, self-paced, \$250 reimbursable through the township), MTA online training, and the more advanced Master Citizen Planner credential. Beard proposes arranging a parliamentarian-led session on Robert's Rules to improve meeting efficiency and procedure. Commissioners express appreciation for the guidance, completion of at least the MSU course, preferably proactively, is encouraged, noting its practical value and flexibility.

11. Reports and Updates - Verbal

- a. **Agricultural Advisory Committee (Beard):** next meeting is January 20th. Did not meet in December.
- b. **Township Board (Alexander):** not present at meeting
- c. **Non-Motorized Plan (Shipman):** work is ongoing to identify a public engagement date, which will occur no earlier than April.

12. Brief Citizen Comments:

Kip Nickel, 1015 Quaker Valley Drive: urges PC to review his submitted written comments and to reconsider requiring land use permits for shared waterfronts, noting that many such developments have operated successfully and largely in compliance for decades without them. Argues the permit process is burdensome and unnecessary, particularly for existing neighborhoods and recommends eliminating parking requirements tied to boat hoists, as parking has historically been self-regulated, rarely reaches capacity, and is seldom an issue in practice. Acknowledges the difficulty of the work and appreciates the commission's/shoreline study group's work, but encourages simplifying the ordinance by removing requirements he views as unnecessary.

Scott Duensing, 1777 Buchan Drive: member of the Shoreline Regulation Study Group, expresses support for the direction of the draft ordinance, noting it largely reflects the group's prior conclusions. Supports eliminating parking requirements as impractical and endorses shoreline-based storage standards rather than reliance on the ordinary high water mark, which he says is difficult to verify and less adaptable to changing lake levels. Strongly supports developing an administrative conflict-resolution process, arguing that while conflicts are infrequent, they can be severe and are better resolved through facilitated, local review than through the ZBA. Raises concerns about equity, questioning why shared waterfront owners face permit requirements while single-family dock and hoist owners do not, and suggests reconsidering permits in favor of a registration or administrative framework applicable to all. Urges broader recognition of non-boating shoreline users such as swimmers, kayakers, and pedestrians, and thanks the commission for its progress and efforts.

David Spinweber, 966 Bayside Drive: raises concerns about timing, fairness, and process related to shared waterfront land use permits. Asks what assurances exist that any required permits would be processed quickly—specifically questioning whether permits could be approved within 30 days and what safeguards prevent administrative delays, given seasonal dock deadlines. (In response, staff clarify that land use permits for shared waterfronts are not new requirements; they already exist in the current ordinance, and existing shared waterfront developments obtained permits when originally approved. New permits would only be required for new shared waterfronts.) Spinberger also questions why parking requirements are tied to the number of boat hoists, noting that roadside parking on county roads has long been measured and deemed compliant.

Dirk Mammen, 10878 Wood View Terrace: thanks the PC for its work and, drawing on his own experience in land-use and ZBA roles, urges the commission to correct past mistakes rather than preserve flawed provisions. Argues that long-standing parking requirements and land use permit processes for shared waterfronts should be removed, noting that many neighborhoods predate those rules and already comply with clear setback and use standards without permits. Stresses equal treatment, asserting that either all shoreline users, including single-family owners, should be subject to permits or none should be. Cautions that the most difficult conflicts will not involve dock geometry but neighbors objecting to boat use altogether, which he believes cannot be resolved through administrative processes alone. Challenges the characterization of the draft as merely clarifying existing rules; emphasizes that it introduces new numerical limits, setbacks, storage rules, hoist formulas, and permit requirements, and should be acknowledged as a substantive change.

Christopher Radu, 1328 Londolyn Terrace: seeks clarification on whether the ordinance would require annual land use permits for shared waterfronts and expresses relief at the clarification that it would not. Reiterates long-standing concerns that many associations predate current ordinances and cannot feasibly meet parking requirements, and welcomes the commission's apparent openness to revisiting those provisions. Strongly advocates for applying a "law of significant digits" approach to shoreline frontage thresholds, arguing that modest shortfalls (e.g., 191 feet versus 200 feet) do not materially increase impacts and that rigid cutoffs unfairly

burden legacy associations formed before compliance was possible. Contends that this approach would resolve many recurring disputes without increasing shoreline intensity. Raises legal concerns about relying on inland-lake case law to justify township jurisdiction over Great Lakes shorelines, citing prior litigation he believes casts doubt on that authority, but notes that with clear thresholds, no annual permitting, and removal of parking requirements, many of his jurisdictional objections would be alleviated.

Maura Sanders, 20202 Center Road: offers public thanks to Loud for her service as planner, noting that she stepped in during a critical period for the township’s planning department, remained longer than initially expected, and provided much-needed stability and expertise. Expresses deep appreciation on behalf of the township and noted the hope of continuing to work with her on future projects.

Kendall Smith, 2258 Montmorency Lane: suggests a prorated approach to boat hoists, proposing that the three-per-50-foot standard be translated into an approximate 17 feet per hoist. Using that method, he argued his 292-foot shared frontage could reasonably accommodate 11 hoists without exceeding the total shoreline length, offering this as a simple, equitable calculation.

Sally Erickson, 2228 Kaukauna Court: recommends that the commission compile a reference list of all shared waterfront parcels—subdivisions and condos—showing their approved entitlements (families, slips, docks) and any documented complaints, to better target real problem areas rather than applying broad changes peninsula-wide. Using Port of Old Mission as an example, she notes its PUD approvals allowed 21 families and three slips, with amendments documented and no history of complaints. Raises a safety concern about dock design and setbacks, asking whether the 15-foot measurement would be taken from the dock or from the stern of boats, warning that measuring from the dock alone could still create conflicts in swimming areas.

Katharine Pike, 6095 Red Fox Run: states that shared waterfront residents had hoped for a safety-based requirement for T- or L-shaped docks, which appears to have been removed. Describes severe safety issues at her shallow shared frontage, where multiple docks converged and boats regularly passed through her swimming area, making swimming unsafe. Emphasizes the risk of serious or fatal propeller injuries and rejects the assertion that shared waterfronts have operated successfully for all neighbors. Supports simplified setback language requiring the entire dock and the full length of boats, including sterns, to remain at least 15 feet from adjacent riparian areas, stating her primary goal is the ability to swim safely.

Bill Policastro, 1080 Bayside Drive: emphasizes that dock safety, placement, and neighbor impacts are already reviewed through the joint EGLE and U.S. Army Corps of Engineers permitting process, which requires input from adjacent property owners and addresses navigational, safety, and environmental concerns. Cautions the township to proceed carefully to avoid jurisdictional overreach into state-owned bottomlands and potential state or federal preemption. Thanks the commission for withdrawing the registration requirement, warning it could have raised equal-protection concerns, and urges that any new shoreline regulations be narrowly tailored and grounded in a clear, written legal opinion identifying both authority and risk to avoid unnecessary litigation.

13. Other Matters or Comments by Planning Commission Members:

Beard: survey results were in packet, but given the lateness of the hour, discussion on that will be deferred

14. Adjournment

Motion by Hall to adjourn, seconded by Hornberger.
passes

Motion

Meeting Adjourned at 10:23 p.m.