

PENINSULA TOWNSHIP

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**Planning Commission
Special Meeting
January 14, 2025, 4:00 p.m.
Township Hall
Corrected - Minutes**

1. **Call to Order by Beard at 4:00 p.m.**
2. **Pledge**
3. **Roll Call – Present:** Alexander, Beard, Hall, Hornberger, Shanafelt; **Excused:** Eckstein, Shipman; Township Planner of Record - Sara Kopriva; **Virtual:** Jacob Witte and Sophia Youssif, Fahey Schultz Burzych Rhodes
4. **Approve Agenda**

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

Motion Passes

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

Dirk Mammen, 10878 Wood View Terrace: raises concern about tying parking requirements to the number of boat hoists, particularly in older shared waterfront neighborhoods lacking designated parking. States that parking demand is driven by beach use rather than hoist count, that most residents walk, and that hoist-based parking ratios are unrealistic and unenforceable. Questions disparate treatment of shared waterfronts versus single-family parcels and expresses concern that the language could be interpreted to prohibit hoists solely due to the absence of parking facilities.

David Spinweber, 966 Bayside Drive: notes that at the prior meeting he was told the parking requirement would be removed, but observes it remains in the current draft. Requests clarification on why it is still included and is advised that the provision remains in draft form and is scheduled for further discussion.

Bill Policastro, 1080 Bayside Drive: thanks PC, staff, and counsel for extensive recent revisions to the ordinance and expresses appreciation that public input was considered. Reiterates concerns about the parking provisions, stating that if parking remains tied to hoist allowances, the language could be interpreted to prohibit hoists in subdivisions without dedicated parking. Requests clarity on whether parking will be removed or revised and looks forward to further discussion.

Sally Erickson, 2228 Kaukauna Ct: thanks PC and raises questions about how existing developments will be treated under new shoreline rules, specifically whether previously approved projects will be grandfathered. Additional time is requested to conduct a side-by-side comparison of prior and proposed regulations to understand impacts on existing subdivisions. Emphasizes the importance of clear, enforceable standards, noting that prior rules lacked effective enforcement.

Fred Swaffer, 1045 Gray Road: thanks PC for advancing the ordinance but raises several substantive concerns. Questions the requirement for a land use permit for shared frontage, arguing that use is equivalent to adjacent private parcels and the distinction appears discriminatory and unnecessary given longstanding tax-based identification. Also has a concern about frontage and hoist formulas that appear inconsistent, particularly for parcels under 100 feet with more than two families that have existed for decades and lack a clear continuation or enforcement approach. Says the parking-to-hoist linkage as described is unworkable, especially where roadside parking could later be restricted, effectively reducing allowable hoists. Questions enforceability of requiring proof of state/federal dock permits, suggesting such enforcement should remain with those agencies.

Katharine Pike, 6095 Red Fox Run: urges PC to resist fear-driven decision-making influenced by litigation threats and to prioritize shoreline safety and environmental integrity. Emphasizes that increased boat density endangers swimmers and small-craft users, contributes to water pollution, and can cause shoreline erosion, citing observed impacts from neighboring shoreline management. Opposes rounding up frontage calculations to allow additional hoists, arguing for clear, firm standards grounded in fairness and environmental protection. Asserts that swimmers, kayakers, and paddleboard users are not a vocal minority but an underrepresented majority, and asks that shoreline regulations protect natural use rather than expand privileges for motorized watercraft owners.

Scott Duensing, 1777 Buchan Drive: member of the Shoreline Regulation Study Group, states that the group's intent was to apply reasoned, common-sense updates to an outdated ordinance in response to growth and increasing shoreline use pressures. Concerned that prior discussion appeared to support removing parking-related provisions because of inconsistent applicability across existing subdivisions, yet those sections remain in the current draft and may have been overlooked. Additional concern raised regarding Section 6, Paragraph 3A, noting that the purpose and scope of the access-limitation chart are unclear, including whether it applies only to shared frontage or also to single-owner properties, and that the provision may create confusion by regulating access rather than hoists or boats. Requests clarification of intent and consideration of removing provisions that do not add clarity or practical value.

Anne Anderson, 10985 Trillium Court: states that shared waterfront owners are responsible stewards rather than problem actors. Describes neighborhood practices including shoreline restoration, beach cleanups, designated swim areas, kayak access, and self-regulation to protect swimmers, small craft, and environmental quality. Emphasizes that shared frontage neighborhoods function comparably to single-owner frontage and often mitigate impacts caused elsewhere and explains that shared frontage is chosen for safety, community, and family reasons. Urges the PC to avoid treating shared waterfronts as inherently different or problematic.

6. Conflict of Interest: none declared

7. Business

a. Zoning Ordinance Rewrite Discussion – Shoreline Draft Ordinance

Beard asks Hall to lead the discussion. Hall cautions “grandfathering” is limited to lawful, pre-existing nonconforming uses and likely will not protect existing dock placement under new standards; prior permits/approvals for shared waterfronts remain fact-specific. Draft review then focuses on: clarifying cumulative “permitted by right” zoning references; defining docks as “seasonal” and still requiring state/ federal permits; tightening “no township permit” language to avoid misreading and to confirm shared-waterfront compliance still applies; and creating clearer processes for resolving dock placement conflicts (zoning administrator first, ZBA on appeal). Key substantive edits: storage setbacks measured from the higher of ordinary high water mark (OHWM) or shoreline; right-of-way defined as the full ROW; shared-dock arrangements treated as seasonal and informal between owners of adjoining properties (no added township paperwork); “equipment” clarified/possibly narrowed; and offseason storage confirmed as within lot lines for docks/hoists/equipment (no additional side setbacks). Section 13: choose the tailored zoning-administrator waiver framework (Proposal 1) with edits clarifying: written decisions, appealable “decisions,” ability to deny unworkable requests, criteria refined toward hardship/expense and impacts on adjacent properties. Shared-waterfront section: delete carryover “approval” language, reject broad owner/access change notifications, relabel confusing “minimum lot width” table as “minimum shoreline width,” and assign staff to compile shared-waterfront data to reassess the table. Parking provisions are deleted as unenforceable/duplicative; minor cleanup aligns setbacks for portable toilets and fixes a clerical error regarding a phrase pulled from the fence ordinance.

Meeting then recesses for a short break.

PC agrees that revisions discussed this evening will be incorporated into the draft ordinance by legal counsel and returned promptly. PC considers whether the draft is sufficiently developed to proceed to a public hearing. While some terms remain open for refinement—most notably the minimum shoreline width chart in Section 6.3—members agree that these issues can be addressed through the public hearing process. Staff confirms that necessary background information can be assembled prior to February.

Motion by Hall to schedule a public hearing on the revised shoreline zoning ordinance amendments at the February 5th special meeting of the Planning Commission, seconded by Shanafelt.

Discussion notes the extensive multi-year review process and acknowledges that disagreement remains on certain provisions, which are expected to be raised at the hearing.

Roll Call Vote: Hall: yes; Hornberger: yes; Beard: yes; Shanafelt: yes.

Motion Passes Unanimously

8. Citizen Comments:

Gordon Hodges, 1331 Lin Dale Drive: thanks the PC chair for sustained leadership in advancing the ordinance. Suggests improved clarity by clearly distinguishing terminology between “shared waterfront” and “shared dock,” noting current overlap causes confusion. Expresses concern regarding continued uncertainty around the shoreline-width scaling provisions. States appreciation for removal of parking requirements, which had been confusing. Emphasizes timing concerns, noting dock installers are already scheduling work and prior assurances indicated the ordinance would be resolved before spring; delay could result in noncompliance and added expense for property owners.

Peter Dee, 2332 Harbor Reach: raises concern about proposed hoist storage requirements tied to the OHWM, noting practical conflicts where road right-of-way and OHWM overlap, potentially forcing hoists closer to roads and creating safety and obstruction issues. Questions feasibility and enforceability of requiring above-high-water-mark storage and warns such requirements could invite legal challenge on jurisdictional grounds. Additional concern regarding Table 3A, asserting the existing ordinance places the chart within parking provisions and historically ties “families” to parking allocation rather than shared-waterfront access or density; suggestion made to review ordinance history to confirm original intent before repurposing the chart for shoreline-use regulation.

Katharine Pike, 6095 Red Fox Run: thanks PC, particularly Shanafelt, for prioritizing consistency with the master plan and aligning shoreline regulations accordingly. Support for limiting single-family parcels to a fixed number of boats per dock rather than a linear-foot formula, citing concerns that higher ratios incentivize commercial or quasi-commercial uses (boat rentals, floating short-term lodging). Requests prevention of increased density on shared waterfronts, specifically noting potential impacts to children, neighborhood character, and rural shoreline conditions. Asserts that shared-beach ownership inherently involves tradeoffs, including lower allowable boat density per family, and that higher-density boating should require private waterfront ownership rather than expanded rights within shared frontage developments.

Anne Anderson, 10985 Trillium Court: warns that measuring hoist storage from the higher of the OHWM or shoreline would force many shoreline owners—especially along Peninsula Drive where the road closely parallels the shore—to relocate hoists into front yards, creating greater visual and safety impacts than current shoreline-adjacent storage. Rule would affect both shared and single-family properties. Describes an existing shared-waterfront dock policy limiting one hoist per household, managed through an annual review and waitlist despite 30+ homes sharing approximately 300 feet of frontage. Offers evidence that shared waterfronts can self-regulate responsibly without increasing density, and encouragement for ordinance standards that reinforce, rather than disrupt, effective existing management practices.

Scott Duensing, 1777 Buchan Drive: observes that the disputed chart originated as a parking-regulation tool in the original ordinance and was likely carried forward by cut-and-paste, reinforcing the decision to remove parking from shoreline regulation and suggesting further analysis of the chart may be unnecessary. Explains that seasonal storage standards were intentionally broad (“all items”) to cover docks, hoists, kayaks, racks, and related equipment, with core principles of storage within property lines, out of the road right-of-way, consolidated and neatly stacked, and avoidance of floodplain/low-water exposure where feasible. Cautions that rigid high-water-mark requirements could unintentionally force hoists toward road rights-of-way or front yards, worsening visual and safety impacts. Defends the 3-per-50 standard as a deliberate compromise designed to bring 75–80% of shared-frontage developments closer to compliance and reduce jurisdictional conflict, emphasizing it was not arbitrary. Warns that reducing the ratio (e.g., 2-per-50) could undermine voluntary conformance, and urges careful reconsideration of the high-water-mark storage rule while acknowledging progress toward consensus.

Dirk Mammen, 10878 Wood View Terrace: echoes prior concerns about hoist storage, urging flexibility (not rigidity) in winter storage rules to account for steep slopes, OHWM near roadways, and long-standing erosion-control plantings. Warns that forcing hoists above the OHWM could damage vegetation, worsen erosion, create unsafe angled storage on icy slopes, and be more visually intrusive. Emphasizes environmental stewardship and supports the 3-per-50 hoist standard as a reasonable compromise.

Fred Swaffer, 1045 Gray Road: notes that defining swim platforms strictly as dock attachments may be problematic in low-water conditions, where platforms alone may be used. Argues that reducing hoist ratios would not meaningfully reduce boat density, but would instead reduce convenience and shift pressure to already-limited public launch sites, increasing roadside parking and congestion. Supports 3-per-50 as a compliance-focused standard. Also expresses relief that parking provisions were identified as misplaced and removed, clarifying that Section 6 was about parking rather than shared waterfront regulation.

Sally Erickson, 2228 Kaukauna Court: explains that the disputed chart historically functioned as a density-control tool, not solely a parking standard. Describes how, during a 2001 special use permit approval, the chart limited the number of families allowed access to shared beach frontage (first family per 50 feet, then 5 additional feet per family), resulting in approval for 21 families and three boats on 157 feet of frontage. Access was managed through a purchasable beach amenity, not automatic ownership, and not all memberships were sold. Contrasts this with an adjacent site-condo development that later amended its master deed to remove township-imposed limits, leading to overuse impacts. Urges the commission to review how each shared waterfront was originally approved, noting many associations have long complied responsibly. Offers photographic documentation of impacts for the record and thanks the commission for addressing a longstanding, complex issue.

9. Other Matters or Comments by Planning Commission Members:

Beard: notes that recent survey results were included in the prior meeting packet and have been reviewed, but states that several findings remain unclear. Announces intent to formally request that EPIC MRA (or a representative) present to the PC to explain and interpret the survey data. Purpose would be to clarify results relevant to the Commission’s responsibilities, particularly master plan updates and zoning ordinance revisions, and to identify whether the data suggests specific areas of the code warrant amendment. Request to be made to the Township Board imminently.

10. Adjournment

Motion by Hornberger to adjourn, seconded by Shanafelt.

Motion passes

Meeting adjourned at 7:08 p.m.