

PENINSULA TOWNSHIP

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**Planning Commission Regular Meeting
May 6, 2025, 7:00 p.m.
Township Hall
Minutes - Approved**

1. **Call to Order by Beard at 7:00 p.m.**
2. **Pledge**
3. **Roll Call – Present:** Alexander, Beard, Dloski, Hall; **Excused/Absent:** Hornberger, Shanafelt; **Township Planner:** Elise Loud
4. **Approve Agenda**

Motion by Shipman to approve agenda as amended by additions to communication section, seconded by Dloski. Motion Passed

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

Mark Hafeli, 13387 Blue Shore Drive: speaks in opposition to the township’s assertion of jurisdiction over submerged lands in the Great Lakes, specifically regarding boat hoists and riparian use. References criminal cases from 1890 and 1971, arguing that Michigan Supreme Court precedent establishes township boundaries end at the ordinary high-water mark, with submerged lands falling under state jurisdiction. Expresses support for expanding access to boat hoists along the shoreline, citing increased property values, higher potential tax revenues, and improved access to natural resources for residents. Submitted a spreadsheet estimating the long-term financial benefits of expanded boat access. Questions how the township could enforce ordinances beyond its jurisdiction and raised concerns about the legal and practical implications of attempting to regulate activity in state-controlled waters. Urges the township to consider more inclusive and clearly defined policies to reduce confusion, complaints, and legal exposure.

Christopher Radu, 1378 Londolyn Terrace: echoes the previous speaker’s comments and cites a local case in the 13th Circuit Court in which Judge Philip Rogers granted summary judgment in favor of the Harbor Beach Association and against Peninsula Township. Reads portions of the court brief, emphasizing that the case affirmed township zoning authority does not extend into the Great Lakes, as the docks and hoists in question were located beyond the shoreline. Notes that the decision relied on prior precedent from two cases and rejected the township’s attempt to invoke *Hess v. West Bloomfield Township* (1992), which applies only to inland lakes within township boundaries. Argues that the matter has already been settled in court and asserted that any township efforts to regulate activities beyond the shoreline overstep legal bounds. Offers to share case materials with those interested in defending riparian rights.

Jesse Mitchell, 3356 Jackson Road: introduces himself as a land surveyor and agent for the owners of the Walnut Grove PUD property. Notes that the Planning Commission has received a packet related to the proposal and encouraged members to visit the site or consider ways to help make the project a success. Acknowledges that a more complete agenda packet will be submitted soon.

Craig Maison, 13334 Blue Shore Drive: asks how the Planning Commission plans to determine the number of boat hoists allowed per 50 feet of shoreline. Notes that while the township has approximately 6,000

residents, only about 2,000 own waterfront property, and therefore most residents are not directly impacted by shoreline access issues.

Kip Nickel, 1015 Quaker Valley Drive: expresses concern about the status of the work completed by the Shoreline Regulation Study Group. Having attended many of those meetings and contributed comments, he questions whether the group's work would be incorporated into future decisions, noting its absence from the current meeting materials. Emphasizes the quality and collaborative nature of the group's efforts and urges the Planning Commission to ensure that the study group's recommendations are not overlooked as next steps are considered.

Tom Barnhart, 10895 Peninsula Drive: echoes earlier questions about the process surrounding shoreline regulations and asks the Planning Commission to clarify what a successful outcome would look like. Expresses concern about the separation of discussions regarding shared versus single-owner shoreline properties. Suggests that decisions made for shared frontage will likely influence outcomes for single owner properties, and questions the rationale for treating them separately. Encourages the Commission to consider addressing all waterfront properties under a unified approach to avoid further delays and redundancy.

6. Conflict of Interest: none

7. Approve Meeting Minutes

Motion by Dloski to approve Planning Commission Regular Meeting March 4, 2025 meeting minutes, seconded by Alexander.

Motion Passed

8. Planner Report

Loud: Focus remains on daily planning operations and a zoning ordinance overhaul. Proposes forming a study group to guide the rewrite, incorporating previous drafts and ensuring clear public communication. Public engagement, including poster-style input sessions, is planned. Beckett & Raeder is digitizing the township zoning map, which will allow residents to search parcels and view zoning information, permitted uses, and dimensional standards online. Proposes developing language to allow administrative review of minor amendments to special use permits—such as small additions—without requiring full reapproval and will present draft language for Planning Commission feedback at the next meeting.

9. Communications

- a. March 21, 2025 email from Marty Lagina, subject: Suggestions for Planning Commission
- b. April 28, 2025, email from Rose Sickle, subject: Sickle Documents from Shoreline Mtgs & Master Plan Review (Speed Limits)
- c. Walnut Grove PUD submission
- d. Armen Shanafelt's comments on agenda

10. Business

a. Introduction of Agricultural Advisory Committee Signage Zoning Recommendations

Staff and Commission discusses signage recommendations advocating for off-premises signage for farms, increased size allowances, and streamlined regulations. Legal counsel advises that, due to content neutrality requirements, any signage changes must apply township-wide, not solely to agricultural uses. Commission discusses whether to implement the changes through a zoning ordinance or a police powers ordinance to expedite the process. Loud will draft proposed ordinance language, consult with legal counsel, and further evaluate appropriate signage size limits. A public hearing on the proposed changes is anticipated for June.

b. Introduction of Hotel, Motel, Tourist Courts Height Zoning Recommendation

Staff and Commission discusses staff recommendation to amend the zoning ordinance to make building height regulations more consistent township-wide. Currently, hotels, motels, and tourist courts are limited to 28 feet and two stories, while the general maximum building height across the township is 38 feet. The discrepancy, not addressed during the previous residential building height review, was identified as an oversight.

Motion by Dloski to forego a separate introduction and proceed directly to a public hearing, scheduled for the June 1 meeting, seconded by Hall. **Motion Passed**

c. **Shoreline Zoning Debrief and Next Steps**

Staff and Commission discusses outcomes from the April 24th education session and how to proceed with regulating docks, hoists, and shoreline development. Suggestion to revisit the shoreline study group’s draft policy framework. Acknowledgment that any ordinance changes will not impact the 2025 boating season.

Motion by Dloski for the planning commission to establish a committee to review shoreline issues and make a recommendation back to the Planning Commission, seconded by Shipman. **Motion Passed**

Beard charged vice-chair Shipman with convening the subcommittee.

11. Reports and Updates - Verbal

a. **Agricultural Advisory Committee**

Beard: continuing work on agritourism guidelines and monitoring House Bill 4006 (which would preempt local zoning for ag event spaces).

b. **Township Board**

Alexander: Board and survey committee are working to finalize questions for the upcoming community survey.

12. Public Comment

Peter Cohl, 9466 Rolling Ridge: offers several suggestions regarding the proposed signage ordinance updates. Urges the PC to be cautious about increasing sign sizes, noting that oversized signage could detract from the Peninsula's rural character and resemble a commercial zone. Recommends prohibiting electronic and flashing signs and calls for careful consideration of sign lighting to preserve night sky visibility and neighborhood ambience. Asks whether there are limits on the number of signs allowed per business and suggests including signage-related questions in the upcoming community survey. Expresses opposition to House Bill 4006, which he views as a threat to local control.

Louis Santucci, 12602 Center Road: comments on the difficulty of reading farm signs while driving at or near the speed limit on Center Road, especially on downhill stretches where traffic often exceeds safe speeds. Notes that own sign is quite small and hard to read under these conditions. References the Warren Orchard sign—popular but technically in violation of current size regulations. Highlights the challenge of seeing produce availability in real time and suggests that larger or more visible signage could help, given the road conditions and driver behavior.

Curt Peterson, 1356 Buchan Drive: advises the Commission to pursue a zoning ordinance amendment rather than a police powers ordinance regarding signage changes. Notes that police power ordinances do not regulate land use but instead pertain to public health, safety, and general welfare, making zoning the more appropriate path.

Dave Murphy, 6943 East Shore Road: expresses support for the upcoming community survey and encourages Planning Commission members to share topic clusters or ideas early in the process. Raises concerns about the environmental impact of increasing impervious surfaces along the shoreline—such as large homes, driveways, and tree removal—which contribute to water runoff and erosion issues. Notes that the resulting stormwater often flows onto roads, prompting the county to install storm drains that discharge untreated water. Inquires whether the township is addressing these concerns, particularly through ordinances to better manage stormwater and land grading.

Staff confirmed that stormwater controls are flagged for review in the zoning rewrite, and a grade change ordinance may also be needed.

Judy Spencer, 6450 Peregrine Court: shares her concerns about the Shoreline Study Group process, explaining that she expects a balanced, educational review of both legal perspectives regarding township jurisdiction over shoreline waters. Notes that she stepped away from the group, feeling it lacks representation of the general public and does not allow for a full exploration of differing legal arguments. Compares it unfavorably to the earlier Building Height Study Group, which presents multiple options. Emphasizes the need to educate residents on the legal risks of overstepping jurisdiction and expresses concern that forming a smaller, more closed committee might further exclude alternative views. Notes that limiting docks could unintentionally reduce safety, as more boats may end up moored rather than properly docked. Asks for broader public understanding and a more inclusive, middle-ground approach moving forward.

13. Other Matters or Comments by Planning Commission Members

Hall: reiterates that the township has made substantial efforts to educate the public on the legal question of shoreline jurisdiction, including at the April 24 session. Re-extends his offer to share legal briefs from a prior (now-dismissed) case involving the township and a shared waterfront community, emphasizing that the township is relying on legal counsel unless a court rules otherwise. Stresses that the jurisdictional issue is legal—not subject to public vote—while decisions like the number of boat hoists allowed are policy matters that should involve community input. Concludes that the Planning Commission does not see a need to reconvene the shoreline study group and will instead move forward with a fresh review led by Planner.

Shipman: provides an update on the non-motorized transportation planning process. After completing several small stakeholder meetings and data collection, the project will move to a public workshop scheduled for June 24 (tentatively 6–8 p.m. at Old Mission Peninsula School gym). The workshop will involve map-based community input. Consultants will also conduct a bike/walk audit around the same time. A draft plan is expected by September or October, with a potential joint Planning Commission and Township Board meeting in late October to present it to the public. The community will have the winter to review and comment, with final refinements and formal approval targeted for spring.

The Planning Commission agrees to reschedule the July 1 meeting due to the holiday week. The new meeting date is set for Thursday, July 10. The township will update the website accordingly.

14. Adjournment

Motion by Dloski to adjourn this regular meeting of the Planning Commission, seconded by Shipman.

Motion passed.

Meeting Adjourned at 8:49 p.m.