

PENINSULA TOWNSHIP

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PENINSULA TOWNSHIP PLANNING COMMISSION MINUTES

June 4th, 2024, 7:00 p.m.

1. Call to Order by Hall at 7:00 p.m.

2. Pledge

3. Roll Call

Present: Alexander, Beard, Dloski, Hall, Hornberger, Shanafelt; Absent: Shipman, excused

4. Approve Agenda

Motion made to approve agenda as submitted by Beard, seconded by Shanafelt.

Motion passed by consensus

5. Brief Citizen Comments (For Agenda Items Not Scheduled for Public Hearing): Hall notes that public comment will be allowed after the introduction to business item **8b**: SUP #123 Peninsula Shores PUD, Amendment #5.

Alan Kostrzewa, 7447 Logan Lane: Directing this to Jenn: yesterday at the 3 o'clock meeting for the Shoreline Study Group - I'm not sure if I understood it correctly - was there a comment made that the state of Michigan granted certain townships the right to regulate docks and hoists up from the high water mark to the center of the body of water?

Cram: This goes back to the question of jurisdiction. The conversation at that meeting was that the state controls the bottomlands, the Army Corps concerns itself with regulation of navigable waters, and the Township has jurisdiction over the creation of zoning ordinances because of the relationship between what happens in the water and what happens on the land. If you obtain any permit from the Army Corps for something you want to do in navigable waters, or from EGLE to do something with bottomlands, their permit will say that local jurisdiction regulations will still apply. They are not looking to override. Which is what was discussed.

Kostrzewa: So Peninsula Township does not have anything in writing from the Army Corps or the state of Michigan?

Cram: No, but we are in constant communication with them as permits are issued. If EGLE reviews a permit, they send it to us for review/comment and vice versa. There's a relationship. None of the government agencies want to look at it as if one trumps another in the interest of public safety, health, and welfare.

Hall: The Township's powers do not come from the Army Corps of Engineers or the federal government. They come from the State through the Zoning Enabling Act which gives the Township broad authority to enact ordinances for the general health, safety, and welfare of their constituents. There is no explicit statement in state law that says Townships can enact ordinances regulating dock locations on navigable

waters but it is believed (gathered from legal counsel) that under the Zoning Enabling Act authority, the Township can regulate seasonal docks because they are used in connection with land that is in the geographic jurisdiction of the Township. Permanent docks are regulated by the state.

Kostrzewa: So, it's a safety issue - regulating docks and hoists?

Hall: Among other things, yes.

Cram: Remember that we talked about the "why" the Township has an interest in regulating 1) public safety, 2) resource protection, and 3) to assist property owners with conflict resolution so that everyone can enjoy their waterfront.

Kostrzewa: Thank you.

6. Conflict of Interest: none

7. Consent Agenda

- a. Approval of Meeting Minutes: Planning Commission Special Meeting, May 23, 2024

Dloski moved to approve the consent agenda as-is with second by Hornberger.

Motion passed by consensus

8. Business

- a. Special Use Permit (SUP) #134 First Congregational Church, Amendment #1 - Public Hearing

Jenn Cram, Director of Planning and Zoning for Peninsula Township: Recaps proposed Amendment #5 for Planning Commission (requests to expand the existing area on the north side of the building, as well as add one swing set, additional play structure, shade structure, and fence to enclose the area; allowing the church to expand the daycare program and safely accommodate those children). Playground is primarily used for the congregation as well as participants in the daycare facility, but outside of regular hours of operation the playground is available for general community use. Exhibit #2 shows a letter of support submitted by the Walnut Ridge Homeowners Association (the neighborhood directly to the north of the church). No negative feedback has been received from any other adjacent property owners.

Hall: What are the hours of permitted use for the playground?

Cram: There are no posted hours but the hours are likely dawn-to-dusk. Requests feedback from Mike Wills (representative/applicant).

Mike Wills, 110 Fairway Hills Drive: Daycare hours are roughly 7am until 6pm, although the playground itself is not utilized for the full duration of those hours, but from approximately 9am to 5pm.

Cram: Summarizes the standards for approval and states that the amendment meets all standards, and states that all findings, conditions, and safeguards imposed by the Township Board for the original SUP remain in effect. Reminds Commission that at a previous meeting, it was agreed that minor changes such as are proposed by the applicant could be handled without the SUP amendment process being undertaken but instead dealt with administratively in a streamlined process. Despite the convention that action would not regularly be taken by the Planning Commission the night of a public hearing, staff is comfortable with/would recommend action taken after hearing public comment.

Dloski: Aside from the standard conditions, there are no extraordinary conditions whatsoever.

Cram: Not that I could find. A Land Use Permit will be required and will be issued once a site plan is submitted. GT County Environmental Health will determine if a Soil Erosion and Sedimentation Control permit is required, though we don't believe there will be. All normal LUP documents will be submitted beforehand.

Dloski: No plans to light the area for nighttime use?

Cram: There are no new proposed exterior lights as a result of the playground expansion.

Shanafelt: Hours of operation may not be posted, but notes that Noise Ordinance governs the time at which excessive noise can occur.

Cram: Reminds all of the Police Power Ordinance which applies to everything on the peninsula.

Shanafelt: (To Wills) You don't feel the need to post a sign indicating that the hours noted earlier are for school use only?

Wills: We have not found that necessary up until this point, but if licensing changes or something unforeseen occurs, that could change.

Motion to close regular session to move to open public comment by Hornberger, seconded by Dloski.

Motion passed by consensus.

Public Comment: none

Motion to close public hearing and re-enter regular session by Dloski, seconded by Alexander.

Motion passed by consensus.

Motion to waive Section 8.7 of Planning Commission by-laws (which states that deliberation with a decision to be acted on no sooner than the following meeting unless a motion to waive the delay is adopted by a majority of those present) and rather take immediate action, as Planning Commission, to recommend approval to the Township Board, by Dloski, seconded by Hornberger.

Motion passed by consensus.

b. Special Use Permit (SUP) #123 Peninsula Shores PUD, Amendment #5 - Continued Discussion

Cram: Gives Commission refresher on the Amendment: relocating Lots 11 & 12 from the center of the project near the intersection of Waters Edge Drive and Shoreline Court to the northwest corner, relocating Lot 1 from the northwest corner to the end of the cul-de-sac next to Lot 41. Asserts that despite public concern that this amendment is similarly disadvantageous as Amendment #4, the lack of increase to density, the maintenance of viewsheds, and the increase of open space by 1% allows this to be a benefit to the development and the community. Staff has found amendment #5 to be a substantial improvement to the SUP as a whole, and a considerably better, more creative proposal, particularly as smaller lots means smaller homes built (due to lot coverage specifications). Also reminds that fill is not allowed on the proposed relocated sites, in order to keep appropriate siting/elevation of homes. **Shows photo of trees flagged for possible removal on Lot 1.** Applicant/developer is committing that only two trees at 4" in diameter would be removed. Reminds Commission that when a land use permit is sought (at time of build) if further changes are requested, staff has the ability to control the removal and replacement of existing vegetation, to retain a buffer between the Lot and the neighbors. Based on public comment (at previous meeting on May 23rd and since) some small tweaks were made to the language, in order to establish a good record.

Dloski: Asks for a refresher on building/lot coverage ratio for this development.

Cram: It must be maintained at no more than 15% (of the lot that is covered by structure). Every time a land use permit comes in for this PUD, this figure is checked against the approved table to ensure adherence. Acknowledges credit due to the developer for using the entire building footprint (which will not be fully used) and staying well below the 15%, even if building to the lot lines or beyond. Engineer, Gourdie Fraser, cross-checked the regulations for lot coverage, open space, stormwater, etc...

Hornberger: What's on the screen now is one of the trees that's going to go?

Cram: (Moves screen to show Hornberger both trees.) Explains that this photo will be part of the record as it goes forward to the Township Board, if PC is willing to do so. Includes that the distance from the neighbor at 4150 Trevor Road to the proposed builds at Lots 11&12 is 200 ft. The views (provided by trees cleared) for that property to the water is to the northeast, not to the south (where development is located). Furthermore, had the PUD not been approved for 41 units, 55 units were possible and there would have been no requirement for open space. This would have made it possible for a new dwelling placed 15 ft from that property. Due to the 30 foot PUD buffer plus a 30 foot rear setback, a 60 ft setback from the northern property line of the development from where any home could be built. There is 200 ft from the edge of Lots 11&12 to the existing residence to the north.

Hall: Asks for further questions from PC (none) and compliments presentation by Cram. Explains that the public comment allowed is not due to a formal public hearing, but grants opportunity to those assembled.

None. Discussion is concluded. Hall asks Cram to advise on next steps.

Cram: Discussion should be had if PC has remaining questions or concerns. Otherwise, Commission could make a recommendation to the Board.

Hall: Asks for Cram's recommendation.

Cram: Staff has concluded that the application meets all conditions and recommends moving to the Township Board for approval. One condition of approval for future removal of trees needs to be finalized.

Hall: When would the conditions of approval be finalized?

Cram: At the Township Board, but the PC would normally make a motion to recommend approval to the Board with the proposed conditions of approval in the packet. There are currently six conditions of approval, and condition #3 (on page 11 of findings of facts and conditions) addresses what I drafted: "The building footprints for Lots 1 & 41 shall be staked and proposed trees flagged for removal. Additional trees may be required to maintain a buffer from Lot 1 to the western property line and existing residences below." So, if more trees come out than the two shown, staff could administratively - through the Land Use Permit process - request some additional buffering such as evergreen trees,

Beard: Staff could request? Or do you mean staff could require?

Cram: It would be wonderful to fine tune this condition of approval so that the applicant has clear direction on what the expectation of the PC is. I noted here, in parentheses: would like to flesh out further at the meeting on June 4th. I want to make sure you're comfortable.

Alexander: Mentions a gentleman who offered public comment at the last meeting concerning erosion issues and requested an invitation to view the site with the applicant/developer and the Commission/Planner. Wants to know if public has had further opportunity to view this.

Cram: Kyle O'Grady reached out with an offer to the commenter to schedule and has yet to hear back, but offer stands. We are happy to show Mr. Jaye where the new home would be constructed, but there is no current concern about stormwater (will be addressed later at land use permit process) as no stormwater can exit the property per stormwater control ordinance #33.

Hornberger: A concern about erosion seems unwarranted because only two trees would be removed and enough vegetation exists to prevent it. Does not see any problem with erosion once houses are built.

Alexander: Acknowledges appreciation for the documents submitted by Cram which detailed the history as well as noting the ruling by the Circuit Court and the Township. Sees no reason not to support.

Cram: This Amendment is consistent with Amendments #1 and #3.

Dloski: Agrees with Alexander, and reminds Commission that he was previously vehemently opposed to this Amendment. By reading the Grand Traverse Circuit Court’s testimony, and findings of fact and conclusions of law, the record was set straight. The owners kind of danced around the issue that they had “vested right” because of this open space. The Court specifically found “I don’t think there’s any vested interest in open space just because it was agreed to at one point or proposed at one point”. The judge goes on to make findings of fact to the completeness of the Township’s record that they made, and looking at this record, I find it to be even more complete than the record that was made on the last Amendment. Granted, I sympathize with the homeowners to the north, but unfortunately, the law is what it is and I believe now that they have a right to conduct this and I’m going to support it.

Shanafelt: This strikes me as very similar to Amendment #3 in that we had a change in lot location that resulted in a change in open space. The critical thing for me in that Amendment was that open space was visible from outside of the development. Draws parallel between the 3rd and 5th amendment in that there is enough of an overall improvement, as there was not in Amendment #4. Glad to see the 30 ft setback maintained and the maintenance of existing vegetation.

Beard: We have the cart before the horse again. We’re doing all our discussion when we don’t have a motion on the table. I am going to move to recommend approval.

Shanafelt: Before we go there, do we want to discuss amending condition #3?

Beard: Ask Cram to re-read condition #3 for the Commission.

Cram: “The building footprints for Lots 1 & 41 shall be staked and trees flagged for removal. Additional trees may be required to maintain a buffer from Lot 1 to the western property line and existing residences below.” Could make the language specific to the two trees, asking for like-for-like plantings if more trees needed to be removed.

Hall: Who would you make this determination? Could it be done administratively by your office?

Cram: Yes. It would be made by the zoning administrator (currently Cram).

Discussion ensues about the language for the condition of approval. Consensus is found and Cram/O’Grady will flesh out exact language before it goes to the Township Board to determine what is reasonable.

Shanafelt: Requests that final language is drafted, Hall is given a chance to look it over.

Motion to move to recommend approval of SUP #123 Peninsula Shores PUD, Amendment #5, subject to condition #3 language edits, to Township Board, by Beard, seconded by Alexander.

Motion passed by consensus.

c. Draft Master Plan:

Cram: Thanks Commission and Master Plan Steering Committee for all of their hard work and for their support of Cram and Kopriva. The draft was released for public review by regional planning agencies in December of 2021. There was a 63-day review period, which ended in February of 2022. The prologue highlights the accomplishments made in between the release of the draft and current day, as the document sat for some time. This shows evidence of community commitment and the goals for moving certain initiatives forward. A thorough review shows revisions fall into three different categories: 1) minor typos/grammatical errors, 2) content-based errors related to maps, vision statements, and action steps, as well as 3) bringing the document up to date from 2022 to 2024. Reminds Commission that existing

formatting errors have not been addressed, as there is potential for other revisions that may change formatting further. Explains the methodology for the commercial properties shown on the existing land use map, as concern was noted at last meeting. Once the Master Plan is finalized, the Zoning District map will be adopted using the Zoning amendment process. This will provide for an official electronic zoning district map rather than the existing hard copy zoning map. The existing land use map shows how land is currently being used. It is important to understand that how land is used is sometimes different from the way it is zoned. It's helpful for the Commission and Planning staff to use those maps to see discrepancies and nonconforming uses. Wineries, for example, show up as commercial due to the parcels where a tasting room and other commercial uses exist. Some winery parcels still show up as agricultural because those are truly used that way, but the tasting room or farm-processing portion shows up as commercial. During a discussion with legal counsel, they agreed that the existing land use map should be different from zoning. Concern was expressed at showing the wineries as commercial, as they are truly value-added agriculture. There is work being done to determine how to best show this on the map (with alternative colors or cross hatching). Possible to have two different types of zoning for agricultural properties. Expresses hope that more land within the agricultural preservation areas will be preserved (10 new applicants for PDR program may allow for 700 additional acres to be preserved under conservation easements). The existing land use map and future land use map do not change how a property is zoned. A final review will be done to capture all remaining typos and formatting issues before submission. After hearing public comment as well as discussion by Commission, action may be taken. The desire to get this Master Plan adopted has been heard loud and clear, and so moving this forward to the Township Board (at a public hearing on July 9th) is the recommendation, unless a Special Meeting of the PC is requested between now and then.

Dloski: How will the existing wineries be portrayed in the future land use map?

Cram: The existing (unofficial) zoning map shows them zoned as A-1 - Agricultural, while the existing land use map will show them as agriculture and/or value-added commercial.

Dloski: So, they are not going to be designated as strictly commercial properties.

Cram: Correct.

Shanafelt: Requests that red not be used, in favor of using cross hatching to indicate value-added agriculture. Notes that the current land use map doesn't show the Meeker addition as being a conservation easement.

Kopriva: We didn't add that in because the existing land use map is from 2021.

Shanafelt: Which map is considered "unofficial"?

Cram: The zoning district map.

Shanafelt: Although we say it's unofficial, we may want to clarify what we mean by that. Offers opinion that it may be misconstrued as "not having a clue".

Hall: The purpose of this unofficial designation is that we don't want people to rely on it.

Shanafelt: Agrees, but wants to clarify what we mean by it (for public consumption). In the acknowledgements, we noted the board and PC members that assisted with the 2021 draft, would like to note the existing board and PC members are made up of different people at this stage of process.

Cram: The work that has been accomplished has been primarily made by this commission and this staff.

Shanafelt: Asks that the current planning staff and commission members be named. Asks for consistency between parks (#57) and cemetery (#58) ordinances mentioned without a description of those ordinances, despite descriptions made of other ordinances, such as Amendment 201.

Cram: The reason that 201 was described is that it is an amendment to the Zoning Ordinance, which is very specific to the Master Plan. Alludes to the difficulty of summarizing the Parks Ordinance and Cemetery Ordinance for the Master Plan.

Shanafelt: We don't have consolidated concepts for those? Acknowledges that it might not be practical.

Cram: Offers to work with Becky Chown, Township Clerk, to summarize those. At the time the draft master plan was issued there was no Cemetery Ordinance (and Park Ordinance from that period was repealed).

Shanafelt: Suggests adding that language, informing residents that there was no existing ordinance before would be sufficient. Suggests changing language on page 13 regarding uses of the bay to be less restrictive. Typo on page 66, change "use a by-right" to "as a use-by-right".

Alexander: Also on page 67.

Kopriva: We welcome any other lists of typos to make sure they're included in our final edit. Reminds Commission that software creates issues with formatting that will be solved after revisions are complete.

Hornberger: Inquires into the way Pelizzari shows up on map.

Cram: Pelizzari, like other parks, is public but also held in a conservation easement.

Kopriva: On the last map, all the conservation easement parcels were a solid color but on this version it's cross hatched to show that it is both public and under easement. Existing color combination makes it look gray, so we are working on ways to better show this.

Cram: We went through parcel-by-parcel and looked at all those colored red as "commercial" with Sally Murray, our Township Assessor. A lot of those changed to public or something else. We looked at all the public lands to look at the accuracy of use. As we move from the existing land use map to the future land use map, we hope to see more green and a slight increase from rural-residential to suburban-residential because we can anticipate some exempt land divisions. Right now, someone with an R-1C chunk of land could come in and create up to four lots, going from rural-residential to suburban-residential. This is happening predominantly along the shoreline where we see the R-1C district.

Dloski: A question from page 57: 490.7 acres designated as "other". What does that mean? Is that PDR?

Cram: We would need to consult with Randy Mielnik to see what his thought process was there.

Dloski: We should make some effort to identify what those are.

Kopriva: They may be exempt, but put under "other". If they are classified as exempt, you wouldn't know what it's exempt for without a deeper dive. That is a holdover from the 2021 draft.

Beard: Are we going to be able to have a high resolution, digital version available on the web for clarity/zooming in? Requests that large print versions are available of the future land use map.

Cram: Commits to printing future land use map for non-digital access as well as high-res map for website.

Beard: On page 53, there is mention of wind and solar power and the electrical grid. Admits to being confused by language in the box, which seems to suggest that it is not possible to have an electrical grid on the Peninsula despite it being thoroughly wired.

Cram: I believe it should stay. Yes, you see power lines, but that is different from an electrical grid. Based on the above-ground power poles, there are areas on the Peninsula that experience frequent power outages during wind events. That is because we are not on this electrical grid. I am comfortable that this (language) is correct.

Shanafelt: Reminds Commission that one of the long-range plans he would like to see is fully underground power on the Peninsula. Wonders why that isn't possible, given enough resources.

Beard: This is not unique to the Peninsula. There are incidents all over Michigan - which is third in the country for power outages. What I hear, when we talk about a grid, is the ability to extend electricity to any given parcel.

Cram: It does, but that's different from a grid.

Hall: Requests from Cram a very brief explanation of "electrical grid" to clarify.

Alexander: On page 80, where you talk about the historic private resort associations, possibly change Illini to Illini Orchards.

Cram: Going back to the future land use map, we know that there is a large area on Neahtawanta that is under conservation easement and something in Leffingwell, so that is on our radar to confirm with Sally.

Dloski: Defines electrical grid. "A network of synchronized power providers and consumers connected by transmission and distribution lines that operate by one or more control centers".

Cram: So, we have power, but it is not practical for us to have the electric grid that you see in more urbanized areas. Will break this down in layman's terms.

Motion to close regular meeting and open public hearing portion made by Hornberger with second by Dloski. Motion passed by consensus.

Curt Peterson, 1356 Buchan Drive: I would suggest that you consider continuing this public hearing into your next meeting which would be at least 15 days from now. I make that recommendation because I'm not sure whether or not you have followed exactly the proper procedures for the Michigan Zoning Enabling Act 125.3839 which tell you the proper procedures. Fifteen days ago we did not even have a future land use map as part of this draft. Then last Thursday, one popped up less than a few business days from today. And then - you can call that the new future land use map - today at about 12:13 pm another future land use map popped up. Our assistant clerk sent that around to anybody that wants to receive the packets, but that is brand new information for any citizen here in Peninsula Township. Seeing that new-new existing future land use map for the very first time. I doubt that very many people have seen that as a drastic change from the new future land use map that you had last Thursday. I don't think, quite frankly, that we've received enough notification and those two maps - the one from last Thursday and the one from noontime today - are drastically different. You say on page 71 in the verbiage for this draft plan that a few small acreages may need rezoning, but if you look at this new one, considerable acreage is different. I would suggest, so that there are no possible legal challenges to this, go 15 more days and continue this public hearing. Let people come in here and talk about it. I can go on and on about the numerous mistakes other than this future land use map. Right now, I would be ashamed if I was a member of this planning commission, and I approved this tonight and passed it onto the township board with all the mistakes that are present. It needs somebody like Laura Serocki or Monnie Peters to go over this with a fine tooth comb to fix all the mistakes. Thank you.

Hall: It sounds like it might be a public service if you would send an email to Jenn with a list of the mistakes so we can correct them.

Cram: We did speak about the process with our legal counsel today and our only statutory requirement since it was released to the public in December of 2021 and the comment period came and went in February of 2022, is for the Planning Commission to hold an additional public hearing. There will be another public hearing with the Board, so between now and then (if the PC is comfortable with moving this forward) the community would have an opportunity to review the latest draft and the final document when it comes to the Board on July 9th. It was discussed with Chris Patterson and Jake Witte that there are some minor changes to come and they said that is standard within the master plan process. We are comfortable that we will have a clean document when it goes before the Board and there will be another public hearing where people can weigh in. If you're feeling uncomfortable and rushed, we're happy to pause this. We would propose a special meeting with the PC sometime this month prior to going to the Board on July 9th.

Hall: Asks for Cram's recommendation.

Cram: I want you all to feel comfortable. Sara and I have told you that we know there are additional formatting and things that will continue to be fixed based on feedback already received from the commission. We don't want to send a sloppy document onto the Board. We are working with a document that was drafted in 2021 and are trying to honor the work that the master plan steering committee did. We're trying to improve it because this will be our master plan for another five years, potentially. We all want this to be a good working product and feel that we've received the information from you that we need to make appropriate changes.

Hall: I'm going to paraphrase: you think that the document will be in proper form by the time it goes to the board.

Cram: Yes, and we will continue to post updated drafts to the website for public consumption as there will be additional information in the next week. We're trying to adopt this as quickly as possible, while making as few changes as possible, as we heard those requests from the public loud and clear. The maps needed the most work, as the agricultural preservation area wasn't included at all in the draft.

Alexander: After it goes to the Board for public hearing, they won't act on it. So, there will be more time. This is a future land use map which is an extrapolation anyway, so if we're making changes, it's interpretive. It's what we think is going to happen. So, the fact that it has changed today doesn't bother me.

Cram: From the May 23rd meeting to this meeting, a disclaimer was added at the bottom that noted that "this map is generated based on the use classification and the assessing records. These uses may be classified differently than the zoning district or uses allowed in the zoning ordinance. For instance, some agricultural uses may be classified as commercial uses will change to value-added, or residential uses may be classified as agricultural uses depending on the amount of agricultural production for assessing purposes. This is a snapshot in time and used as one of the many tools to determine future land use and zoning." We'll add something similar to the existing, unofficial zoning district map - as to why it's unofficial.

Dloski: It's time to move this over the finish line. We've been talking about this for years.

Maura Sanders, 20202 Center Road: I am here as Maura Sanders, not as Township Trustee. I kind of agree with Curt a little bit about extending the public hearing, at least for another two weeks. With the map that came out just today you guys are going to receive quite a bit of feedback from the community and they're going to get a chance to look at it today and tomorrow, and over the next couple of days and provide even more information back. I am not for extending this process because it's finally up and running but doing it right (correctly) now is going to prevent quite a bit of heartache in the next couple of months, I think.

Cram: So, that would mean that this would not be adopted until probably August or September.

Sanders: As Maura Sanders at 20202, I would rather wait until August and have it done right and get the feedback from the community versus getting bombarded with questions and complaints from the community. Just now, sitting in the audience, on my phone...somebody sent me a note saying "Hey, I don't get it. My parcel has been historically commercial and it was before I even bought, but the future land use map has it converting to suburban-residential." So, just having the opportunity for those folks to chime in, I think, is really important before putting a future land use map, which I know is a template, but let's try to get it as right as possible.

Shanafelt: From a statutory perspective, we, in principle, could hold another public hearing in two weeks that would still give us time to notice the public hearing at the Board.

Cram: No. This would not be able to go to the Board, then, until August.

Sanders: I'm as much into it as you guys are, wanting to get it done and across the finish line, but I just think really getting that input from the public - especially with the new map just coming online today - I think it's important. My two cents.

Shanafelt: Questions timeline to correctly notice the public.

Cram: Explains the process and time constraints with public noticing.

Shanafelt: Suggests a special meeting.

Cram: Explains to commission the issues that arise with newspaper publishing deadlines/timing to notice properly based on time remaining before the next board meeting.

Hall: The opportunity for the public to comment between now (if we don't have a special meeting) and the - if we do move this along tonight - the board meeting to consider it and hold a public hearing would be when?

Cram: July 9th. Between now and July 9th the public could make comments.

Hall: Thank you. So, that's my question. Isn't that sufficient opportunity for the public to make comments and send comments to your office, and then there's a public hearing where they can appear and make more comments. Why isn't that sufficient?

Peterson: Because it doesn't meet the Michigan Zoning Enabling Act (requirements).

Cram: It does.

Hall: We have a legal opinion that it does.

Cram: We respectfully disagree with you, Curt. Our legal counsel has weighed in on that.

Peterson: Well, they would agree with you.

Sanders: I think the question in my mind - in looking at the calendar - is collecting all the continued public input prior to the board meeting. How does it work after that board meeting? What draft gets to us so that we have the opportunity to review it.

Cram: You'll get the draft based on all the comments made from January to now, so that will be the final draft that goes to you. It will go out to the public as soon as possible prior to the public hearing with the board and they will have time to review it before going to the board, they can make comment at the board (meeting), and the board can choose to not take action that night and recommend further revisions in August and September.

Sanders: So, that's kind of where I'm getting. It could be pushing out to August or September.

Hornberger: But it is anyway. Whether we have a special meeting this month, it'll still be August.

Sanders: I, personally, just not as (a) board member would like the planning commission to take all that, the majority of public comment and get it sorted out prior to it coming to the board.

Cram: Discusses the possible issue of not having a quorum for a special meeting - the earliest date of which would be the last week of June. Attempts to find a possible date. Floats the idea of Tuesday, June 25th.

Fred Woodruff, 4824 Forest Avenue: I am addressing the Planning Commission as a member of the Study Group that recommended that the Township hire Maner-Costerian to examine the existing organizational structure of the township and the financing of its operation and make recommendations (on) alternative ways and means to raise revenues, reduce costs and increase efficiencies. However, before recommending hiring an outside consultant, the study group identified that one of the largest current gaps between the revenue received and the costs incurred in FY 2023-2024 appeared to be in the Planning and Zoning Department even when the department has been short of staff. This public hearing format (as well as the public comment period at your monthly meeting) doesn't lend itself to having a discussion of other's thoughts and ideas. But it seems to me that the more the township attempts to regulate land use the more costs will be incurred by the township and the more revenue will be needed to be raised to cover those costs. The draft master Plan calls for - SUPs, PUDs, PDRs, TDRs, Value-added agriculture, Alternative Energy, Shoreline protections, boutique hotels, non-motorized trails, improvement to parks, and promotion of historic places. It outlines 12 vision statements including "Operate under the best possible form of government with suitable and essential public facilities.", but that is #10. You have a difficult task ahead of you. The folks who responded to the 2019 survey made their wishes known. The draft master plan's vision statements appear to reflect those wishes. As you move forward, please make sure the township has the financial and human resources needed to implement those wishes on a fair and consistent basis. Thank you.

Bill Serocki, 6924 Center Road: First, I want to commend you folks on all your efforts on this. It's a monumental task and you're getting there. Just keep going. I had something that I noticed on one of the maps, and it was the definition of residential properties and each land use had a box with a different color. Under the residential use there was use definition of 1-5 acres and I found that a little confusing. I was wondering if it would help if you referred to one of the zoning maps for individual properties.

Cram: The problem is that the existing land use map and the future land use map are not how the property is zoned, it's how the land is used. So, for the suburban-residential we could add additional clarification, we're looking at - right now - if there is a parcel that is less than five acres and has one dwelling on it, we classified it as suburban residential. For all of the parcels that were five acres or greater, those were rural-residential. Those maps should look very different because the way that land is zoned is sometimes different from the way it's used. We could go back and just adopt the maps that were in the original version if everybody would feel more comfortable with that, but we heard from the community that those weren't accurate either. The land use maps never change zoning. They're just meant for us to look at how things are used, and how they might be used in the future. Do we need to explain that better?

Serocki: So, if someone were to be looking for an individual, specific property, they have to go to another map, right?

Cram/Hall: As they should.

Serocki: Asks for clarification for those not as familiar with planning and zoning, particularly as it relates to individual parcel zoning.

Cram: If someone wanted to look at specific zoning for their property they would go to the official zoning district map. If they want to see how their property is currently being taxed or used, they would go to the existing land use map. If they want to see how their property might be used in the future based on the vision statements and action steps, then the future land use map represents what the community wants the future to be. What we have heard is that the community wanted to minimize the potential for buildout, they don't want to see rezonings that increase density or upscale zoning. So, that's where the future land use map is going to be very similar to existing land use except that we'll see more land conserved and additional land divisions, because someone who has a property, say, that's zoned R-1A has the potential to create four lots if they have four acres. Offers to provide more description to be more helpful. Reminds that they want everybody, including Serocki, to be able to understand what these maps represent.

Shanafelt: The problem is that each map is multidimensional. You need to look at all of them to get a clear picture.

Cram: Points to maps in the township hall "soon we'll have an existing land use map and a future land use map".

Shanafelt: Right, and it's not mutually exclusive. You could be zoned residential and be in a viewshed, for example. The other point I wanted to make: how you come to terms with existing zoning and land use is just looking at the difference in the map you published yesterday and the one two weeks ago. There's less green because those greens are now - as you said, five acres - instead of being a farm, they put a house on it - residential and not agricultural anymore. It doesn't change the zoning, but the use, which are two very distinct conceptions that coexist.

Cram: I hear what Mr. Serocki said and know that there have been issues with that in the past, which is partially why the master plan was paused. There wasn't a level of comfort with the zoning district map, the existing land use map, and the future land use map. That's why we're digging in and trying to make it as accurate as possible based on the assessing data. If we need more descriptions to show why we did things, or what certain things mean, we can absolutely do that.

Motion to close public hearing by Hornberger, seconded by Beard.

Motion passed by consensus.

Motion for PC to recommend approval of the Master Plan, subject to the corrections addressed, to the Township Board, by Dloski, seconded by Hornberger.

Hornberger: We can talk about this forever. I think we have been talking about this forever. It's never going to be perfect, there is no such thing. My husband has a saying: "Perfect is the enemy of the good." This is something I'm proud of. We're ready to send this on to the board and a second public hearing.

Alexander: Echoes those sentiments. Notes that this should be a living document that changes that are unforeseen may arise.

Shanafelt: To take a slightly opposing view despite agreeing with everything that's been said. After hearing some of the commentary, there's a difference between meeting a statutory requirement and doing due diligence. Statutory requirements are in place to ensure that at least the minimum is done. Sometimes you need to do more. Practically, the board would not approve this until August and the board also has a capability to waive their equivalent of Section 8.7 and take action following a public meeting, so one thing we could consider - though your point about it being a living document is well taken - is giving a little bit of time to allow the realization that a future land use map is sheer speculation. To have comment and discussion about it in the context that this is a best guess might be useful, and to that end having another public hearing to do explicitly that would be useful and then the board could take it up in August. What I don't want is people to come in and talk about their pet peeves about how we're interpreting future land use which is a guess and speculation. There is the danger of doing this, which prolongs it.

Cram: I want to do what you're comfortable with. I will take three more years if you want.

Dloski/Hall: Reminds assembled that there is a motion on the table.

Beard: I'm tempted to support the motion, but I don't think it makes sense to put this half-cooked dinner on the plate in front of the board. There's a few more things that need to be tied up here and to burden them, with all they have to address I don't think it's the right way to go. To expect them to clear up these loose ends. Another meeting here and another chance for public input would wrap it up and put a bow on it, and hand them something that is relatively complete.

Shanafelt: The advantage of that, and the expectation, is that we actually do hand them something complete because that allows the board to act, and eliminates it going on and on.

Hall: Comment by the Chair: For the reasons that have been stated, I think dinner will be ready to be served and I'm in favor of moving this on.

Witte (legal Counsel): Reminds commission that under the Michigan Planning Enabling Act, the recommended approval of the master plan needs to be by resolution, and the resolution needs to refer to, and I'm going to quote the Planning Enabling Act here: the maps and descriptive and other manner intended by the planning commission to form the master plan". I don't know that I saw a resolution in the packet, but I'm sure Jenn could put one together. In terms of the language used to approve the master plan and a minimum to comply with the Planning Enabling Act, maybe that motion language should be amended to refer to the specific maps that are included in the master plan. Does that make sense?

Shanafelt: It makes sense, but we're not approving it, we're just recommending moving it to the board.

Hall: We are not the board.

Cram: Jake, we spoke to Chris Patterson today and that resolution is in process and will be ready for the board to approve. Thank you for clarifying that we are following the correct process.

Roll call vote: **Beard:** No; **Shanafelt:** No; **Hornberger:** Yes; **Dloski:** Yes; **Alexander:** Yes; **Hall:** Yes

Motion passed with dissent by Beard and Shanafelt.

Cram: I will work with township office manager, Susan Piehl, to update the website tomorrow with the latest maps. We will let people know that they can submit any comments or concerns to the Planning and Zoning office so they can be addressed. We'll let them know there will be another public hearing with the board on July 9. The board will receive a cooked dinner wrapped in a bow based on everything we've discussed. I hear everything that's been said and want to make sure people have the opportunity to comment. To add to something that Curt Peterson said and that is that Laura Serocki has vetted this and was one of the only citizens that provided thorough comment on the original draft back in February of 2022

and has provided thorough comment on this draft. All her comments have been considered. I want to thank Laura Serocki and her commitment to this process, publicly.

Shanafelt: Comments that it's six of one, half a dozen of another. The public hearing will be held under the auspices of the board, as opposed to under the auspices of the planning commission prior. Similar, just following a slightly different path.

Cram: In some communities, the planning commission has the authority to approve the master plan. For Peninsula Township, it is the board. We don't have to conduct another public hearing with the board based on the Planning Enabling Act, but that's what the board likes to do.

Hall: Reminds the community to submit their questions and concerns to the Planning office.

9. Reports and Updates

a. Shoreline Regulations Study Group - Verbal Update

Cram: The Shoreline Regulations Study Group has been meeting every other Monday since February. We last met this Monday. We've had robust conversations around single and shared waterfront ownership. The policy direction that is currently moving forward - recognizing that the existing zoning ordinance is more restrictive than what the community would like - is to increase the number of allowed hoists from one per 50 ft to three per 50 ft. A jet ski is considered half of a boat hoist, so two jet skis would equal one boat hoist. We've also discussed where seasonal docks, hoists, and equipment should be seasonally stored outside of the water. Rather than noting the "ordinary high water mark" the study group recommends "four ft from where the water meets the shoreline" to make it more user friendly. For single waterfront ownership, we would not require any type of permit or registration, as we're now calling it. We are recommending that an annual registration be required for all shared waterfront ownerships and that registration would be very simple. A checklist that notes what lineal frontage is, how many hoists you're proposing, how you are going to store things, etc.... A site plan may be brought in, if they wish, and there will be a template that shows all the activities they should consider on their shoreline. This would then confirm their compliance with the zoning ordinance. The other thing we're looking at as far as the location of the one dock per parcel and the number of boat hoists depending on lineal frontage is the idea of projecting the property lines out into the water and then having a setback from those imaginary property lines. As long as you are locating your dock and hoist within that footprint defined by the setbacks, we don't have a concern. We recognize that this will not work for all situations because the shoreline is concave and has different shapes, so we need to develop language that would allow for all lots of record to have at least one dock and hoist. The purpose of this, again, is for public safety, natural resource protection, and to minimize conflicts between neighbors. I can start drafting verbiage for proposed zoning ordinance amendments related to single and shared waterfront ownership. We also anticipate that proposed amendments or policy direction will come from this study group with regard to development along the shoreline. Such as: where should stairs be, what is the percentage of trees that should be removed. Those types of things will require a more lengthy process. Guest speakers will be coming to educate us on the importance of protecting the natural resource that we have - 42 miles of shoreline. Notes that there has been tremendous turnout from the community and it is a diverse group of participants. Public comment is always allowed at the end of the meetings. One study group member has gone out and interviewed and met with shared waterfront owners, coming back to the study group with reasonable proposals to address what he has heard. Just as we talked about the master plan, it won't be perfect but the hope is to have a better zoning ordinance that addresses most of the situations on the peninsula.

Alexander: Glad that members of the public are supportive and made positive comments.

Hall: Jenn (Cram) is doing her usual terrific, thorough job in running those meetings. The agendas are well thought out. We're getting a lot of detail and it's very good. It was interesting to see the community reaction to this process because there is a concern - that was also voiced tonight - about excessive

government regulation. There were a number of people in the study group who were originally vehemently against the idea that there would be additional regulation or changes to the regulation dealing with shoreline, and what we've found is that representatives of one particular shared waterfront that were very against the whole project have now seen that we are not some nefarious cabal of large government, we are in fact trying to get educated so that we can develop appropriate policy. One of the things we've realized is that people on the shoreline have more boats or watercraft, and so we need to have our zoning ordinance accommodate that. As we go through this, and people see how the process is working, we're getting buy-in. Some people are still concerned about whether or not we have jurisdiction, but we're trying to do what's right for most people most of the time.

b. Agricultural Advisory Committee - Verbal Update

Cram: We have received 16 letters of interest for nine positions for the newly created Agricultural Advisory Committee. The board will be conducting interviews soon. The tentative date is June 24th at 3pm. We have to first confirm that we have a quorum of the board. Becky Chown, our clerk, is working on that. We received a wonderful response from a very diverse group of agricultural operators or farmers. Also notes that this committee will function similarly to the parks committee, but meet every other month, or six times per year. We do want to have a PC liaison and a board liaison. The goal of this is to provide the farmers and agricultural operators with a voice so that we can understand issues they're facing and be nimble to make zoning ordinance amendments that support agriculture on the peninsula. At one point, Kevin Beard volunteered to be that liaison and I hope that's still the case. The same will be asked of the board when it goes back before them.

10. Public Comments

Fred Woodruff, 4824 Forest Avenue: I hope my comments were not interpreted as being anti-regulation, etc. My comments are: "I understand it's in the public's interest, it's at the local level where things really ought to be more understandable. I just want to make sure that item number ten gets moved up in your consideration as you go forward because you're going to need more human and financial resources to carry that out, so that Jenn can come to meetings feeling better."

11. Other Matters or Comments by Planning Commission Members

Cram: Announces that Tori Westmoreland has accepted the Planning and Zoning Administrator position, starting July 1. She has a planning degree from Arizona State, she's done some study abroad, has completed several planning related internships, and has excellent experience. She knows what she's walking into, and the staff was transparent about the work ahead and the challenges facing the community. This appointment will allow for improved capacity for land use permits, special use permits, and day-to-day operations, as well as staying on top of action steps for the master plan and making zoning ordinance amendments.

Asks about quorum for the July 2nd meeting, as there is potential for a public hearing. Indicates that she needs to ask Shipman if she can attend for quorum, otherwise no quorum.

12. Adjournment

Dloski moved to adjourn at 9:15 p.m. with a second by Shanafelt.

Motion passed by consensus.