

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

Ph: 231.223.7322

Planning Commission Regular Meeting

July 18, 2022 7:00 p.m.

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

2. Pledge

3. Roll Call: Present: Shipman, Dloski, Couture, Alexander, Hornberger, Absent: Hall, also present: Planner, Jenn Cram, Recording Secretary, Beth Chan

4. Approve Agenda:

Moved by Dloski to approve agenda, as presented, seconded by Alexander approved by consensus

5. Brief citizen comments (For Agenda Items Only):

Nancy Heller, 3091 Bluewater Road: commented on item C. under business: the definition of structures and what it includes will affect all of the township, not just agriculture. Expressed concern with ag. uses, cited example of the term "poles," this is not clear with an example of a mailbox, and flag poles. Secondly, referred to signs for a yard sale, it is not clear if there is a fee for each? Also, is a permit needed for an umbrella on a deck, how is this treated, is there a yearly renewal? Be careful in what is left for interpretation, and does it create more non-conforming situations that go to the ZBA? Finally, how does this definition and others line up with the master plan? Requested that the planning commission take time and effort with decisions.

Curt Peterson, 1356 Buchan: referred to the meeting minutes for June 20, 2022 and questioned the dialog at the bottom of page 2 to the top of page 3. Felt that it was inaccurate, with Cram stating "yes, we are going back to the intent of what was noted in Section 6.2.2(2)(e)." Comments on what the intent was for the ordinance, because 6.2.2(2)(e) states intent. Read the ordinance.

Marc Santucci, 11789 Center Road: referred to the minutes for the planning commission, May 16, 2022. The change was from public comment for agenda items only to public comments to items not on the agenda. (the June 20 agenda is Brief Citizen Comments for non-agenda items only and the July 18 agenda is for agenda items only)

Dloski: non-agenda items were at the top

Cram: Hall was referring to outdated by-laws during that discussion, but the agendas should mirror the township board agenda for meetings with agenda items only.

Dloski: a motion was made for that change, to public comment on items not on the agenda.

Discussion

Moved by Dloski for public comment in the beginning of the meeting to be for items not on the agenda, seconded by Couture. approved by consensus

Marc Santucci: there was a petition to put the township's moratorium to a vote. He read the Michigan Zoning Enabling Act, Section 125.3402. Notice of intent to file petition, section 402.1, page 24. Suggested that for thirty days the zoning ordinance is in abeyance and if enough signatures are collected, it is in abeyance until the election. Jennifer Braemer gave seven days' notice to the township clerk and in that interim period, Todd Oosterhouse tried to file an SUP with the township and it was

illegally rejected. The SUP has to do with part of my property. The township has to accept the application.

6. Conflict of Interest: None

7. Consent Agenda:

a. Approval of Meeting Minutes: Planning commission Regular Meeting May 16, 2022 and June 20, 2022

Cram: clarified that the May 16, 2022 minutes were reviewed and are accurate and the motion by Couture is accurate. The minutes stand as presented. Explained intent of rentals in zoning districts.

Moved by Couture to approve the consent agenda as presented, seconded by Alexander Shipman: will abstain from the May 16, 2022 minutes approval as she was absent from the meeting.

Dloski: will abstain from the June 20, 2022 minutes approval as he was absent from the meeting.

Couture withdrew his motion, Alexander withdraws support

Moved by Couture to approve the meeting minutes for the May 16, 2022 meeting, seconded by Dloski

Yes: Hornberger, Couture, Dloski, Alexander; Shipman: abstained

Moved by Couture to approve the meeting minutes from June 20, 2022 meeting, seconded by Hornberger

Yes: Hornberger, Couture, Alexander, Shipman; Dloski abstained

Hornberger arrived for the planning commission meeting.

8. Reports and Updates:

a. Non-motorized Committee (Shipman)

Shipman: gave an update on the progress of the non-motorized committee.

- Working with M-DOT on the M-37 resurfacing project looking at safety signage in high traffic areas, specifically for cyclists
- Working with the parks committee on signage for Archie Park in coordination with M-DOT
- M-DOT to complete a road safety audit where Peninsula Drive and M-37 meet to where it meets M-72. This impacts the citizens on the peninsula.
- A speed safety trailer is still in the works

9. Business:

a. Lemanski Bed and Breakfast SUP #141-Public Hearing and Findings of Fact and Conditions (550 Camino Maria Drive, Traverse City, MI 49686)

Cram: reviewed findings of fact included in the packet. Reviewed approval conditions and safeguards Numbers 1-8 on pages 7-8 included in the packet. Also noted two letters of support in packet.

Dloski: asked for the number of bed and breakfasts in the township.

Cram: approximately a dozen

Moved by Dloski to close the regular planning commission meeting and open the public hearing on the Lemanski Bed and Breakfast SUP #141, seconded by Couture

approved by consensus

Deb Haase, 9544 Peninsula Drive: supports the Lemanski Bed and Breakfast

Moved by Dloski to close the public hearing on the Lemanski Bed and Breakfast SUP #141, seconded by Couture

approved by consensus

Moved by Dloski to recommend approval for the Lemanski Bed and Breakfast SUP #141, subject to the approval conditions and safeguards found on page 7-8 in the Finding of Fact to the township board, seconded by Alexander

Roll Call:

approved unanimously

**b. Cooley Bed and Breakfast SUP #142-Introduction
(6901 Mission Ridge, Traverse City, MI 39686)**

Cram: briefly reviewed the Cooley Bed and Breakfast application found in the packet. A letter from the fire chief and a floor plan drawn to scale of the entire footprint is needed. When received, the draft Findings of Fact and Conditions will be generated. Believes that a public hearing can be scheduled for the next planning commission meeting.

c. Structure definition-Policy Discussion continued

Cram: concurs with Nancy Heller that care should be taken with the definitions. Looked at the zoning ordinance where structure is used over 300 times and looked at the context in which it was used. A building is a type of structure and a dock is a seasonal structure. The zoning ordinance stated that the setbacks are measured from the property line to the eaves. The other questions will be flushed out in the zoning ordinance.

Couture: commented on the current zoning ordinance versus the 1972 version. How did the changes occur?

Cram: the proposed changes to the definition in the re-write did not come to the planning commission; that is why it is proposed to go back to the 1972 language.

Discussion

Cram: Agreed with Nancy Heller that there should be exceptions for agricultural structures. The definitions should be broad enough to cover all of the context where structure is used and have the ability to allow for exceptions or specific setbacks for different types of structures.

Dloski: should have a simple definition with exclusions. Cites an example of a structure definition from a downstate zoning code: "a structure means anything constructed or erected on the ground or attached to the ground." There are other sections that talk about docks and other things.

Discussion of wording used to define structure

Cram: Summarized that the planning commission supports a simple definition of structure with exclusions covered in other areas of the zoning ordinance. Things at grade would not be included, but greater than 30 inches above grade would be required to meet structure setbacks. Finally, there will be exceptions for setbacks for agricultural support structures.

Discussion

10. Public Comments: None

11. Other Matters or Comments by Planning Commission Members:

Dloski: the township needs to do a traffic analysis/study on Center Road.

Moved by Dloski to recommend to the township board that they start the process for a traffic study for Center Road, seconded by Couture

approved unanimously

12: Adjournment: @ 8:06 p.m.

Moved by Dloski to adjourn, seconded by Couture

approved unanimously