

Peninsula Township
Planning Commission Special Meeting
January 11, 2016

Meeting called to order at 7:00 p.m.

Present: **Peters; Couture; Leak**, Chair; **Hornberger; Serocki; Rosi**. Also present were *Claire Schoolmaster*, Planning and Zoning Coordinator; *Michelle Reardon*, Director of Planning and Zoning; *Peter Wendling*, Peninsula Township Attorney and **Mary Ann Abbott**, Recording Secretary

Absent: None

Approve Agenda

MOTION: Hornberger/Wunsch to approve the agenda as written

PASSED UNAN

Brief Citizens Comments - for items not on the Agenda

None

Conflict of Interest

None

Consent Agenda

Reardon Correspondence on Sup #32 and Sup#126 that arrived after packets were put together will be included in the exhibit list.

Reardon Minutes correction

Page 5.

Reardon the County Board is looking at adopting the recommendations of the County Soil & Erosion. Peninsula Township does not allow of 12% slope at this time. **Updated the Planning Commission regarding the County Soil & Erosion and Sedimentation control permitting process.** Recommendation is increase from 10% to 20%. Peninsula Township will be looking at incorporating some protection into our ordinance. *Rosi* Steep slopes are a big concern in our community. We need to have our engineering firm give us additional advice.

MOTION: Hornberger/Wunsch to approve the consent agenda with changes

PASSED UNAN

New Business

1. SUP #32 2nd Amendment – Bowers Harbor Winery (Public Hearing and possible recommendation to Township Board)

See notations under New Business #2

2. SUP #125 – Dining in the Vines/Bowers Harbor (Discussion and possible recommendation to Township Board)

Reardon Applicant Linda Stegenga is present. The uses that are regulated by the SUP are a food processing plant, which is no longer occurring on site. What is on site is a Legal Non-Conforming Roadside stand, which is a use by right. They would like look at issue closer to explore whether an SUP is necessary or if it could be regulated with a LUP. In speaking with the applicant and the attorney they would like to precede with the public hearing on SUP #32 2nd amendment so there is no further delay.

Leak opens the Public Hearing on Items #1 SUP #32 2nd Amendment – Bowers Harbor Winery at 7:10 p.m. No Comment from the public. Public hearing closed at 7:12 p.m.

MOTION: Hornberger/Wunsch to table item #1 SUP #32 2nd Amendment – Bowers Harbor Winery and item #2. SUP #125 – Dining in the Vines/Bowers Harbor.

PASSED UNAN

3. SUP #126 – Mari Vineyards Winery-Chateau (Public Hearing and possible recommendation to Township Board)

Reardon gave brief review of the request by Mari Vineyards. Applicant is at the meeting along with a team that is available to answer questions.

Wendling There may be additional items coming in and suggests a cutoff date for new materials so that the record can be better prepared for the board's considerations.

Applicant Marty Lagina on behalf of Mari Vineyards provides a history of their operation to show that Mari Vineyards qualifies for SUP for a Winery/Chateau. In 1993 the Underwood residential subdivision was mandated to be harmonious with farm usage. What they are proposing they think is harmonious, preserves agriculture, meets the Master Plan and meets the ordinance. Addressing the concern about Underwood Ridge Road their operation has had four easements since 1993 and those easements have been used consistently for 25 years. It is proposed not to be used for guests and their vehicles but will be used for farm operations and access to the four residential lots.

Applicant did read all the input. Concerning the location of guesthouse, they will commit that it will be at least 100 ft. from Underwood Ridge road edge. The Farm access road will be moved to the south end of the building envelope. No current plans for the guest house, just the building envelope but will commit the if it is a 2-story building there will be no more than a 7500 sq. ft. footprint. If it is a one story no more than 14,000 sq. ft. in total.

Applicant Alex Lagina emphasizes that they want to be good neighbors. Read the comments and concerns and would like to address those.

1. Small Solar Array will be taken off the plan. Off site wind turbine on M72 will be used.
2. Prohibit footpaths to any guests, but that could be removed from plan as well.
3. In regard to the forest area, the highest and best use of that land is for sugar bush to make Maple Wine and should count towards the 75% crop coverage. Should produce about 200 cases.
4. Wood boiler. No bigger than oven at home. Takes 22 inch logs. Low emission, oxygen sensor, 1/20 the of fireplace emission. Using firewood already down.

Doug Mansfield, Mansfield Land Use Contractors for Mari Vineyards if the applicant meets the standard conditions for a Special Use Permit, the Township must approve it. Chateau and Guest Houses have been done before and approved on Peninsula Township. Permits have been reviewed by township, township engineers, MDEQ, and MDOT.

Leak The public hearing on item 3 SUP #126 – Mari Vineyards Winery-Chateau open at 7:50 p.m.

Wendell Johnson, Smith and Johnson, Attorney for Underwood Farms indicates that they are against the placement and lack of specification of the Guest House. Feels that the consideration of the Board is premature.

John D. Lien, 7945 Underwood Ridge, President of Underwood Farms spoke in opposition to the Guest House, both in size and location. Easements given for land swap were to provide access to up to 8 homes from Underwood Ridge.

Howard Walker, 8481 Underwood Ridge, spoke in support of the proposed SUP. Noise and access were his biggest concerns. Township already addresses the noise issue. Access is from Center Road and not from Underwood Ridge.

Scott Newman-Bale, 400 Chestnut Ridge, Supports the winery and is amazed at how harmonious it is. Agriculture and tourism go together and guests not likely to cause a problem. Maple wine is being seen in beer and wine industry and demand is growing.

Tom Erhardt, 7981 Underwood Ridge, notices that there is a lot of history in the use of the property. Challenge is to find the right use of this land today and in the future. Clarity and commitment is the challenge. There is positive discussion at some level. We need to move away for the legal issues and towards good neighbors.

Mark Nadowski 10 McKinley Road, resident and President of Protect the Peninsula his concern is the supplement information submitted to the township dated 12/30/2015 from Mansfield which addresses the additional guest activity use occupants at

the winery itself. Encourages the Planning Commission to not allow the increase of the guest activity occupants over the 110 now allowed.

Christine Hosmer, 17593 Shitake Trail, contract employee for Lagina Family states that there is one goal of the Zoning Ordinance and Master Plan and that is to promote, protect and preserve agriculture on our beautiful peninsula. She supports this project and is excited to be working on it.

Scott Phillips, 8348 East Shore Road has submitted comments in writing. Guesthouse has a use that is out of character to this area. What has been done so far has significantly changed the topography of the area. Concern about the expansion from agricultural to commercial in terms of the guesthouse. Noise ordinance has a significant enforcement problem.

Paul Davis, 8570 Eastbeach Trail uses of property change over time. Changed by the township from agricultural to residential and now to commercial property use. People who are staying there will be moving around and looking around at lake access in the area. The population density in this area is higher than any other on the Peninsula. Quality establishment for making wine, but objective of that community now is residential and the subterfuge going on to make this into a chateau property should be viewed as such.

Leak anyone else wish to speak.
Public Hearing closed at 8:35 p.m.

Reardon to clarify a statement that was made: 111 in attendance at guest activity use is the maximum mandated by the Ordinance. *Reardon* continued to explain occupancy requirements.

Serocki posed additional questions as to tasting room hours; phasing dates; buffering; guest cottages or caves; parking and parking overflow; outdoor areas and patios/are they licensed to take wine outside. *Applicant (Hosmer)* indicates that they are licensed. *Reardon* Sale of wine by glass must be done inside but can be enjoyed outside as allowed in the Winery/Chateau Ordinance

Couture Struggling with standards under 8.1.3. Isn't this a commercial structure they are proposing? *Reardon* it is a support use to the winery/chateau as defined by the Special Use Process. **Couture** can we suggest relocation?

Reardon in regards to the 75% says such as fruit growing. It is not exclusive. Says can be used in the making of wine. **Couture** In your opinion does this satisfy the 75%? *Reardon* Yes.

Leak asked about ingress and egress through Underwood Ridge and setbacks requirements.

Peters asked about requiring additional buffering and concern about parking for guesthouse

Wunsch approved any other separate guesthouses on Old Mission Peninsula? *Reardon* Yes. Brys Estate. **Wunsch** typical to carve out the 4 lots at this time. *Reardon* Yes

Rosi would like more clarification on guest Activities, requirements of tonnage and land usage including cold drainage. She recommends that applicant and the people with concerns could have more communication.

Wendling Planning Commission findings are advisory under the ordinance and ultimately the Township Board makes the final decision.

Leak asked the applicant to answer any questions additional questions by the board.

Couture Could the Guest House be moved? *Applicant Lagina* the view at the Guest House has both East & West Bay views. There is a gap between the 4 lots and the Walker residence facilitates that view. It is just a lot nicer to have a West Bay view and an East Bay view. The rental ability will substantially reduced if we take that away.

No further questions by the Board.

Reardon reviewed a list of items that the Board indicated they would still need and will send to them in an email:
Map of adjacent buildings

Setbacks of structures from those buildings
Show the 100 ft. from Underwood ridge
Clear delineation of uses allowed in winery/chateau
Engineer to review biomass heat source
Easements for Underwood Ridge Road and access rights
Solar Array removed
Some direction on removal of Footpath to the North
MDOT initial review
Parking analysis in depth

Leak would like to see the exact location of guesthouse and footage to the nearest home. Also some idea where the parking lot will be. **Serocki** would like review of lighting and intended use for the separate guest rooms.

MOTION: Hornberger/Wunsch to table SUP#126 until the February Meeting.

PASSED UNAN

Old Business

Rosi we were to have a public hearing on definitions at this meeting *Reardon* the Record Eagle did not have room to publish that Public Hearing. It will be at our next meeting.

Citizen Comments

Christine Hosmer 17593 Shitake Trail attended meeting at the Elementary School. Wondering if there is anything that the Planning Commission and the Town Board can do to get the word out that TCAPS is thinking about closing the Old Mission Elementary School. We need to let them know that as a community we support the school and the library. It is listed in the Master Plan as being very important and we have a long history with this school.

Board Comments

Leak we all feel that the Old Mission School it is vital to this community.

Rosi the Planning Commission has to understand the implications of closing that school to this community.

Wunsch personally invested in keeping the school open. Has offered some suggestions to the school board.

Hornberger next TCAPS Board meeting will be January 25th.

Reardon Next Planning Commission meeting Thursday 7:00 with ZBA and Town Board to have preliminary meeting with the consultants

MOTION: Hornberger/Peters to adjourn at 9:30 p.m.

Respectfully submitted by Mary Ann Abbott, Recording Secretary