

**PENINSULA TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
February 22, 2016**

Meeting called to order at 7:07 p.m.

PRESENT: Leak, Serocki, Rosi, Peters, Wunsch and Hornberger

ALSO PRESENT: Michelle Reardon, Director of Planning and Zoning; Claire Schoolmaster, Planning and Zoning Coordinator; Peter Wendling, Township Attorney and Deb Hamilton, Recording Secretary

ABSENT: Couture (excused)

APPROVAL OF THE AGENDA

MOTION: Hornberger/Serocki to approve the Agenda as presented. **MOTION PASSED**

BRIEF CITIZEN COMMENTS – FOR ITEMS NOT ON THE AGENDA

None

CONFLICT OF INTEREST

None

CONSENT AGENDA

1. Reports and Announcements
2. Correspondence
3. Meeting Minutes

January 11, 2016 – Special Meeting

Serocki - Page 4. – “intended use for” should be “intended kitchen amenities”

Peters - add Wunsch to present

Rosi - Page 3 - change “cold drainage” to “air drainage”

Page 4 - Old Business “.” at the end of meeting.

MOTION: Hornberger/Peters to approve January 11, 2016 minutes with corrections.

MOTION PASSED

MOTION: Hornberger/Wunsch the Consent Agenda. **MOTION PASSED**

Rosi said the Fire Chief has opted to leave. The Township Board is having weekly budget meetings. The Presidential Primary Election is March 8, 2016.

NEW BUSINESS

1. Zoning Ordinance Amendment #190 (Public Hearing and possible recommendation to Township Board)

Reardon reviewed Amendment #190. Corrections – remove “Among other things” from and add “but not be limited” to the definition of Structure, (2) Rules (b) “Variance” should be “variance”, and remove “zoning” from “zoning fees” under Section 4.3 Escrow. **Leak** said Bed and Breakfast was pretty liberal and would not want a Bed and Breakfast in his neighborhood. **Rosi** said this will allow people to stay on Old Mission Peninsula short term.

Leak opened public hearing at 7:29 p.m.

Cindy Ruzak, 1994 Carrol Rd., Grey Hare Inn, said **she has been** very involved with committee that developed the amendment. This is a great improvement. Respectfully disagrees with Leak that the Amendment is liberal. There are two operating Bed & Breakfasts are Grey Hare Inn and Overlook Bed and Breakfast and both have significant acreage. She loves that this new proposal will create a varying scale where the more acreage the more allowed to do. There was a big gap between Bed & Breakfasts and winery-chateaus. This will go toward resolving that issue. There are additional clarifications. One, in the definition of Bed & Breakfast – “food and/or beverages can be served at no additional cost to the registered guest”. The intent was to allow some flexibility. Maybe it should be food and beverages can be served to the registered guests. It is micro-managing how rooms are charged. Two, “owner-occupied and have on-site owner management when open for business.” There needs to be some flexibility here. Also an event is when someone goes beyond the normal activities. There is a different way to look at events.

Chuck Goodman, Overlook B & B, 1875 Gray Rd., it would be easy to be insulted by the notion that a B&B is something you would not want next door. There are other B&Bs. They are a section of the winery-chateau ordinance. If do not need B&Bs the best way to get rid of them is to restrict them out of practicality. If no need for B&Bs, why need wineries? The reason to have B&B is to attract people to a beautiful location. B&B should be able to have same amount of rooms that a winery has if they have the acreage. It is a good idea to have some oversight. It is tough to compete with people not paying attention to the Township ordinances. Winery-chateaus solve home owner issue with an on-site manager. His experience working with Township is it has been a top down kind of control situation. Finally fairness is not happening here and equal protection clause cannot discriminate between groups of people doing the same thing. The winery-chateaus and B&Bs have different operating rules.

Ed O’Keefe, 12301 Center Rd., the problem is when you rent rooms you lose your ability to do things you could when you owned your house. He has 50 acres restricted for six rooms. Not sure room size restrictions. Only problem he has had neighbors playing music. Why have B&Bs lose rights of a regular home owner?

Cristin Hosmer, 17593 Shii Take Trl., asked “what use may not be increased” means in Section 7.10.11 Existing Non-Conforming Frontage Roads.

Curt Peterson, 1356 Buchan Dr., said he feels B&Bs could perform important function. Why have people go back to Traverse City and spend their money? The Amendment seems even stricter than it is now. The Township should support this type of business.

Leak closed public hearing at 7:51 p.m.

Reardon said explained the existing non-conforming frontage roads language as an increase of use is an additional parcel being created would trigger an improvement to the road. **Peters** said she had difficulty with the Existing Non-Conforming Frontage Roads language also. Also Ruzak’s comment on owner occupied was good. Could Section 8.7.3(6) (b) 3. on-site owner management be tweaked. Need time for the owner to be away and have on-site management. **Reardon** said could change to winery-chateau language which is “on-site residence manager”. **Rosi** said the language was on-site owner management because of issues with short term rentals. **Hornberger** would like to see something in (b) 3 so the owner can go on vacation. **Rosi** said they can close.

Hornberger asked if the Commission has an opinion about dropping “at no extra cost” from Bed and Breakfast Establishment definition. **Leak** said the guest can go to other restaurants on the Peninsula. **Reardon** suggested “at an included cost” instead of “at no extra cost”.

MOTION: Rosi/ Serocki to bring back Frontage Road and B&B and send the rest on to the Township Board.
MOTION PASSED

There was discussion about what part of B&B will be brought back. There was consensus that the definition of B&B will be brought back.

2. Master Plan 5-year review (Introduction and discussion)

Reardon reviewed Land Use Series Check List #1H - The Five-Year Plan Review published by MSU Extension. **Reardon** asked the Commission to focus on page 3. **Peters** said the Master Plan background statistics need updating. **Peters** would like to have to the current Master Plan on the front page of the Township website. **Reardon** said staff will get together a fact book and memo of action items and status. **Rosi** said one of the goals was to develop a capital improvement plan in accordance with State mandates. Schoolmaster and Rosi are going to a class on this.

OLD BUSINESS

1. SUP #32 2nd Amendment – Bowers Harbor Winery (recommend to table)

Reardon said the Township Board declined to take action on this issue. **Reardon** and **Wendling** will be meeting with the applicant.

MOTION: Peters/Wunsch to continue items 1 and 2 under Old Business until the March meeting. **MOTION PASSED**

2. SUP #125 – Dining in the Vines/Bowers Harbor (recommend to table)

(See #1 above)

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

Reardon reviewed the changes. **Marty Lagina** said he was here almost two months ago and at that time requirements of the ordinance were met. The main concern was the guest house. **Lagina** reviewed changes - new location of the guest house, the elimination of the path to Underwood Farms and elimination of solar panels. The formal request from Underwood Farms was to put one or two homes and move the guest house. They have reached a tentative deal with Underwood Farms. **Lagina** said he did what the people around us requested. They met the ordinance last time and meet the ordinance now and process has worked. **Lagina** asked respectfully for the Commission to pass this along to the Township Board for approval.

Serocki asked what time the tasting room will close. **Lagina** said will follow WOMP. **Serocki** asked about parking for guest activity uses when the tasting room is open. **Lagina** said there are flat grassy areas for extra parking. **Serocki** asked if a kitchenette and wet bar will be in all the guest rooms. **Lagina** said yes. **Serocki** asked **Wendling** if this is rented for seven days, would that be considered a short term rental and set a precedent. **Wendling** said he assumes what they are doing is renting these guest rooms on a daily basis. It does not prevent people from renewing their daily rental but it is not the same thing. **Serocki** asked it would not set a precedent. **Wendling** said no, it is just like someone in a hotel room that decides to rent it. **Rosi** asked about the vegetative buffers. **Lagina** explained. **Rosi** asked if maple trees will provide enough syrup. **Lagina** said yes.

Rosi asked about timing of plantings. *Sean O'Keefe* said the cover crop went in last year, compost and dairy doo. Planting is on track and vines are ordered. **Peters** asked about the vines up to the lots 1-4 and lot 5 and fencing. **Reardon** said fencing is not required.

Leak opened the public hearing at 8:47 p.m.

John Lien, 7945 Underwood Ridge, last time this matter was before the Commission Underwood Farms Association filed an objection to the plan. The objection was primarily the guest house along Underwood Ridge. Following the last meeting the Association's negotiating team met with Lagina and came to a resolution in principle. There were some subsidiary points that the Association has yet had an opportunity to vote on but feel an agreement will be reached. Lien is here tonight to withdraw Underwood Farms objection to the application. The process has worked.

Scott Phillips, 8348 East Shore Rd., voiced concerns and objections to the application at the January meeting. Following that meeting he contacted Reardon. Reardon forwarded references to the existing ordinance. He was surprised that what being asked for was anticipated by the ordinance. *Phillips* said he rescinds his primary comments that were really his own ignorance of the ordinance. This has been a learning experience. He feels there is a need to reach out to the residents on Township issues.

Ed O'Keefe, 12239 Center Rd., he feels the Commission should know the ordinances.

Cristin Hosmer, 17593 Shii Take Trl., her personal vineyard is close to her house. It is common to have vineyards adjacent to a house. The lesser setback should be granted.

Leak closed the public hearing at 8:59 p.m.

Peninsula Township Planning & Zoning Department
13235 Center Road
Traverse City, MI 49686

SPECIAL USE PERMIT
FINDINGS OF FACT
SUP #126 Mari Vineyards (Winery-Chateau)
February 22, 2016

1. General Findings of Fact

1.1 Property Description-

- a. The Board finds that the subject parcels are located in Section 19 of the Township and has approximately 1,200 feet of road frontage on Center Road. (Exhibit 2)
- b. The Board finds the total acreage utilized for the Winery-Chateau site is measured at roughly 50.61 acres. (Exhibit 4)

1.2 Action Request-

- a. The Board finds that the applicant is seeking site plan and special use permit approval to allow a Winery-Chateau and the associated, permitted accessory uses. (Exhibit 4)

- b. The Board finds that the final site plan and special use permit are subject to the requirements of Sections 8.1.3 Basis of Determination and 8.7.3 (10) Winery-Chateau of the Peninsula Township Zoning Ordinance. (Exhibit 2)

1.3 Zoning/Use-

- a. The Board finds that the proposed winery chateau site is zoned A-1, Agricultural District encompassing portions or all of six (6) parcels which are considered conforming to local zoning. (Exhibit 2, 4)
- b. The Board finds that the Mari Vineyard Winery was approved as a Farm Processing Facility by Land Use Permit (LUP) #5221 in 2014. (Exhibit 3)
- c. The Board finds that the applicant is working with the local permitting agencies to obtain compliance for the proposed site plan. (Exhibits 4)

1.4 Land Use Pattern- The Board finds the following land uses to be in existence per the date of this report adjacent to the amended development.

- a. **North-** The land adjacent to the north of the subject properties is zoned A-1, Agriculture and is primarily utilized for large lot single-family residential use. The future land use plan indicates this area will continue to be considered as an agricultural preservation region of the Township.
- b. **South-** The properties adjacent to the south are is zoned A-1, Agriculture and are primarily utilized for large lot single-family residential use. The future land use plan indicates this area will be both an agricultural preservation and rural agricultural uses within the Township.
- c. **East-** Property to the east is zoned R-1C and is primarily single family residential housing uses. The future land use plan indicates this area will continue to be a low density residential use area.
- d. **West-** The property located west of the subject is dual zoned, A-1 & R-1B, and is primarily agriculturally used. The future land use plan indicates this area will continue to be considered as an agricultural preservation region of the Township.
- e. The Board finds that the applicant is subject to all local, state, and federal agencies, including but not limited to the Grand Traverse County Health Department, Soil Erosion, Construction Code, Michigan Liquor Control Commission and Department of Environmental Quality.
- f. The Board finds that the proposed winery-chateau shall not utilize amplified sound measures in an effort towards minimizing sound generated from any outdoor event.
- g. The Board finds that any proposed lighting implemented onsite shall comply with the existing Ordinance found within section 7.14, added by Amendment 175A, Exterior Lighting Regulations. (Exhibit 13)

MOTION: Serocki/Rosi the general findings of fact have been met.

MOTION PASSED

2. Specific Findings of Fact – Section 8.1.3 (Basis for Determinations)

2.1 General Standards- The Board shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that each use on the proposed location will:

- a. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.

The board finds that the proposed winery-chateau is an agricultural use. This type of land use is specifically supported within the 2011 Master Plan as one of the goals in this district to encourage local growers to produce, process, and market agricultural products. The site will preserve and cultivate 15+ acres of sugar maples and also host significant vineyards. All site design requirements shall be met prior to issuance of the Special Use permit. (Exhibit 1, 2, 4)

This standard HAS been met.

- b. Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.

The Board finds that the winery structure has been designed in accordance with the Farm Processing Facility site design standards and has been permitted by LUP #5221. The winery structure is 500+ feet from all pre-existing residential structures. The guest house is 300+ feet from all pre-existing residential structures. (Exhibit 3, 4)

This standard HAS been met.

- c. Be served adequately by essential facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.

The Board finds that the proposed winery chateau operation shall be accessed via a commercial driveway from Center Rd. as reviewed and permitted by the Michigan Department of Transportation. (Exhibit 7 & 12)

The Board finds that the proposal shall be reviewed by the Grand Traverse County Sheriff's Department, the Peninsula Township Fire Department and shall be required to meet all conditions of approval as outlined in these reviews.

The Board finds that the proposal is subject to the Storm Water Control Ordinance and shall be reviewed and permitted as required. The winery structure permitted by LUP #5221 has been reviewed and permitted as required per this ordinance. (Exhibit 3, 4, 8)

The Board finds that all future approved structures shall be reviewed for compliance with the Storm Water Control Ordinance, and shall receive that permit if necessary, prior to the issuance of a land use permit.

The Board finds that the applicant has constructed a water main for water supply on site in compliance with the Grand Traverse County DPW Standard Water and Sewer Specifications and the Recommended Standards for Water Works. (Exhibit 10)

The Board finds that the well and septic systems proposed as part of this project are subject to review by the Grand Traverse County Health Department. The winery structure permitted by LUP #5221 has been reviewed and permitted as required by these agencies. (Exhibit 9)

The Board finds that all future approved structures shall be reviewed for compliance with the Grand Traverse County Health Department, and shall receive a permit if necessary, prior to the issuance of a land use permit.

The Board finds that wine production waste water disposal is regulated by the Michigan Department of Environmental Quality and a permit shall be issued by this agency and submitted to the Planning & Zoning offices prior to issuance of the Special Use Permit.

This standard HAS been met.

- d. Not create excessive additional requirements at public cost for public facilities and services.

The Board finds that the applicant will be responsible for any improvements required as part of this proposal. (Exhibit 4)

The Board finds that the development as presented will not create excessive additional requirements at public cost for public facilities and services given that development of a winery chateau is allowed in the zoning district in which the property is located. The Board further finds that the applicant will be incorporating adequate private roads within the development and there is otherwise no evidence of any excessive additional requirements at public cost for public facilities and services on the record. (Exhibit 4)

This standard HAS been met.

- e. Not involve use, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by fumes, glare or odors.

The Board finds that the proposed use of the site shall not involve any uses or activities which produce negative impacts upon the existing neighborhood via fumes, glare, noise or odors. (Exhibit 4 & 13)

This standard HAS been met.

2.2 Conditions and Safeguards- the Board may suggest such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of the Ordinance will be observed. The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted.

2.3 Specific Requirements- In reviewing an impact assessment and site plan, the Board shall consider the following standards:

- a. That the applicant may legally apply for site plan review.

The Board finds that the applicant is the owner/operator of the petitioned property and Winery-Chateau operation and may legally apply for said review process. (Exhibit 4)

This standard HAS been met.

- b. That all required information has been provided.

The Board finds that the applicant has provided the required information as portrayed within the special use permit application and upon the provided site plans. With the exception of the winery structure, the managers' residence, and the existing agricultural buildings on site, each accessory structure shall require a land use permit to ensure compliance with the approved SUP governing the site as well as the zoning ordinance requirements. (Exhibit 4)

This standard HAS been met.

- c. That the proposed development conforms to all regulations of the zoning district in which it is located.

The Board finds that the applicant's proposal meets all of the lot coverage, signage, landscaping and size requirements of the ordinance. (Exhibit 4)

The Board finds that the applicant is working to comply with the Storm Water Control Ordinance standards. Any final approval shall be contingent upon the applicant being in full compliance with the Storm Water Control Ordinance. (Exhibit 4)

The Board finds that the winery structure permitted by LUP #5221 has been reviewed and permitted as required per this ordinance. (Exhibit 8)

This standard HAS been met.

- d. That the plan meets the requirements of Peninsula Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage and other public facilities and services.

The Board finds that the applicant has applied for an MDOT permit regarding the location of the commercial access along M-37/Center Rd. This final permit shall be submitted to the Planning & Zoning Department prior to issuance of the SUP. (Exhibit 4, 7 & 12)

The Board finds that the proposal shall be reviewed by the Grand Traverse County Sheriff's Department, the Peninsula Township Fire Department and shall be required to meet all conditions of approval as outlined in these reviews.

The Board finds that the proposal is subject to the Storm Water Control Ordinance and shall be reviewed and permitted as required. The winery structure permitted by LUP #5221 has been reviewed and permitted as required per this ordinance. (Exhibit 3, 4, 8)

The Board finds that all future approved structures shall be reviewed for compliance with the Storm Water Control Ordinance, and shall receive that permit if necessary, prior to the

issuance of a land use permit.

The Board finds that the applicant has constructed a water main for water supply on site in compliance with the Grand Traverse County DPW Standard Water and Sewer Specifications and the Recommended Standards for Water Works. (Exhibit 10)

The Board finds that the well and septic systems proposed as part of this project are subject to review by the Grand Traverse County Health Department. The winery structure permitted by LUP #5221 has been reviewed and permitted as required by these agencies. (Exhibit 9)

The Board finds that all future approved structures shall be reviewed for compliance with the Grand Traverse County Health Department, and shall receive a permit if necessary, prior to the issuance of a land use permit.

This standard HAS been met.

- e. That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.

The Board finds that the applicant is in cooperation with all of the appropriate governmental entities to complete the project. No distinct negative challenges have been brought forth from any of the applicable government agencies. All appropriate permits shall be received by the Township prior to the issuance of the Special Use Permit. (Exhibit 4)

This standard HAS been met.

- f. That natural resources will be preserved to a maximum feasible extent, and that areas to be left undisturbed during construction shall be so located on the site plan and at the site per se.

The Board finds that the applicant has proposed to the preserve and cultivate 15+ acres of sugar maples. (Exhibit 4)

The Board finds that the applicant shall comply with local permitting agencies, in this case the Grand Traverse County Soil Erosion Department, to ensure that all soil erosion efforts will be maintained onsite and not affect neighboring properties. (Exhibit 4)

The Board finds that the winery structure permitted by LUP #5221 and appurtenant hard surfaces have been reviewed and permitted by the Grand Traverse Soil Erosion and Sedimentation Department. (Exhibit 11)

This standard HAS been met.

- g. That the proposed development property respects flood ways and flood plains on or in the vicinity of the subject property.

The Board finds that there is no indication that any existing drains, floodways or flood plains exist on the site; and further that the site shall require review and issuance of a permit as regulated by the Peninsula Township Storm Water Control Ordinance. (Exhibit 3 & 4)

This standard HAS been met.

- h. That the soil conditions are suitable for excavation and site preparation, and that organic, wet or other soils which are not suitable for development will either be undisturbed or modified in an acceptable manner.

The Board finds that the winery structure permitted by LUP #5221 and appurtenant hard surfaces have been reviewed and permitted by the Grand Traverse Soil Erosion and Sedimentation Department. (Exhibit 11)

The Board finds that all future approved structures and hardscapes shall be reviewed and permitted by the Grand Traverse County Soil Erosion and Sedimentation Department (SESC) and the Township Engineer. (Exhibit 4)

This standard HAS been met.

- i. That the proposed development will not cause soil erosion or sedimentation problems.

The Board finds that the winery structure permitted by LUP #5221 and appurtenant hard surfaces have been reviewed and permitted by the Grand Traverse Soil Erosion and Sedimentation Department. (Exhibit 11)

The Board finds that all future approved structures and hardscapes shall be reviewed and permitted by the Grand Traverse County Soil Erosion and Sedimentation Department (SESC) and the Township Engineer. (Exhibit 4)

This standard HAS been met.

- j. That the drainage plan for the proposed development is adequate to handle anticipated storm-water runoff, and will not cause undue runoff onto neighboring property or overloading of water courses in the area.

The Board finds that the proposal is subject to the Storm Water Control Ordinance and shall be reviewed and permitted as required. The winery structure permitted by LUP #5221 has been reviewed and permitted as required per this ordinance. (Exhibit 3, 4, 8)

The Board finds that the applicant will be required to maintain all storm water runoff on site.

The Board finds that all future approved structures shall be reviewed for compliance with the Storm Water Control Ordinance, and shall receive that permit if necessary, prior to the issuance of a land use permit.

This standard HAS been met.

- k. That grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring properties.

The Board finds that the winery structure permitted by LUP #5221 and appurtenant hard surfaces have been reviewed and permitted by the Grand Traverse Soil Erosion and Sedimentation Department. (Exhibit 11)

The Board finds that all future filling and grading shall be reviewed and permitted by the Grand Traverse County Soil Erosion and Sedimentation Department (SESC) and the Township Engineer. (Exhibit 4)

The Board finds that all proposed grading onsite shall be in compliance with the appropriate County Soil and Sedimentation office and the Township's Storm Water Control Ordinance prior to the issuance of the Special Use Permit. (Exhibit 3 & 4)

This standard HAS been met.

- l. That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.

The Board finds that that Michigan State University Extension staff have evaluated the site plan and have concluded that the use is not anticipated to negatively impact the local air drainage system. (Exhibit 5)

This standard HAS been met.

- m. That phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility service, drainage or erosion control.

The Board finds that the construction is planned in multiple phases. Each phase shall be subject to review and approval by all jurisdictional agencies to ensure each phase will not be dependent upon a subsequent phase for adequate access, public utility service, drainage or erosion control. (Exhibit 3 & 4)

This standard HAS been met.

- n. That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities.

The Board finds that the applicant has constructed a water main for water supply on site in compliance with the Grand Traverse County DPW Standard Water and Sewer Specifications and the Recommended Standards for Water Works. (Exhibit 10)

This standard HAS been met.

- o. That landscaping, fences or walls may be required by the Board in pursuance of the objectives of this Ordinance.

The Board finds that the guest house is located within the wooded portion of the site and is 371' from the nearest residential structure. (Exhibit 4)

The Board finds that the proposed agricultural acreage and site design shall provide adequate buffering and screening for adjacent parcels. (Exhibit 4)

This standard HAS been met.

- p. That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.

The Board finds that the site plan was developed to accommodate the anticipated usage of the site and the proposal should not adversely affect the flow of traffic to or from the public roads. (Exhibit 4)

The Board finds that parking regulations are established and enforced under Section 7.6.3, Parking Space Requirements. (Exhibit 2)

The Board finds that a Winery-Chateau requires one (1) space per one hundred fifty (150) square foot of retail floor space in the tasting room, plus one (1) for each employee of maximum working shift, plus three (3) spaces for tour busses or cars with trailers, plus one (1) space for each one (1) guest room. (Exhibit 2)

The Board finds that the plans indicate 2,151 square feet of retail floor space in the tasting room, nineteen (19) employees on the largest shift and nine (9) guest rooms. This proposed use will require forty-two (42) vehicle and three (3) bus parking spaces. (Exhibit 4)

The Board finds that the site plans propose fifty-six (56) vehicle and three (3) bus parking spaces for the site. (Exhibit 4)

The Board finds that a single family residential use requires two (2) parking spaces per residential unit. (Exhibit 2)

The Board finds that the plans show sufficient area within the residential lots to accommodate this requirement. (Exhibit 4)

This standard HAS been met.

- q. That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.

The Board finds that infrastructure servicing onsite pedestrian traffic appears to be adequately designed for the proposed uses. (Exhibit 4)

This standard HAS been met.

- r. That outdoor storage of garbage and refuse is contained, screened from view and located so as not to be a nuisance to the subject property or neighboring properties.

**The Board finds that all outdoor storage of refuse is proposed to the south of the main winery structure and fully screened within a stone veneer walled area. (Exhibit 4)
This standard HAS been met.**

- s. That the proposed site is in accord with the spirit and purpose of this ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.

The Board finds that the proposed usage and implementation of the site is consistent with the requirements of the ordinance as it is a use allowed by Special Use Permit and is designed in accordance with the standards of the Ordinance. (Exhibit 1, 2, 3 & 4)

This standard HAS been met.

MOTION: Serocki/Wunsch the specific findings of fact have been met.

MOTION PASSED

3. SECTION 8.7.3 (10) WINERY – CHATEAU REGULATIONS-

The Board finds that under Section 8.7.3 (10), the presented site plan and special use permit request meets the conditions associated with said provision as explained within the following:

1. It is the intent of this section to permit construction and use of a winery, guest rooms, and single family residences as a part of a single site subject to the provisions of this ordinance. The developed site must maintain the agricultural environment, be harmonious with the character of the surrounding land and uses, and shall not create undue traffic congestion, noise, or other conflict with the surrounding properties.

The Board finds that the proposed site plan indicates that the special use will take place upon a 50.61 acre site within six parcels of land. The site has been designed to host 43.64 acres of land dedicated to crops that can be used for wine production; including grapes, sugar maple trees, berries, crabapple trees and cold air drainage areas that surround the proposed structures. (Exhibit 4)

The Board finds that the main winery and B&B site access is via an MDOT permitted commercial driveway from M-37/Center Rd. (Exhibit 4 & 12)

The Board finds that the proposed residential structures shall be accessed via private road from Underwood Ridge Drive; a private road. This access road shall be built to Peninsula Township private road standards as required by Section 7.10 of the Ordinance. (Exhibits 4 & 6)

This standard HAS been met.

2. The use shall be subject to all requirements of Article VII, Section 8.5, Food Processing Plants in A-1 Districts and the contents of this subsection. Data specified in Section 8.5.2, Required Information, shall be submitted as a basis for judging the suitability of the proposed plan. Each of the principal uses shall be subject to the terms and conditions of this ordinance except as specifically set forth herein.

The Board finds that the applicant's request is in compliance with the requirements under section 8.5 and section 8.5.2 as reviewed below:

Authorization – The Township Board may authorize the construction, maintenance and operation in the Agricultural District of food processing plant related to local agricultural production, by the issuance of a special use permit, subject to the procedures and requirements of Section 8.1 and provided that it has been demonstrated that the operation will not create any nuisance which will be detrimental to the health, safety and welfare of the Township residents or adversely affect adjoining property owners.

The Board finds that the proposal shall be in compliance with the standards found in Section 8.1 of the Ordinance as it pertains to special use permits as has been evaluated above. (Exhibit 2, 4)

Required Information: The following information shall be submitted as a basis for judging the suitability of the proposed operation:

- 1) A site plan of the property showing the location of all present and proposed buildings, drives, parking areas, waste disposal fields, landscaping, plant materials, screening fences or walls, and other construction features which shall be proposed.

The Board finds that the application has been submitted with a site plan that shall govern the site in compliance with this standard. (Exhibit 4)

- 2) A description of the operations proposed in sufficient detail to indicate the effect of those operations in producing traffic congestion, noise, glare, air pollution, fire or safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.

The Board finds that the operations shall be in compliance with the ordinance standards for a winery chateau and that a significant portion of the processing activity shall be conducted below grade. (Exhibit 4)

The Board finds that wine production does not generally produce traffic congestion, noise, glare, air pollution, fire or safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation. (Exhibit 4)

The Board finds that the biomass alternative heating source has been reviewed by the Township Engineer and does not have the potential for objectionable fumes or discharges. (Exhibit 13)

- 3) Engineering and Architectural plans for:
 - a. The treatment and disposal of sewage and industrial waste or unusable by-products.
The Board finds that all sewage and waste disposal is regulated by the Grand Traverse County Health Department and the Michigan Department of Environmental Quality. The operation shall be reviewed

and permitted by these agencies prior to the issuance of the special use permit. (Exhibit 4)

- b. The proposed handling of any excess traffic congestion, noise, glare, air pollution, fire or safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.

The Board finds that wine production does not generally produce traffic congestion, noise, glare, air pollution, fire or safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation. (Exhibit 4)

- 4) The proposed number of shifts to be worked and the maximum number of employees on each shift.

The Board finds that parking regulations are established and enforced under Section 7.6.3, Parking Space Requirements. (Exhibit 2)

The Board finds that a Winery-Chateau requires one (1) space for each employee of maximum working shift. (Exhibit 2)

The Board finds that the plans indicate nineteen (19) employees on the largest shift.

The Board finds that the site plans propose fifty-six (56) vehicle and three (3) bus parking spaces for the site, including the required nineteen (19) for employee parking. (Exhibit 4)

This standard HAS been met.

3. The minimum site shall be fifty (50) acres which shall be planned and developed as an integrated whole. All of the principal and accessory uses shall be set forth on the approved site plan.

The Board finds that the applicant's site encompasses a total of 50.61 acres of land under common ownership and operation. (Exhibits 4)

The Board finds that the site plan illustrates a winery structure, a guest house, manager's residence, five (5) single family home sites and associated accessory structures to be developed as part of this Winery-Chateau proposal. (Exhibit 4)

This standard HAS been met.

4. The principal use permitted upon the site shall be Winery, Guest Rooms, Manager's Residence, and Single Family Residences shall be allowed as support uses on the same property as the Winery. In addition to the principal and support uses, accessory uses for each such use shall be permitted provided, that all such accessory uses shall be no greater in extent than those reasonably necessary to serve the principal use.

The Board finds that the winery-chateau shall be the principal use onsite. (Exhibit 4)

The Board finds that the existing single family home located to the south of the proposed winery will accommodate the onsite manager's residence. (Exhibit 4)

The Board finds that the applicant is proposing a guest house, five (5) single family home sites and associated accessory structures as additional support uses on site. (Exhibit 4)

This standard HAS been met.

5. For purpose of computation, the principal and each support use identified in sub-section (d) above shall be assigned and “area equivalent” as set forth herein. The total “area equivalent” assigned to the principal uses shall not exceed the actual area of the site.

Refer to the following assessment below.

6. “Area equivalents” shall be calculated as follows:

Winery: five (5) acres or the actual area to be occupied by the winery including parking, whichever is greater;

The Board finds the area equivalent for the winery is five (5) acres. (Exhibit 4)

This standard HAS been met.

Manager’s Residence: five (5) acres;

The Board finds that the area equivalent for the manager’s residence is five (5) acres. (Exhibit 4)

This standard HAS been met.

Single Family Residences: five (5);

The Board finds that the area equivalent for the proposed five (5) single family home sites is twenty-five (25) acres. (Exhibit 4)

This standard HAS been met.

Guest Rooms: five (5) acres for each 3 rooms, not to exceed a total of twelve (12) guest rooms;

The Board finds that the area equivalent for the proposed nine (9) guest rooms is fifteen (15) acres. (Exhibit 4)

This standard HAS been met.

7. The number of single family residences shall not exceed six (6). The manager’s residence shall not contain or be used for rental guest rooms. The number of guest rooms shall not exceed twelve (12).

The Board finds that the applicant is applying for one (1) manager’s residence and five (5) single family home sites for a total of six (6) single family residences. (Exhibit 4)

This standard HAS been met.

8. Not less than seventy-five percent (75%) of the site shall be used for the active production of crops that can be used for wine production, such as fruit growing on vines or trees.

The Board finds that the applicant shall preserve and cultivate 15.78 acres of sugar maples for maple syrup production. (Exhibit 4)

The Board finds that the site currently hosts 8.22 acres of existing vineyard. (Exhibit 4)

The Board finds that the applicant is proposing 8.13 acres of vineyard to be planted in 2016. (Exhibit 4)

The Board finds that the applicant is proposing .68 acres of berries to be planted in 2016. (Exhibit 4)

The Board finds that the applicant is proposing 1.19 acres of crabapple trees to be planted in 2017. (Exhibit 4)

The Board finds that the applicant is proposing 4.14 acres of vineyard to be planted in 2018. (Exhibit 4)

The Board finds that the agricultural use on the site is supported by 5.5 acres of cold air drainage areas along M-37/Center Road. (Exhibit 4)

The Board finds that there are 29.74 acres, 59%, currently used for the active production of crops that can be used in the making of wine on site; including the air drainage areas indicated on the site plan. (Exhibit 4)

The Board finds that the applicant proposes 38.31 acres, 76%, to be used for the active production of crops on site by the end of 2016 and prior to the issuance of the Special Use Permit; including the air drainage areas indicated on the site plan. (Exhibit 4)

The Board finds that the site must be in full compliance with this standard prior to the issuance of the special use permit. (Exhibit 4)

This standard HAS been met.

9. The facility shall have at least two hundred feet (200') of frontage on a state or county road.

The applicant's site has approximately 1,200 feet of frontage on Center Road. (Exhibit 4)

This standard HAS been met.

10. The winery chateau shall be the principal building on the site and shall have an onsite resident manager.

The Board finds that the proposed winery shall be the principal building onsite and the onsite

resident manager shall reside in the existing single family structure located to the south of the winery structure. (Exhibit 4)

This standard HAS been met.

11. All guest rooms shall have floor areas greater than two hundred fifty (250) square feet. Maximum occupancy shall be limited to five (5) persons per unit. No time sharing shall be permitted.

The Board finds that the applicant is proposing a guest house in a future phase of the special use permit. (Exhibit 4)

The Board finds that this structure shall be located within a defined 2.3 acre building envelope, shall have a footprint no greater than 14,000 square feet, shall not exceed a height of 35 feet, and shall have a maximum of 9 guest rooms that shall not exceed 800 square feet in size each. (Exhibit 4)

The Board finds that this structure shall be reviewed and approved through a land use permit process administered by the Planning & Zoning Department and shall comply with the standards of the Ordinance. (Exhibit 4)

This standard HAS been met.

12. No exterior lighting shall have a source of illumination or light lenses visible outside the property line of the site and shall in no way impair safe movement of traffic on any street or highway.

The Board finds that the applicant has submitted examples of lighting fixtures as part of this application and that all exterior lighting shall comply with the dark night sky portion of the Peninsula Township Zoning Ordinance. (Exhibit 4)

The Board finds that the Township Engineer has reviewed the lighting submission, including fixture specifications and the photometric plan, and has determined the site as proposed is in compliance with Section 7.14 of the Ordinance. (Exhibit 13)

This standard HAS been met.

13. Accessory uses such as facilities, meeting rooms, and food and beverage services shall be for registered guests only. These uses shall be located on the same site as the principal use to which they are accessory and are included on the approved Site Plan. Facilities for accessory uses shall not be greater in size or number than those reasonably required for the use of registered guests.

The Board finds that the applicant is proposing a guest house in a future phase of the special use permit. (Exhibit 4)

The Board finds that accessory uses for registered guests may be provided as part of this future phase. (Exhibit 4)

The Board finds that the guest house structure shall be located within a defined 2.3 acre building envelope, shall have a footprint no greater than 14,000 square feet, shall not exceed a height of 35 feet, and shall have a maximum of 9 guest rooms that shall not exceed 800 square feet in size each. (Exhibit 4)

The Board finds that this structure and use shall be reviewed and approved through a land use permit process administered by the Planning & Zoning Department and shall comply with the standards of the Ordinance. (Exhibit 4)

This standard HAS been met.

14. Well and septic system- Proof of evaluation of the well and septic system by the Health Department and conformance to that agency's requirements shall be supplied by the owner.

The Board finds that the Grand Traverse County Health Department shall review and issue permits related to this proposal prior to issuance of the special use permit. (Exhibit 4)

This standard HAS been met.

15. Fire safety-

- I. All transient lodging facilities shall conform to the Michigan State Construction Code section regulating fire safety.
- II. An onsite water supply shall be available and meet the uniform published standards of the Peninsula Township Fire Department.
- III. A floor plan drawn to an architectural scale of not less the 1/8" = 1 foot shall be on file with the Fire Department.
- IV. Each operator of a transient lodging facility shall keep a guest registry which shall be available for inspection by the Zoning Administrator and police and fire officials at any time.
- V. Master keys for all rooms shall be available at all times.

The Board finds that the Peninsula Township Fire Department shall review the application to ensure compliance with this Ordinance prior to issuance of the special use permit. (Exhibit 4)

This standard HAS been met.

16. Fencing or Planting Buffer- In the event that the Board determines that noise generation may be disturbing to the neighbors or that the establishment is in an area where trespass onto adjacent properties is likely to occur, then the Board may require that fencing or a planting buffer be constructed and maintained.

The Board finds that the proposed guest house is located within the wooded portion of the site and is 371' from the nearest residential structure. (Exhibit 4)

The Board finds that no fencing or planting buffers have been proposed at this time however, the agricultural crops and site design shall provide sufficient barrier to trespass and noise generation for neighboring properties. (Exhibit 4)

This standard HAS been met.

17. Rental of Equipment- Rental of snowmobiles, ATVs or similar vehicles, boats and other marine equipment in conjunction with the operation of the establishment shall be prohibited.

The Board finds that rental of equipment has not been proposed by the applicant and shall not be allowed on site. (Exhibit 4)

This standard HAS been met.

18. Activities and Outdoor Gatherings- Activities made available to registered guests shall be on the site used for the facility or on lands under the direct control of the operator either by ownership or lease. Outdoor activities shall be permitted if conducted at such hours, and in such manner, as to not be disruptive to neighboring properties.

The Board finds that the applicant is proposing a guest house in a future phase of the special use permit. (Exhibit 4)

The Board finds that activities and outdoor gatherings may be made available to registered guests on site as part of the guest house use phase. (Exhibit 4)

The Board finds that this structure and use shall be reviewed and approved through a land use permit process administered by the Planning & Zoning Department and shall comply with the standards of the Ordinance. (Exhibit 4)

This standard HAS been met.

19. Signs shall be in accordance with Section 7.2.2 (4) which governs signs in the A-1 Agricultural District.

The Board finds that the application proposes one (1) winery entrance sign, eight (8) interior informational signs, and one (1) residential entrance signs. All signs on site shall be in conformance with Section 7.11 Signs of the ordinance. (Exhibit 4)

This standard HAS been met.

20. A two hundred foot (200') setback shall be maintained between guest accommodations and facilities and agricultural crops, unless it is demonstrated that a lesser setback can be maintained which will provide for an equal level of protection from agricultural activities to residents, visitors and guests of the Winery-Chateau. Upon such demonstration, the Board may permit a lesser setback.

The Board finds that the has requested and is approved for a lesser setback between guest accommodations/facilities and agricultural crops as the management of these crops shall be done using low impact and sustainable techniques; no spray/low spray and ozone, as well as

scheduling management activities to accommodate guest and their activities. (Exhibit 4)

This standard HAS been met.

21. Guest Activities Uses- The Board may approve Guest Activity Uses (Activities by persons who may or may not be registered guests) as an additional Support Use, subject to the following:

1. Intent

- i. The current Winery-Chateau section of the ordinance requires 75% of the site to be used for the active production of crops that can be used for wine production such as fruit growing on vines or trees, but does not requires that any of the wine produced on the site be made from wine fruit grown on Old Mission Peninsula. To assure that, in addition to the minimum parcel required for a Winery-Chateau, there is additional farm land in wine fruit production in Peninsula Township if Guest Activity Uses are allowed to take place at a Winery-Chateau facility.

The Board finds that the applicant shall preserve and cultivate 15.78 acres of sugar maples for maple syrup production. (Exhibit 4)

The Board finds that the site currently hosts 8.22 acres of existing vineyard. (Exhibit 4)

The Board finds that the applicant is proposing 8.13 acres of vineyard to be planted in 2016. (Exhibit 4)

The Board finds that the applicant is proposing .68 acres of berries to be planted in 2016. (Exhibit 4)

The Board finds that the applicant is proposing 1.19 acres of crabapple trees to be planted in 2017. (Exhibit 4)

The Board finds that the applicant is proposing 4.14 acres of vineyard to be planted in 2018. (Exhibit 4)

The Board finds that the agricultural use on the site is supported by 5.5 acres of cold air drainage areas along M-37/Center Road. (Exhibit 4)

The Board finds that there are 29.74 acres, 59%, currently used for the active production of crops that can be used in the making of wine on site; including the air drainage areas indicated on the site plan. (Exhibit 4)

The Board finds that the applicant proposes 38.31 acres, 76%, to be used for the active production of crops on site by the end of 2016; including the air drainage areas indicated on the site plan. (Exhibit 4)

The Board finds that the applicant proposes 43.63 acres, 86%, to be used for the active production of crops on site by the end of 2018; including the air drainage areas indicated on the site plan. (Exhibit 4)

The Board finds that the site shall be in compliance with the 75% standard as found in Section 8.7.3 (10) (h) prior to commencement of Guest Activity Uses on site. (Exhibit 4)

The Board finds that the applicant has an additional 82+ acres in wine fruit production on the Old Mission Peninsula. (Exhibit 4)

- b) Guest Activity Uses are intended to help in the promotion of Peninsula agriculture by: a) identifying “Peninsula Produced” food or beverage for consumption by the attendees; b) providing “Peninsula Agriculture” promotional brochures, maps and awards; and/or c) including tours through the winery and/or other Peninsula agriculture locations.
- c) Guest Activity Uses are limited to (2) below.
- d) Guest Activity Uses do not include wine tasting and such related promotional activities as political rallies, winery tours, and free entertainment (Example – “Jazz at Sunset”) which are limited to the tasting room and for which no fee or donation of any kind is received.
- e) Guest Activity Uses are in addition to accessory uses for registered guests that are otherwise allowed.
- f) Overnight stays at the Winery-Chateau are not required for these Guest Activity Uses.
- g) Fees may be charged for these Guest Activity Uses.

The Board finds that the Guest Activity Uses shall comply with the standards of this Ordinance. (Exhibit 4)

- 2. Uses Allowed. Notwithstanding Section 8.7.3 (10) (m); The following Guest Activity Uses may be approved with a Special Use Permit by the Township Board:
 - a) Wine and food seminars and cooking classes that are scheduled at least thirty days in advance with notice provided to the Zoning Administrator. Attendees may consume food prepared in the class.
 - b) Meeting of 501©3 non-profit groups within Grand Traverse County. These activities are not intended to be or resemble a bar or restaurant use there therefore full course meals are not allowed, however light lunch or buffet may be served.
 - c) Meeting of Agriculture Related Groups that have a direct relationship to agriculture production, provided that:
 - i. The meetings are scheduled at least one month in advance with the Zoning Administrator given adequate advance notice of the scheduling so that the Zoning Administrator can give prior approval;
 - ii. The Zoning Administrator shall use the following types of Agricultural Related Groups as a guide for determining “direct relationship to agricultural production”;
 - a) Food/wine educational demonstrations;
 - b) Cooking show showcasing Peninsula produce and wine;
 - c) Farmer’s conferences;
 - d) Regional farm producers;
 - e) Cherry Marketing Institute and Wine Industry Conference;
 - f) Farm Bureau Conference;
 - g) Future Farmers of America and 4-H;
 - h) Michigan State University/agricultural industry seminars.
 - iii. These meetings may include full course meals to demonstrate connections between wine and other foods.
 - iv. An appeal of the Zoning Administrators determination can be made to the Township Board.

- d) Guest Activity Uses do not include entertainment, weddings, wedding receptions, family reunions or sale of wine by the glass.
- e) No food service other than as allowed above or as allowed for wine tasting may be provided by the Winery-Chateau. If wine is served, it shall only be served with food and shall be limited to Old Mission Peninsula appellation wine produced at the Winery, except as allowed by Section 6 below.

The Board finds that the Guest Activity Uses shall comply with the standards of this Ordinance. (Exhibit 4)

- 3. Relation to Agriculture Production in Peninsula Township. In order to offer Guest Activity Uses, the owner of the Winery-Chateau shall, in addition to the agricultural production on the minimum acreage required for the Winery-Chateau, grow in Peninsula Township for the previous growing season equal to 1.25 tons of grapes for each person allowed to participate in Guest Activity Uses up to the maximum number approved by the Township Board in a Special Use Permit. If the amount of grapes cannot be documented by the Zoning Administrator, the numbers of persons allowed to participate in Guest Activity Uses shall be reduced proportionately.

The Board finds that the applicant shall preserve and cultivate 15.78 acres of sugar maples for maple syrup production. (Exhibit 4)

The Board finds that the site currently hosts 8.22 acres of existing vineyard. (Exhibit 4)

The Board finds that the applicant is proposing 8.13 acres of vineyard to be planted in 2016. (Exhibit 4)

The Board finds that the applicant is proposing .68 acres of berries to be planted in 2016. (Exhibit 4)

The Board finds that the applicant is proposing 1.19 acres of crabapple trees to be planted in 2017. (Exhibit 4)

The Board finds that the applicant is proposing 4.14 acres of vineyard to be planted in 2018. (Exhibit 4)

The Board finds that the agricultural use on the site is supported by 5.5 acres of cold air drainage areas along M-37/Center Road. (Exhibit 4)

The Board finds that there are 29.74 acres, 59%, currently used for the active production of crops that can be used in the making of wine on site; including the air drainage areas indicated on the site plan. (Exhibit 4)

The Board finds that the applicant proposes 38.31 acres, 76%, to be used for the active production of crops on site by the end of 2016; including the air drainage areas indicated on the site plan. (Exhibit 4)

The Board finds that the applicant proposes 43.63 acres, 86%, to be used for the active production of crops on site by the end of 2018; including the air drainage areas indicated on the site plan. (Exhibit 4)

The Board finds that the site shall be in compliance with the 75% standard as found in Section 8.7.3 (10) (h) prior to commencement of Guest Activity Uses on site. (Exhibit 4)

The Board finds that the applicant has an additional 82+ acres in wine fruit production on the Old Mission Peninsula which has produced an average of 63 tons of grapes per year from 2009-2014 and therefore the maximum allowed participants shall be 50 per guest activity use. (Exhibit 4)

4. The number of persons allowed to participate in Guest Activity Uses shall be determined as follows:
- a) The Township Board as part of the Special Use Permit approval process shall determine the room(s) provided and a maximum number of attendees for Guest Activity Uses.

- i. The maximum number of attendees shall not exceed one attendee for each fifteen (15) square feet of the room or rooms provided for Guest Activity Uses. These rooms shall exclude guest rooms, rest rooms, hallways, stairways, entries, spaces used in the normal operation of wine making and storage, out of doors areas and any other spaces not usual for guest assembly. In no case will the number exceed one hundred-eleven (111) or the Fire Marshall maximum capacity, whichever is less.

The Board finds that the applicant shall submit a scaled plan to verify the maximum number of allowed guest per square feet and the Peninsula Township Fire Department shall review the plans for Fire Marshall maximum capacity standards. (Exhibit 4)

The applicant will need to supply a scaled plan for verification of the submitted square footage calculations to both the P&Z staff and Fire Chief for this purpose. (Exhibit 2)

- ii. The maximum number of attendees may be less than, but not more than, the maximum number described in i above at the discretion of the Township Board based on possible adverse impact on adjacent properties, lack of parking spaces or other site specific conditions.

The Board finds that there is parking has be designed in accordance with section 7.6 of the Ordinance to accommodate the maximum number of guests. (Exhibit 2, 4)

The Board finds there is sufficient buffering from adjacent neighbors to allow the maximum of 50 attendees per guest activity use. Further all guest activity uses shall occur indoors. (Exhibit 4)

- iii. A building floor plan showing spaces for all approved uses including the maximum capacity of each shall be attached to the site plan.

Upon approval this plan will be attached to the site plan in the Special Use Permit #126 file. (Exhibit 4)

5. Requirements for Guest Activity Uses

- a) All Guest Activity Uses shall include Agricultural Production Promotion as part of the activity as follows:
 - i. Identify "Peninsula Produced" food or beverage that is consumed by the attendees;
 - ii. Provide "Peninsula Agriculture" promotional materials; and
 - iii. Include tours through the winery and/or other Peninsula agriculture locations.
- b) Hours of Operation for Guest Activity Uses shall be as determined by the Town Board, but no later than 9:30 PM daily.
- c) No alcoholic beverages, except those produced on site, are allowed with Guest Activity Uses.
- d) Sales of wine by the glass or sales of bottles of wine for ON PREMISES consumption are NOT ALLOWED except as provided in Section 2 (e) above.
- e) No outdoor food, beverages or temporary structures are allowed except as allowed by 8 (c) below.
- f) No sounds related to the guest activity shall be discernable at the property lines.
- g) No amplified instrumental music is allowed, however amplified voice and recorded background music is allowed, provided the amplification level is no greater than normal conversation at the edge of the area designated within the building for guest purposes.
- h) No outdoor displays of merchandise, equipment or signs are allowed.
- i) Kitchen facilities may be used for on-site food service related to Guest Activity Uses but not for off-site catering.
- j) No lighting, except the minimum required for safety and sign lighting as allowed by the Ordinance.
- k) The Township Board may consider seasonal weighting of the frequency and/or a maximum number of Guest Activity Uses during the year.

The Board finds that the Guest Activity Uses shall comply with the standards of this Ordinance. (Exhibit 4)

6. If crop conditions or natural disaster result in a shortage of locally-grown fruit for a particular year; the Township Board may reduce the requirement for the amount of grapes for that particular year, provided that verification of such conditions are present to the Township Board by a public organization representing the fruit growers of northwest Michigan that is duly recognized by the Township Board.

The Board finds that the Guest Activity Uses shall comply with the standards of this Ordinance. (Exhibit 4)

7. Documentation. The owner of the Winery-Chateau shall provide data and records on an annual basis to the Zoning Administrator showing that:
 - a) In addition to the agricultural production on the minimum acreage required for the Winery-Chateau, the winery has grown grapes in Peninsula Township or purchased grapes grown in Peninsula Township equal to 1.25 tons of grapes for each person allowed to participate in Guest Activity Uses.

The Board finds that the applicant shall preserve and cultivate 15.78 acres of sugar maples for maple syrup production. (Exhibit 4)

The Board finds that the site currently hosts 8.22 acres of existing vineyard. (Exhibit 4)

The Board finds that the applicant is proposing 8.13 acres of vineyard to be planted in 2016. (Exhibit 4)

The Board finds that the applicant is proposing .68 acres of berries to be planted in 2016. (Exhibit 4)

The Board finds that the applicant is proposing 1.19 acres of crabapple trees to be planted in 2017. (Exhibit 4)

The Board finds that the applicant is proposing 4.14 acres of vineyard to be planted in 2018. (Exhibit 4)

The Board finds that the agricultural use on the site is supported by 5.5 acres of cold air drainage areas along M-37/Center Road. (Exhibit 4)

The Board finds that there are 29.74 acres, 59%, currently used for the active production of crops that can be used in the making of wine on site; including the air drainage areas indicated on the site plan. (Exhibit 4)

The Board finds that the applicant proposes 38.31 acres, 76%, to be used for the active production of crops on site by the end of 2016; including the air drainage areas indicated on the site plan. (Exhibit 4)

The Board finds that the applicant proposes 43.63 acres, 86%, to be used for the active production of crops on site by the end of 2018; including the air drainage areas indicated on the site plan. (Exhibit 4)

The Board finds that the site shall be in compliance with the 75% standard as found in Section 8.7.3 (10) (h) prior to commencement of Guest Activity Uses on site. (Exhibit 4)

The Board finds that the applicant has an additional 82+ acres in wine fruit production on the Old Mission Peninsula which has produced an average of 63 tons of grapes per year from 2009-2014 and therefore the maximum allowed participants shall be 50 per guest activity use. (Exhibit 4)

- b) That all the grapes from a. above plus the production on the minimum acreage required for the Winery-Chateau have been processed in the winery.

The Board finds that the applicant shall provide sufficient documentation of the processing on site to the Planning & Zoning staff prior to the commencement of any guest activity use. (Exhibit 4)

8. Additional Conditions

- a) Special Use Permits approved under this section any number of restrictions or requirements approved by the Township Board such as additional set back requirements, days of the week restrictions, number of guest activity days per year or other requirements deemed beneficial to the township or its residents.
- b) Nothing in this section shall prohibit the Township Board from approving a larger special community event such as Blessing of the Blossoms, harvest days or other community event for which no fee is charged to the participants, except as specifically approved by the Township Board and is open to the public.
- c) No temporary structures including tents or canopies are allowed except that the Township Board may approve the reasonable use of temporary structures tents or canopies in conjunction with community events approved in b. above.

- d) Any violation of the Special Use Permit issued for this use shall in addition to the provision of Section 4.2.1 Violations and Penalties, serve as grounds for closing the Guest Activity Uses use by the Township Board. In the event any such alleged violation is made in writing to the Township Board, the Township shall give written notice of such alleged violation to the Applicant at the last address furnished to the Township by the Applicant. The notice shall state that unless the violation is corrected or resolved to the satisfaction of the Township Board within 30 days from the date of the notice, the Township Board shall Owner to close all Guest Activity uses on the premises, after hearing, until such time as the Township Board removes the restriction. In the event a hearing becomes necessary, the Township Board shall establish the notice requirements and such other conditions with respect to the hearing as the township Board shall deem appropriate.

The Board finds that the Guest Activity Uses shall comply with the standards of this Ordinance. (Exhibit 4)

MOTION: Serocki/Hornberger standards of Section 8.7.3 have been met.

MOTION PASSED

Motion to Approve the Findings of Fact

MOTION: Hornberger/Peters approve the above findings of Fact for SUP #126, application for a Winery-Chateau, located in Section 19 of Peninsula Township, and as legally described.

MOTION PASSED

Motion to Recommend Approval of SUP #126-

Moved by Serocki, seconded by Hornberger, based upon the general findings of fact and the specific findings of fact under sections 8.1.3 and 8.7.3 (10) of the Peninsula Township Zoning Ordinance, SUP #126 is recommended for approval with the following conditions:

Conditions:

1. Proof of compliance with all Federal, State, County, Township and other governmental regulations relative to the establishment of a Winery-Chateau shall be submitted to the Peninsula Township Planning & Zoning Department prior to issuance of the Special Use Permit.
2. The applicant shall supply a scaled plan floor plan of the Winery structure prior to the issuance of the Special Use Permit.
3. The site shall be in compliance with Section 8.7.3 (10) (h) prior to issuance of the Special Use Permit.
4. The site shall be in compliance with Section 7.11, Signs, of the Ordinance.
5. The site shall be in compliance with Section 7.14, Exterior Lighting Regulations, of the Ordinance.

MOTION PASSED

CITIZEN COMMENTS

None

BOARD COMMENTS

Hornberger asked meeting times for joint meetings. **Peters** asked about public input on zoning ordinance.

ADJOURNMENT

MOTION: Hornberger/Peters to adjourn the meeting at 9:21 p.m.

MOTION PASSED

Respectfully Submitted,
Deb Hamilton, Recording Secretary

These minutes stand to be approved at the next meeting scheduled for March 21, 2016