

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

Ph: 231.223.7322 Fax: 231.223.7117

www.peninsulatownship.com

PENINSULA TOWNSHIP PLANNING COMMISSION SPECIAL MEETING AGENDA

February 22, 2024

7:00 p.m.

1. Call to Order
2. Pledge
3. Roll Call
4. Approve Agenda
5. Brief Citizen Comments (For Agenda Items Not Scheduled for Public Hearing)
6. Conflict of Interest
7. Consent Agenda
 - a. Approval of Meeting Minutes: Planning Commission Regular Meeting January 22, 2024.
8. Business
 - a. Special Use Permit (SUP) #132 – Bowers Harbor Vineyards, Amendment #1 – Public Hearing
2896 Bowers Harbor Road, Traverse City, MI 49686
 - b. Proposed Zoning Ordinance Amendment #204 Related to Building Height – Continued
Discussion and Possible Recommendation
9. Reports and Updates
 - a. Master Plan Adoption
 - b. Shoreline Regulations Study Group
10. Public Comments
11. Other Matters or Comments by Planning Commission Members
12. Adjournment

Peninsula Township has several portable hearing devices available for audience members. If you would like to use one, please ask the clerk.



Jenn Cram, Director of Planning and Zoning
Posted: February 14, 2024, 3:30 p.m.

Minutes

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

Ph: 231.223.7322

PENINSULA TOWNSHIP PLANNING COMMISSION MINUTES

January 22, 2024

7:00 p.m.

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

2. **Pledge**

3. **Roll Call:** Present: Alexander, Hall, Hornberger, Dloski, Beard; Excused: Shanafelt, Shipman; Also present: Jenn Cram, Director of Planning and Zoning and Beth Chan, Recording Secretary; Remotely, Wayne Beyea, Fahey, Schultz, Burzych & Rhodes

4. **Approve Agenda:**

Moved by Hornberger to approve agenda, as presented, seconded by Alexander
approved unanimously

5. **Brief Citizen Comments (For Non-Agenda Items Only)** None

6. **Conflict of Interest:** None

7. **Consent Agenda:**

a. Approval of Meeting Minutes: Planning Commission and Township Board Joint Meeting, November 14, 2023, and Planning Commission Regular Meeting December 18, 2023.

Beard: correction to December 18, 2023, minutes: strike *no action taken* on page seven and nine.

Moved by Hornberger to approve the consent agenda, as amended, seconded by Alexander
approved unanimously

8. **Business:**

a. Special Use Permit (SUP) #132 – Bowers Harbor Vineyards, Amendment #1 – Introduction
2896 Bowers Harbor Road, Traverse City, MI 49686

Cram: this is the introduction to an amendment to SUP #132 that was approved by the township board on July 23, 2019; the approved findings of fact and conditions can be found in the packet. Explained the specific timeline, they did not meet the deadline. The amendment to the SUP is to build an addition to the single-family dwelling. The single-family dwelling was included in the SUP to meet the fifty-acre requirement for a winery-chateau. They received a variance from the ZBA for acres under the fifty-acre requirement. Additional plantings were also a requirement. With Amendment 201, Farm Processing, dated December 13, 2022, this winery chateau is a legally non-conforming use, and the single-family home is a use that is allowed by right in the A-1 zoning district.

Alexander: are all immediate action items finished?

Cram: yes, and verified in the field.

Beard: will this continue as a single-family residence and is there a substantive change in the application?

Cram: yes, it will continue as a single-family residence.

Marc McKellar, Kuhn Rogers, 4033 Eastern Sky Drive, Traverse City: this is exactly the same request as before and is presented as a use by right.

Cram: presented site plan on the screen shown with the addition to the residence.

Discussion of the number of bedrooms and bathrooms in the single-family home and near action items

McKellar: the e-mail sent to the planner this afternoon addresses the near action items.

Moved by Dloski, seconded by Hornberger, to schedule a public hearing for Special Use Permit (SUP) #132 – Bowers Harbor Vineyards, Amendment #1, 2896 Bowers Harbor Road, Traverse City, MI 49686 for the February meeting of the planning commission, with the date to be determined.
approved by consensus

b. Public Hearing on Proposed Zoning Ordinance Amendment #204 Related to Building Height Hall closes the regular meeting and opens the public hearing for Zoning Ordinance Amendment #204 related to Building Height.

Cram: Summarized the memo contained in the packet and the study group recommendations. The consensus of the group was to abandon focusing on the number of stories, but to just look at the maximum height. The study group also agreed that it would allow for more flexibility to measure building height to the mean between the eave and the highest peak of the roof. Currently building height is measured from finished grade to the peak of the roof and the maximum is two and a half stories and thirty-five feet. There have been challenges issuing land use permits, thus this discussion is taking place and has evolved. Reviewed the three options on the screen. Reviewed information for the diagrams on the screen. There is potential for taller structures than we have customarily seen on the peninsula if we go with the study group policy recommendations. Discussed the details of a walk-out basement in the measurement process.

Hall: asked for an explanation to retain the term story

Cram: pointed to the option of average of natural grade measured to the mean of the roof. There could be four stories or more as the roof pitch gets steeper. The mean changes as the roof gets steeper. Presented photos with fill and homes that are taller than adjacent homes. This can change the character of the neighborhood.

Scott Norris, 5250 Lone Tree Road: Summarized items from the study group where discussion deviated from/or what was the consensus of the study group. Discussed the need to create positive drainage from the foundation. Discussed the topography of Old Mission Peninsula which is often sloped and mentioned existing grade; for example: a driveway that comes down from the road, the existing grade is the measurement, the house cannot be lifted, the actual height becomes lower. In addition, it was suggested that there should be a limit on the number of feet that can be between the mean of the natural grade and the mean of finished grade. For the height in stories, it can vary, but the top and bottom parameters prevent it from being too tall. By eliminating the story language, it eliminates the problem of figuring out what is a story and allows design flexibility. Brought up steep slopes (30%), larger parcels, and other possible exceptions to the height rule to process the permit and to avoid variances from the ZBA.

Beard: mentioned the necessity to get above a water table in areas near the shoreline as a legitimate need for fill. In addition, steep slopes near a road where fill is brought in to lessen the slope and get the floor and driveway aligned. There needs to be a rationale for a need for fill.

Norris: there are some legitimate exceptions, and if they can be named, could speed up the application process.

Todd Wilson, 782 Neatawanta Road: glad to see that “volcano tower homes” are being addressed. It is visually unappealing. There is a lot of water run-off and the backfill can kill the trees.

Ellis Wills-Begley, 15419 Dunn Drive: discussed the different measuring process of the building height as discussed in the study group. With design flexibility and change in how building height is measured, buildings could increase in height on the peninsula. The township should adopt a clear upper bound, a maximum height; whatever option is considered. Fill language should be addressed outside of building height policy. Recommends option number one because of design flexibility within those parameters, thirty-five feet might need to increase to thirty-eight feet for reasons that Scott Norris mentioned for areas where additional height is needed because of the water table.

Hornberger: if we go with option number one and make it thirty-five or thirty-eight and there is a walkout, would this accommodate the thirty-eight feet?

Wills-Begley: Yes, gave examples of walkout basement that accommodates for that without limiting stories, one could excavate lower and add stories. Limiting the stories to three encourages more efficient building footprints.

Cram: shows and explains option number one on the screen. With this option, the maximum building height at the peak at thirty-eight feet allows flexibility.

Hall: to clarify, would you recommend the three-story limit?

Discussion

Rudy Rudolph, 4784 Forest Avenue: commended the committee for their hard work. Remarked that the safety issue associated with a taller structure and the firemen getting a ladder high enough to rescue occupants of a home. This is especially important for homes on steep slopes. The fire chief should be consulted.

Cram: Chief Fred Gilstorff has been consulted and has been included in these discussions. Currently, the ladder height is twenty-four feet.

Laura Howe, 6251 Peninsula Drive: participant in the study group. In favor of the mean of the roof. Covered points that were proposed that differed from what the study group had discussed. Recently went through the land use permit and building permit process, which dealt with half stories, thirty-eight feet with dormers, which the builder said was a half story. The project required non-standard trusses. Discussed roof peak to achieve a walk out basement. Discussed other issues in building a home such as the height, number of stories, slope, architectural interest, and roof peak. Talked about the ordinances in municipalities around Peninsula Township, mentioning building code versus land use permits.

Sally Erickson, 2228 Kaukauna Court, Traverse City: participated in the study group as a builder and developer. Joined out of concern for building heights. Agreed with Scott Norris on his analysis of what occurred in the study group. Detailed reasons to use walk-out basements which was defined as a story and walk out basement incorporates a safety component. Discussed place-maker homes built with large budgets. Homes are about humans and safety is always a concern. Safety can be dealt with at plan approval. Discussed maximum average peak of the roof and ways to measure roof peak/pitch. Overall, there is a need to come up with a parameter.

Discussion on the number of stories and the styles of homes

Hall: discussed study groups; referred to Section G in the Peninsula Township Bylaws on study groups and advisory committees.

Cram: reviewed options one through three

Discussion

Kathleen Wills, 15419 Dunn Drive: involved in the architectural process for thirty-two years. Built their home thirty years ago and knew the limitation was thirty-five feet, with a sloped flat lot. It was not a problem to build within the thirty-five-foot limit. It should be black and white, in favor of option one. Discussed scale and the fact that trees are killed when fill is brought in to a site. Flexibility comes in the fact that you are measuring from the high point to the low point and then taking the mid-center point and then measuring up to a roof height.

Hall: the builder community is with option one, more than thirty-five feet is needed.

Discussion of height limit with the options presented

Ben Mauer, 9805 E. Carter Road, Traverse City: talked about the new flood plain map that FEMA issued last August. The map effectively moved the bottom of a footing up by about four or five feet. That changes the depth on lakefront lots and affects the grade, finished and natural grade. This could push homes closer toward the road and could make buildings taller.

Ben Begley, 15419 Dunn Drive: has been an architect in the area for over thirty years. Discussed the home shown on the screen raised with fill. The adjacent properties are designed with the site that he was involved in, and the home shown has fill; the fill was needed in order to get the footings at the right height for a walkout basement. The other homes on that road had crawl spaces. Discussed the effect of fill on trees and that they are compromised. The homes on fill do not fit in with the rest of the community.

Discussion on fill and measuring to natural grade.

Wilson: discussed the fill situation in his neighborhood.

Alexander: asked for a defined height to the peak. Liked the discussion on option number one, with the determined height. Commented on mechanicals, in commercial properties: they should be addressed in maximum height calculations.

Cram: have not discussed commercial property.

Beard: mechanicals were the topic of a fight in the City of Traverse City, in most municipalities, they are not counted in the overall height. It would be unusual to find a code that restricted that. Does not have a problem with eliminating references to the number of stories. The critical element is the lower boundary, where you are going to start measuring from. Used examples of finished grade and truckloads of fill to achieve height. That is not the intent. Inclined to go with natural grade as the starting point with consideration for situations for steep slope and high-water table issues. The township could have an ordinance that requires a survey; could be required for a demolition permit, to determine the starting grade a survey could be done. For untouched land, a prohibition on re-grading or clear-cutting could be put in place until you get a permit for development. In this, the terrain is not altered. For option one, the 33.4 feet on one side and 39 on the other. There have been discussions about the previous determinations of building height and what the starting point was on the front of the structure. In the old system, the 33.4 would come below, under the revised option with the average natural grade, three stories are achieved, and the backside is thirty-nine feet. It can be achieved with option one. It needs to be the average of natural grade.

Hornberger: leaning toward thirty-eight feet.

Beard: this is consistent with surrounding municipalities.

Hall: for thirty-eight feet under option one, does the varied topography in Peninsula Township constitute a higher number?

Ellis Begley: the township's topography is similar to adjacent areas.

Cram: summarized discussion. Will redline draft language to be presented at the February meeting.

Hall closed the public hearing and opens the regular meeting.

c. Planning Commission Meeting Dates for 2024

Cram: discussed the day/date changes for the planning commission, proposed a change to the first Tuesday of the month. Asked for availability for Thursday, February 22, 2024, and the first Tuesday in March.

Discussion of the approval of the calendar with and preparation of a resolution.

9. Reports and Updates:

a. Special Use Permit (SUP) #35 OMP Seven Hills Development, Amendment #3 – Update

Cram: Seven Hills are planning to apply for an amendment for a component of a microbrewery.

b. Shoreline Regulations Study Group Update

Cram: the first meeting will be Monday, January 29, 2024, at 5:00 p.m. The public is welcome to come and listen. Public comments taken at the end.

Hornberger: mentioned letter from Heather Smith, the Watershed Center

Cram: Smith would like the planning commission to amend the zoning ordinance for setbacks to a creek.

10. Public Comments:

Monnie Peters, 1425 Neahtawanta Road: Reviewed meeting from November of 2019 held to discuss shoreline issues. Reminded the planning commission that November 5, 2019, Jane Boursaw, *The Old Mission Gazette*, wrote an article and there is a publication that accompanied the meeting. At that meeting, Mark Breederland, from Michigan Sea Grant, and Heather Smith, from the Watershed Center, spoke. Discussed the water cycle.

Curt Peterson, 1356 Buchan Drive: a resident of his association who would like to be a member of this committee, Scott Duensing.

Cram: I will follow up with him

11. Other Matters or Comments:

Hall: the Michigan Municipal League Planning Commission Handbook has been emailed to members, proposed a study session in the future to focus on the planning enabling ordinance, which established the planning commission, and the by-laws.

Cram: the other books have arrived and will make them available. Also, the most recent master plan is available for the planning commission to review. Goal is to adopt in the first quarter of this year.

12. Adjournment: at 9:00 p.m.

Moved by Beard to adjourn, seconded by Dloski.

approved by consensus

Business

**Bowers Harbor Vineyard,
SUP #132, Amendment #1**

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

SPECIAL USE PERMIT (SUP)
DRAFT FINDINGS OF FACT AND CONDITIONS
SUP #132, Amendment #1 – Bowers Harbor Vineyard
February 22, 2024

PENINSULA TOWNSHIP PLANNING COMMISSION

Applicant: Spencer Stegenga on behalf of Bowers Harbor Vineyard (Langley Vineyards LLC)
2896 Bowers Harbor Road
Traverse City, Michigan 49684

Hearing Date(s): January 22, 2024 – Introduction to Planning Commission
February 22, 2024 – Public Hearing with Planning Commission

PROPERTY DESCRIPTION

Parcel ID#: 28-11-121-077-10, 28-11-128-001-12, and 28-11-128-001-11
Property Address: 2896 Bowers Harbor Road
Zoning: A-1 - Agricultural District

BACKGROUND AND INTRODUCTION

Special Use Permit (SUP) #32 was approved by the board on April 14, 1992. The approval of this SUP allowed for wine tasting, wine sales and limited retail sales at a Roadside Stand. The zoning ordinance amendment 95 that authorized the sale of alcoholic beverages as use allowed in conjunction with a Roadside Stand was repealed after the approval of the SUP.

An amendment to SUP #32 was approved on August 10, 2010. The approval of this amendment allowed for twenty (20) outdoor catered dinners per year with no more than two (2) per week. Food was to be catered by the Boat House. No tents or amplified sound was permitted. A bathroom facility was required for the use. A Michigan Liquor Control Commission license defined the outdoor area where wine tasting/dining could take place.

On April 11, 2019, the Zoning Board of Appeals granted a variance to allow Bowers Harbor Vineyard to apply for a Winery-Chateau with 45.77 acres of land, where 50 acres is required.

On July 23, 2019, the board approved SUP #132 for Bowers Harbor Vineyard to operate as a Winery-Chateau under Section 8.7.3 (10) of the zoning ordinance. Permitted activities are detailed in the findings of fact and conditions attached as **Exhibit #2**. The SUP was approved with fourteen (14) conditions of approval including timeframes by which specific conditions needed to be completed (see Exhibit #2 pages 15 and 16). Condition number 14 identified four (4) Immediate Action Items and two (2) Near Term Action Items. The four immediate action items needed to be completed before Bowers Harbor Vineyard could operate as a Winery-Chateau and conduct guest use activities pursuant to Section 8.7.3 (10) (u) and at such time that these items were completed SUP #32 would be rescinded.

Immediate action items were completed as evidenced in the email chain and site plan attached as **Exhibit #3**. As such, Bowers Harbor Vineyard has been able to operate as a Winery- Chateau and SUP #32 and associated amendments were rescinded. However, Linda Stegenga one of the owners noted verbally in 2023 that they had not started conducting guest use activities. This is consistent with the fact that we have found no evidence that tonnage reports have ever been submitted per Section 8.7.3 (10) (u) 3. to the planning and zoning department since the approval in 2019. Tonnage reports are required to determine the number of allowed guests that may participate in permitted guest use activities.

It is unclear if near action item #5 was completed by July 1, 2020. The applicant provided a survey prepared by GFA in 2023 that shows the location where the additional 1.2 acres of grapes or fruit trees should be planted. The applicant also provided copies of receipts showing that twenty (20) trees were purchased on April 8, 2020. The number of trees planted per the receipts is inconsistent with what we believe the density of grapes or fruit trees to be planted should be to meet the 75% requirement of active production of crops that can be used for wine production.

The applicant did not come in and apply for land use permits to construct the deck, tasting room addition, pavilion addition, single-family residence addition or garage within one year of July 1, 2020. As such those elements of the SUP approval have expired per Section 8.1.2 (5). As noted in Condition #6, the remedy for failure to obtain land use permits in a timely manner is to apply for an amendment to the SUP.

The subject parcels within the SUP are zoned A-1 and total 45.77 acres. Public access to the winery operations is from Bowers Harbor Road and the existing residence has an access from Seven Hills Road.

On December 13, 2022, the board adopted amendment 201 to the zoning ordinance related to Farm Processing Facilities and the Winery-Chateau use was repealed in its entirety. As such, all existing Winery-Chateau's approved prior to December 13, 2022, are a legally non-conforming use provided they continue to operate in compliance with approved special use permits.

Single-family dwellings are a use permitted by right in the A-1 zone district.

The applicant would like to construct two additions to the existing single-family dwelling included in the SUP. A copy of the application and submittal materials is attached as **Exhibit #1**.

SECTION 8.1.3 BASIS FOR DETERMINATIONS

FINDINGS - SECTION 8.1.3 (1) GENERAL STANDARDS

General Standards. *The Peninsula Township Board of Trustees 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 character of the area surrounding the subject property is generally agricultural and rural residential in nature. The proposed additions to the existing single-family dwelling are architecturally compatible and will not change the essential character of the subject property or surrounding area.

- 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 proposed additions will be a substantial improvement to the existing single-family dwelling and consistent with the original SUP approval as a whole.

The proposed additions do not increase the intensity of use or density of the approved SUP. There should be no increase in traffic as a result of approving the proposed additions.

- 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 existing uses and proposed additions will be served adequately by essential services. The proposed additions do not place any additional burden on adjacent roadways, public emergency services, public utilities, or schools. The residence is served by a well and on-site septic system. Evidence that the on-site septic system has appropriate capacity for the existing dwelling and proposed additions will be required from the Grand Traverse County Environmental Health Department prior to issuance of a land use permit.

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

Proposed additions to the single-family dwelling will not create any additional requirements at public cost for public facilities and services.

- e) Not involve uses, 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.

As stated above, a single-family dwelling is a land use permitted by right within the A-1 zone district. The existing single-family dwelling was included in the SUP approval. An addition to the single-family dwelling was proposed as part of the approved SUP, but not implemented in a timely manner. It is not anticipated that the proposed additions will be detrimental to any persons, property, or the general welfare by fumes, glare or odors beyond what is customary for residential construction. Construction of the additions will be temporary.

FINDINGS - SECTION 8.1.3(3) SPECIFIC REQUIREMENTS:

Specific Requirements. In reviewing an impact assessment and site plan, the town board and the planning commission shall consider the following standards:

- (a) That the applicant may legally apply for site plan review.
Spencer Stegenga is one of the owners of Langley Vineyards LLC/Bowers Harbor Vineyard.
- (b) That all required information has been provided.
All required information is provided as part of this application. (Exhibit #1).
- (c) That the proposed development conforms to all regulations of the zoning district in which it is located.
A Winery-Chateau with single-family dwellings were allowed in the A-1 zone district prior to the adoption of Amendment 201 in 2023. The development was approved as a Winery-Chateau via SUP #132 in 2019. The existing single-family dwelling was approved as part of the SUP. The Winery-Chateau as approved is a legally non-conforming use provided it continues to operate in compliance with the approval of SUP #132. A single-family dwelling is a use permitted by right within the A-1 zone district. Additions to single-family homes are allowed with the approval of a land use permit. The applicant may apply for a land use permit for the proposed additions to the single-family dwelling if the proposed amendment to the SUP is approved.

Prior to conducting any permitted guest use activities tonnage reports must be submitted to the planning and zoning department to confirm the allowed number of guests. This has been noted as a proposed condition of approval.
- (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 proposed additions if approved will require approval of a land use permit prior to issuance of a building permit. Adequate water, sewage disposal and drainage will be reviewed and approved during the land use permit process. We do not anticipate that there will be any issues with meeting township and county requirements.
- (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.
As noted above, the proposed additions will go through the land use permit process prior to issuance of a building permit. The applicant and their contractor have been working with the county to ensure that the proposed additions meet requirements for water and sewage disposal.

- (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 subject property is largely developed with a vineyard, tasting room, associated parking and single-family dwellings and will remain as such. Any disturbance is limited to the areas where additions are proposed. No mature trees or natural resources will be affected because of constructing the additions.
- (g) That the proposed development property respects floodways and floodplains on or in the vicinity of the subject property.
There are no floodways or floodplains in the vicinity of this site.
- (h) That the soil conditions are suitable for excavation and site preparation and that organic, wet, or other soils that are not suitable for development will either be undisturbed or modified in an acceptable manner.
The soils are suitable for construction activities.
- (i) That the proposed development will not cause soil erosion or sedimentation problems.
A soil erosion and sedimentation control permit will be required as part of the land use permit process.
- (j) That the drainage plan for the proposed development is adequate to handle anticipated stormwater runoff and will not cause undue runoff onto neighboring property or overloading of water courses in the area.
The proposed additions will result in a minimal increase in storm water runoff. Storm water can easily be managed on-site. The proposed additions do not rise to the level of requiring a storm water control permit as they are less than one acre in size.
- (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.
Proposed grading is limited to the area associated with the additions on the north and south sides of the existing single-family dwelling. The general character of the site remains essentially unchanged.
- (l) That structures, landscaping, landfills, or other land uses will not disrupt air drainage systems necessary for agricultural uses.
Proposed additions will not change the cold air drainage flow of the site.
- (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.
According to the application, this project will not be developed in phases. This amendment addresses proposed additions to the existing single-family dwelling only and can be completed in one phase. If the applicant wishes to construct the deck, tasting room addition, pavilion addition or garage, an amendment to the SUP will be required.
- (n) That the plan provides for the proper expansion of existing facilities such as public streets, drainage

systems, and water sewage facilities.

No expansion of public streets, drainage systems, or utility systems is required or proposed.

- (o) That landscaping, fences, or walls may be required by the town board and planning commission in pursuance of the objectives of this ordinance.

No additional landscaping is proposed or required as a result of proposing two additions to the existing single-family dwelling.

Confirmation that the additional 1.2 acres of grapes or fruit trees with the intended density to meet the 75% requirement of active production of crops used for wine production is needed. A condition of approval has been proposed to address this prior to receiving a land use permit.

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

The required number of parking spaces has been provided. The proposed additions to the existing single-family dwelling does not necessitate the requirement for additional parking spaces.

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

Vehicular and pedestrian traffic does not change as a result of the proposed additions. Traffic will enter and exit the property on Bowers Harbor Road. The existing single-family dwelling also has access on Seven Hills Road.

- (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.

Outdoor storage of garbage and refuse does not change as a result of the proposed additions.

- (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 proposed development, under the conditions set forth on pages 6 and 7 of this Special Use Permit, meets the objectives of the ordinance and the principles of sound planning by improving the existing single-family dwelling with proposed additions.

COMPLIANCE WITH GOVERNMENTAL REGULATIONS:

The petitioner shall comply with all state, county, township, and other governmental regulations relative to the establishment of the special use for a parcel zoned C-1, which includes meeting the requirements of the Michigan Department of Transportation (MDOT), Michigan Liquor Control Commission (MLCC), the Grand Traverse County Drain Commissioner (GTCDC), the Grand Traverse County Road Commission (GTCRC), and the Grand Traverse County Health Department (GTCHD). Zoning compliance is based on the governing special land use document, approved site plan, and Articles 6 and 8 of the Peninsula Township Zoning Ordinance.

APPROVAL CONDITIONS AND SAFEGUARDS:

Pursuant to Section 8.1.3 (2), the board may require such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for ensuring 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. Specific conditions and requirements for a land use permit include:

- 1) All use of the property shall continue to comply with the original approval of SUP #132.
- 2) All prior findings and conditions imposed by the Peninsula Township Board of Trustees for SUP #132 remain in effect.
- 3) Prior to issuance of a land use permit for the proposed additions the applicant shall demonstrate that the additional 1.2 acres of grapes or fruit trees were planted at an appropriate density to meet the 75% requirement of active production of crops used for the production of wine.
- 4) Continued compliance with permitting necessary with the Grand Traverse County Health Department and Construction Code is required.
- 5) All existing and proposed lighting shall be compliant with Section 7.14 of the Township Zoning Ordinance. Final exterior lighting details will be reviewed at Land Use Permit.
- 6) The site shall be developed consistent with the approved plan and with the information contained in the application and packet materials. The applicants shall be subject to all other verbal or written representations and commitments of record for the approval of Special Use Permit #132, Amendment #1. Any future changes to the use of the property require the approval of an amendment to Special Use Permit #132.
- 7) This SUP amendment shall expire one year after the final date of approval unless a Land Use Permit is applied for and issued for the additions to the existing single-family dwelling.

COMMENCEMENT AND COMPLETION

The commencement and completion of special land uses are governed by Section 8.1.2(5) of the Peninsula Township Zoning Ordinance. Violations of the special land use permit and accompanying site plan are enforceable, and remedies are available under Section 3.2 of the Zoning Ordinance.

EFFECTIVE DATE OF SPECIAL LAND USE:

The special land use shall be effective when the application has been approved by the Peninsula Township Board of Trustees, subject to the above conditions. By resolution, the Township Board approved this Special Use Permit.

Exhibit 1

PENINSULA TOWNSHIP APPLICATION FOR SPECIAL USE PERMIT NO.

Parcel Code/s #28-11-121-077-10, 128-001-12, 128-001-11

Property Address: 2896 Bowers Harbor Rd., Traverse City, MI

Applicant Address: 2896 Bowers Harbor Rd., Traverse City, MI

Spencer B. Tegeny
(Applicant's Signature)

Review Fee \$768.⁰⁰ 1221 11/30/23
Check No. Date

APPLICATION REQUIREMENTS

1. Each application is submitted through the Zoning Administrator, and shall be accompanied by a fee as established by the Peninsula Township Board.
2. The applicant will assume direct costs for any additional professional review determined necessary by the Planning Commission or the Township Board, subject to prior review and approval of the applicant.
3. No part of any fee is be refundable and no portion of the fee covers the cost of any individual land use permit that may be issued on any of the building sites located in a Planned Unit Development.
4. Requirements for documents and information filled out in full by the applicant:
 - (a) A statement of supporting evidence showing compliance with the requirements of Section 8.1.3.
 - (b) Site plan, plot plan, development plan, drawn to scale (preferable 1"=50'), of total property involved showing the location of all abutting streets, the location of all existing and proposed structures and their uses, and the location and extent of all above ground development, both existing and proposed.
 - (c) Preliminary plans and specifications of the proposed development.
5. This application, along with all required data shall be submitted to the Zoning Administrator.
 - (a) Upon receipt of a completed application and the required data by the Zoning Administrator, it is transmitted to the Township Planning Commission for review.
 - (b) The Planning Commission may hold a public hearing on the application.
 - (c) Following a study by the Planning Commission it is transmitted to the Township Board for consideration.
 - (d) The Township Board may deny, approve, or approve with conditions, a request for special land use approval.

received 12/4/23
82

6. Specific Requirements: In reviewing an impact assessment and site plan, the Town Board and the Planning Commission shall consider the following standards:

Ordinance Reference - Section 8.1.3

Include a statement of HOW the proposed project meets the standards:

Section 8.1.3 Basis for Determinations: Before making recommendation on a special use permit application, the Town Board shall establish that the following general standards, as well as the specific standards outlined in each section of this Article, shall be satisfied.

- (1) General Standards: The Town 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.
 - (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.
 - (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.
 - (d) Not create excessive additional requirements at public cost for public facilities and services.
 - (e) Not involve uses, 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.
- (2) Conditions and Safeguards: The Town Board may impose 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 this Ordinance will be observed. The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted.
- (3) Specific Requirements: In reviewing an impact assessment and site plan, the Town Board and the Planning Commission shall consider the following standards:
 - (a) That the applicant may legally apply for site plan review.
 - (b) That all required information has been provided.
 - (c) That the proposed development conforms to all regulations of the zoning district in which it is located.

- (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.
- (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.
- (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.
- (g) That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property.
- (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.
- (i) That the proposed development will not cause soil erosion or sedimentation problems.
- (j) That the drainage plan for the proposed development is adequate to handle anticipated stormwater runoff, and will not cause undue runoff onto neighboring property or overloading of water courses in the area.
- (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.
- (l) That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.
- (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.
- (n) That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities.
- (o) That landscaping, fences or walls may be required by the Town Board and Planning Commission in pursuance of the objectives of this Ordinance.
- (p) That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.
- (q) That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.

- (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.
 - (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.
7. A public hearing on a special land use request is held by the Township Board if:
- a. A public hearing is requested by the Township Board, the applicant for special land use authorization, a property owner, or the occupant of a structure located within three hundred (300) feet of the boundary of the property being considered for a special land use.
 - b. The decision on the special land use request is based on discretionary grounds.
8. Complies with Section 7.7 Developments Abutting Agricultural Lands.

Page 4 of 4

Special Use Permit - Planned Unit Development Checklist

Project Name Bowers Harbor Vineyards

Special Use Permit Number 132 Parcel Code/s #28-11- - -
121-077-10, 128-001-12, 128-001-11

Property Address: 2896 Bowers Harbor Rd., Traverse City, MI

Applicant: Bowers Harbor Vineyards, 2896 Bowers Harbor Rd., Traverse City, MI 231-218-1170

Name	Address	Phone
------	---------	-------

ARTICLE VIII

Ordinance Reference - Section 8.1.2 Permit Procedures:

Submission of Application:

- a. \$768 Fee No part of any fee shall be refundable.

Ordinance Reference - Section 8.1.3

Section 8.1.3 Basis for Determinations: Before making recommendation on a special use permit application, the Town Board shall establish that the following general standards, as well as the specific standards outlined in each section of this Article, shall be satisfied.

Section 8.1.3 (1) General Standards: The Town 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:

General Standards - Include a statement of HOW the proposed project meets the standards::

- | | | |
|----|----------|---|
| b. | <u>✓</u> | 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. |
| c. | <u>✓</u> | 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. |
| d. | <u>✓</u> | 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. |
| e. | <u>✓</u> | Not create excessive additional requirements at public cost for public facilities and services. |
| f. | <u>✓</u> | Not involve uses, 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. |

Section 8.1.3 (2) Conditions and Safeguards: The Town Board may impose 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 this Ordinance will be observed. The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted.

Section 8.1.3 (3) Specific Requirements: In reviewing an impact assessment and site plan, the Town Board and the Planning Commission shall consider the following standards:

Include a statement of HOW the proposed project meets the standard: *Enclosed*

- a. ☒ That the applicant may legally apply for site plan review.
- b. ☒ That all required information has been provided.
- c. ☒ That the proposed development conforms to all regulations of the zoning district in which it is located.
- 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.
- 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.
 - i. ☐ *n/a* Grand Traverse County Road Commission
 - ii. ☐ *n/a* Grand Traverse County Drain Commissioner
 - iii. ☐ *n/a* County DPW standards for sewer and water if public.
 - iv. ☒ Grand Traverse County Health Department for private systems
 - v. ☐ *n/a* State and Federal Agencies for wetlands, public sewer and water.
- 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.
- g. ☒ That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property.
- 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.
- i. ☒ That the proposed development will not cause soil erosion or sedimentation problems.
- j. ☒ That the drainage plan for the proposed development is adequate to handle anticipated stormwater runoff, and will not cause undue runoff onto neighboring property or overloading of water courses in the area.
- 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.
- l. ☒ That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.
- 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.
- n. ☒ That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities.
- o. ☒ That landscaping, fences or walls may be required by the Town Board and Planning Commission in pursuance of the objectives of this Ordinance.
- p. ☒ That parking layout will not adversely affect the flow of traffic within the site,

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

4. **Present 8 copies of Site plan, plot plan, development plan**

Drawn to scale (preferable 1"=50'), of total property involved showing:

- a. ☒ the location of all abutting streets,
- b. ☒ the location of all existing and proposed structures and their uses
- c. ☒ the location and extent of all above ground development, both existing and proposed.
- d. Preliminary plans and specifications of the proposed development. *This preliminary plan shall be in a form that can be easily reproduced on transparencies that can be used for public presentation.*

Is the project to be developed in Phases? ___ Yes; ☒ No.

5. If the project is to be phased, provide documentation that:

- a. ☐ Upon completion, each phase will be capable of standing on its own in terms of the presence of services, facilities, and open space, and contains the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the project and the residents of the surrounding area.
- b. ☐ Shows a proposed commencement date for each phase of the project.



Special Use Permit Amendment Request
Peninsula Township

Owners/Applicant:

Bowers Harbor Vineyards

Special Use Permit #132

**2896 Bowers Harbor Rd
Traverse City, MI 49686**

Planning Consultant:

**Northview 22, LLC
PO Box 3342
Traverse City, MI 49685
sarah@northview22.com**



Section 8.1.3(1) General Standards

- 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.

Bowers Harbor Vineyards has been in existence since 1992 and was approved as a Winery-Chateau Special Use in 2019. This use is supported within the 2011 Master Plan as acceptable land use within the Rural Agricultural Future Land Use Category. In order to complete the proposed residential addition from 2019, this amendment request will allow for the construction to take place. The residential addition, already approved in 2019, will be appropriate to the character of the area.

- 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 use and activity on this site shall not impact the neighboring area. Parking, lighting and noise does comply with Peninsula Township ordinances. The parcel has significant acreage to buffer adjacent properties from the use.

- 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 site is located on a public road and is easily accessible by police and fire department. Drainage, refuse and water/sewer are handled all on site. The Grand Traverse County Health Department has approved the residential addition (included in packet).

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

This existing facility/site is not proposing any additions that will incur public cost to public facilities / services.

- e. Not involve uses, 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.

Bowers Harbor Vineyards use, processing, or activities do not contribute any fumes, glare or odors and are regulated by Township ordinance and the Right to Farm act.

Section 8.1.3(3) Specific Requirements

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

Applicant has included ownership deeds for all land included in this request.

- b. _____ That all required information has been provided.

Site plans and exhibits have been included to show necessary information.

- c. _____ That the proposed development conforms to all regulations of the zoning district in which it is located.
The site meets all applicable setbacks, parking, lot coverage and size requirements, as shown on the attached site plans.
- 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.
There are no proposed changes in this Amendment application that will affect the requirements of Peninsula Twp for fire and police or water or sewage treatment. Soil Erosion and storm water management permits, if necessary, will be applied for at the time of the proposed building addition.
- 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.
____n/a____ Grand Traverse County Road Commission
____n/a____ Grand Traverse County Drain Commissioner
____n/a____ County DPW standards for sewer and water if public.
____y____ Grand Traverse County Health Department for private systems
____n/a____ State and Federal Agencies for wetlands, public sewer and water.
- 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 existing or proposed uses will not disrupt the natural resources.
- g. _____ That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property.
There are no flood plains on subject parcels.
- 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.
Soil conditions are suitable for the proposed residential addition. The areas of wetlands in the southwest corner will not be impacted.
- i. _____ That the proposed development will not cause soil erosion or sedimentation problems.
At the time of construction for future additions/buildings, a soil erosion permit will be applied for to confirm.



- j. _____ That the drainage plan for the proposed development is adequate to handle anticipated stormwater runoff and will not cause undue runoff onto neighboring property or overloading of water courses in the area.
All stormwater is maintained and managed onsite.
- 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.
There is no proposed grading that will affect the parcel or surrounding areas.
- l. _____ That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.
Air drainage is not impeded by existing usage of the site.
- 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.
No phases proposed.
- n. _____ That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities.
No additional services or facilities are needed or anticipated on or off site to accommodate the use.
- o. _____ That landscaping, fences or walls may be required by the Town Board and Planning Commission in pursuance of the objectives of this Ordinance.
The site is well vegetated with vineyards, hardwoods/pines and aesthetic landscaping.
- p. _____ That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.
Parking accommodations have been made pursuant to the Special Use Permit for Winery-Chateau approval in 2019.
- q. _____ That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.
Vehicular traffic, including shuttle bus routes, and pedestrian flows are laid out to safely allow maneuvering of all. One-way routes are designated and marked to allow for the drop-off of customers and then move on to designated parking areas. Shuttle buses and vehicular parking areas are designated.
- 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.
Outdoor storage will be located in trash receptacles, screened from view.
- 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.



Bowers Harbor Vineyards

Special Use Permit Amendment Request
Peninsula Township

Bowers Harbor Vineyards has been an agricultural site for many years and has been expanded to include uses that are similarly found within this district. The site has suitable acreage to provide buffer and enough area to contain all uses and features such as parking and vehicular traffic.



**GRAND TRAVERSE COUNTY
ENVIRONMENTAL HEALTH
WELL & SEPTIC STATUS FORM - \$25**

- ☐ DEMOLITION
 ☒ REMODEL/ ADDITION
 ☐ HOME REPLACEMENT
☐ CHANGE OF USE
 ☐ FILE REVIEW/OTHER _____

Property Address: 13975 Seven Hills Rd

Property Tax ID: 11-128-001-12

Township: Peninsula Twp.

Owner's Name: Erica & Spencer Stegenga - SCHOENHERR VINEYARDS LLC

Owner's Mailing Address: 13975 Seven Hills Rd

City, State, Zip: Traverse City, MI 49686

Owner's Phone: _____

Owner's email: spencer@bowersharbor.com

Applicant (if other than owner): Paul Maurer General Contracting Inc.

Applicant Address: 10167 E Cherry Bend Road

City, State, Zip: Traverse City, MI 49684

Applicant Phone: 231-941-1448

Applicant Email: info@paulmaurer.com Benz@paulmaurer.com

Brief summary of the proposed changes to the property: addition and remodel of existing home

☒ RESIDENTIAL

Current # of Bedrooms: 4

Current # of Bathrooms: 3

Proposed # of Bedrooms: 4

Proposed # of Bathrooms: 6

Garbage Disposal: ☒ YES ☐ NO

Other changes: _____

☐ COMMERCIAL (please attach a brief business plan)

Type of Facility: _____

Current Max # of Employees: _____

Current # of Bathrooms: _____

Proposed Max # of Employees: _____

Proposed # of Bathrooms: _____

Max Customers Per Day: _____

Drinking Fountain: ☐ YES ☐ NO

Please note that additional information may be required depending on proposed change or use

Benjamin R. Maurer

Signature of Owner/Contractor

10/12/2022

Date

(TO BE COMPLETED BY SANITARIAN)

Grand Traverse County Environmental Health WELL & SEPTIC STATUS FORM

☒ EXISTING PERMIT AVAILABLE PERMIT # 22178 DATE OF ISSUE: 5/6/94
☐ EXISTING PERMIT NOT AVAILABLE

- ☐ Well shall be properly plugged according to Part 127 of Act 368, P.A. 1978, as amended. Abandoned well plugging record shall be submitted to the Health Department. A new well may be required.
- ☐ Septic tank(s) and any other tank(s) associated with the wastewater system shall be pumped by a licensed septage hauler, crushed, and filled or removed. A new wastewater system may be required.
- ☒ Existing well meets current well construction code requirements and is approved for use as an:
☒ Private Residential Well
☐ Irrigation Well
☐ Public Well circle type: TYPE II TYPE III

- ☒ Existing septic system meets current design requirements for proposed use and meets all isolation requirements. Tank(s) Size(s): 2000 DBL Final Disposal: 24' x 50'
 Existing septic system will serve:
☒ Residential home with 4 bedrooms Garbage Disposal: ☒ YES ☐ NO
☐ Commercial facility with design daily flow of _____ gal/day
☐ Other use with design daily flow of _____ gal/day
- ☐ Existing septic system does not meet current design requirements, but is considered "grand-fathered" for proposed use.

Comments: _____


 Signature of Health Department Representative

10/12/22
 Date

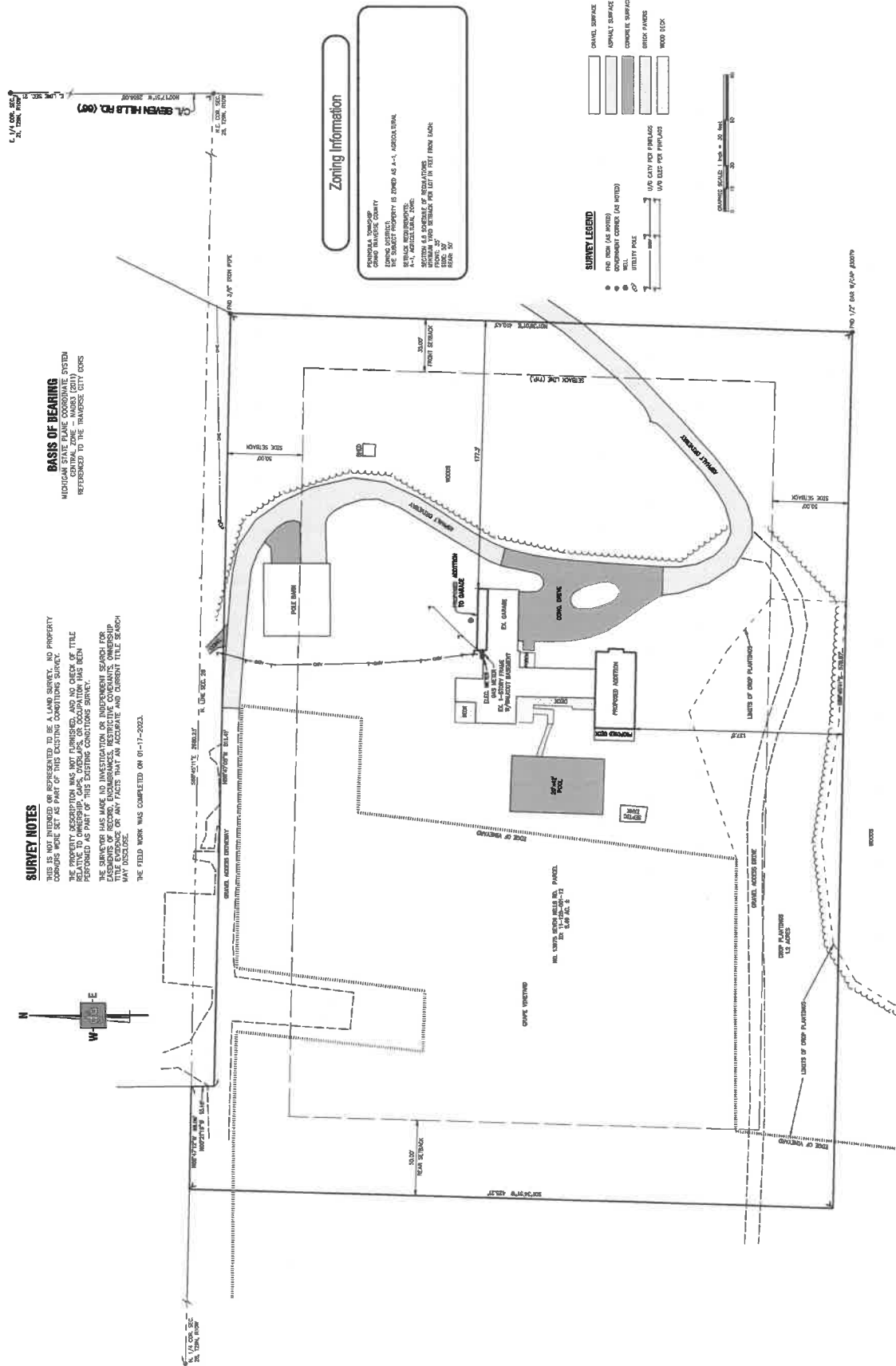
OFFICE USE ONLY

w/ Soil Erosion

Receipt Date: _____

Receipt #: _____

Initials: LM





2007R-20374
STATE OF MICHIGAN
GRAND TRAVERSE COUNTY
RECORD
11/02/2007 09:42:48AM
PAGE 1 OF 5 TXID 64984
PEGGY HAINES
REGISTER OF DEEDS

QUIT CLAIM DEED

THE GRANTORS:

OMENA INVESTMENTS LIMITED
PARTNERSHIP (a/k/a Omena Investments,
LP), a Nevada limited partnership, as to an
undivided 50% interest as a tenant in
common, and R. LEE SCHOENHERR, a
married man, as to an undivided 50%
interest as a tenant in common, and JOAN
SCHOENHERR, his wife, who signs this
Deed solely to bar and release any dower
interest she may have in the Property,

WHOSE RESPECTIVE ADDRESSES
ARE:

8535 Underwood Ridge,
Traverse City, Michigan, 49686, and,

One Longfellow Place,
Ludington, Michigan 49431,

QUIT CLAIMS
TO THE GRANTEE:

SCHOENHERR VINEYARDS LLC, a
Michigan limited liability company,

WHOSE ADDRESS
IS :

One Longfellow Place,
Ludington, Michigan 49431,

the real estate situated in the Township of Peninsula, Grand Traverse County, Michigan, more
fully described on **Exhibit A** attached to this Deed, together with all improvements, fixtures,
easements, hereditaments, and appurtenances associated with the real estate ("Property").

As to Parcel 1:

The Grantors grant to the Grantee the right to make four (4) division(s) under Section 108 of the
Land Division Act, Act No. 288 of the Public Acts of 1967, as amended ("Act"). In doing so, the
Grantors intend to transfer to the Grantee the right to create five (5) parcels from the Property.
The Grantors also grant to the Grantee the right to create two (2) bonus parcel(s) if the Grantee
qualifies the Property for such bonus parcel(s) under Section 108(3) of the Act. The Grantors

intend to transfer to the Grantee the right to make all divisions, bonus divisions and redivisions of the Property as the Grantors may have under the Act. The Grantors make no representation or warranty regarding the number, extent or nature of the division, bonus division or redivision rights or rights to create parcels owned or transferred by the Grantors to the Grantee.

As to Parcel 2:

The Grantors grant to the Grantee the right to make three (3) division(s) under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended ("Act"). In doing so, the Grantors intend to transfer to the Grantee the right to create four (4) parcels from the Property. The Grantors intend to transfer to the Grantee the right to make all divisions, bonus divisions, and redivisions of the Property as the Grantors may have under the Act. The Grantors make no representation or warranty regarding the number, extent, or nature of the division or redivision rights or rights to create parcels owned or transferred by the Grantors to the Grantee.

This Property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

This Deed is given without consideration and is exempt from the real estate transfer taxes under MCLA §§ 207.505(a) and 207.526(a) because the value of the consideration given is less than One Hundred Dollars (\$100).

This Deed is exempt from the real estate transfer tax under MCLA § 207.526(s) because the Grantee is sufficiently related to the Grantors to be considered a single employer with the Grantors under §§ 414(b) or (c) of the Internal Revenue Code of 1986, 26 U.S.C. § 414.

Dated: October 13, 2007.

OMENA INVESTMENTS LIMITED
PARTNERSHIP (a/k/a Omena Investments,
LP), a Nevada limited partnership

By OMENA INVESTMENTS, INC., a
Nevada corporation,
Its General Partner

By


Edward M. Albert, Jr.
Its President

STATE OF MICHIGAN

COUNTY OF GRAND TRAVERSE)
ss:

Acknowledged before me in Grand Traverse County, Michigan on October 12, 2007, by Edward Y. Albert Jr., as President of Omena Investments, Inc., a Nevada corporation, the General Partner of Omena Investments Limited Partnership (a/k/a Omena Investments, LP), a Nevada limited partnership, for the partnership.

ANNE N. OLSON
Notary Public, State of Michigan
County of Grand Traverse
My Commission Expires 05-04-08

Anne N. Olson
Notary public, State of Michigan, County of Grand Traverse
My commission expires 5-4-08
Acting in the County of Grand Traverse

R Lee Schoenherr
R. Lee Schoenherr (previously a married man
~~recorded as Lee R. Schoenherr~~)

Joan C. Schoenherr
Joan Schoenherr (who signs this Deed
solely to bar and release any dower
interest she may have in the Property)

STATE OF MICHIGAN)

COUNTY OF Mason)

)ss:

Acknowledged before me in Mason County, Michigan on October 12,
2007, by R. Lee Schoenherr* (~~previously recorded as Lee R. Schoenherr~~) and Joan Schoenherr**
~~husband and wife~~ *a married man
**(who signs this Deed solely to bar and release any dower interest she may have
in the Property)

Patricia A. Myers
Notary public, State of Michigan, County of Mason
My commission expires 09/07/2011
Acting in the County of Mason

PREPARED BY AND RETURN TO:

Robert M. Davies
WARNER NORCROSS & JUDD LLP
111 Lyon Street, NW, Suite 900
Grand Rapids, Michigan 49503-2487
Telephone: (616) 752-2133

Patricia A. Myers, Notary Public
State of Michigan, County of Mason
My Commission Expires 9/7/2011
Acting in the County of Mason

EXHIBIT A

Property

TOWNSHIP OF PENINSULA, GRAND TRAVERSE COUNTY, MICHIGAN

Parcel 1:

Part of Southeast quarter of Section 21, and part of Northeast quarter of Section 28, Town 29 North, Range 10 West, more fully described as: Commencing at the North quarter corner, Section 28, Town 29 North, Range 10 West; thence South 89° 08' 54" East, 1166.44 feet to Point of Beginning; thence South 0° 45' 42" West, parallel with the East 1/8 line of said section 880.08 feet; thence North 89° 40' 35" East, 1507.14 feet to centerline of Seven Hills Road; thence North 0° 23' East, 871.58 feet along said centerline to Northeast section corner; thence North 01° 33' West, 437 feet along said centerline to a point where Bowers Harbor Road and Seven Hills Road meet; thence North 55° 01' West, 313.95 feet along centerline of Bowers Harbor Road; thence North 57° 21' 0" West, 100 feet along said centerline; thence North 74° 21' 0" West, 20 feet along said centerline; thence South 01° 33' 30" East, 366.98 feet; thence South 74° 05' 40" East, 69.90 feet; thence South 57° 22' 40" East 47.81 feet; thence South 20° 08' East, 98.50 feet; thence South 04° 58' West, 121.88 feet; thence South 24° 06' West, 117.86 feet; thence South 01° 14' 13" West, 410.02 feet; thence North 89° 08' 54" West, 580.01 feet; thence North 0° 45' 42" West, parallel with the East 1/8 line, 425 feet to the North line of Section 28; thence North 89° 08' 54" West along the North line 563.72 feet to Point of Beginning.

EXCEPT: That part of the Northeast quarter of Section 28, Town 29 North, Range 10 West, more fully described as follows: Commencing at the North quarter corner of said Section 28; thence South 89° 08' 54" East, along the North line of said Section 1166.44 feet, to the Point of Beginning; thence continuing South 89° 08' 54" East, along said North line, 563.72 feet; thence South 00° 45' 42" East, parallel with the East 1/8 line of said Section, 425.00 feet; thence North 89° 08' 54" West, parallel with said North line, 563.72 feet; thence North 00° 45' 42" East, 425.00 feet to the Point of Beginning.

Parcel 2:

That part of the Northeast quarter of Section 28, Town 29 North, Range 10 West, more fully described as follows: Commencing at the North quarter corner of said Section 28; thence South 89° 08' 54" East, along the North line of said Section 1166.44 feet, to the Point of Beginning; thence continuing South 89° 08' 54" East, along said North line, 563.72 feet; thence South 00° 45' 42" East, parallel with the East 1/8 line of said Section, 425.00 feet; thence North 89° 08' 54" West, parallel with said North line, 563.72 feet; thence North 00° 45' 42" East, 425.00 feet to the Point of Beginning.

The tax parcel number listed below is provided solely for informational purposes, without warranty as to accuracy or completeness. If the information listed below is inconsistent in any way with the legal description listed above, the legal description listed above shall control.

Tax Parcel No.: 28-11-128-001-11

Prepared by:
RUNNING, WISS and WILSON
By: Patrick J. Wilson
326 State Street
Traverse City, Michigan

579 PAGE 579
Grand Traverse - Leland
Antique Bar Association
Form
WARRANTY DEED

For Register's Use
AUG 30 12 58 PM '83
CLERK OF DEEDS

THIS INDENTURE, Made this 25th day of March 19 83
WITNESSETH, That **PAMELA W. WILLISIE**, Trustee of the Pamela A. Willisie
Trust dated 11/17/81, of 2896 Bowers Harbor Road, Traverse City,
Michigan,

for the sum of ONE HUNDRED SIXTY TWO THOUSAND FIVE HUNDRED (\$162,500.00) CONVEY
AND WARRANT to **JACK B. STEGENGA and LINDA G. STEGENGA**, husband and
wife, of 2665 S. Bluff Road, Traverse City, Michigan

the following described lands and premises situated in Township of Peninsula
County of Grand Traverse and State of Michigan, viz:

Part of the Southeast quarter of Section 21, and part of the Northeast
quarter of Section 28, Town 29 North, Range 10 West, more fully described as:
Commencing at the Southeast corner of said Section 21; thence South 1°33'
East, 15.0 feet; thence West, 366.82 feet, parallel with the North line of
said Section 28 to the Point of Beginning; thence West, 511.57 feet, parallel
with the North line of said Section 28; thence North 1°39' West, 862.16 feet
to the centerline of a county road; thence South 74°12' East, 389.89 feet,
along said centerline; thence Southeasterly, 72.05 feet, along said centerline
and the arc of a 858.16 foot radius curve to the right, the long chord of
which bears South 71°47'40" East, 72.03 feet; thence South 1°33'30" East,
366.98 feet; thence South 74°05'40" East 69.9 feet; thence South 57°22'40"
East, 47.81 feet; thence South 20°08' East, 98.50 feet; thence South 4°58'45"
West, 121.88 feet; thence South 24°06'35" West, 117.86 feet to the Point of
Beginning.

Subject to reservations, restrictions and easements of record.

Real Estate Transfer Tax: \$178.75

Signed in presence of
David C. Skinner
David C. Skinner
James A. Jennings
James A. Jennings

Signed on the date first above written
Pamela A. Willisie Trustee
PAMELA A. WILLISIE, Trustee
of the Pamela A. Willisie Trust

STATE OF MICHIGAN }
COUNTY OF GRAND TRAVERSE } ss.

On this 25th day of March 19 83 before me, a Notary Public in and for said
County personally appeared **PAMELA A. WILLISIE**, Trustee of the Pamela A. Willisie Trust,

to me known to be the same person described in and who executed the within instrument,
who acknowledged the same to be her free act and deed for said Trust.

My Commission Expires
July 27 1986

George A. Paulin
George A. Paulin
Notary Public Grand Traverse County, Michigan

I hereby certify that there are no Tax Liens or Taxes due by the State or any individual against the within description, and all
Taxes on same are paid for five years previous to the date of this instrument as appears by the records in my office. This does not
cover taxes in the process of collection by Township, City or Village.

Date **AUG 30 1983** County Treasurer **GRAND TRAVERSE** County, Michigan

EXHIBIT B

placed

121 077 10

ARCHITECT:
Jessica VanHouzen Stroud
607 W. Orchard Dr.
Traverse City, MI
231-531-4376
jvanhouz@gmail.com

PROJECT NAME/ADDRESS;
RENOVATIONS & ADDITIONS
TO THE STEGENA RESIDENCE
13975 SEVENS HILLS RD.
TRAVERSE CITY, MI

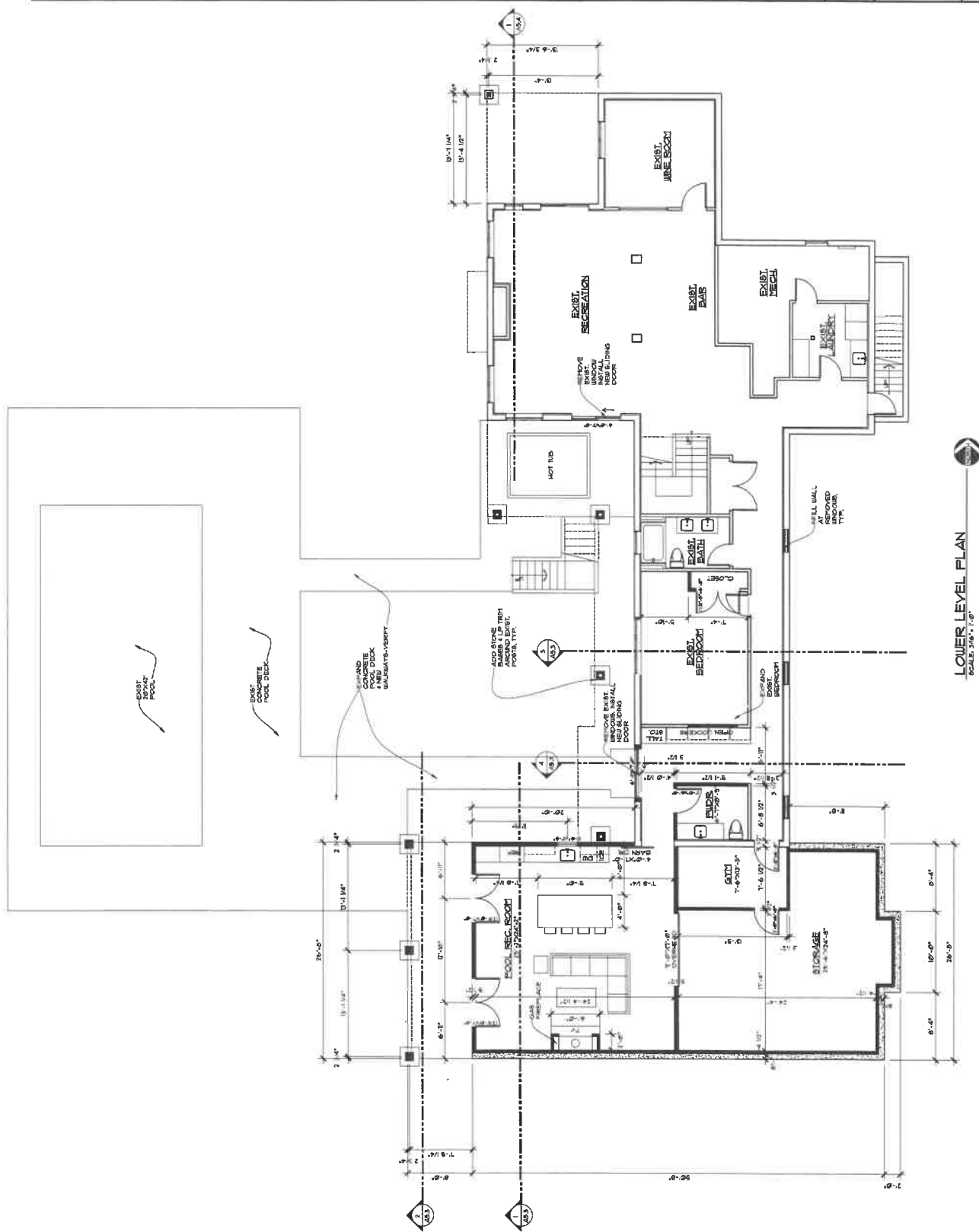
ISSUE DATES:

Date: 1-28-22

BOUND FOR CONSTRUCTION

SHEET TITLE:
**LOWER LEVEL
FLOOR PLAN**

CHITRA
A2.0



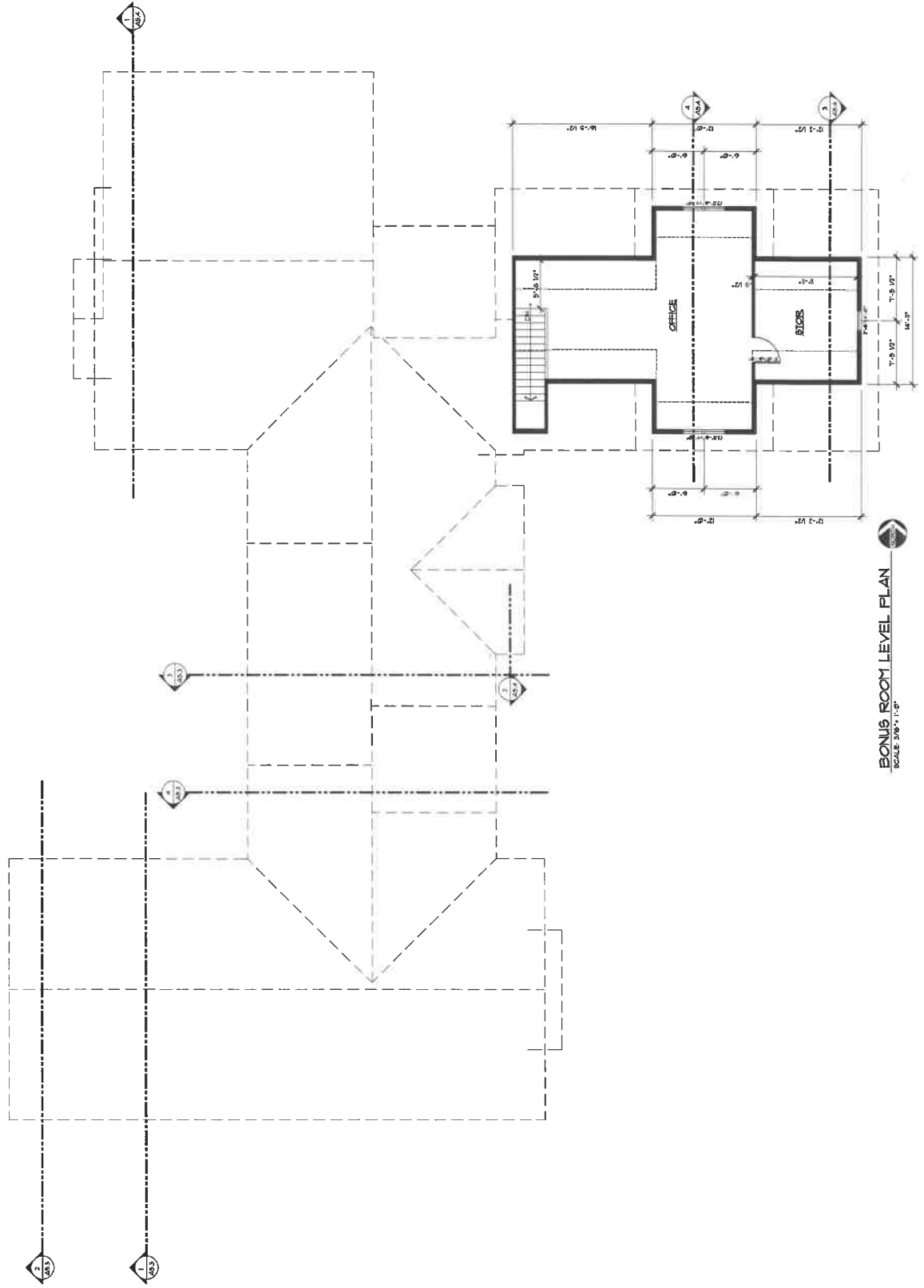
[illegible]

DATE: 10-22-2010
 TIME: 10:00 AM
 PROJECT: 10-22-2010
 DRAWING: 10-22-2010
 SHEET: 10-22-2010
 TOTAL SHEETS: 10-22-2010
 PROJECT: 10-22-2010
 DRAWING: 10-22-2010
 SHEET: 10-22-2010
 TOTAL SHEETS: 10-22-2010

A2.1



ARCHITECT: Jessica VanHauzen Stroud 807 W. Orchard Dr. Troyes, MI 48068 313.486.1111 jvanhouzen@gmail.com © 2019 JVS	PROJECT NAME ADDRESS: RENOVATIONS & ADDITIONS TO THE STEGENA RESIDENCE 11555 STEGENA HILLS RD. INVERTELL CITY, MI	SHEET NO. A2.2	SHEET TITLE: BONUS ROOM FLOOR PLAN
--	---	-------------------	--



BONUS ROOM LEVEL PLAN
 SCALE 3/8" = 1'-0"

ARCHITECT:
Jesse Lou VanHouzen Stroud
607 W. Orchard Dr.
Traverse City, MI
617-253-1111
jvanhouzen@gmail.com

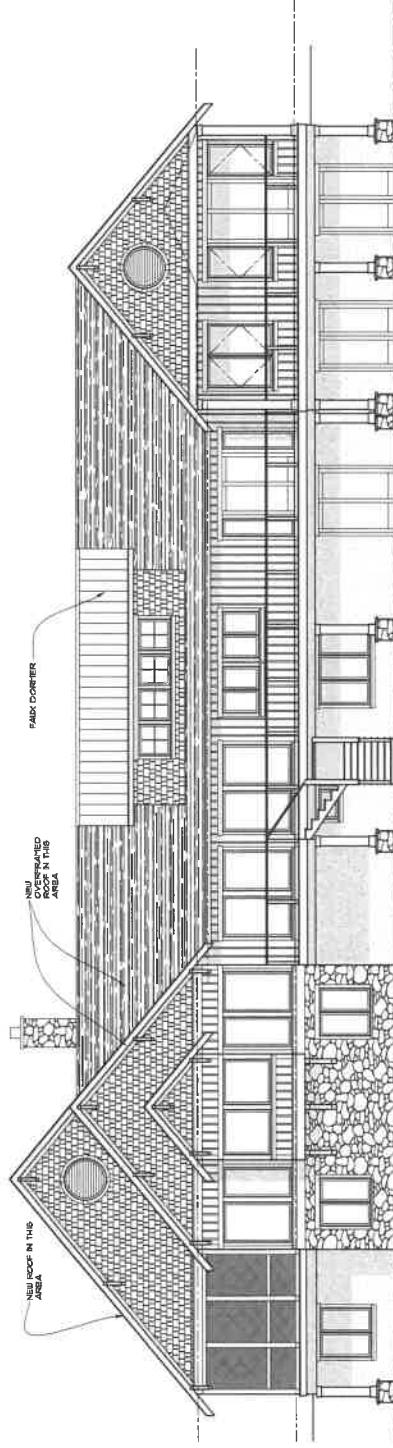


PROJECT NAME/ADDRESS:
RENOVATIONS & ADDITIONS
TO THE STEGENA RESIDENCE
13975 SEVENS HILLS RD.
FRANKLIN CITY, MI

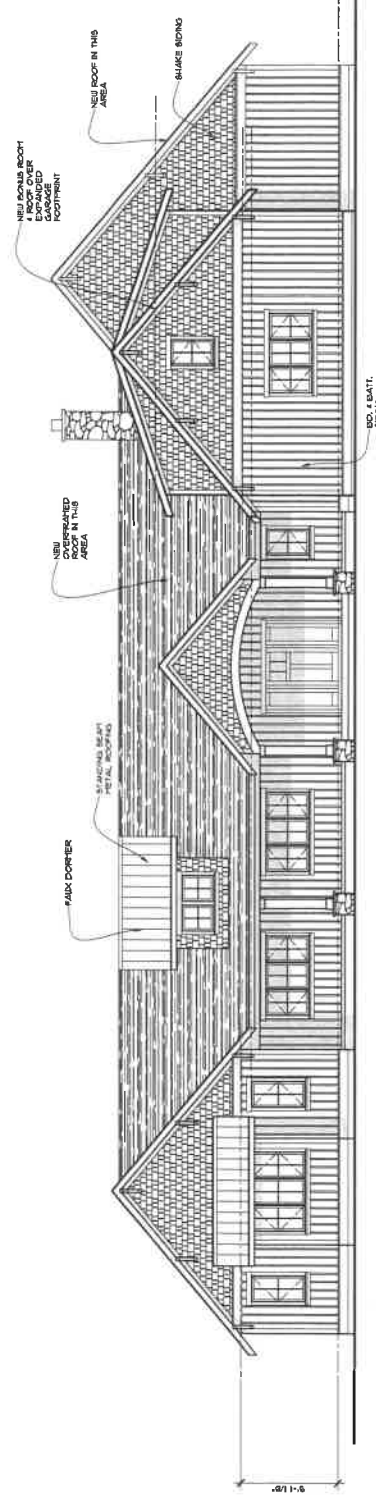
DATE	DESCRIPTION
01/15/21	01/15/21

SHEET TITLE:
ELEVATIONS

SHEET NO.
A5.1



WEST ELEVATION
SCALE 3/8" = 1'-0"



EAST ELEVATION
SCALE 3/8" = 1'-0"

ARCHITECT:
Jessica VanHousen Stroud
507 W. Orchard Dr.
Traverse City, MI
231-931-4178
jvanhou@gmail.com



PROJECT NAME/ADDRESS:
RENOVATIONS & ADDITIONS
TO THE STEGENA RESIDENCE
1405 WEST CHURCH RD.
TRAVERSE CITY, MI

DATE DATED:
FILE:
PROJECT NO.:

DATE DATED:
FILE:
PROJECT NO.:

SHEET TITLE:
ELEVATIONS

SHEET NO.:

A5.2

SOUTH ELEVATION
SCALE 3/16" = 1'-0"

NORTH ELEVATION
SCALE 3/16" = 1'-0"



Exhibit 2

**SPECIAL USE PERMIT
SUP #132 Bowers Harbor Vineyard (Winery – Chateau)
FINDINGS OF FACT AND STATEMENT OF CONCLUSIONS**

Special Use Permit (SUP) #132 is issued and entered into on October 28, 2019, by and between the Township of Peninsula and an entity doing business as Bowers Harbor Vineyard, 2896 Bowers Harbor Road, Traverse City, Michigan, hereinafter referred to as the petitioners. Bowers Harbor Vineyard as petitioner is associated with two LLCs. R. Lee Schoenherr is the signing member of the Schoenherr Vineyards LLC that owns parcels 11-128-001-11 and 11-128-001-12. Linda Stegenga is the signing member for Langley Vineyards, LLC owner of parcel 11-121-077-10. This SUP is issued to and applies to all three subject properties pursuant to the authority granted to the Peninsula Township Board of Trustees by Article 8 of the 1972 Peninsula Township Zoning Ordinance, as amended, and P.A. 110 of 2006, the Michigan Zoning Enabling Act, as amended.

WHEREAS, an application for a SUP has been filed by Bowers Harbor Vineyard to create SUP #132 permitting a winery-chateau located upon three existing parcels of land in Peninsula Township (11-121-077-10, 11-128-001-11, 11-128-001-12). **(EXHIBIT 1)**.

WHEREAS, after due notice as required by law, the Peninsula Township Planning Commission reviewed the application and recommended approval to the Peninsula Township Board on June 25, 2019.

THEREFORE, BE IT RESOLVED, after consideration of the request, the following statement of conclusions specifying the basis for decision and conditions imposed and the special land use document outlining standards of development and conditions were adopted by the Peninsula Township Board on July 23, 2019 permitting said operation:

1. PERMITTED ACTIVITY

The petitioner is hereby permitted to make the following physical improvements, vehicular circulation changes, signage changes, and engage in the following activities as depicted on a site plan prepared by Northview 22 dated 5-1-19 and subsequently amended on 6-19-19.

1) Physical Improvements (shown on drawing C1.0)

- i. Expand the existing tasting room with an addition that will be 20'x 65' in size
- ii. Expand the single-family residence toward the south side of the property with a proposed addition of living space and a new deck/pool
- iii. Construct a 16x16 deck
- iv. Construct a 3-car garage
- v. Expand the existing pavilion that will be 10'x 46.5' in size

2) Vehicular Parking and Circulation

- i. Add parking and vehicular circulation as shown on Drawing C1.1

3) Signage Changes

- i. Add directional and informational signs near main entrance as shown on Drawing C1.1

4) Specific Activities

- i. Wine tasting, limited to areas in and around the pavilion, tasting room, and deck (as illustrated on drawing C1.2)
- ii. Retail sale of non-food items which promote the winery or Peninsula agriculture
- iii. Guest activities and events (proportionate to growing or purchasing Old Mission grapes per Section 8.7.2 (10), up to a maximum of 111 per Section 8.7.2 (10))

Future Improvements. Future improvements are depicted on the site plan prepared by Northview 22 dated 1-19 and revised on 6-19-19. A sparkling wine facility is planned for the future, the footprint of which is shown with red dashed lines on drawing C1.1 toward the east side of the property. This improvement is not now authorized by this SUP but is a planned future improvement to be considered as a future amendment to this SUP.

All activities are located upon parcels (11-127-016-01, 11-127-002-00, 11-127-016-02) as legally described in Section 27, Peninsula Township, in accordance with Article 6 and Article 8, specifically Section 8.7.3 (10) of the Peninsula Township Zoning Ordinance, as amended, and requirements put forth as part of the special land use, including the final site plan and accompanying documents, as retained in the file of the Peninsula Township Planning Department, located at the Peninsula Township Hall, 13235 Center Rd., Traverse City, Michigan.

2. GENERAL FINDINGS OF FACT

2.1 Property Description:

- a) The board finds that the three subject parcels are located in Peninsula Township with road frontage on both Bowers Harbor Road and Seven Hills Road. The frontage on Bowers Harbor Road is about 975 feet. The frontage on Seven Hills Road is about 1,320 feet. (EXHIBIT 1 AND 2)
- b) The board finds the total acreage included with all three parcels is 45.77 acres (EXHIBIT 1 AND 2). A variance was granted in April, 2019, to allow Bowers Harbor to propose establishing a winery chateau on less than 50 acres (EXHIBIT 2A).

2.2 Action Request:

- a) The Board finds that the applicant is seeking approval to establish a Winery Chateau pursuant to the general requirements of Article VIII and the specific requirements of Section 8.7.2 (10).

2.3 Zoning/Use:

- a) The board finds that the proposed site is zoned A-1 (Agricultural) encompassing three (3) parcels that are considered conforming to local zoning. (EXHIBIT 3)
- b) The board recognizes that the applicant presently operates under the provisions of a previous special use permit that was originally granted in 1992 (identified as SUP #32), and this SUP was subsequently amended in 2010.

2.4 Land Use Pattern:

- a) The board finds the following land uses and zoning to be in existence per the date of this report adjacent to the proposed development (EXHIBIT 3):

North: The land to the north of the subject properties is zoned R-1A (Rural & Hillside). Existing land uses include agricultural production and rural home sites.

South: The land to the south of the subject properties is zoned A-1 (Agricultural) and C-1. Existing land uses include commercial (office) property and rural home sites. A large wooded area also appears north of Devils Dive.

East: The land to the east of the subject properties is zoned A-1 (Agricultural) and R1-C. Existing land uses include agricultural production and rural home sites. A large wooded area is also included.

West: The property west of the subject is also zoned A-1 and includes Bowers Harbor Park, rural home sites, and open spaces.

The Board finds that according to the future land use map contained in the 2011 Master Plan, the general area is planned to be a rural agricultural area ([EXHIBIT 4](#)).

3. SPECIFIC FINDINGS OF FACT – SECTION 8.1.3 (BASIS FOR DETERMINATIONS)

3.1 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.
 - i. The board finds that architectural plans to expand the tasting room (20X65) have been provided and the design and use of this structure is harmonious and appropriate in appearance with the existing or intended character of the general vicinity ([EXHIBIT 5](#)).
 - ii. The board finds the existing single-family residence toward the south side of the property is proposed to be expanded with a three-level addition of living space and a new deck/pool. A land use permit (No. 5958) was issued on 6/6/19 for a 20x40 in-ground pool on parcel number 11-123-001-12). Architectural plans have been provided and the design and use of this structure is harmonious and appropriate in appearance with the existing or intended character of the general vicinity ([EXHIBIT 6](#)).
 - iii. The board finds that the pavilion is proposed to be expanded on the north side. The size of the expansion is 10x46.5 and the design of this expansion is consistent with the existing structure ([EXHIBIT 6A AND EXHIBIT 2](#)).
 - iv. The board finds that a new deck is planned to be constructed west of the existing pavilion. The design of this deck is consistent with the character of the area ([EXHIBIT 6B AND 2](#)).

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.

- i. The board finds that the operation of Bowers Harbor Vineyard has not recently produced negative complaints regarding their production operation or services to the general public.
- ii. The board finds that there is potential conflict between activities normally associated with a tasting area and the normal activities associated with a public park (Bowers Harbor Park) to the west. This issue is mitigated to some degree by the fact that the southeast corner of Bowers Harbor Park is vegetated with hardwood trees (next to the defined tasting area) along with existing trees and a decorative fence running the length of the shared property line. To reduce potential land use conflicts between outdoor wine tasting and related activities and the natural and passive nature of Bowers Harbor Park activities (that may be enjoyed by minors), the applicant has agreed to defining the tasting area as being set back at least 25 feet from Bowers Harbor Park. This is shown on drawing C1.2 (EXHIBIT 2) and required as a condition of approval (item 1, Page 15).

Photos of the existing area between Bowers Harbor Park and Bowers Harbor Vineyards is shown in (EXHIBIT 12).

This standard WILL BE met by Approval Conditions and Safeguards (Page 15).

- 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.
 - i. The board finds that the proposed expansion plans, and transition to a Winery Chateau pursuant to the zoning ordinance, will not require additional essential facilities or services since there are no public water or public waste facilities on site.
 - ii. The board finds that the existing driveway will continue to be used.
 - iii. The board finds that only a minimal amount of additional impervious surfaces is being added to the site with limited additional runoff. Additional impervious space is generated by the 24 parking spaces along the eastern side of the entrance drive and the addition pavement necessary to allow for emergency vehicle movement within the circle drive (EXHIBIT 7).
 - iv. The board finds that the Peninsula Township Fire Chief has reviewed proposed plans provided by Bowers Harbor Vineyards and has made recommendations (EXHIBIT 7). These recommendations relate to emergency vehicle access and represent approval conditions.

This standard WILL BE met by Approval Conditions and Safeguards (Page 15).

- d) Not create excessive additional requirements at public cost for public facilities and services.
 - i. The board finds that excessive costs associated with future essential facilities or additional public services are not expected.

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.

- i. The board finds that the proposed use of the site will not involve any change in uses or activities that produce negative impacts upon the existing neighborhood via fumes, glare, noise, or odors.

This standard HAS been met.

3.2 Conditions and Safeguards: The board may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for ensuring 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.

The Board finds that the conditions and safeguards listed on Page 15, are necessary.

3.3 Specific Requirements: In reviewing an impact assessment and site plan, the planning commission and the township board shall consider the following standards:

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

- i. The board finds that the township attorney has recommended that this SUP application be signed by representatives of both LLCs that own involved parcels. Linda Stegenga signed the application on behalf of Langley Vineyard LLC (parcel 28-11-121-077-10) and Lee Schoenherr signed on behalf of Schoenherr Vineyards LLC (parcels 28-11-128-001-12 and 28-11-128-001-11) (**EXHIBIT 1**).

This standard HAS been met.

- b) That all required information has been provided.

- i. The board finds that the applicant has provided all the required information necessary to act on this special use permit application and upon the provided final site plans, with the exception of the following:
 - a. The applicant will construct driveway improvements and drive isle improvements in accordance with the recommendations provided by the Fire Chief in **EXHIBIT 7**.
 - b. The applicant will define 65 overflow parking spaces and 24 spaces on an asphalt surface as shown on the site plan (C1.1). Both areas are east of the entrance drive and are subject to on-site review by the Township Engineer.

This standard WILL BE met by Approval Conditions and Safeguards (Page 15).

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

- i. The board finds that the property is zoned A-1 and a winery chateau is a special use in A-1. It is also found that the approved proposal will require subsequent land use permit for the improvements and activities allowed by this special use permit. No land use permits may be approved until all approval conditions stated herein are complied with.

This standard WILL BE met by Approval Conditions and Safeguards (Page 15).

- 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.
- i. **Grand Traverse County Road Commission:** *The Board finds that a new driveway is not proposed and therefore a driveway permit is not required from the Grand Traverse County Road Commission.*
 - ii. **Grand Traverse County Sheriff's Department:** *Sheriff Bensley has been informed of this proposed project, and A/Lt. Chris Oosse has indicated that the sheriff's office does not see concerns with respect to safety and security with the expansion projects.*
 - iii. **Peninsula Township Fire Department:** *See fire chief's letter and approval conditions. (EXHIBIT 7) and Approval Conditions on Page 15.*
 - iv. **Grand Traverse County Construction Code Office:** *The applicant will need to apply to and receive a permit from the construction code office prior to beginning construction on this project. (See Approval Conditions on Page 15).*
 - v. **Grand Traverse County Health Department:** *The applicant has been in contact with the health department, and no issues are known to exist (EXHIBIT 10). Ongoing compliance with health department regulations is required. (See Approval Conditions on Page 15).*
 - vi. **Grand Traverse Soil 16, & Sedimentation Department:** *A soil erosion permit is not required as the project will not disturb more than one acre and the site is more than 500 feet from a lake or stream.*
 - vii. *The board finds that all final permits will be received by the township prior to any construction taking place onsite per approval conditions.*

This standard WILL BE met by Approval Conditions and Safeguards (Page 15).

- 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.
- i. *The board finds that the applicant has obtained a letter from the Peninsula Township Fire Department, and that compliance with Soil Erosion & Sedimentation Regulations is not required. The board also finds that the applicant is required meet the Grand Traverse County Construction Code and the applicant has coordinated with the Grand Traverse County Health Department to ensure compliance with all regulations (EXHIBIT 10).*

This standard WILL BE met by Approval Conditions and Safeguards (Page 15).

- 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.

- i. The board finds that the applicant will not be moving substantial quantities of earth and that a Grand Traverse County soil erosion permit is not required.*

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.**

- i. The board finds that there is no indication of any existing drains, floodways, or flood plains on the site (EXHIBIT 1 AND 2).*

This standard HAS been met.

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

- i. The Board finds that there is no indication of soil conditions that are not suitable for development on the site.*

This standard HAS been met.

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

- i. The board finds that the proposed development will disturb only a small area and a Grand Traverse County soil erosion permit is not required. The township engineer has reviewed the proposed plans for parking in terms of suitability and stability given existing slopes and has made preliminary recommendations.*

This standard WILL BE met by Approval Conditions and Safeguards (Page 15).

- 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.**

- i. The board finds that the proposed development will disturb only a small area and a Grand Traverse County soil erosion permit is not required.*

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.**

- i. The board finds that only minimal grading or filling is proposed.*

This standard HAS been met.

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

- i. The board finds that the site plan (EXHIBIT 1 AND 2) shows the air drainage system and proposed structures are not expected to affect the air drainage systems. The township board and planning commission concur with opinions concerning air drainage systems (Application Materials in EXHIBIT 1 AND 11A), including the proposal to locate 65 parking spaces in an area defined as a cold air drainage area.

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, and drainage or erosion control.

- ii. The board finds that the construction of the sparkling wine facility is will occur at a later date and will be handled as a future SUP amendment. This represents a logical sequence of development.

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.

- i. The board finds that no additional services or facilities are needed at this time.

This standard HAS been met.

- o) That landscaping, fences, or walls may be required by the township board in pursuance of the objectives of this ordinance.

- i. The board finds that no additional landscaping, fences, or walls are required.

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.

- i. The Board finds that the applicant and township planning staff have generated a parking analysis showing the need for up to 153 parking spaces given existing facilities, proposed expansions, and planned events. A total of 153 parking spaces are provided on C1.1, along with 8 bus parking spaces. This assumes 30% of visitors arrive by buses (EXHIBIT 13). Improvements to the width of the driveways and turning radiuses are necessary as described in the letter from the fire chief (EXHIBIT 7) and are a condition of approval.
- ii. Twenty-eight parking spaces are proposed to be aligned North/South and East/West on the west side of the subject property line. This lot line is shared with Bowers Harbor Park. At the far east end of this parking area is an agricultural access easement that connects to Devils Dive Road to the south. This access easement in Bowers Harbor Park is for

agricultural purposes only and may not serve as a secondary exit or entrance for Bowers Harbor visitors or employees. Turn around space is provided.

- iii. Off-premises parking is not allowed. Bowers Harbor Vineyards will make every effort to prevent guests, visitors, and bus drivers from parking in Bowers Harbor Park or in the public right-of-way.
- iv. The board finds that the applicant has developed a written parking plan to help manage traffic flow at events. This plan includes providing two parking attendants at different locations (EXHIBIT 13).

This standard WILL BE met by Approval Conditions and Safeguards (Page 15)

- q) That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.
 - i. The board finds that the location and plans for pedestrian circulation and vehicular and bus parking are adequate given proposed improvements required by the fire chief (EXHIBIT 7).

This standard WILL BE met by Approval Conditions and Safeguards (Page 15)

- 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.
 - i. The board finds that there are no changes to the existing accommodations for garbage and refuse storage.

This standard HAS been met.

- s) That the proposed site is in accordance 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.
 - i. The Board finds that the proposed changes are consistent with the agricultural A-1 district farmland preservation goals and policies of the 2011 Master Plan, when all approval conditions and safeguards are met.

This standard WILL BE met by Approval Conditions and Safeguards (Page 15)

4. 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:

- a) It is the intent of this section to permit construction and use of a winery, guest rooms, and single-family residences as 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.

- i. The board finds that guest rooms are not included among the proposed uses and that Bowers Harbor Vineyard was among the first places on Peninsula Township to provide wine tasting. Wine tasting was originally approved at a road side stand by Peninsula Township, and in 1992 a special use permit was approved to allow wine tasting, wine sales, and limited retail sales. In 2010, this special use approval was amended to expand the tasting room and tasting areas.
- ii. The board finds that Bowers Harbor Vineyards holds a small winemakers license from the Michigan Liquor Control Commission has represented that it manufactures sparkling wine on the premises and is a purchaser of grapes from the farmers of Peninsula Township.
- iii. The board finds that two single-family residences are located on the site and the plans do not include additional residences.

This standard HAS been met.

- b) 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.

- i. The Board finds that the applicant's special use was previously approved in 1992 and amended in 2010.

This standard HAS been met.

- c) 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.

- i. The board finds that the applicant's site encompasses a total of 45.77 acres. The Peninsula Township Zoning Board of Appeals granted a variance on April 11, 2019, to allow Bowers Harbor Vineyard to receive consideration as a winery chateau with 45.77 acres (**EXHIBIT 2A**).

This standard HAS been met.

- d) 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.

- i. The board finds that Bowers Harbor Vineyard is essentially a winery as defined in the zoning ordinance and in the context of Michigan Liquor Control Commission Regulations.
- ii. The board finds that the site plan includes future development of a more substantial production warehouse/winery.
- iii. The board finds that, in addition to grapes grown on site, Bowers Harbor Vineyard purchases a substantial amount of Old Mission grapes from local farmers that are processed off site.
- iv. The board finds the site plan includes a manager/owner residence and another residence, along with accessory uses and buildings.

- v. The board finds that the proposed winery chateau includes a pavilion and tasting room.

This standard HAS been met.

- e) 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. "Area equivalents" shall be calculated as follows:

Winery with tasting room: five (5) acres.

Manager's residence: five (5) acres;

Single-family residences: five (5)

Guest rooms: N/A

- i. The board finds the total equivalents allowed are 15

This standard HAS been met.

- f) 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).
- i. The Board finds there is one single family residence on this site and one managers/owner residence on the site.

This standard HAS been met.

- g) 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.
- i. The board finds that the applicant has 45.77 acres in the chateau use boundary and 34.25 acres in area devoted to crop production according to a drawing prepared by Northview 22. **EXHIBIT 2.** This equals 75% and broken is down as follows:

Area	Acres in Production in 2019	Areas in Future Planting	Total	Percent
Estate Grapes	14.75	.8	15.35	
Maple Trees for Syrup Wine	10.5		10.5	
Cold Air Drainage Area	8			
Fruit Trees		.4		
	33.25	1.2	34.45	75%

Documentation with respect to cold air drainage areas is found in **EXHIBIT 11**. Evidence of a precedent for considering cold air drainage as part of the acreage calculations is found in **EXHIBIT 11A**.

This standard HAS been met.

h) The facility shall have at least two hundred feet of frontage on a state or county road.

- i.* The board finds that the frontage on Bowers Harbor Road is about 975 feet. The frontage on Seven Hills Road is about 1,320 feet.

This standard HAS been met.

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

- i.* The board finds that the winery-related buildings provide the primary purpose people visit the property.
- ii.* The board finds that the resident manager resides on-site.

This standard HAS been met.

j) 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.

- i.* The board finds that no guest rooms are proposed.

k) 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.

- i.* The board finds that some lighting information is provided (Exhibit 8). All new exterior lighting fixtures must comply with section 7.14 of the Zoning Ordinance and all existing exterior lighting fixtures must comply with section 7.14.

This standard WILL BE met by Approval Conditions and Safeguards (Page 15)

l) 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.

- i.* The board finds that the application does not include facilities for registered guests or accessory uses.

This standard HAS been met.

m) Proof of evaluation of the well and septic system by the Grand Traverse County Health Department and conformance to that agency's requirements shall be supplied by the owner.

- i.* The Board finds evidence of steps to comply with the Grand Traverse County Health Department (**EXHIBIT 10**).

This standard WILL BE met by Approval Conditions and Safeguards (Page 15)

- n) All transient lodging facilities shall conform to the Michigan State Construction Code section regulating fire safety. An onsite water supply shall be available and meet the uniform published standards of the Peninsula Township Fire Department. A floor plan drawn to an architectural scale of not less than 1/8" = 1 foot shall be on file with the fire department. Each operator of a transient lodging facility shall keep a guest registry that shall be available for inspection by the zoning administrator at reasonable times and police and fire officials at any time. Master keys for all rooms shall be available at all times.
- i. The board finds that no guest rooms are proposed.
 - ii. The board finds that the Peninsula Township Fire Chief has reviewed proposed plans provided by Bowers Harbor Vineyards and has made recommendations (EXHIBIT 7).
 - iii. The board finds evidence of steps to comply with The Grand Traverse County Health Department (EXHIBIT 10).

This standard WILL BE met by Approval Conditions and Safeguards (Page 15)

- o) In the event that the township 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 township board may require that fencing or a planting buffer be constructed and maintained.
- i. The board finds that the expected noise generation will not require fencing or plantings. This finding also recognizes that, per approval conditions, no wine tasting shall occur within 25 feet of the property line shared with Bowers Harbor Park.

This standard WILL BE met by Approval Conditions and Safeguards (Page 15)

- p) Rental of snowmobiles, ATVs or similar vehicles, boats, and other marine equipment in conjunction with the operation of the establishment shall be prohibited.
- i. The board finds that rental of equipment is not proposed or permitted on site.

This standard HAS been met.

- q) 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.
- i. The board finds that no guest rooms are proposed.

This standard HAS been met.

- r) Signs shall be in accordance with Section 7.11, which governs signs in the A-1 agricultural district.
- i. The Board finds that there is one existing sign located east of the driveway.

- ii. The Board finds that 3 additional signs are shown the plans. One sign is a “chalkboard” event sign (7.5 sq. ft.) to advertise “events.” One sign is a shuttle bus directional sign (1.5 sq. ft) and the other sign in for guest parking (1.5 sq. ft.).
- iii. No other signs shall be allowed except those that identify bus or handicapped parking.

This standard WILL BE met by Approval Conditions and Safeguards (Page 15)

- s) 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 that will provide for an equal level of protection from agricultural activities to residents, visitors and guests of the winery-chateau. Upon such demonstration, the township board may permit a lesser setback.

- i. The board finds that guest accommodations are not part of the proposed plans.

This standard HAS been met.

- t) The township 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:

The winery-chateau section of the ordinance requires seventy-five percent (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. It does not require that any of the wine produced on the site be made from wine fruit grown on Old Mission Peninsula. However, maximum participants at guest activities is related to wine fruit production on Old Mission Peninsula if guest activity uses are allowed to take place at a winery-chateau facility.

- i. The board finds that the applicant owns a 45.77-acre site. Apart from crops produced on site, Bowers Harbor Vineyard has provided documentation attesting to the purchase of 84.06 tons of grapes from Peninsula Township farmers in 2018. Per the Zoning Ordinance, the maximum number of people at one or more Guest Activities on the SUP property at one time will be in accordance with Ordinance Section 8.7.3 (10) (u) 3.

This standard WILL BE met by Approval Conditions and Safeguards (Page 15)

- u) Guest activity uses are intended to help in the promotion of Peninsula Township agriculture by:

- Identifying “Peninsula Produced” food or beverage for consumption by the attendees.
- Providing “Peninsula Agriculture” promotional brochures, maps, and awards.
- Including tours through the winery and/or other Peninsula Township agriculture locations.

- i. The board finds that the applicant intends to continue promoting Peninsula Township-based agriculture throughout its operations and that the applicant will be limited to conducting those uses allowed under section 8.7.3 (10) (u) 2 such as wine and food seminars, meetings of non-profit groups, and meeting of agriculturally related groups.

This standard HAS been met.

5. COMPLIANCE WITH GOVERNMENTAL REGULATIONS:

The petitioner shall comply with all state, county, township and other governmental regulations relative to the establishment for a parcel zoning A-1, agricultural, with the above permitted use(s) on site, which includes meeting the requirements of the Michigan Department of Transportation (MDOT), the Grand Traverse County Drain Commissioner (GTCDC), the Grand Traverse County Road Commission (GTCRC), and the Grand Traverse County Health Department (GTCHD). Zoning compliance is based on the governing special land use document, approved site plan, and Articles 6 and 8 of the Peninsula Township Zoning Ordinance.

6. APPROVAL CONDITIONS AND SAFEGUARDS:

Conditions and Safeguards: The board may require 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. Specific conditions include:

1. No wine tasting within 25-feet of Bowers Harbor Park (as shown on Drawing C1.2).
2. The applicant will construct driveway improvements and drive isle improvements in accordance with the recommendations provided by the fire chief in (EXHIBIT 7).
3. The applicant shall comply with reporting requirements stipulated by the Grand Traverse County Health Department (EXHIBIT 10).
4. All new and existing exterior lighting fixtures must comply with section 7.14 of the Zoning Ordinance.
5. Building permits must be obtained from the Grand Traverse County Construction Code Office prior to beginning construction on this project. A certificate of occupancy must be obtained before building use.
6. The access easement across Bowers Harbor Park, west of Bowers Harbor Vineyard, is for limited agricultural equipment access only, and may not serve as an exit or entrance for Bowers Harbor visitors or employees.
7. Guest activities may not be scheduled so close together that there are conflicts in vehicular circulation for ingress and egress, or overlapping demand for parking. Per the Zoning Ordinance, the maximum number of people at one or more Guest Activities on the SUP property at one time will be in accordance with Ordinance Section 8.7.3 (10) (u) 3.
8. Bowers Harbor Vineyards acknowledges that employees, guests, visitors, and bus drivers must park on-site and may not utilize Bowers Harbor Park or the public right-of-way. Failure to effectively control and manage parking demand (as described in EXHIBIT 13) may result in action taken by the Township Board pursuant to Section 8.7.3 (10), which could result in closing all guest activity uses on the premises.
9. Per the zoning ordinance, no activities or events may take place in or otherwise involve tents, or temporary structures.
10. No other signs shall be allowed except those illustrated on C1.1 and those that identify bus or handicapped parking, or those necessary for public safety.
11. Parking area plans have been reviewed by the township engineer and further review is needed to address minor issues concerning a safe transition between the overflow parking and the existing asphalt drive, and that gravel is to be provided at the west and north employee parking turn-arounds.
12. The approval of this special use should, in no way, be considered to be precedent setting in terms of either future amendments to this special use permit (SUP), or in terms of any similar properties in Peninsula Township. Approval of this SUP was enacted to address long-standing issues associated with Bowers Harbor Vineyard that predate the establishment of local wineries and winery regulations in the zoning ordinance itself.

13. Bowers Harbor Vineyard will plant no less than 1.2 acres of grapes or fruit trees to meet the Winery Chateau Requirements as described on Drawing C1.0.
14. This SUP approval contains specific timeframes for necessary for actions to be taken in the immediate and near-term. These are described below:

Immediate action items – (necessary to fulfill SUP conditions operate as a Winery Chateau)	
Action	Outcome/Results
1. Modify the circle drive to allow for emergency vehicle access.	Necessary improvements are built, and the Fire Chief provides a written statement to Peninsula Township that he approves of the turning radiuses and lane widths for emergency vehicles.
2. Consult with the Township Engineer to address all issues pertaining to grades, lines of sight, paved parking area, turn-around and stormwater management.	Improvements are built and the Township Engineer provides a written statement to Peninsula Township that she approves of the grades, line, of sight, turn-arounds and drainage. This includes construction of asphalt parking area along existing drive and establishment of all other parking shown on the site plan C1.1 (dated 6-19-19).
3. Provide all 153 parking spaces shown on the site plan.	All parking shown on the site plan is provided before guest activities may begin.
4. All existing and new exterior lighting fixtures comply with section 7.14 of the Zoning Ordinance.	All existing exterior lighting fixtures not in compliance with Section 7.14 are changed to comply.
Near-Term Action Items – (Necessary to continue with an established SUP indefinitely in accordance with all approval conditions listed above)	
Action	Outcome / Results
5. Plant no less than 1.2 acres of grapes or fruit trees.	Planting occurs on, or before, July 1, 2020 and is maintained thereafter. Failure to comply is a violation of this SUP.
6. Apply for a Land Use Permits to construct the deck, tasting room addition, pavilion addition, house addition and garage.	Applications for land use permits and related Grand Traverse County permits, are made within one year of completion of action items 1-4 above. Failure to comply results in the need to amend this SUP to subsequently include these item(s).

Bowers Harbor Vineyard may continue wine tasting and related activities allowed under SUP #32 and Township Board action allowing dining in the vines until Immediate Action Items listed above are completed, at which time Bowers Harbor Vineyard may conduct Guest Activity Uses (pursuant to Section 8.7.3 (10) (u)), and SUP #32 is rescinded.

7. COMMENCEMENT AND COMPLETION OF SPECIAL LAND USE:

The commencement and completion of special land uses are governed by Section 8.1.2(5) of the Peninsula Township Zoning Ordinance. Violations of the special land use and accompanying site plan are enforceable and remedies available under Section 3.2 of the zoning ordinance.

8. EFFECTIVE DATE OF SPECIAL LAND USE:


The Special Land Use shall be effective when the application has been approved by the Peninsula Township Board of Trustees, subject to the above conditions. The board approves by a vote of:

AYES
NAYS
ABSTAINING
ABSENT

Wunsch, Achorn, Bidala, Wahl, Sawyer, Chown
Manigold

The undersigned hereby certifies that she is the Clerk for the Township of Peninsula, Grand Traverse County, Michigan, and that the foregoing special use permit was approved by the Peninsula Township Board of Trustees on July 23, 2019.

The undersigned further certifies that a quorum was present at said meeting and that said meeting complied with all applicable laws and regulations.


Rebecca Chown, Peninsula Township Clerk

Approved by the Peninsula Township Board on July 23, 2019.


Rob Manigold, Peninsula Township Supervisor

THIS PERMIT SHALL BE ATTACHED TO THE SITE PLAN AND BECOME A PART THEREOF.

I hereby acknowledge that I have received a true copy of the special land use permit and I have been informed of said requirements of this special land use permit and of the requirements of the Peninsula Township Zoning Ordinance pertaining to the operation of the approved Winery-Chateau.


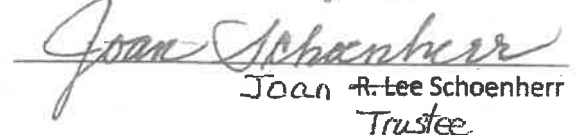

Linda Stegenga

Joan R. Lee Schoenherr
Trustee

Exhibit 3

Sarah Keever

From: Sarah Keever
Sent: Thursday, January 18, 2024 1:24 PM
To: planner@peninsulatownship.com
Cc: Marc S. McKellar II; cpatterson@fsbrlaw.com
Subject: FW: Driveway Project Schedule, Winery Chateau Status
Attachments: email.pdf

RE: Bowers Harbor Vineyard

Jenn,

This is an email chain regarding the Winery-Chateau status, about items 1-4 that were completed by 2019. They were reviewed by, Randy Meilnick, GFA and the owner, Linda Stegenga, provided written confirmation of the top course paving, which Spencer can confirm was completed.

I will show these items as completed on the plan (along with item 5, which was referenced on the GFA survey I emailed you) for visible reference, but wanted you to have the documentation that these were completed- Randy signed off in 2019 and maybe you have that in a file.

I will provide the site plan to show these above items.

Thanks,
Sarah

From: planner@peninsulatownship.com <planner@peninsulatownship.com>
Sent: Thursday, October 24, 2019 10:33 AM
To: 'Kristy McClellan' <info@bowersharbor.com>; 'Gregory M. Meihn' <gmeihn@foleymansfield.com>; 'Zoning' <Zoning@peninsulatownship.com>
Cc: Sarah Keever <sarah@northview22.com>; 'Linda Stegenga' <linda@bowersharbor.com>; 'Spencer Stegenga' <spencer@bowersharbor.com>; 'Infante, Joseph M.' <infante@millercanfield.com>; 'Jennifer Hodges' <jennifer@gfa.tc>; firechief@peninsulatownship.com
Subject: RE: Driveway Project Schedule, Winery Chateau Status

Kristy – Just one minor thing from this morning. See attached email. I have requested the written statements as indicated.

Randy A. Mielnik, AICP
Director of Planning
Peninsula Township
13235 Center Road
Traverse City MI, 49686
Phone - 231-223-7314
Fax – 231-223-7117
planner@peninsulatownship.com

From: Kristy McClellan <info@bowersharbor.com>
Sent: Wednesday, October 23, 2019 4:35 PM
To: planner@peninsulatownship.com; 'Gregory M. Meihn' <gmeihn@foleymansfield.com>; 'Zoning' <Zoning@peninsulatownship.com>

Cc: 'Sarah Keever' <sarah@northview22.com>; Linda Stegenga <linda@bowersharbor.com>; Spencer Stegenga <spencer@bowersharbor.com>; 'Infante, Joseph M.' <infante@millercanfield.com>; Jennifer Hodges <jennifer@gfa.tc>; firechief@peninsulatownship.com
Subject: RE: Driveway Project Schedule, Winery Chateau Status
Importance: High

Randy, as we have completed 1-4, can you please provide us with verification of our Winery Chateau status and SUP?

We will be asking for permits for our pavilion addition soon and want to have the official paperwork in place.

Thank you!

Kristy McClellan

Director of Operations
Bowers Harbor Vineyards
231-223-7615
www.bowersharbor.com



Notice to Recipient: This email is confidential and meant for only the intended recipient of the transmission. If you received this email in error, any review, use, dissemination, distribution or copying of this email is strictly prohibited. Please notify us immediately of the error by return email and please delete this message from your system. UNLESS EXPLICITLY AND CONSPICUOUSLY DESIGNATED AS "A CONTRACT INTENDED", THIS EMAIL DOES NOT CONSTITUTE A CONTRACT, OFFER, A CONTRACT AMENDMENT, OR AN ACCEPTANCE OF A CONTRACT OFFER. Thank you in advance for your cooperation.

From: planner@peninsulatownship.com <planner@peninsulatownship.com>
Sent: Monday, September 23, 2019 8:51 AM
To: Kristy McClellan <info@bowersharbor.com>; 'Gregory M. Meihn' <gmeihn@foleymansfield.com>; 'Zoning' <Zoning@peninsulatownship.com>
Cc: 'Sarah Keever' <sarah@northview22.com>; Linda Stegenga <linda@bowersharbor.com>; Spencer Stegenga <spencer@bowersharbor.com>; 'Infante, Joseph M.' <infante@millercanfield.com>; Jennifer Hodges <jennifer@gfa.tc>; firechief@peninsulatownship.com
Subject: RE: Driveway Project Schedule, Winery Chateau Status

Kristy –

The table below lists the immediate action items approved by the Township Board in July. Once all four items are complete, we can get signatures on the SUP document and you would be under the Winery Chateau Ordinance. Please also note the other “near-term” action items (#5 and #6).

Immediate action items – (necessary to fulfill SUP conditions operate as a Winery Chateau)	
Action	Outcome/Results
1. Modify the circle drive to allow for emergency vehicle access.	Necessary improvements are built, and the Fire Chief provides a written statement to Peninsula Township that he approves of the turning radiuses and lane widths for emergency vehicles.
2. Consult with the Township Engineer to address all issues pertaining to grades, lines of sight, paved parking area, turn-around and stormwater management.	Improvements are built and the Township Engineer provides a written statement to Peninsula Township that she approves of the grades, line, of sight, turn-arounds and drainage. This includes construction of asphalt parking area along existing drive and establishment of all other parking shown on the site plan C1.1 (dated 6-19-19).

3. Provide all 153 parking spaces shown on the site plan.	All parking shown on the site plan is provided before guest activities may begin.
4. All existing and new exterior lighting fixtures comply with section 7.14 of the Zoning Ordinance.	All existing exterior lighting fixtures not in compliance with Section 7.14 are changed to comply.
Near-Term Action Items – (Necessary to continue with an established SUP indefinitely in accordance with all approval conditions listed above)	
Action	Outcome / Results
5. Plant no less than 1.2 acres of grapes or fruit trees.	Planting occurs on, or before, July 1, 2020 and is maintained thereafter. Failure to comply is a violation of this SUP.
6. Apply for a Land Use Permits to construct the deck, tasting room addition, pavilion addition, house addition and garage.	Applications for land use permits and related Grand Traverse County permits, are made within one year of completion of action items 1-4 above. Failure to comply results in the need to amend this SUP to subsequently include these item(s).

Randy A. Mielnik, AICP
 Director of Planning
 Peninsula Township
 13235 Center Road
 Traverse City MI, 49686
 Phone - 231-223-7314
 Fax - 231-223-7117
planner@peninsulatownship.com

From: Kristy McClellan <info@bowersharbor.com>
Sent: Friday, September 20, 2019 12:09 PM
To: Gregory M. Meihn <gmeihn@foleymansfield.com>; planner@peninsulatownship.com; Zoning <Zoning@peninsulatownship.com>
Cc: Sarah Keever <sarah@northview22.com>; Linda Stegenga <linda@bowersharbor.com>; Spencer Stegenga <spencer@bowersharbor.com>; 'Infante, Joseph M.' <infante@millercanfield.com>
Subject: Driveway Project Schedule, Winery Chateau Status
Importance: High

Randy, Christina and Greg-

I wanted to send you an update on our driveway expansion. Elmer's plans on expanding our driveway on October 14-18.

I understand Jennifer, the township engineer, will have to visit after the driveway is complete to review it and make sure it matches the plan.

After that, are we immediately under the Winery Chateau Ordinance? And can we then apply for land permits and building permits to start construction?

Is there anything else you need from us? Any other paperwork? We look forward to getting this done and want to make sure all our bases are covered so we can move forward confidently.

Thank you for your help and time.

Kristy McClellan
 Director of Operations
 Bowers Harbor Vineyards
 231-223-7615



Notice to Recipient: This e-mail is confidential and should be solely the intended recipient of the communication. If you received this e-mail in error, any review, copying, dissemination, distribution, or copying of this e-mail is strictly prohibited. Please notify us immediately of this error by return e-mail and please delete this message from your system. UNLESS EXPLICITLY AND CONSPICUOUSLY DESIGNATED AS "A CONTRACT INTENDED", THIS EMAIL DOES NOT CONSTITUTE A CONTRACT, A CONTRACT AMENDMENT, OR AN ACCEPTANCE OF A CONTRACT OFFER. Thank you in advance for your cooperation.

Bowers Harbor Vineyards



PLAN DATE 10-03-2023 TWP SUBMITTAL 10-03-2023 AMENDMENT AREAS SHOWN

LOCATIONS
PART OF SECTIONS 21 & 28, T29N, R10W,
PENINSULA TWP, GRAND TRAVERSE COUNTY,
MICHIGAN

Bowers Harbor Vineyards

2018-107

GENERAL PLAN INFORMATION

C1.0

SHEET INDEX

SHEET	SHEET TITLE
C1.0	GENERAL PLAN INFORMATION
C1.1	SITE EXHIBIT

NC

NOTES:

1. THIS IS NOT A SURVEY
2. NOT TO BE USED FOR CONSTRUCTION OR MOUND BOUNDARY
3. DATE OF PRINTING 2018-04-23
4. SITE UNDERLAY IS AN ORTHOPHOTO COMPILED FROM DRONE PHOTOGRAPHY
5. 7 CONTIGUOUS DEFLECT APPROPRIATE TOP OF VEHICLE SURFACES
6. ALL POSITIONS SHOWN ARE REFERENCED TO STATE PLANE COORDINATES FOR PROVIDED GEOLCD CONTROL
7. LUNAL RECORDS POINTS PROVIDED BY TOWNS RECORDS AND LOCAL GOVERNMENT

Parcel	Acres	Acres
28-11-121-077-10 Longley Vineyards LLC	8.89	acres
28-11-125-009-12 Schoenherr Vineyards LLC	5.49	acres
28-11-125-004-11 Schoenherr Vineyards LLC	31.29	acres
Total	45.77	acres

AREAS

SEVEN HILLS ROAD

BOWERS HARBOR RD

DRIVE ASSESS. MONITOR, 2011

0.00

**EASEMENT AGREEMENT (L 1152, PG 687)
(LOCATED OVER EXISTING TWO-TRACK)**

11-128-001-12
5.48 ac.

RENDMENT
AREA

Since 2018, 1.2 acres of crops/hauls have been planted per owner. See CFA Survey, file 20194

PROPOSED (FUTURE) 3-CAR GARAGE

Wheat Crop, Convolutions		Access to Future Penning	Total	Percent
Area	Access Penning	14.75		
Elite group	TL2			
Major - elite who	#			
Cost of drawings				
		14.75	14.75	100%

Since 2019, 1.2 acres of crops/margins have been planted per owner. See GFA Summary file 23014

CROP CALCULATIONS

**ENCA AND SPENCER STEENGA
EXISTING CONDITIONS SURVEY
13975 SEVEN HILLS ROAD
SECTION 28, TOWNSHIP 29 NORTH, RANGE 10 WEST
PENINSULA TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN**

These documents are prepared in accordance with the contractual terms and conditions for this project.

**ENGINEERING
SURVEYING
TESTING & OPERATIONS**
123 West Front Street
Trenton, NJ 08644

 <http://cslc>
 231.946.6874 (p)
 231.946.3703 (f)

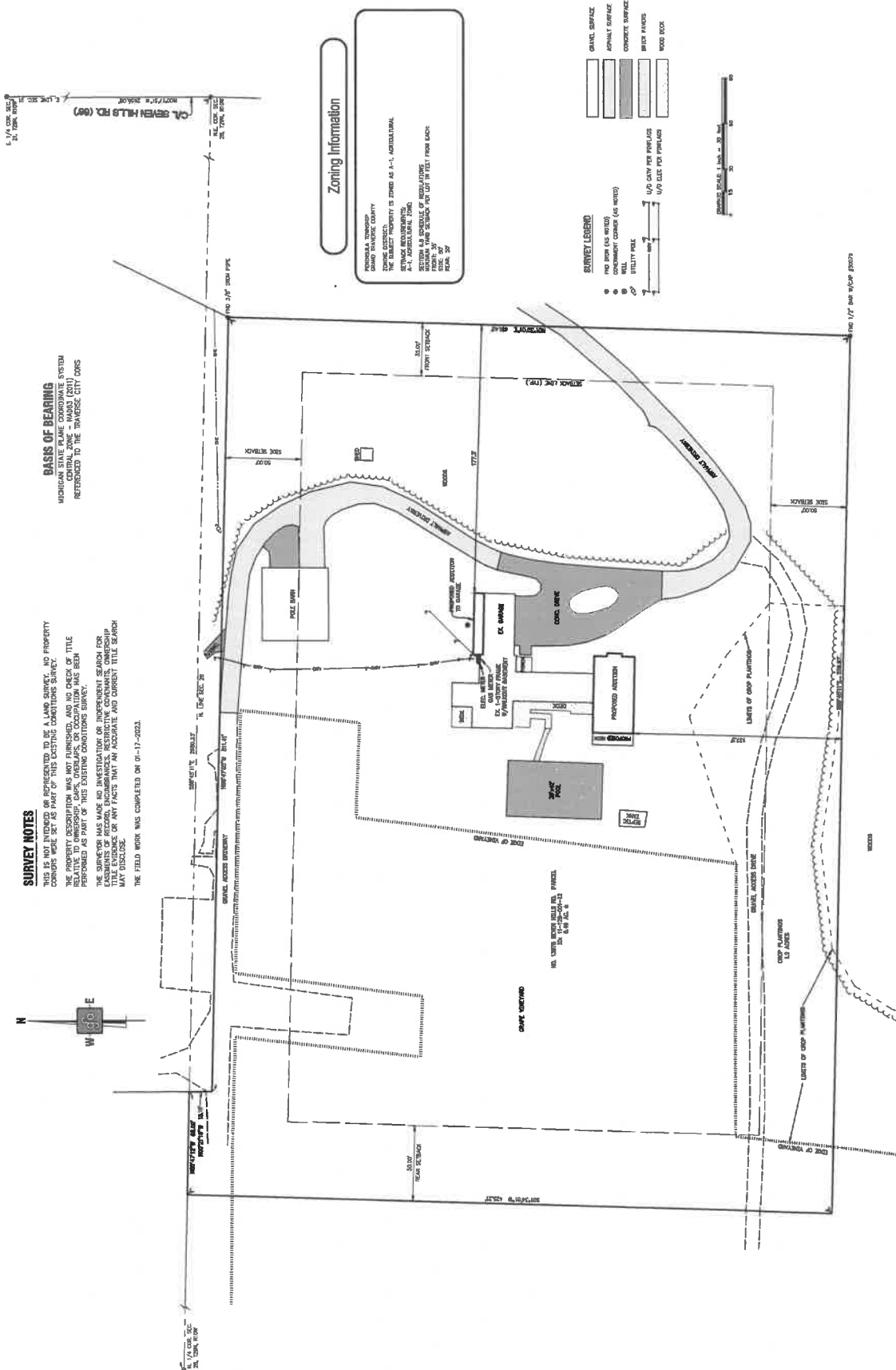


Exhibit 4

Public Comment



Michael Schmidt
Schmidt Family of Companies
402 E Front Street
Traverse City, MI 49686
www.SchmidtFamilyofCompanies.com

February 12, 2024

Peninsula Township Planning and Zoning Department.

I am writing to support in allowing Erica and Spencer Stengenga to move forward with the addition of their home located in Peninsula Township. As a native old mission and resident for over 40 years, I am aware and appreciate the character of our community as well as the efforts of the township board.

I strongly encourage the township to allow them to move forward with the addition of their home that will only bring additional value (tax revenue and beauty of the home) to our township. Please allow them to move forward with this request and thank you for this consideration.

A handwritten signature in black ink that reads "Michael B. Schmidt". The signature is written in a cursive, slightly stylized font.

Michael Schmidt
2704 Neahtwanta Road
Traverse City, MI 49686

Amendment #204

Building Height

02.22.24 DRAFT Clean

**PENINSULA TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN
ZONING ORDINANCE AMENDMENT NO. 204**

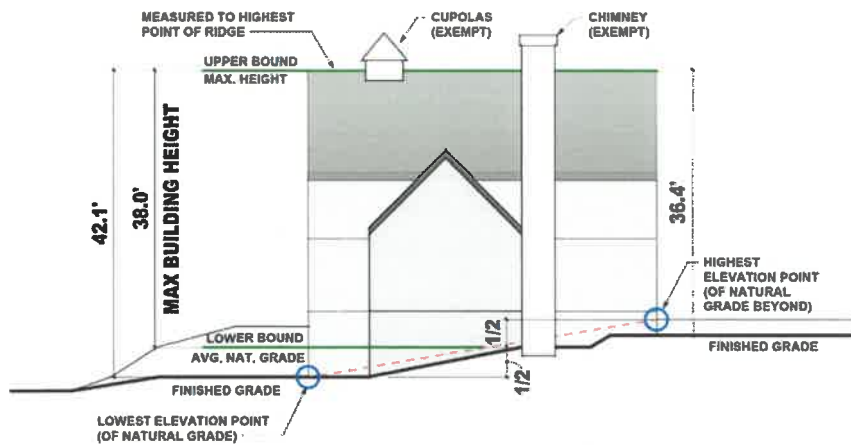
Section 1. Amendment of Section 3.2, Definitions: The Peninsula Township Zoning Ordinance, Section 3.2, shall be amended as specified below:

Section 3.2 Definitions:

Average Natural Grade: The average between the lowest and highest elevations of the Natural Grade where the foundation or exterior walls of a structure meets the ground. **(ADDED BY AMENDMENT 204)**

Basement: A story having part, but not more than one-half (1/2) of its height below finished grade. **(REVISED BY AMENDMENT 204)**

Building, Height of: The vertical distance measured from the mean elevation of the Average Natural Grade to the highest point of the roof. **(REVISED BY AMENDMENT 204)**



SECTION THROUGH LOT B - SHOWING OPTION 1

① SECTION THROUGH LOT B
1/8" = 1'-0"

Cellar: A story having its entire height below finished grade. **(REVISED BY AMENDMENT 204)**

Finished Grade: The completed elevation of land after any movement of soil or alteration by human intervention. **(ADDED BY AMENDMENT 204)**

Natural Grade: The elevation or contour of the land prior to any movement of soil or alteration by human intervention. **(ADDED BY AMENDMENT 204)**

Story, Height of: The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the floor to the top surface of the ceiling joists. (No Change needed)

Section 2. Amendment of Section 6.8, Schedule of Regulations: The Peninsula Township Zoning Ordinance, Section 6.8, shall be amended to read as follows:

Maximum Height of Structures	Feet
	38

Section 3. Amendment of Subsection 7.9.3(4), Airport Overlay District Height Limitations: The Peninsula Township Zoning Ordinance, Subsection 7.9.3 (4), shall be amended to read as follows:

- (4) Provided, however, a structure having a height of 38 feet or less, will be allowed to penetrate any surface area and will not be subject to this section.

Section 4. Amendment of Subsection 8.3.5(5), PUD Maximum Permissive Height: The Peninsula Township Zoning Ordinance, Subsection 8.3.5 (5), shall be amended to read as follows:

- (5) Maximum Permissive Building Height: Not exceeding 38 feet. Accessory buildings shall not exceed a height of 15 feet. Provided that the height of agricultural buildings may be increased pursuant to Section 7.3.3 Permitted Exceptions, Agricultural Districts.

02.22.24 DRAFT Redlined

**PENINSULA TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN
ZONING ORDINANCE AMENDMENT NO. 204**

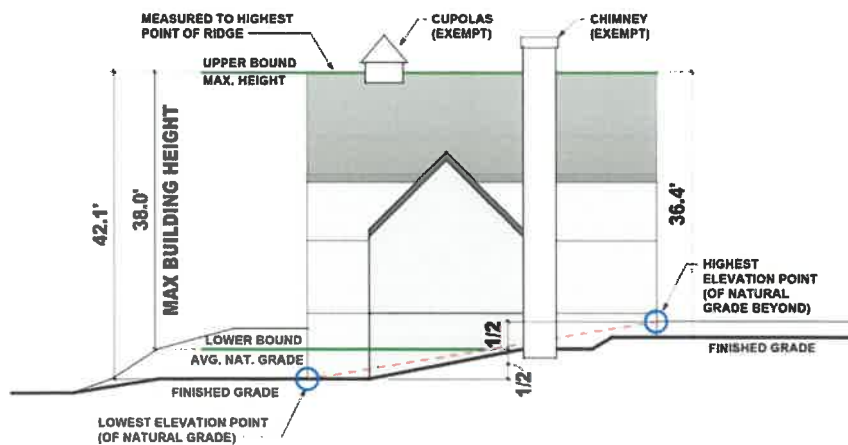
Section 1. Amendment of Section 3.2, Definitions: The Peninsula Township Zoning Ordinance, Section 3.2, shall be amended as specified below:

Section 3.2 Definitions:

Average Natural Grade: The average between the lowest and highest elevations of the Natural Grade where the foundation or exterior walls of a structure meets the ground. **(ADDED BY AMENDMENT 204)**

Basement: A story having part, but not more than one-half (1/2) of its height below finished grade. ~~A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if used for business or dwelling purposes.~~ **(REVISED BY AMENDMENT 204)**

Building, Height of: The vertical distance measured from the mean elevation of the ~~finished Average Natural grade~~ Grade line of the ground about the front of the building to the highest point of the roof. **(REVISED BY AMENDMENT 204)**



SECTION THROUGH LOT B - SHOWING OPTION 1

SECTION THROUGH LOT B
1/8" = 1'-0"

Cellar: A story having ~~more than one-half (1/2) of its~~ entire height below ~~the average finished level of the adjoining groundgrade.~~ A cellar shall not be counted as a story for the purposes of height measurement in stories. (REVISED BY AMENDMENT 204)

Finished Grade: The completed elevation of land after any movement of soil or alteration by human intervention. (ADDED BY AMENDMENT 204)

Natural Grade: The elevation or contour of the land prior to any movement of soil or alteration by human intervention. (ADDED BY AMENDMENT 204)

Story, Height of: The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the floor to the top surface of the ceiling joists. (No Change needed)

~~(REVISED BY AMENDMENT 204)~~

Section 2. Amendment of Section 6.8, Schedule of Regulations: The Peninsula Township Zoning Ordinance, ~~Subsection~~ Section 6.8, shall be amended to read as follows:

Maximum Height of Structures	Stories	Feet
	<u>2½</u>	<u>3538</u>

Also See Exhibit 1

Section 3. Amendment of Subsection 7.9.3(4), Airport Overlay District Height Limitations: The Peninsula Township Zoning Ordinance, Subsection 7.9.3 (4), shall be amended to read as follows:

- (4) Provided, however, a structure having a height of 35-38 feet or less, will be allowed to penetrate any surface area and will not be subject to this section.

Section 4. Amendment of Subsection 8.3.5(5), PUD Maximum Permissive Height: The Peninsula Township Zoning Ordinance, Subsection 8.3.5 (5), shall be amended to read as follows:

~~(5)~~ Maximum Permissive Building Height: ~~2.5 stories but n~~Not exceeding 35-38 feet. Accessory buildings shall not exceed a height of 15 feet. Provided that the height of agricultural buildings may be increased pursuant to Section 7.3.3 Permitted Exceptions, Agricultural Districts.

The Regulations contained herein shall govern the Height, Bulk, and Density of Structures and Land Area by Zoning Dist.

Zoning District	Minimum Zoning		Area	Width in Feet	Maximum Height of Structures	Stories	Minimum Yard Setback Per Lot in Feet from Each			Normal High Water Mark	Maximum %	
	Lot Size Per Dwelling Unit	Height of Structures					Front	Side	Rear		of lot area Covered by All Structures	Minimal Elevational Width of a Principal Structure
R-1A, Rural & Hillside	1 Acre	150(b)			2 1/2(c)	3	30(j)	15(j)	30(j)	60(d)	15	24'
R-1A, PUD; R-1B PUD	(e)	(e)			2 1/2(c)	3	30(e)	15(e)	30(e)	60(d)	15	24'
R-1C, PUD; R-1D PUD	(e)	(e)			2 1/2(c)	3	30(e)	15(e)	30(e)	60(d)	15	24'
R-1B, Coastal Zone			25,000	100(b)	2 1/2(c)	3	30(j)	15(j)	30(j)	60(d)	15	24'
Single and Two-Family												
R-1C, Suburban Residential			20,000	100(b)	2 1/2(c)	3	25(j)	15(j)	30(j)	60(d)	25	24'
Single and Two-Family												
R-1D, Community Residential			15,000	100(b)	2 1/2(c)	3	25(j)	15(j)	30(j)	60(d)	30	24'
Single and Two-Family			25,000	150	2 1/2(c)	3	35	10	30	60(d)	35	
C-1 Commercial			5 A.	330(g,h,i)	2 1/2(c)	3	35(j)	50(f,j)	50(f,j)	60(d)		
A-1, Agricultural												

Section 6.8.1 Schedule Limiting Height, Bulk, Density, and Area by Zoning District. Footnotes -- Additional Requirements

- (b) In the case where curvilinear street pattern produces irregularly-shaped lots with nonparallel side lot lines, a lessor frontage width at the street line may be permitted provided that the lot width at the building line is equal to the lot width for that district.
- (c) Allowable height variations are subject to the provisions of Article VII, Section 7.3
- (d) Does not include fishing, boating or swimming docks, open decks, and boat hoists as provided in Section 6.2.2(2) (c) and 6.2.2(2) (d).
- (e) As approved under Section 8.3.
- (f) The minimum setback for other than residential structures shall be fifteen (15) feet. PROVIDED, HOWEVER, the minimum side yard setbacks for residences shall be fifteen (15) feet on lots of record with lot widths of one hundred ninety-nine (199) feet or less that were recorded prior to the adoption of Amendment No. 91 by the Township Board on June 9, 1992. (REVISED BY AMENDMENT 108)
- (g) Where a lot in the Agricultural District has its access on a public road, the lot shall have a minimum lot width and frontage width of 330 feet. Where a lot in the Agricultural District has as its access a frontage road, that lot shall have a minimum lot width and frontage width of 100 feet and if the lot also abuts a public road, the lot shall also have a width of not less than 330 feet on the public road side of the lot. Where a lot has been created by Planned Unit Development, the minimum frontage width shall be that which is approved by the Township Board.
- (h) REQUIRED LOT SHAPE A lot in the Agricultural District shall be of such shape that a square measuring 210 feet on a side can be located within the parcel. The square has no relevance to structure location or setbacks. (REVISED BY 107D)
- (i) Access to residential building sites on farmland subject to a recorded Conservation Easement consistent with the intent of Ordinance No. 23 shall be regulated by the provisions of Section 6.7.5. (ADDED BY AMENDMENT 117B)
- (j) See Section 7.7.1.1 for required setbacks of residences adjacent to agricultural lands. (ADDED BY AMENDMENT 138A)

01.22.24 DRAFT Redlined

(Redlines show the revisions made based on public comment received during the public hearing on 01.22.24 as recommended by the planning commission to staff)

DRAFT AMENDMENTS FOR MEASURING BUILDING HEIGHT

FOR DISCUSSION PURPOSES ONLY. These amendments will likely evolve based on public comment and planning commission input before moving onto the board. Additional support materials will be provided in the January 22, 2024, packet for the public hearing with the planning commission.

Section 3.2 Definitions

Average Natural Grade: The average between the lowest and highest elevations of the Natural Grade where the foundation or exterior walls of a structure meets the ground.

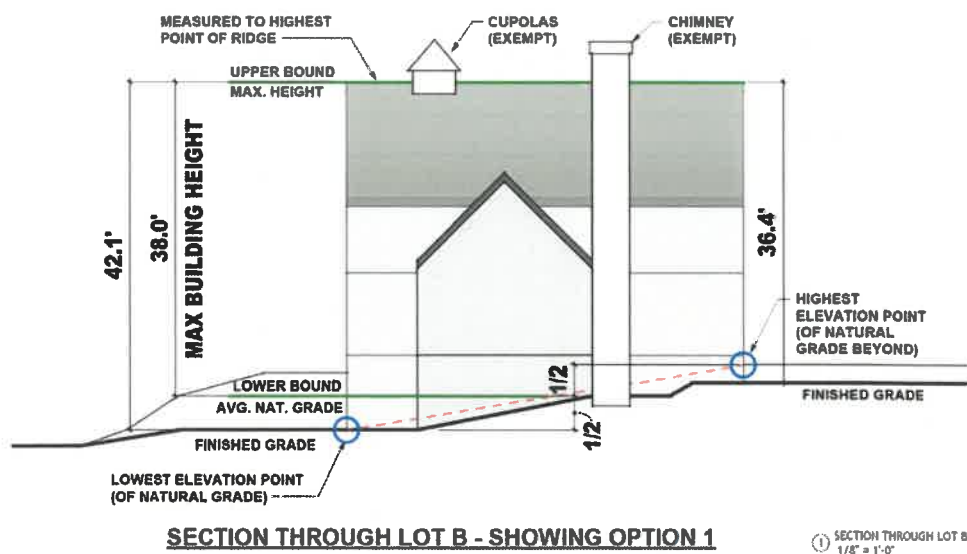
Building, Height of: The vertical distance measured from the Average Natural Grade to the highest point of ~~to the highest point of the a flat roof, the deck line of a mansard roof, and the median between the eave and highest point of a gable, hip or gambrel~~ roof. (See diagrams with roof examples and cross sections)

Finished Grade: The completed elevation of land after any movement of soil or alteration by human intervention.

Natural Grade: The elevation or contour of the land prior to any movement of soil or alteration by human intervention.

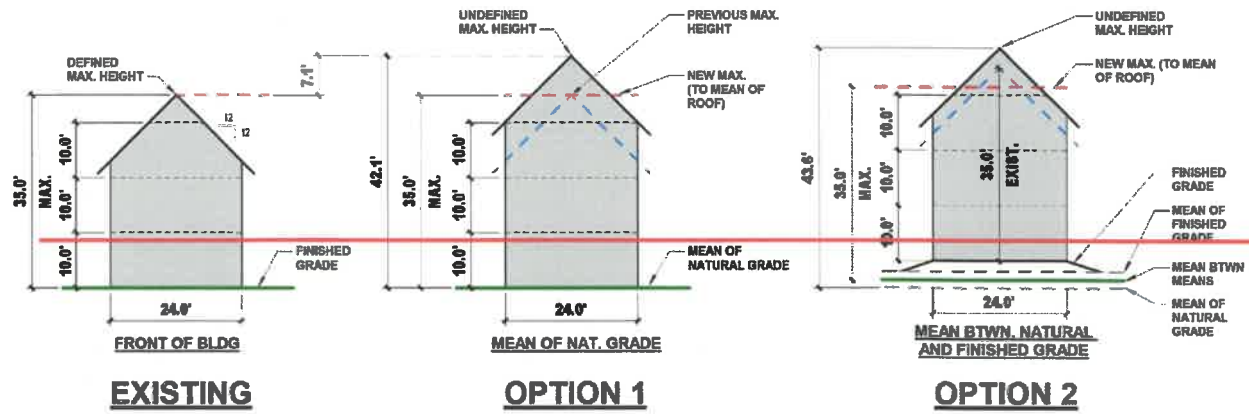
Section 6.8 Schedule of Regulations

~~Change 2.5 stories to 3 stories. Remove reference to stories change maximum of 35 feet to 38 feet.~~



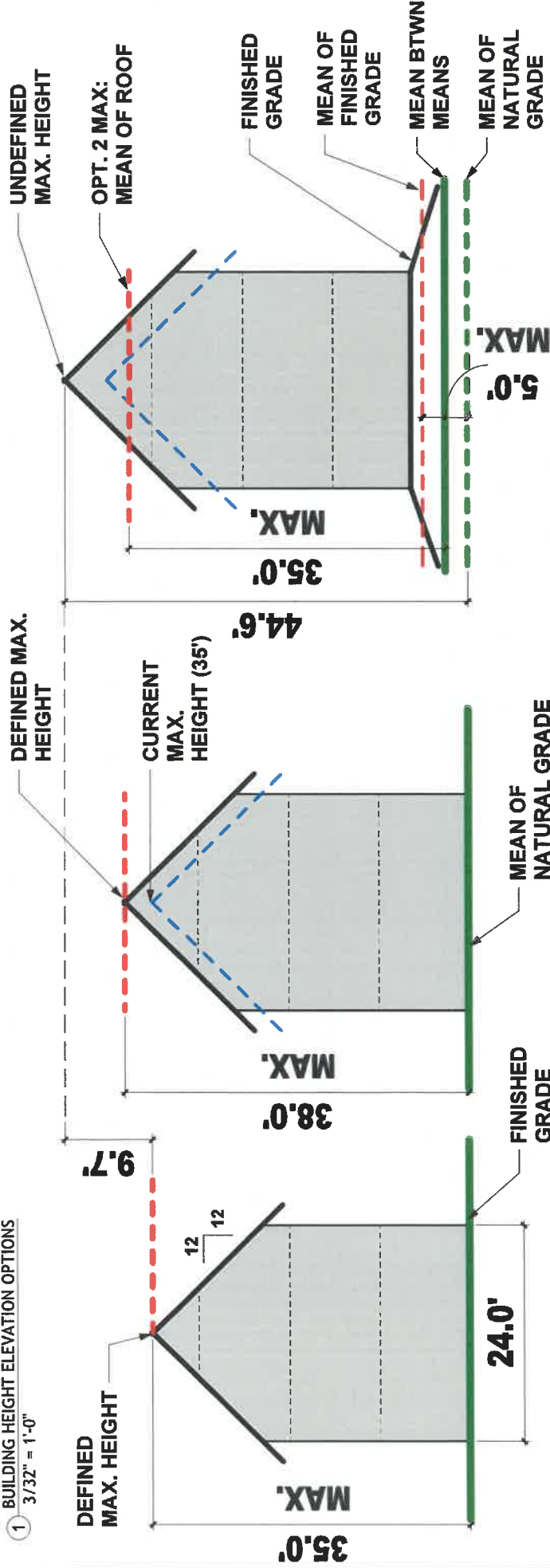
The diagram illustrates nine common roof types, each with a cross-sectional view and a label for its height measurement:

- GABLE:** A simple two-sided roof with a vertical gable end. Height is measured from the base to the peak.
- HIP:** A roof with four sloping sides that meet at a central point. Height is measured from the base to the peak.
- SHED:** A single-sloped roof. Height is measured from the base to the highest point.
- SALTBOX:** A roof with a low-pitched front slope and a steeper rear slope. Height is measured from the base to the peak.
- FLAT:** A horizontal roof. Height is measured from the base to the top surface.
- A-FRAME:** A steeply pitched roof with a triangular shape. Height is measured from the base to the peak.
- MANSARD:** A roof with two levels of slopes on each side, often topped with a flat section. Height is measured from the base to the top of the main slope.
- GAMBREL:** A roof with two distinct slopes on each side, creating a small window in the gable. Height is measured from the base to the peak.
- BARREL:** A curved, semi-circular roof. Height is measured from the base to the highest point.



Building Height Diagrams

1 BUILDING HEIGHT ELEVATION OPTIONS
3/32" = 1'-0"



CURRENT

FINISHED GRADE
@ FRONT OF BLDG
TO MAX HEIGHT

OPTION 1

MEAN OF NAT. GRADE
TO MAX HEIGHT (35' +)

OPTION 2

MEAN BTWN. NATURAL AND
FINISHED GRADE
TO MEAN OF ROOF



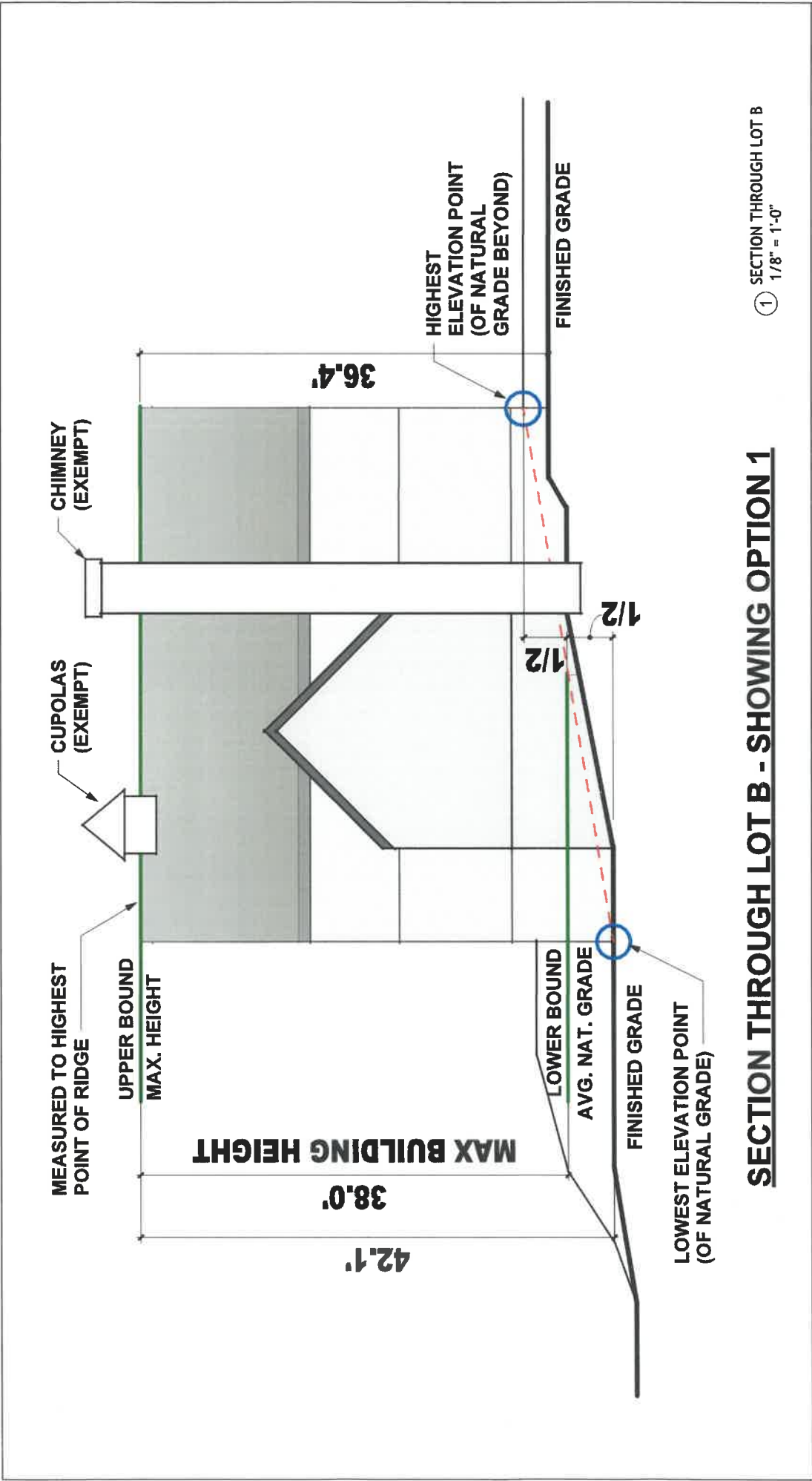
WILLS-BEGLEY
ARCHITECTURE + DESIGN
ELLIS WILLS-BEGLEY
(231) 492-3133
ELLISWILLSBEGLEY@GMAIL.COM

BUILDING HEIGHT STUDIES

PENINSULA TOWNSHIP

No.	Description	Date

BLDG. HEIGHT ELEVATIONS		
Project number	2313	A101
Date	2.14.23	
Drawn by	Ellis	
Checked by	JC	Scale 3/32" = 1'-0"



SECTION THROUGH LOT B
1/8" = 1'-0"

SECTION THROUGH LOT B - SHOWING OPTION 1



WILLS-BEGLEY
ARCHITECTURE + DESIGN
ELLIS WILLS-BEGLEY
(231) 492-3133
ELLISWILLSBEGLEY@GMAIL.COM

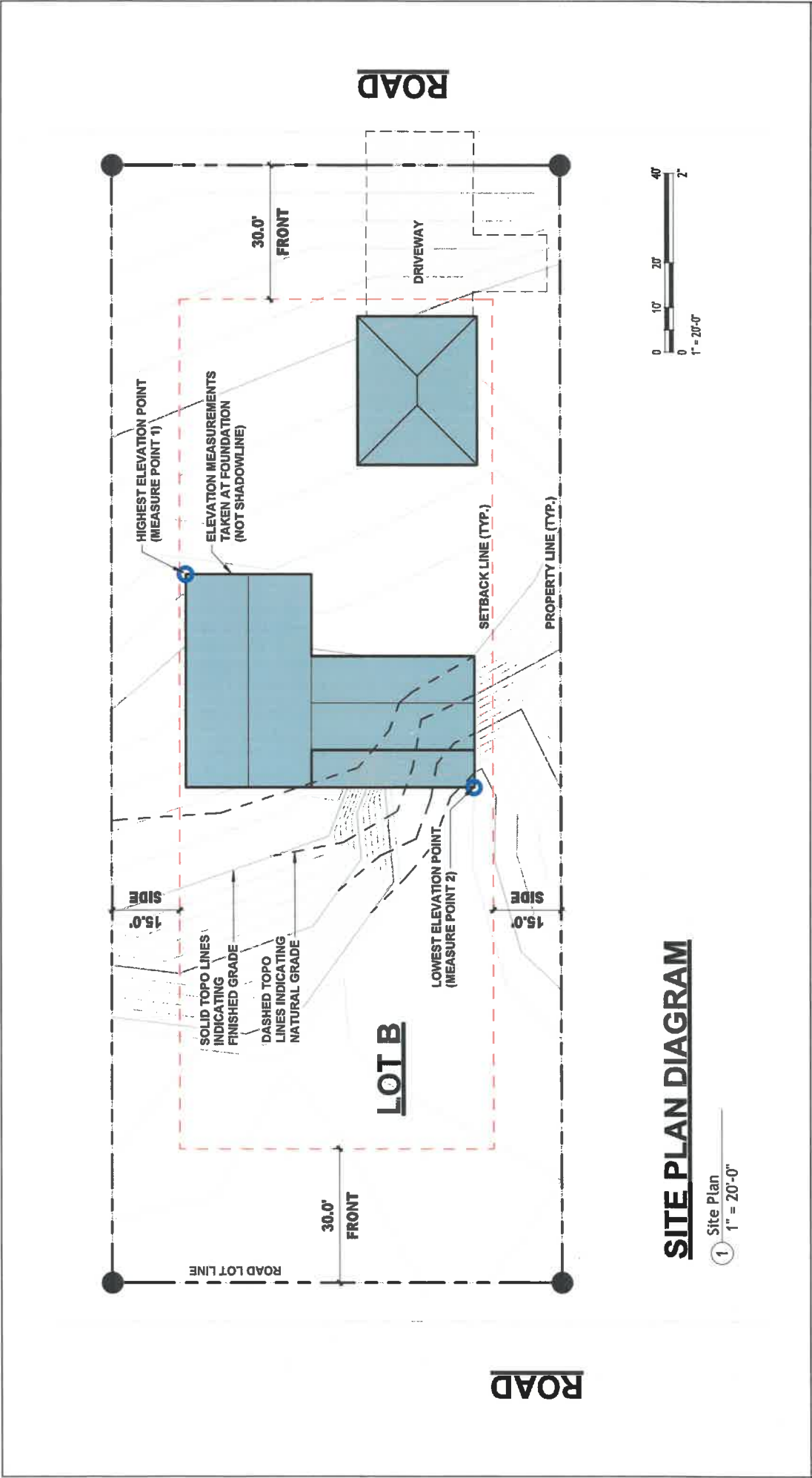
BUILDING HEIGHT STUDIES

PENINSULA TOWNSHIP

No.	Description	Date

OPTION 1 - SECTION

Project number	2313	A102
Date	2.14.23	
Drawn by	EWB	
Checked by	JC	
Scale		1/8" = 1'-0"



SITE PLAN DIAGRAM

1 Site Plan
1" = 20'-0"



WILLS-BEGLEY
ARCHITECTURE + DESIGN
ELLIS WILLS-BEGLEY
(231) 492-3133
ELLISWILLSBEGLEY@GMAIL.COM

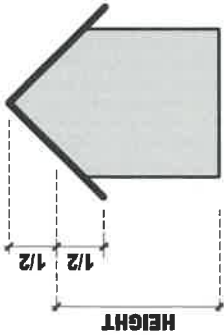
BUILDING HEIGHT STUDIES
PENINSULA TOWNSHIP

No.	Description	Date

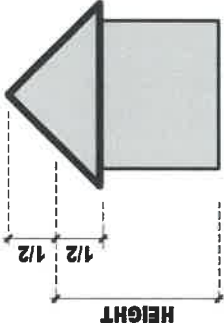
SITE PLAN - INLAND		
Project number	2313	A100
Date	2.14.23	
Drawn by	EWB	
Checked by	JC	
Scale		1" = 20'-0"

ROOF MEASUREMENT DIAGRAMS

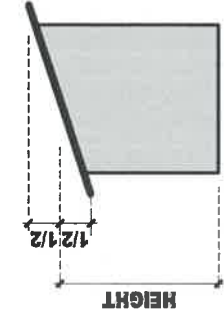
1 ROOF MEASUREMENT DIAGRAMS
1/4" = 1'-0"



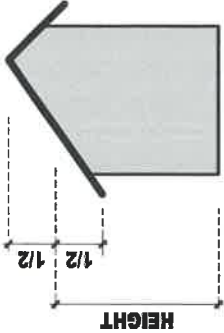
GABLE



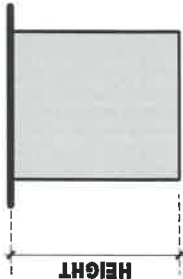
HIP



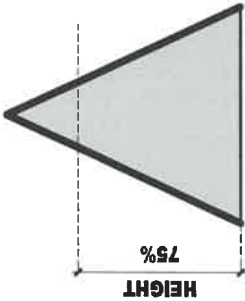
SHED



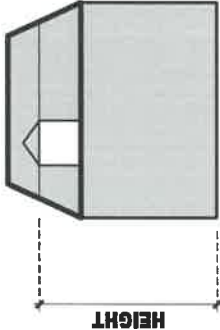
SALTBOX



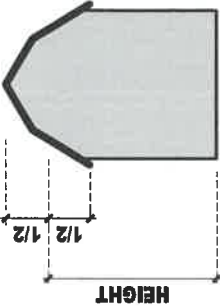
FLAT



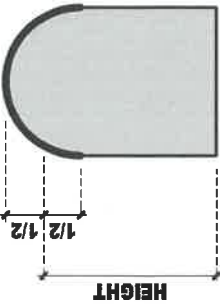
A-FRAME



MANSARD



GAMBREL



BARREL



WILLS-BEGLEY
ARCHITECTURE + DESIGN
ELLIS WILLS-BEGLEY
(231) 462-3133
ELLISWILLSBEGLEY@GMAIL.COM

BUILDING HEIGHT STUDIES

PENINSULA TOWNSHIP

No.	Description	Date

ROOF DIAGRAMS

Project number	2313	A103
Date	2.14.23	
Drawn by	EWB	
Checked by	JC	
Scale 1/4" = 1'-0"		

Public Comments

2-14-2024

Submitted by Curt Peterson for Draft Packet of Planning Commission Meeting
Thur. February 22, 2024

To: Members of the Peninsula Twp. Planning Commission.

Topic: Compliance with the Michigan Zoning and Enabling Act of 2006 for legally Amending a Zoning Ordinance. (see text of Statute MCL 125 et.seq.) (Michigan State University Extension Land Use Series revised July 21, 2015)

Summarizing the main procedure points for amending a zoning ordinance and sequence:

1. Proposed amendment by Planning Commission (can be aided by interested parties)
2. Planning Commission holds at least one public hearing.
3. After the hearing the Planning Commission may recommend to the legislative body (township board) adoption or not, including a written summary of each comment made at the public hearing (MCL 125.3308).
4. The legislative body may hold an additional hearing.
5. If the legislative body considers changes, additions, or amendments to the proposed zoning amendment; the changes etc. may be referred back to the Planning Commission for consideration within a prescribed time.
6. The legislative body shall vote on the adoption of the proposed zoning amendment, with or without amendments.

The Planning Commission is potentially at this Feb 22nd meeting utilizing a non-compliant procedure per Michigan State Statute.

Nowhere in State Law is an employee of the Township or citizen allowed to make changes, after step 3, to the proposed amendment and send it back to the Planning Commission after the public hearing for approval to be sent on to the legislative body.

If the Planning Commission feels/determines that they are not happy with the proposed amendment after the public hearing they can recommend to the legislative body to not pass the amendment. The Planning Commission may

make changes and hold a new hearing with proper legal notification if they so choose.

From 1-22-2024 Planning Commission Packet letter from our Planner to the Planning Commission on Amendment #204:

“The goal of the public hearing on January 22 is to share draft language with the planning commission, listen to public comment, and answer questions. We anticipate that further revisions (emphasis added) to the draft language may be needed once we hear from the public and receive feedback from the commission . As such, we do not anticipate that the planning commission will take action on January 22.”

From the Township Board meeting 2-13-2024 our Planner said, “Building height is moving along. We have draft language that the Planning Commission will be looking at again. We held a public hearing at the Jan. meeting and received comment so I will be bringing revisions (emphasis added) back to the Planning Commission and will be bringing before the board in March.”

If the Planning Commission follows this sequence of actions and passes a revised amendment (unvetted in its totality by a public hearing due to unauthorized changes) then that passage is not in compliance with Michigan State Statute (Michigan Zoning and Enabling Act). The Planning Commission can and should, if changes are desired, schedule another public hearing that publishes a new draft amendment.

The integrity of Township government is important in following the legally prescribed procedures for amending a township zoning ordinance.

Thank you,

Curt Peterson

1356 Buchan Dr.

Traverse City, Mi. 49686