

**Peninsula Township Town Board
Regular Meeting
March 15, 2016**

Meeting called to order at 7:00 P.M.

Present: **Correia**, Chair; **Rosi; Weatherholt; Witkop, Byron; Avery**. Also present were *Michelle Reardon*, Director of Planning and Zoning; *Claire Schoolmaster*, Planning and Zoning Coordinator; *Peter Wendling*, Township Attorney and *Mary Ann Abbott*, Recording Secretary.

Absent: Hoffman (excused)

Approve Agenda

Correia An amended Agenda was posted on the website and available in the back of the room. The Public Hearing on Item #3 The 81 on East Bay Special Use Permit has been cancelled at the request of the applicant. *Reardon* The Public Hearing will be rescheduled and republished. *Wendling* The applicant wanted to have the full board present for the hearing and Monica is absent.

MOTION: Weatherholt/Byron to approve agenda as amended.

PASSED UNAN

Brief Citizen Comments -- for items not on the Agenda

Brad Lyman, 18420 Center Road spoke on the Green Lake School Resolution supporting their community school and hopes that this community takes such an aggressive and spirited approach to defending their community schools.

Monnie Peters 1425 Neahtawanta sent comments in an email dated 3/14 to the Town Board and wanted to emphasized how her comment was characterized in the minutes. She wanted to make sure it got there as she thought it was important to appropriately characterize citizen comments.

Brit Eaton, 1465 Neahtawanta Road states as a resident of the Township, for the second time, I want to express my deep concern regarding the lack of transparency involving the Township's actions, through its Attorney, and the Grand Traverse County Prosecutor concerning the approval of the Land Division #212 for the Township Supervisor.

The Prosecutor concluded that the land division was improper and has taken actions to oppose the division. This whole process has created an appearance of impropriety, with the lack of the Township publicly addressing the issue and continues to perpetuate the public's perception of impropriety.

I don't know how much Township money has been spent so far in defending the Supervisor's personal Land Division, but the issue should be independently reviewed by another attorney for the good of the Township, its taxpayers and the integrity of this Board.

Jim Konendera, 4168 Rocky Shore Trail spoke on the past relationship of the Township Supervisor and the Attorney for 81. Would like to have this dispelled so that there isn't a lingering doubt among the residents and homeowners about a conflict of interest with this issue and would like to have it addressed. And if there is any activity currently going on between Mr. Quant and the supervisor that this be addressed as well. Answering these questions would clear the air and contribute to the transparency and the objectivity of this board.

Conflict of Interest

None

Consent Agenda

Any member of the Board, staff, or the public may ask that any item on the Consent Agenda be removed and placed elsewhere on the agenda for full discussion.

1. Reports and Announcements (as provided in packet)
 - A. Officers – Clerk, Supervisor, Treasurer
 - B. Departmental – Planning Commission, Zoning Board of Appeals, Attorney, Engineer, Library, Fire Board, Park Commission and Township Deputy.
2. Correspondence (as provided in packet)
3. Edit lists of invoices (recommend approval)
4. Meeting Minutes
 - February 1, 2016 Special Joint Meeting Township Board and Fire Board
 - February 8, 2016 Special Budget Meeting

- February 9, 2016 Special Joint Meeting Township Board and Fire Board and Regular Township Board Meeting
- February 22, 2016 Special Budget Meeting
- February 22, 2016 Special Joint Meeting Township Board and Planning Commission (recommend approval)
- February 29, 2016 Special Budget Meeting
- 5. February 2016 Payroll (recommend approval)
- 6. Old Mission Women's Club Sign Request (recommend approval)
- 7. Daughters of the American Revolution Request (recommend approval)
- 8. 2016-2017 Regular Meeting Calendar (recommend approval)
- 9. Bloomer Storm Water Permit Fee Refund (recommend approval)
- 10. Park Commission Request for Township to be Chamber of Commerce Members (recommend approval)

Byron would like item #10 Park Commission Request for Township to be Chamber of Commerce Members to be moved to Business #9.

MOTION: Byron/Rosi to approved Agenda as amended.

PASSED UNAN

MOTION: Avery/Witkop to accept the Consent Agenda as amended.

Roll Call Vote: Rosi-Yes; Witkop-Yes, Weatherholt-Yes; Correia-Yes; Byron-Yes; Avery-Yes

PASSED UNAN

Business

1. Mari Vineyards Winery- Chateau-Public hearing

Reardon presented opening statements on this issue. There are Findings of Fact in the packet and increased information for the special use permit application for the Winery –Chateau. Planning Commission has reviewed this application and has held two public hearings, deliberated and recommends approval by the Town Board. The Public Hearing can continue, the engineers and applicant are present to answer any questions on the information presented tonight and the Town Board may decide if it wishes to deliberate and decide at a later meeting or would like to proceed at this time. The applicant is aware of the policy.

Discussion continued on deliberation options, clarification of the 75% planting and subsequent approval of the SUP, maximum rooms that will be allowed for the Guest House

Public Hearing Open at 7:27 p.m.

Applicant *Marty Laguina, 232 W. McKinley* spoke asking the Town Board to vote on this tonight. Due to the diligence of the staff the 75% planting is ready. The information which resulted in this change of information tonight is highly technical and was reviewed of the Township engineer who has given his approval.

Applicant presented four clarifications: 1.) 15.7 acres of maple production is what they are doing right now. That is how we are meeting the ordinance, but it should not be interpreted that this will always be maple. We need to have 15.7 acres of fruit. They may plant grapes in the future 2.) Water Processing: to meet the ordinance we are hauling our waste water until we get a valid DEQ permit and we will then use an on-site system. 3.) Findings of Fact say Bed and Breakfast rather than Guest House. It is a Guest House not a B&B. 4.) Guest Activities limited to 50 people, but that is a moving target under the ordinance. If we put more production out this number could change.

Avery Opening Date? *Applicant* Late April? *Witkop* Plants in the ground *Applicant* first week in May *Witkop* we do not want to hold you up but we are not giving SUP until the grapes are in the ground. *Applicant* Not a Chateau until the grapes are in the ground *Byron* Why didn't you apply for the Chateau SUP originally. *Applicant* process takes a long time. *Rosi* Planning Commission reviewed extensively, there was public opposition, and then reconciliation and the audience did approve.

Public Hearing Open at 7:27 p.m.

Correia Any comments from the audience? None

Avery would like to ask *Gourdie-Fraser* is there is any reason that we should have concerns. *Brian Boals, Gourdie- Fraser* No. This is the kind of information I would like to see on any of these plans. You could move forward with construction.

Avery to *Wendling* Is there anything here that people would questions if we choose to move forward. You can proceed or defer to next meeting. **Avery** to *Rosi* Due to being on the planning commission is it your opinion that this has been well vented? **Rosi** Yes I think it has.

Witkop Asked for clarification on Waste Water and DEQ permits. *Reardon* This is for the discharge of waste water from production to the Septic Treatment plant .

Discussion by the Board on how to proceed.

Reardon would like that staff be allowed to change Findings to read Guest House where ever it says Bed and Breakfast; that a statement under Guest Activities be added which says “The Board finds that the maximum number of participants in attendance shall not exceed 111 upon verification of the required documentation as per Section 8.7.3 (10) (u)3.” And requests that be added to the section that says at this time it is only 50; and then a statement be added that says “The Board finds that the site will be in compliance of Waste Water Disposal in perpetuity”; and wherever the acreage is detailed and what it is planted in that a statement be added that “The Board finds that the site shall remain in compliance with the Section 8.7.3 (10) (u).”, so that they have the freedom to put in more grapes should they wish and take out part of the woods or switch from crap apples to grapes, or grapes to apples. I don’t think the board has ever been in the business of telling them what to plant as long as they are in compliance with the ordinance.

The final Findings of Fact read as follows:

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

**SPECIAL USE PERMIT
FINDINGS OF FACT
SUP #126 Mari Vineyards (Winery-Chateau)
March 15, 2016**

1. General Findings of Fact

1.1 Property Description-

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

1.2 Action Request-

- a. The Board finds that the applicant is seeking site plan and special use permit approval to allow a Winery-Chateau and the associated, permitted accessory uses. (Exhibit 4)
- b. The Board finds that the final site plan and special use permit are subject to the requirements of Sections 8.1.3 Basis of Determination and 8.7.3 (10) Winery-Chateau of the Peninsula Township Zoning Ordinance. (Exhibit 2)

1.3 Zoning/Use-

- a. The Board finds that the proposed winery chateau site is zoned A-1, Agricultural District encompassing portions or all of six (6) parcels which are considered conforming to local zoning. (Exhibit 2, 4)

- b. The Board finds that the Mari Vineyard Winery was approved as a Farm Processing Facility by Land Use Permit (LUP) #5221 in 2014. (Exhibit 3)
- c. The Board finds that the applicant is working with the local permitting agencies to obtain compliance for the proposed site plan. (Exhibits 4)

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

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

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

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

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

The board finds that the proposed winery-chateau is an agricultural use. This type of land use is specifically supported within the 2011 Master Plan as one of the goals in this district to encourage local growers to produce, process, and market agricultural

products. The plan preserves 15+ acres of sugar maples which are being cultivated for product made at the winery. Further the property hosts significant vineyard. (Exhibit 1, 2, 4)

This standard HAS been met.

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

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

This standard HAS been met.

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

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

The Board finds that the County Sheriff has conducted a review of the submitted plans and offered comments. The Sheriff finds no issues with the proposed plan. (Exhibit 16)

The Board finds that the applicant has supplied on site fire suppression as requested by the Peninsula Township Fire Department. (Exhibit 4)

The Board finds that the proposal has been reviewed by the Township Engineer of Record is determined to be in compliance with the Storm Water Control Ordinance. (Exhibit 3, 4, 8, 18)

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

The Board finds that at this time wine production waste water disposal shall be transported off site to the Grand Traverse County Septage Treatment Facility as allowed by the Grand Traverse County Department of Public Works. (Exhibit 15)

The Board finds that the site shall remain in compliance with the appropriate regulations as it relates to wine production waste water disposal in perpetuity. (Exhibit 2)

This standard HAS been met.

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

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

The Board finds that the development as presented will not create excessive additional requirements at public cost for public facilities and services given that development of a winery chateau is allowed in the zoning district in which the property is located. The Board further finds that the Applicant's plans incorporate private roads within the development which meet the requirements of this standard and which do not create any excessive additional requirements at public cost with respect to the utilization of public facilities and services. (Exhibit 4)

This standard HAS been met.

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

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

This standard HAS been met.

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

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

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

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

This standard HAS been met.

- b. That all required information has been provided.

The Board finds that the applicant has provided the required information for the issuance of a special use permit, inclusive of details site plans. With the exception of the winery structure, the manager's residence, and the existing agricultural buildings on site, each accessory structure prior to construction will require the issuance of a land use permit from the Township in compliance with the approved SUP and the Peninsula Township Zoning Ordinance. (Exhibit 4)

This standard HAS been met.

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

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

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

This standard HAS been met.

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

The Board finds that the applicant has applied for an MDOT permit regarding the location of the commercial access along M-37/Center Rd. The commercial driveway from Center Rd. has been reviewed and approved by the Michigan Department of Transportation. (Exhibit 4, 7 & 12)

The Board finds that the County Sheriff has conducted a review of the submitted plans and offered comments. The Sheriff finds no issues with the proposed plan. (Exhibit 16)

The Board finds that the applicant has supplied on site fire suppression as requested by the Peninsula Township Fire Department. (Exhibit 4)

The Board finds that the proposal has been reviewed by the Township Engineer of Record is determined to be in compliance with the Storm Water Control Ordinance. (Exhibit 3, 4, 8, 18)

The Board finds that the winery structure permitted by LUP #5221 has been reviewed and permitted as required by the Storm Water Control Ordinance. (Exhibit 3, 4, 8)

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

The Board finds that the well and septic systems proposed as part of this project have been conceptually reviewed by the Grand Traverse County Health Department and permits are reasonably assured. (Exhibit 17)

The Board finds that the winery structure permitted by LUP #5221 has been reviewed and permitted as required by the Grand Traverse County Health Department. (Exhibit 9)

This standard HAS been met.

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

The Board finds that the applicant has received all appropriate approvals from governmental entities or, to the extent possible, based upon the regulations of other governmental entities, reasonable assurances that approval from these agencies will be granted. The Board further recognizes that certain agencies will not provide approval until the township approves the special use permit. Once approval has been received and submitted to the Township Planning & Zoning Department as well as to the Township Board, the special use permit will be issued. (Exhibit 4)

This standard HAS been met.

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

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

The Board finds that the applicant is in the process of compliance with local permitting agencies and is in compliance with permitting agencies to the extent such agencies will grant permits prior to the township taking action approving the special use permit. This includes the Grand Traverse County Soil Erosion and Sedimentation Control Department. (Exhibit 4)

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

This standard HAS been met.

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

The Board finds that there is no indication that any existing drains, floodways or flood plains exist on the site; and further that proposal has been reviewed and complies with the regulations of the Peninsula Township Storm Water Control Ordinance. (Exhibit 3, 4, 18)

This standard HAS been met.

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

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

This standard HAS been met.

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

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

This standard HAS been met.

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

The Board finds that the proposal has been reviewed by the Township Engineer of Record is determined to be in compliance with the Storm Water Control Ordinance. (Exhibit 3, 4, 8, 18)

The Board finds that the winery structure permitted by LUP #5221 has been reviewed and permitted as required by the Storm Water Control Ordinance. (Exhibit 3, 4, 8)

This standard HAS been met.

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

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

The Board finds that the proposal has been reviewed by the Township Engineer of Record is determined to be in compliance with the Storm Water Control Ordinance. (Exhibit 3, 4, 8, 18)

This standard HAS been met.

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

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

This standard HAS been met.

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

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

This standard HAS been met.

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

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

This standard HAS been met.

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

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

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

This standard HAS been met.

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

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

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

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

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

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

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

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

This standard HAS been met.

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

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

This standard HAS been met.

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

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

This standard HAS been met.

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

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

This standard HAS been met.

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

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

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

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

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

The Board finds that the proposed residential structures shall be accessed via private road from Underwood Ridge Drive; a private road that has been reviewed for compliance as required by Section 7.10 of the Ordinance. (Exhibits 4, 6, 18)

This standard HAS been met.

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

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

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

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

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

- 1) A site plan of the property showing the location of all present and proposed buildings, drives, parking areas, waste disposal fields, landscaping, plant materials, screening fences or walls, and other construction features which shall be proposed.
The Board finds that the application has been submitted with a site plan that shall govern the site in compliance with this standard. (Exhibit 4)
- 2) A description of the operations proposed in sufficient detail to indicate the effect of those operations in producing traffic congestion, noise, glare, air pollution, fire or safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.

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

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

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

- 3) Engineering and Architectural plans for:
- a. The treatment and disposal of sewage and industrial waste or unusable by-products.

The Board finds that at this time wine production waste water disposal shall be transported off site to the Grand Traverse County Septage Treatment Facility as allowed by the Grand Traverse County Department of Public Works. (Exhibit 15)

The Board finds that the site shall remain in compliance with the appropriate regulations as it relates to wine production waste water disposal in perpetuity. (Exhibit 2)

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

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

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

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

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

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

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

This standard HAS been met.

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

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

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

This standard HAS been met.

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

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

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

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

This standard HAS been met.

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

Refer to the following assessment below.

6. "Area equivalents" shall be calculated as follows:

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

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

This standard HAS been met.

Manager's Residence: five (5) acres;

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

This standard HAS been met.

Single Family Residences: five (5);

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

This standard HAS been met.

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

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

This standard HAS been met.

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

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

This standard HAS been met.

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

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

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

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

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

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

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

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

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

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

The Board finds that the site shall remain in compliance with Section 8.7.3 (10) (h) as required by the Peninsula Township Zoning Ordinance. (Exhibit 2)

This standard HAS been met.

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

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

This standard HAS been met.

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

The Board finds that the proposed winery shall be the principal building onsite and the onsite resident manager shall reside in the existing single family structure located to the south of the winery structure. (Exhibit 4)

This standard HAS been met.

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

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

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

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

This standard HAS been met.

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

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

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

This standard HAS been met.

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

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

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

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

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

This standard HAS been met.

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

The Board finds that the well and septic systems proposed as part of this project have been conceptually reviewed by the Grand Traverse County Health Department and permits are reasonably assured. (Exhibit 17)

This standard HAS been met.

15. Fire safety-

- I. All transient lodging facilities shall conform to the Michigan State Construction Code section regulating fire safety.

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

The Board finds that the applicant has supplied on site fire suppression as requested by the Peninsula Township Fire Department. (Exhibit 4)

The Board finds that the guest house shall comply with the standards of this Ordinance.

This standard HAS been met.

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

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

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

This standard HAS been met.

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

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

This standard HAS been met.

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

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

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

The Board finds that this structure and use shall be reviewed and approved through a land use permit process administered by the Planning & Zoning Department and shall comply with the standards of the Ordinance and the governing Special Use Permit documents. (Exhibit 2, 4)

This standard HAS been met.

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

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

This standard HAS been met.

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

The Board finds that the applicant has requested and is approved for a lesser setback between guest accommodations/facilities and agricultural crops as the management of these crops shall be done using low impact and sustainable techniques; no spray/low spray and ozone, as well as scheduling management activities to accommodate guest and their activities. (Exhibit 4)

This standard HAS been met.

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

1. Intent

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

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

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

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

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

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

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

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

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

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

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

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

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

This standard HAS been met.

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

- g) Fees may be charged for these Guest Activity Uses.

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

This standard HAS been met.

- 2. Uses Allowed. Notwithstanding Section 8.7.3 (10) (m); The following Guest Activity Uses may be approved with a Special Use Permit by the Township Board:
 - a) Wine and food seminars and cooking classes that are scheduled at least thirty days in advance with notice provided to the Zoning Administrator. Attendees may consume food prepared in the class.
 - b) Meeting of 501©3 non-profit groups within Grand Traverse County. These activities are not intended to be or resemble a bar or restaurant use there therefore full course meals are not allowed, however light lunch or buffet may be served.
 - c) Meeting of Agriculture Related Groups that have a direct relationship to agriculture production, provided that:
 - i. The meetings are scheduled at least one month in advance with the Zoning Administrator given adequate advance notice of the scheduling so that the Zoning Administrator can give prior approval;
 - ii. The Zoning Administrator shall use the following types of Agricultural Related Groups as a guide for determining “direct relationship to agricultural production”;
 - a) Food/wine educational demonstrations;
 - b) Cooking show showcasing Peninsula produce and wine;
 - c) Farmer’s conferences;
 - d) Regional farm producers;
 - e) Cherry Marketing Institute and Wine Industry Conference;
 - f) Farm Bureau Conference;
 - g) Future Farmers of America and 4-H;
 - h) Michigan State University/agricultural industry seminars.
 - iii. These meetings may include full course meals to demonstrate connections between wine and other foods.
 - iv. An appeal of the Zoning Administrators determination can be made to the Township Board.
 - d) Guest Activity Uses do not include entertainment, weddings, wedding receptions, family reunions or sale of wine by the glass.
 - e) No food service other than as allowed above or as allowed for wine tasting may be provided by the Winery-Chateau. If wine is served, it shall only be served with food and shall be limited to Old Mission Peninsula appellation wine produced at the Winery, except as allowed by Section 6 below.

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

This standard HAS been met.

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

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

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

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

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

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

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

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

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

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

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

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

The Board finds that the applicant has an additional 82+ acres in wine fruit production on the Old Mission Peninsula which has produced an average of 63 tons of grapes per year from 2009-2014 and therefore the maximum allowed

participants shall be 50 per guest activity use based on this documentation. (Exhibit 4)

The Board finds that in the future the maximum number of participants in attendance shall not exceed 111 upon verification of the required documentation as per Section 8.7.3 (10) (u) 3. (Exhibit 2)

This standard HAS been met.

4. The number of persons allowed to participate in Guest Activity Uses shall be determined as follows:
 - a) The Township Board as part of the Special Use Permit approval process shall determine the room(s) provided and a maximum number of attendees for Guest Activity Uses.
 - i. The maximum number of attendees shall not exceed one attendee for each fifteen (15) square feet of the room or rooms provided for Guest Activity Uses. These rooms shall exclude guest rooms, rest rooms, hallways, stairways, entries, spaces used in the normal operation of wine making and storage, out of doors areas and any other spaces not usual for guest assembly. In no case will the number exceed one hundred-eleven (111) or the Fire Marshall maximum capacity, whichever is less.

The Board finds that the applicant has submitted a scaled plan to verify the maximum number of allowed guest per square feet. (Exhibit 4, 14)

The Board finds that the site plan indicates a total of 4,687.5 square feet in area for Guest Activity Uses which would accommodate up to 312 persons per Peninsula Township Ordinance standards. (Exhibit 14)

The Board finds that the maximum number of participants in attendance shall not exceed 111 upon verification of the required documentation as per Section 8.7.3 (10) (u) 3. (Exhibit 2)

This standard HAS been met.

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

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

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

This standard HAS been met.

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

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

This standard HAS been met.

5. Requirements for Guest Activity Uses

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

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

This standard HAS been met.

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

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

This standard HAS been met.

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

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

The Board finds that the site currently hosts 8.22 acres of existing vineyard.

(Exhibit 4)

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

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

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

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

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

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

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

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

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

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

This standard HAS been met.

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

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

This standard HAS been met.

8. Additional Conditions

- a) Special Use Permits approved under this section any number of restrictions or requirements approved by the Township Board such as additional set back requirements, days of the week restrictions, number of guest activity days per year or other requirements deemed beneficial to the township or its residents.
- b) Nothing in this section shall prohibit the Township Board from approving a larger special community event such as Blessing of the Blossoms, harvest days or other community event for which no fee is charged to the participants, except as specifically approved by the Township Board and is open to the public.
- c) No temporary structures including tents or canopies are allowed except that the Township Board may approve the reasonable use of temporary structures tents or canopies in conjunction with community events approved in b. above.
- d) Any violation of the Special Use Permit issued for this use shall in addition to the provision of Section 4.2.1 Violations and Penalties, serve as grounds for closing the Guest Activity Uses use by the Township Board. In the event any such alleged violation is made in writing to the Township Board, the Township shall give written notice of such alleged violation to the Applicant at the last address furnished to the Township by the Applicant. The notice shall state that unless the violation is corrected or resolved to the satisfaction of the Township Board within 30 days from the date of the notice, the Township Board shall Owner to close all Guest Activity uses on the premises, after hearing, until such time as the Township Board removes the restriction. In the event a hearing becomes necessary, the Township Board shall establish the notice requirements and such other conditions with respect to the hearing as the township Board shall deem appropriate.

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

This standard HAS been met.

MOTION: Witkop/Byron that the Board approves the General and Specific Findings of Fact with the additions as stated by the planner previously and that the Standards have been met.

Roll Call Vote: Rosi-Yes; Witkop-Yes, Weatherholt-Yes; Correia-Yes; Byron-Yes; Avery-Yes

PASSED UNAN

MOTION: Weatherholt/ Witkop to approve SUP#126 based upon the General findings of fact and the specific findings of fact under sections 8.1.3 and 8.7.3(10) of the Peninsula Township Zoning Ordinance, SUP #126 is approved with the following conditions:

Conditions:

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

**Roll Call Vote: Rosi-Yes; Witkop-Yes, Weatherholt-Yes; Correia-Yes; Byron-Yes; Avery-Yes
PASSED UNAN**

2. Bayshore Marathon 2016 Large Event Permit –Public Hearing

Reardon presented a request for a Large Event Permit for the Bayshore Marathon 2016 – Traverse City Track Club to be held on Saturday, May 28, 2016. This year there will be new parking introduced on Gray Road to alleviate the congestion and illegal parking along Peninsula Drive.

Board asked questions of the applicant about the parking on Gray Road.

Correia opened the Public Hearing at 8:17 p.m.

Christine Hosmer, 17593 Shitake Lane spoke of the congestion and safety concerns over pedestrian traffic on Peninsula drive.

Monnie Peters 1425 Neahtawanta Road has been a participant in this event for many years. People along the route get excited. Bayshore Marathon gives a lot of support to the community. Approves of this event.

Daniel Siderman, Race Director for the Bayshore Marathon spoke of the amount that the Bayshore puts back into the community and the fact that it is a 34 -year old event.

Rob Manigold, 2876 Old Mission Road has been involved with this group for many years. They have meetings following each race. It is a good thing for the community.

Public hearing closed at 8:23

Board continued further discussion concerning alternate routes, staggered starts, and concerns about congestion areas, and emergency care for both racers and residents. Race Director and various medical advisors spoke to how they have discussed these concerns in the past and how they have medical assistance located around the race event.

MOTION: Byron/Witkop to approve the Bayshore Marathon Event for 2016 for one year as discussed.

**Roll Call Vote: Rosi-Yes; Witkop-Yes, Weatherholt-Yes; Correia-Yes; Byron-Yes; Avery-Yes
PASSED UNAN**

3. Fire Department Budget –Public Hearing

Weatherholt Fire Department Budget as presented on paper is \$709,500.00 for income (1.1 mils) The Board has taken the step to form a committee to possibly improve Fire Department facilities, Fire Department personnel and to go to Advance Life Support. The Board did approve 1.4 mils. The committee will decide and come up with a plan and present to the board for approval.

Public Hearing opened at 8:46 p.m.

No Public Comment

Public Hearing closed at 8:47 p.m.

4. General Fund & Special Funds Budgets –Public Hearing

Weatherholt presented a synopsis of General Fund.

Public Hearing opened at 8:47p.m.

No Public Comment
Public Hearing closed at 8:48 p.m.

Weatherholt presented Parks Fund Budget synopsis

Public Hearing opened at 8:48 p.m.

Maura Sanders, 20202 Center Road, Park Commission Chair spoke that a large amount of the Gift Shop Lighthouse funds are being moved over for the Parks to use. They are not receiving what they requested last year. This is fine knowing that she has presented to the Board that Parks has quite a few capital projects coming up and she just wants to state again that they will be putting their thoughts on paper and that the Town Board is supportive of that.

No further public comments
Public Hearing closed at 8:49 p.m.

Weatherholt presented the Special Funds synopsis.

Public Hearing opened at 8:49 p.m.

No Public Comments

Public Hearing closed at 8:50 p.m.

Drafts of these budgets are available on the Peninsula Township Website.

5. Resolution Declining Responsibility for Operation and Maintenance of Sewerage System for the 81 Development PUD

Wendling gave a history of the DNR requirements requiring a statement declining responsibility of the operation and maintenance of a private sewer system.

Applicant Joe Quant available on behalf of The 81 development. Quant indicates that this resolution is one of the reasons that they put off the Public Hearing so they could have the DNR approval in place at the time of the Public Hearing.

MOTION: Avery/Byron to accept the Resolution declining responsibility for the operation and maintenance of sewerage system for the 81 Development PUD.

Roll Call Vote: Rosi-Yes; Witkop-Yes, Weatherholt-Yes; Correia-Yes; Byron-Yes; Avery-Yes
PASSED UNAN

6. James and Nancy Kieft PA 116 Request

Sally Ackerly, Peninsula Township Assessor presented a Part 361, Farmland and Open Space Preservation, P.A. No. 451 of 1994, Natural Resources and Environmental Preservation Act application on behalf of James and Nancy Kieft of P.O. Box 252, Spring Lake, MI 49456 for property Id No 28-11-132-009-00 more commonly known as 1775 Nelson Road, Traverse City, MI 49686.

This is a temporary restrictive development agreement that the property owner undertakes with the state. This agreement is for an initial term of not less than 10 years. The Township needs to review some of the standards for this agreement to move forward with the State.

MOTION: Byron/Weatherholt that based upon the Findings of Fact that there is sufficient information provided by the applicant for the Township to approve the application for Farmland Open Space Preservation under PA 451 of 1994 as amended.

Roll Call Vote: Rosi-Yes; Witkop-Yes, Weatherholt-Yes; Correia-Yes; Byron-Yes; Avery-Yes
PASSED UNAN

7. North Flight Medicaid Provider Information Request

MOTION:Byron/Avery so moved to allow the Clerk to fill out the form and send it in to fulfill the Medicaid Provider information request from Northflight.

PASSED UNAN

8. Safe Boat Update

Correia in your packet there is a resolution by the Fire Board to not sell the safe boat at this time signed by 3 of the 5 Fire Board members. **Witkop** asked is the township attorney had looked into who had the authority to make this decision. **Byron** asked for an update on the Safe Boat. *Wendling* spoke to the appropriate government agency. The Safe Boat would need to have an appraisal and the Township would get a percentage back in relationship to their grant percentages. It would not harm the Township to apply for any other grants from Homeland in the future, but they may frown upon it, and you may not be able to get another boat in the future. **Avery** if we do decide to keep it there is a question of where to keep it. And there are ongoing costs.

Witkop it is important who has the authority to make this decision regarding this Safe Boat.

Correia Bigger question is what do we do with the Fire Department. When we decide that it will tell us if we keep or sell the Fire Boat. Thinks we need to make a big overall decision rather than small decisions that may hinder us in the future. Would like to hear what attorney says about who can make the decision.

Consensus is to move to future meeting. Township attorney to report back on the who has the authority to make this decision.

9. Park Commission Request for Township to be Chamber of Commerce Members

Maura Sanders, 20202 Center Road, Park Commission Chair would like to see the Township as a whole become members of the Chamber of Commerce so that the Township Leadership could take advantage of some of the programs and network of the Chamber. The cost to join is \$335.00 for first year.

MOTION: Byron/Weatherholt try a one-year membership with the Chamber.

Roll Call Vote: Rosi-Yes; Witkop-Yes, Weatherholt-Yes; Correia-Yes; Byron-Yes; Avery-Yes
PASSED UNAN

Citizen Comments

None

Board Comments

Rosi on 2/1 Anne Griffiths mentioned to the Town Board that they have not discussed the question about the land division complaint. This was before the prosecuting attorney. On 2/9 Monnie, Britt and someone else asked about the land division complaint and Monica said that it would be on next month's agenda. And it is not on the Agenda. I have sent this request to Sally that I wanted to see the land division documents for Townships in the area from Frankfort to Leelanau and down to Acme. The ones that she was given did not refer to the Great Lakes. She would like to see how the various townships respond to the State with regard to the land division. Wondered why citizens were not notified of the land division and the appeal process. She would simply like to see the differences.

Sally Ackerly indicated that she did compile a file and can physically print this out.

Byron. Are we going to do anything in support of the School?

Wendling directed to put together a Resolution. The Board will send comments to Peter. Some of the points will be the impact on the Library, Impact on Students, Impact on Property Values, One school in our Township. Citizen Comments can be sent to Michelle Reardon who will compile them and forward to the Attorney.

Brad Lyman, 18420 Center Road indicated that you have the time between now and the time they authorize making Eastern bigger than it is now.

MOTION: Avery/Witkop to adjourn at 9:29 p.m.

PASSED UNAN

Respectfully submitted by Mary Ann Abbott, Recording Secretary.

Peninsula Township Town Board

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March 15, 2016

