

Peninsula Township  
Special Joint Township Board & Planning Commission Meeting  
May 3, 2016 6:00- 8:00 p.m.

Meeting called to order at 6:00 p.m.

**Present:**

**Township Board:** Avery; Byron; Hoffman; Correia-Chair; Weatherholt; Rosi

**Planning Commission:** Wunsch; Peters; Leak- Chair; Hornberger; Serocki

**Also Present:** Claire Schoolmaster, Planning & Zoning Coordinator; Michele Reardon, Director of Planning & Zoning, via Skype, Patrick J. Sloan, McKenna Associates and Deb Hamilton, Recording Secretary

**Absent:**

**Township Board:** Witkop (arrived at 6:47)

**Planning Commission:** Couture

**Approve Agenda**

**Township Board MOTION: Weatherholt/Byron** to approve the Agenda. **MOTION PASSED**

**Planning Commission MOTION: Peters/Hornberger** to approve the Agenda. **MOTION PASSED**

**Brief Citizen Comments - for items not on the agenda**

None

**Conflict of Interest**

Township Board: None

Planning Commission: None

**Business**

**1. Peninsula Township Zoning Ordinance DRAFT (Discussion)**

**Sloan** joined the meeting via Skype. Leslie Sickterman is in the audience. **Reardon** highlighted changes. Sections 6.110, 6.123, 6.138 and 6.139 are all sections of the ordinance that have been looked at over the years through sub-committees of the Planning Commission at meetings open to the public. There is also information provided related specifically the Bed and Breakfast (B&B) discussions from sub-committee meeting since 2014. The winery tier structure discussion evolved over time. The sub-committee recommends further clarification the ordinance to get to the intent and standards that meet that intent.

**Bed and Breakfast Establishments**

**Sloan** said Section 6.103 proposed changes add setback standards, requirement for the maximum number of sleeping rooms, acreage requirements, requirements for permits, prohibits rental of recreational vehicles, allows food and beverage to be served only for registered guests of the B&B and events are only for registered guests and there are limitations on outdoor events that can take place at a B&B. Many of these regulations are based on discussions at sub-committee level. **Hoffman** is opposed to increasing density in our B&Bs and 20 outdoor events per calendar year, and is opposed to putting B&Bs on PDR land. **Byron** said the intent behind B&Bs historically was to allow people primarily in the agricultural areas that had families that left the area with extra bedrooms to still live in their homes and lease out bedrooms to keep their places viable. The events and extra meals lose the purity of what a B&B

was meant to be. **Wunsch** said not opposed to a 12 guest B&B but wants to make sure it is set back from neighbors, and guest events should not create conflict with neighboring residential areas. **Leak** said he does not see a benefit to the Township with B&B rentals. **Hoffman** said increasing the density creates small hotels and motels and infringes on neighbors. **Rosi** B&B owners said they cannot run their business efficiently with the limitations in the ordinance. There is no place for people to stay besides chateaus. The economics for the B&B owners does not work when they have fewer guests. **Reardon** said two active B&B owners participated in the discussion. **Byron** said her concern is events. There needs to be a balance between residents and the event. **Hornberger** said events are limited to registered guests. There was discussion about adding rental "and use" of recreational vehicles shall be prohibited. **Wunsch** said he is sympathetic to the challenges to the B&B owners. It is also important to bear in mind that is not the Township's prerogative to make anyone's business economically viable. **Reardon** said it sounds like the room/acreage sliding scale may be tenable. The events seem to be a sticking point. At this point events at a winery chateau are only allowed inside unless everyone in attendance is staying at the guest house. Would it be more acceptable to have B&B events with registered guests that occur inside? **Wunsch** said he is less concerned about outdoor events and more concerned about the increase in density. **Weatherholt** said as long as they are not making noise is it a problem to have outdoor events. **Byron** we need to encourage the guests to go out into the community. **Hoffman** asked about enforcement of guest maximum. **Rosi** said there will be a registry. **Byron** said the registry can be a game. **Hoffman** said 20 events per calendar year is a lot of extra activity. **Reardon** based on board discussion we need to review the amount of extra activity that may be allowed. This is part of Amendment 190 and we will be having a public hearing on it. **Hoffman** again said she is opposed to B&B's being on PDR land. **Reardon** said have to have a reserved building site to do it. **Byron** said there is a big difference between putting a single family home on the site and a B&B built on the site. There was discussion about existing structures only.

#### Food Processing Plants

**Sloan** said Section 6.110 had text added to this use. Development standards were added such as lot area, setbacks, parking, lighting, signage, landscaping and acreage dedicated for the special use is not used to satisfy the acreage density or the open space required for any other land use. There are provisions for the source of produce. There is a requirement for data and records. Finally there are provisions for natural disaster. **Byron** asked is there a need to introduce the new use. **Reardon** said she does not have anyone asking for something like this right now. **Reardon** reviewed the Food Processing Plant portion of her May 3, 2106 memo. **Byron** asked about regional versus Old Mission produce with the focus on Old Mission grapes. Do we want produce brought into the township or do we want to sell our own produce? **Avery** is in favor of a certain amount of regional produce being allowed. **Leak** said when the Planning Commission determined a way to have wineries on the Peninsula; the ordinance says a percentage of produce must come from Old Mission. That was done to keep the land in production instead of going into development. **Byron** asked if there has been input from farmers. **Reardon** indicated that she would like more input.

#### Local Food Production Facility

**Reardon** said this was worked on by the sub-committee. This allows a building footprint of 6,000 sq. ft. but limits the retail area to 1,500 sq. ft. The majority of produce processed shall be grown on the land owned or leased for the specific farm operation, with data and records submitted to the Township annually for verification. There is a provision to allow a residential dwelling unit on the parcel. Retail activity shall end by 9:30 p.m. **Weatherholt** said if five acres can have retail, there could be retail up and down the roads. **Reardon** said this was debated at the Planning Commission and at the sub-committee

level. **Serocki** this is for someone who wants to make jam or cherry pies and sell it, however she does not remember the footprint being that large. **Serocki** also thought they could sell other people's products. **Rosi** said this was for startups and follows the foodie movement. **Witkop** asked the difference between local food processing facility and the food processing plant. **Serocki** said local food production facility cannot sell MLCC products. **Reardon** she is getting requests for something smaller and and accessory to an agricultural operation. **Hornberger** said she noticed a closing time but she would like to see a starting time. **Reardon** said the sub-committee said that was self-regulating. **Hoffman** is opposed to a 9:30 closing time.

#### Winery, Use by Right (Currently a "Farm Processing Facility")

**Reardon** the changes are an increase of the host site and the amount of acreage dedicated to perennial crops that can be used for wine production. The sub-committee talked about trying to make sure that a site has arable land and a percentage of that arable land is in production. The 85% of grapes utilized to make the wine are processed, tasted and sold shall originate from Peninsula Township. The building size maximum is increased from 6,000 sq. ft. to 12,000 sq. ft. with the tasting room limited to 2,000 sq. ft. The idea of outdoor tasting rooms is introduced with the Use by Right and in a Winery-Chateau as well. Retail sales are allowed outside of tasting room and limited to lesser of 500 sq. ft. or 25% of tasting room. The biggest change is the introduction of Guest Activity Uses. **Reardon** asked if the Boards wanted the Guest Activity Uses. **Byron** said she thought the idea was to have different levels of wineries. She would like to hear from the public that went through Amendment 123. **Serocki** said she would like to see closing times. **Peters** said she calculated 75% arable land and 65% in perennial crops. With a use-by- rights 40 acre site having 65% of the arable area bring the planted land down to less than 20 acres. **Reardon** agreed and said that some of the Planning Commission discussion was to make sure not cutting down trees to put in a crop that may not grow to meet the production. The numbers now may not be where we end up. **Wunsch** asked is there a way to imposed stringent requirements for arable land and deal with scaling it down through the ZBA. **Reardon** strongly suggested not creating an ordinance that there will be a need for the ZBA regularly. **Byron** voiced concern about the use of "perennial crop" is not the right wording to fix the problem. **Wunsch** said permanent crop is the term used by the US Government. **Avery** said if going to make wine out of pumpkins then better make wine and there better be enforcement. **Reardon** said it sounds like events and building size increased may be an issue. **Witkop** asked about the retail sales. **Reardon** said she would like input from public.

#### Citizen Comments

*Chris Baldyga, 9707 Montague Rd.,* said the Winery, Use by Right is too small at 6,000 sq. ft. If we had 65% of the 75% of arable land planted in crops the size of the building is too small at 6,000 sq. ft. There is a high threshold for minimum entrance into the market. If have to have that much crop then they need a larger facility. Five acres, two tons an acre, 10 tons of fruit, 600 cases of wine could be a dream of a tiny beautiful winery. Do not stifle the little guys.

*Cristin Hosmer, 17593 Shii Take Trail,* agreed with Baldyga and says it goes to the heart of what we are trying to do on the Peninsula which is protect and promote and preserve agriculture. She is one of the future young farmers. Wine can be made out of anything that is fermented and the Liquor Control Commission creates the law that constitutes what is alcohol and what is not. If events were added to some of the middle tier processors would make them more successful. Commodity growers are not the future. The Zoning Ordinance is broken and needs to be fixed.

*Walter Brys, 3309 Blue Water Rd.,* let the owners of the winery manage the risk under the rules that are set. Think about having one winery ordinance, use by right and scaled based on acreage commitment to the community. The ordinance is only as good as enforcement. There needs to be a definition of what is an event.

*Bern Kroupa, 3183 Shorewood Dr.,* said rumors of the tree fruit industry's demise are exaggerated. When he started their Juice Company they did not do it here because it did not seem promising with the attitudes about micro-managing. The biggest source of their juice is Peninsula Township. We fought for three years to get through Amendment 139 and it was not just for wineries. When building for the next generation we cannot micro-manage things. Give them a frame work and see what they can develop and move ahead with agricultural enterprises.

*John Wunsch, 17881 Center Rd.,* said to clarify five acres allotments for Winery Chateau it has always been assumed that meant 5 acres it has a development right. It was written even before we talked about development rights. It does have to have a development right attached. There is great enforcement language on all of these ordinances. The last paragraph is great. If there is a reported incident the Board addresses it. Have to cease and desist in 30 days and if have not they are closed down. The language says it can be closed down until the Board says can open. It should say until it is remedied and the Board says when they can reopen. I worked hard on Amendment 139 and it is good, but feels that if it changes hands they should have to apply and qualify again. Please consider those three clarifications. You did not bring up the part of 139 that says that events are not weddings, reunions and entertainment events; they are events that are promoting agriculture. We ned something simple and easy that everyone can stand behind.

**Board Comments**

None

**Township Board: MOTION: Avery/Witkop to adjourn at 8:06 pm. MOTION PASSED**

**Planning Commission: MOTION: Hornberger/Wunsch to adjourn at 8:06 pm. MOTION PASSED**

Respectfully submitted by Deb Hamilton, Recording Secretary