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# PACKET

# ADDITION

**PENINSULA TOWNSHIP  
PLANNING COMMISSION AGENDA**  
13235 Center Road  
Traverse City, MI 49686  
July 16, 2018  
7:00 p.m.

**AMENDED AGENDA**

1. **Call to Order**
2. **Pledge**
3. **Roll Call**
4. **Approve Agenda**
5. **Brief Citizen Comments**
6. **Conflict of Interest**
7. **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.

a. **Correspondence:**

- i. David Baumann 07-05-18 Email
- ii. Maura Sanders 07-10-18 Email

- b. Approval of Meeting Minutes: Planning Commission Regular Meeting 06-18-18  
ZO Rewrite Committee: 06-13-18; 06-18-18; 06-25-18; 07-02-18

8. **Reports and Updates**

- a. Township Board
- b. Zoning Board of Appeals

9. **Business**

- a. Presentation on Farm Processing Facility - Section 6.7.2 (19) of the Zoning Ordinance – John Wunsch
- b. SUP 115 3rd Amendment - Introduction Walter Brys
- c. Discussion - Bed and Breakfast (non-owner) on-site manager. Maura Sanders - Cindy Ruzak

10. **Citizen Comments**

11. **Board Comments**

12. **Adjournment**

*Peninsula Township has several portable hearing devices available for use during this meeting. If you would like to use one, please contact the Chairperson.*

## Planner

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**From:** Rob Manigold <supervisor@peninsulatownship.com>  
**Sent:** Wednesday, July 11, 2018 7:38 AM  
**To:** Christina Deeren; Planner; 'Marilyn Elliott'; 'Alan Couture'; 'Donna Hornberger'; 'Isaiah Wunsch'; 'Laura Serocki'; 'Monnie Peters'; 'Susan Shipman'; 'Brad Bickle'; 'David K. Sanger'; 'Joanne Westphal'; 'Margaret A. Achorn'; 'Warren L. Wahl'  
**Subject:** FW: Bed and Breakfast (non-owner) on-site manager

Gordon, please put on PC agenda with Cindy Ruzak for discussion...Rob

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**From:** Maura Sanders [<mailto:maura.a.sanders@gmail.com>]  
**Sent:** Tuesday, July 10, 2018 9:16 PM  
**To:** Supervisor; [treasurer@peninsulatownship.com](mailto:treasurer@peninsulatownship.com); [clerk@peninsulatownship.com](mailto:clerk@peninsulatownship.com)  
**Cc:** Todd Sanders  
**Subject:** Bed and Breakfast (non-owner) on-site manager

Good evening Town Board Officers,

Please feel free to share this with the Board and the Planning Commission.

Several months ago there was some small discussion on the ability of a B&B owner to allow an on-site manager to run the business instead of the currently required "owner occupied".

Has this topic come up again? If not, I am requesting that the discussion be started. As you know, I own a property that was formerly an on again/off again B&B (Mission Point Bed and Breakfast) for the previous owners. The real estate market is slow for such a unique property to sell (the former owners tried to sell for 6 years prior to my family purchasing the property). We are starting to feel the same strain as we have moved away from the area for employment relocation and we are still trying to sell. I would like to explore the possibility of turning the property back into a B&B in order to ease our burden. In order to do this we would have to hire a qualified manager that would live on-site and operate the business.

I look forward to hearing any discussion. Thank you!

Sincerely,

Maura Sanders  
231 313 5921

## Planner

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**From:** Grey Hare Inn <greyhareinn@hughes.net>  
**Sent:** Monday, May 01, 2017 3:32 PM  
**To:** planner@peninsulatownship.com  
**Cc:** supervisor@peninsulatownship.com  
**Subject:** Ruzak Bed and Breakfast change request revisited  
**Attachments:** GH Twp accessory uses.doc; GH twp amend response.docx; Peninsula ltr bb again.docx; GH Twp bb revision suggestions.docx

Brian,

Thank you to both Rob and you for taking the time to listen to my request, and agreeing to proceed forward in as accommodating a manner as possible and to incorporate that decision by the end of this year.

As requested I have attached both a previously written letter requesting a definition of what specifically would be considered "acceptable accessory uses" under the current bed and breakfast zoning parameters; to which the answer at that time was basically "none"; and which included a list I had previously submitted that attempts to list typical ones starting with least impactful then gradually increasing in scope. I always thought it might be a good tool to gauge Township Board and Planning Dept. sentiment and interpretive beliefs toward finding a level or point that has a consensus of "acceptable" from which we can then proceed most efficiently. I thought I'd written that list separately, but couldn't find it in a form other than the one included in the letter so I have reproduced it at the end of this email. I do however find the shorter version in the accessory use letter easier to comprehend but if the intent is to actually offer the opportunity for you, PC and TB members to actually be able to draw a line where their individual impact comfort zone ends in allowing acceptable accessory uses then the list below is possibly better to use.

In reducing the letter I recently wrote trying to encapsulate the justifications for changes to the B & B ordinance (again attached for reference) to an even more minimalist format I offer the following of what I feel is a solution to creating parity and equity in land use. However, some greater detail in specifically how these ideas could be worded is contained in several other letters previously written so I have attached those as well for your use, highlighting the most pertinent parts to this current discussion in yellow to save you some time. I have listed guest activities (2) separately from events (3) but in practice they can both be considered "acceptable accessory uses" but here divided between those just for guests and those that involve additional persons; whereas the list that follows incorporates them together.

The basic request is to:

- 1) Create equity in land use (and thus more fairly establish market property value) for tourist accommodations by filling in the gap between the 1 acre B & B ordinance and the 50 acre Chateau one, by allowing ag zoned properties 1 additional room for every 5 acres over the first 5.
- 2) Allow increased guest activities, progressively in relation to the size of the parcel on which the B & B is located. Possible definitions and parameters for specifics are contained in the attached letters as well as the overview I sent recently. But basically define "acceptable accessory uses" to include providing additional food products and services to guests in any manner desired so long as no greater impact on neighboring properties is created.
- 3) Allow promotional and agricultural value added events involving but not exclusive to guests as long as the number of persons involved does not exceed the capacity of the structure in which the event takes place and with no greater impact than that of a single family residence having a private party, while also not exceeding any other ordinance restrictions regarding activity types and noise nuisance when outdoors.
- 4) To remove the requirement that the B & B must be owner occupied and operated at all times, in favor of allowing a professional manager directly held responsible by the property owner to preserve the idea of "impact no greater than that of a single family residence".

Again, thank you for your consideration. Please send me a quick email acknowledgement that you have received this email in good order. Cindy Ruzak

## Acceptable Accessory uses for Agricultural Zoned B & Bs

Product or Service	Type of Activity
Breakfast of any specific food & drink	Food Service amenities
Pre breakfast rolls and coffee, or mid morning tea	FS in addition to breakfast
Hors d'oeuvres in late afternoon or early evening	FS in addition to breakfast
A glass of local wine	FS scope beyond just breakfast
Room turndown treat – such as fudge or cherry Oatmeal cookie	FS scope
To- Go Picnic lunches	FS scope
Additional meals such as patio lunches for guests or romantic dinners by the fireplace	FS scope
Additional services like taking a guest sailing, offering cooking classes by the owner, personal tours	Service & amenities scope
Cooking classes or presentations by a guest chef or other person to guests	Service & amenities scope
Selling retail commodities such as caps, t-shirts cookbooks, products from local produce – including any product produced at the B & B such as cheese, grapes	Amenities
Guest only gatherings such as family reunion, birthdays, weddings restricted to occupancy maximum	Services provided
Guest only gatherings but with a small number of invited friends to share their experience, max 12 people such as a corporate team building meeting	Amenities and services
Guest gatherings for small groups, guests with a limited number of related persons, no food provided 20 person maximum	Services, small event
Guest gatherings for small 20 person groups as above but with food provided by an outside caterer	FS scope , small event
Guest gatherings for small 20 person max groups as above but food provided by the inn owner	FS Scope, small event
Agricultural promotional activities such as grape harvest stomps using property's grapes, wine & cheese class	FS scope , small event, value added ag
Joint events with other township businesses such as progressive holiday dinners with B & B guests from multiple inns or ice cream socials, participation with winery events by offering an activity or food or drink, dining in the vines dinners by restaurants at the B & B, sleigh rides or cross country ski through the vines	FS scope, value added ag
Small private social gatherings – guests at inn plus 20- 50 persons for a small garden wedding, family reunion, business dinner. Professionally catered.	FS scope, medium size event
Small private social gatherings – guests at inn plus 20-50 as above with food and beverage provided by B & B as licensed	FS scope, medium size event
Event for any purpose for 50-100 persons for any purpose with all rooms occupied by attendees and noise restrictions at a conversational level by property boundaries edge, food	FS scope, Event

service and insurance by professional caterer.

Event for any purpose for 50- 100 persons as above but with food provided by B & B if appropriately licensed to do so. FS scope, Event

Event for 100-200 persons, food if any provided by professional caterer, tents permitted Event

**DOCUMENT**

**BREAK**



**YOUR OFFICIAL ADDRESS IS:**

- New Issuance
- Confirmation of Existing
- Change of Address

\_\_\_\_\_  
Former Address

Parcel Code No.: 28 - 11 - 127 - 002 - 00

<u>3547</u>		<u>BLUE WATER</u>	<u>RD</u>
Number	Directional	Street Name	Street Type
	<u>TRAVERSE CITY</u>	<u>MI</u>	<u>49686</u>
	City	State	Zip

**Grand Traverse County Equalization Department**  
**(T) 231-922-4775 / (F) 231-922-4447 / Email: equalization\_gis@grandtraverse.org**

Date Issued: 7/10/2018

Signature: \_\_\_\_\_

Only with this form properly signed by the Grand Traverse Equalization Department are copies of this form sufficient evidence that an official address has been issued.

NOTE: It is your (the owner's) responsibility to use copies of this form to notify others of your address, including utilities, post office, driver's license, insurance, and other records.

**DISPLAY YOUR ADDRESS!**

Once you have your address, put the numbers up. A portion of The Grand Traverse County Street and Road Naming and Numbering Ordinance reads:

Section IV: Regulation

- A. All premises and mailboxes shall bear a distinctive street number in accordance with and as designated upon the street numbering maps on file in the office of the Grand Traverse County Equalization Department, which maps, by reference, together with any revisions thereof, shall become an operative part of this ordinance. The Master Street Index shall also become an operative part of the Ordinance, shall be updated periodically, and shall rule as to spelling.
- B. Any owners of any premises shall place upon the street front of such premises adjacent to the principal entrance and on the street mailbox on such premises such designated number, such that:
  - 1. Numbers on mailboxes on the premises shall be displayed in such a manner as to be plainly visible from road traffic lanes in either direction of approach. The numbers shall be of a contrasting or reflectorized color to their background and shall not be less than three (3) inches in height.
  - 2. Numbers in block or script displayed on building fronts shall be of contrasting color to their background and shall not be less than three (3) inches in height.
  - 3. If there is no street side or the street side does not have unobstructed access the street providing principal access will be considered for numbering purposes.
- C. Where there is no mailbox on the premises or the numbers on the street front of the premises cannot be read from the street, then any owner of the premises shall place a post of suitable strength and construction adjacent to the drive-way of the premises. The height of the post shall not be less than six (6) feet above the level of the adjacent street and the assigned numbers of the premises shall be placed on both sides of the post so as to be plainly visible from road traffic lanes in either direction of approach. Such numbers shall be of contrasting or reflectorized color to their background and shall not be less than three (3) inches in height.
- D. Where the mailbox is located on the street other than on the street of the premises as numbered, the mailbox shall show both the number assigned and the street name of the premises in contrasting or reflectorized color to their background and shall be not less than one (1) inch in height.
- E. Grouping of mailboxes shall be permitted but the grouping shall be in sequential order according to the assigned number.

**If this form appears blank or is missing information:**

Please check your email filters, security settings, or the compatibility of your PDF reader application.



**APPLICATION AND PERMIT TO CONSTRUCT, OPERATE, USE AND/OR MAINTAIN  
 WITHIN THE RIGHT-OF-WAY OF; OR TO CLOSE, A COUNTY ROAD  
 APPLICATION**

An applicant is defined as an owner of property adjacent to the right-of-way, the property owner's authorized representative; or an authorized representative of a private or public utility who applies for a permit to construct, operate, use, and/or maintain a facility within the right-of-way for the purpose outlined within the application. A contractor who makes application on behalf of a property owner or utility must provide documentation of authority to apply for a permit.

<b>APPLICANT</b>	Brys Realty 3309 Blue Water Road Traverse City, MI 49686-0000  Phone(s): 231-392-2526 EMail: walterbrys@hotmail.com	<b>CONTRACTOR</b>	Pathway Homes LLC 770 N. US 31 South Traverse City, MI 49685-0000  Phone(s): 231-946-2506 EMail: sarahr@pathwayhomes.com
Applicant/Contractor request a permit for the following work within the right of way of a county road: Residential - Residential LOCATION: County Road <u>3547 Blue Water</u> Between <u>Center</u> And <u>Bluff</u> Township <u>Peninsula</u> Section _____ Side of Road <u>North</u> Property ID <u>28-11-127-002-00</u> DATE: Work to begin on <u>07/10/2018</u> Work to be completed by <u>07/10/2019</u> I certify and acknowledge that (1) the information contained in this application is true and correct, (2) the commencement of the work described in this application shall constitute acceptance of the permit as issued, including all terms and conditions thereof and, (3) if this permit is for commercial or residential driveway work, I am the legal owner of the property that this driveway will serve, or I am the authorized representative.			
Applicant's Signature: _____ On File Title: _____ Date: _____		Contractor's Signature: <u><i>Sarah R. Miller</i></u> Title: _____ Date: <u>07/06/2018</u>	

**PERMIT**

The term "Permit Holder" in the terms and conditions set forth on the reverse side hereof, refers to the applicant and the contractor, where applicable. By performing work under this permit, the Permit Holder acknowledges and agrees that this permit is subject to all the rules, regulations, terms and conditions set forth herein, including on the reverse side hereof. Failure to comply with any of said rules, regulations, terms and conditions shall render this permit NULL AND VOID.

REQUIREMENTS	FEE TYPE	AMOUNT	RECEIPT NO	DATE	
	Residential Asp	75.00			Letter of Credit <input type="checkbox"/> Y <input checked="" type="checkbox"/> N Surety Bond <input type="checkbox"/> Y <input checked="" type="checkbox"/> N Retainer Letter <input type="checkbox"/> Y <input checked="" type="checkbox"/> N Approved Plans on File <input type="checkbox"/> Y <input checked="" type="checkbox"/> N Certificate of Insurance <input type="checkbox"/> Y <input checked="" type="checkbox"/> N Attachments/Supplemental Specifications <input type="checkbox"/> Y <input checked="" type="checkbox"/> N

**OTHER REQUIREMENTS:**

Drive Located 2,530 feet west of Bluff Rd on the north side.

One 20' single-family residential asphalt driveway approach. Refer to the attached standard sketch. The finished surface on a driveway approach shall slope down from the pavement edge at a rate of 1/2" - 3/4" per foot back to the ditch centerline. This distance shall not be less than 8'. WHEN FINISH GRADE IS COMPLETE CONTACT THE ROAD COMMISSION FOR INSPECTION 24 HRS PRIOR TO PAVING. COPY SENT TO THE TOWNSHIP AND TO THE CONSTRUCTION CODE OFFICE. The terms of this permit represent only the Road Commission requirements. Other agencies may have additional requirements. Applicant/Contractor is approved for construction/resurfacing of the driveway. Applicant/Contractor shall provide notification to the Road Commission upon completion of construction for Final Inspection and approval. Drainage must be maintained away from road.

CRA 100 (03/2005)

Grand Traverse County Road Commission  
1881 LaFranier Road  
Traverse City, MI 49696-0000  
Phone: 231-922-4848  
Fax: 231-929-1836

Application No. 11611  
Permit No. 2018-000340  
Issue Date 07/10/2018

Recommended for Issuance By:

Approved By:

Todd Bentley

Title: Permit Agent Date: 7/10/18

Title: \_\_\_\_\_ Date: \_\_\_\_\_

## TERMS AND CONDITIONS

1. **Specifications.** All work performed under this permit must be done in accordance with the application, plans, specifications, maps and statements filed with the County Road Commission ("Road Commission") and must comply with the Road Commission's current procedures and regulations on file at its offices and the current MDOT Standard Specifications for Construction, if applicable.
2. **Fees and Costs.** The Permit Holder shall be responsible for all costs incurred by the Road Commission in connection with this permit and shall deposit estimated fees and costs as determined by the Road Commission, at the time the permit is issued.
3. **Bond.** The Permit Holder shall provide a cash deposit, irrevocable letter of credit or bond in a form and amount acceptable to the Road Commission at the time permit is issued.
4. **Insurance.** The Permit Holder shall furnish proof of general liability insurance in amounts not less than \$1,000,000 each occurrence and general aggregate, proof of automobile liability in amounts not less than \$1,000,000 combined single limit for each accident, bodily injury per accident, and property damage per accident, and in an amount not less than \$500,000 for bodily injury per person. Such proof of insurance shall include a valid certificate of insurance demonstrating that the Road Commission is an additional insured party on the policy. Such insurance shall cover a period not less than the term of this permit and shall provide that it cannot be cancelled without 30 days advance written notice to the Road Commission, by certified mail, first-class, return receipt requested. This permit is invalid if insurance expires during the authorized period of work described herein.
5. **Indemnification.** In addition to any liability or obligation of the Permit Holder that may otherwise exist, Permit Holder shall, to the fullest extent permitted by law, indemnify and hold harmless the Road Commission and its commissioners, officers, agents, and employees from and against any and all claims, actions, proceedings, liabilities, losses, and damages thereof, and any and all costs and expenses, including legal fees, associated therewith which the Road Commission may sustain by reason of claims for or allegations of the negligence or violation of the terms and conditions of this permit by the Permit Holder, its officers, agents, or employees, arising out of the work which is the subject of this permit, or arising out of work not authorized by this permit, or arising out of the continued existence of the operation or facility, which is the subject of this permit.
6. **Miss Dig.** The Permit Holder must comply with the requirements of Act 53 of Public Acts of 1974, as amended. CALL MISS DIG AT (800) 482-7171 or [www.missdig.org](http://www.missdig.org) AT LEAST THREE(3) FULL WORKING DAYS, BUT NOT MORE THAN FOURTEEN (14) CALENDAR DAYS, BEFORE YOU START WORK. The Permit Holder assumes all responsibility for damage to or interruption of underground utilities.
7. **Notification of Start and Completion of Work.** The Permit Holder must notify the Road Commission at least 48 hours before starting work, when work is completed, and additionally as directed by the Road Commission.
8. **Time Restrictions.** All work shall be performed Mondays through Fridays between and unless written approval is obtained from the Road Commission, and work shall be performed only during the period set forth in this permit. Perform no work except emergency work, unless authorized by the Road Commission on Saturdays, Sundays, or from on the day proceeding until the normal starting time the day after the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
9. **Safety.** Furnish, install and maintain all necessary traffic controls and protection during Permit Holder's operations in accordance with the Manual of Uniform Traffic Control Devices, Part 6 and any supplemental specifications set forth herein.
10. **Restoration and Repair of Road.** The construction, operation and maintenance of the activity covered by this permit shall be performed by the Permit Holder without cost to the Road Commission unless specified herein. The Permit Holder shall also be responsible for the cost of restoration and repair of the right-of-way determined by the Road Commission to be damaged as a result of the activity which is the subject of this permit. Restoration shall meet or exceed conditions when work is commenced and be in accordance with specifications. The Permit Holder shall be responsible for costs incurred by the Road Commission for emergency repairs performed by or on behalf of the Road Commission for the safety of the motoring public. Said repairs shall be performed with or without notice to the Permit Holder if immediate action is required. This determination shall be in the sole and reasonable opinion of the Road Commission.
11. **Limitation of Permit.** Issuance of this permit does not relieve Permit Holder from meeting any and all requirements of law, or of other public bodies or agencies. The Permit Holder shall be responsible for securing and shall secure any other permits or permission necessary or required by law from cities, villages, townships, corporations, property owners, or individuals for the activities hereby permitted. Any work not described by the application, including the time and place thereof, is strictly prohibited in the absence of the application for and issuance of an additional permit or amendment to this permit.
12. **Revocation of Permit.** This permit may be suspended or revoked at will, and the Permit Holder shall surrender this permit and alter, relocate or remove its facilities at its expense at the request of the Road Commission. It is understood that the rights granted herein are revocable at the will of the Road Commission and that the Permit Holder acquires no rights in the right-of-way and expressly waives any right to claim damages or compensation in case this permit is revoked.
13. **Assignability.** This permit is not assignable and not transferable unless specifically agreed to by the Road Commission.
14. **Authority.** The statutory authority of the Road Commission to require compliance with permit requirements is predicated upon its jurisdictional authority and is set forth in various statutes including, without limitation and in no particular order, MCL §247.321 et seq; MCL §224.19b; MCL §560.101 et seq; and MCL §247.171 et seq.