

**Peninsula Township
Zoning Board of Appeals
Regular Meeting
July 13, 2017**

1. Call to Order Chair Vida called the meeting to Order at 7:00 p.m. at the Peninsula Township Hall, 13235 Center Road, Traverse City, MI 49686.

2. Pledge of Allegiance

3. Roll Call

Present: Laura Serocki, PC Representative and Board Member; Rick Vida, Chair; Matt Cowell, Board Member; Warren Wahl, TB Representative ó quorum present
Absent: Bernie Soutar, Vice Chair; Rachel McBride, Alternate; John Snow, Alternate
Also Present: Christina Deeren, Zoning Administrator; Gordon _____, Interim Planning and Zoning Director; Ruth Dudley, Recording Secretary

4. Approval of Agenda Motion by Wahl/supported by Cowell. Motion carried unanimous.

5. Brief Citizen Comments – for items not on the Agenda

None stated.

6. Conflict of Interest

Wahl spoke with an attorney and determined that a conflict exists with regard to Request No. 859 and he will thereby recuse himself from voting. Vida also stated that Wahl was not present at the meeting that discussed Request No. 859 and need to be recused. The applicant's request will be stated and then the applicant will have a chance to present their case, with board comments for support and board comments for opposing, and then the applicant will have a chance to reflect any opposition. The motion for 859 was tabled at the July 13th meeting and need a motion to bring it back to the floor for discussion. Motion to bring the 859 request back on the table, supported by Serocki. Motion carried unanimous.

7. Consent Agenda

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

8. Schedule of Public Hearing:

A. Request No. 859, Zoning R-1B (Coastal Zoning)

Parcel No. 28-11-128-029-00

Applicant: Old Mission Historic Development LC, 3075 Charlevoix SE Ste. 100, Grand Rapids, MI

49546

Owner: Old Mission Historic Development (Northern United Brewing Company) 2319 Bishop Circle East, Dexter, MI 48130

Property Address: 13512 Peninsula Dr., Traverse City, MI 49686

Request: Revision of Special Exception Conditional Land Use Permit No. 743 dated: February 28, 2008, (hereafter, the "Permit"). Re-configuration to the 7,000 square foot portion of the building used to operate the brewery. Proposal is to devote approximately 1000 square feet of the microbrewery to add tasting room and retail area for the sale of Northern United's products and merchandise.

Greg Lobdell, with Old Mission Historic Development and Mission Table Jolly Pumpkin, 2300 Woodside Road, Ann Arbor, Michigan, and Mike Hall, 18910 Bay Street, Old Mission, presented. Follow up from the July 13, 2017, meeting; the request was verbal and hopes the request was clear. They would like to move the tasting area from the Mission Table restaurant part of their facility to the current brewing facility. Mission Table customers tend to spend a couple hours there and the tasting people come in and out. This will allow for a special area for people who are waiting to go to the Jolly Pumpkin Mission Table where they can taste and buy retail items indoors within our current walls of the current space, and it would reduce the amount of brewing activity, shipping and receiving. The brewing area would be smaller and from the request they had some questions about some neighbors about creating additional signage. Before the last meeting they had some preliminary signage in the works to address the neighbors' concerns about vehicles, and they have some early drafts which was sent to the board. Their team contacted their major touring companies and talked to them about idling and the exhaust and this is a concern for their neighbors as well. There are now questions about square footage question and space, and they have a more detailed map to show space dimensions. Some people may have toured the space today, and they would like to put up some type of rail so that people can come in and taste and buy retail and go back to the restaurant and continue their evening out of the space. The total square footage of this area [showing map] is 1,075 square feet. He sent an email to everyone; 3,442 reception area; 3130 what was written; so in general they would be happy to answer any questions.

The original square feet that was applied for was 1,000 square feet, and their calculations are now 1,075 square feet; board members' understanding that the tasting room would be closed and they would be putting the retail and the tasting room in this facility. People may be lingering and standing in line waiting to be served, and people have sat down.

Question on whether they anticipate running sustained hours; response was that rush hours are until 10:00pm. They had cut tasting room hours to 4:30 because of the mixture so they would like to keep this opened until 10:00pm so that people waiting to go to the restaurant can still go to a later dinner; so people still can come and taste. Concern that buses would then be coming in at later hours.

Board member question about what is being allowed here; their business is just like every other business; they are already controlling their tasting hours, in a certain way based on their facility, but that does not mean some were down the street. Mixed in with the concerns the board heard last month from the neighbors that there is already too much traffic. Board member stated that there are always too sides but what they are looking at is what is on the surface that is very simple, which is the change of use in a room in a building ó how much change in the use in that building, that 1,075 feet changes the intensity in that type of site. Vida stated just going to change the use of that and really do not want to tell them what hours they can operate at their aspects of business. Cowell stated he is not opposing them but thinking out loud as this is a strange situation they are trying to understand.

Presenter stated the usage occurred for decades on that site and would like it to continue currently at the same hours in reconfiguring this portion of this space [referring to the map]. Cowell stated it is opening all these other questions and wonders at the strangeness of the circumstances of something like this in front of the Zoning Board when talking through and explain how it got here. Vida stated that he would be more concerned about the people leaving the bar afterwards; people are driving after 10pm.

Cowell stated that even though their restaurant and the Jolly Pumpkin keep the same hours, brew pub and restaurant, eating and drinking beers quite often, it is still new territory and it begs a lot of questions that he has no answer for, but it is in within the jurisdiction of the Zoning Board in the request itself.

Serocki stated that 10pm is pretty late. Most wineries close earlier; one at 9:00pm. Most people taste before dinner and dinner is over at 10:00pm. Has question about the diagram as she visited it today. Thereø a stainless steel railing ó what is going to keep people from getting back in there ó presenter clarified it was office space, where people stand is part of the 1,075 square feet, will be serving beer, wine and spirits; they have published dock hours, and they can control delivery; thereø a warming kitchen that is on the reception side.

Serocki stated they need to review the microbrewing section; will they be selling bottled beer? Presenter stated no. Serocki stated that she knew presenters said most deliveries are before 11:00am; how would they handle deliveries that occur at different hours, especially if the tasting room is open until 8:00pm or 9:00pm. Presenter stated that they would tell people not to delivery too late ó everybody has dark hours and they currently donø have dark hours because they donø have the facility, and deliveries will be before 11:00am and believes there is an ordinance addressing late deliveries ó they control deliveries with the truckers and they will specify dark hours. Serocki asked Deeren if they need approval from Health Department? Deeren stated believe they do. Fire Department approval needed? Deeren had a question about parking dynamics. Greg stated they are anticipating an increase. Mike stated that if they are full then people will move on. Vida stated that it would be a plus if parking is moved east, and at the last meeting they discussed the logo and merchandise. Vida thanked them, this is a closed meeting and therefore no comment will be made by the public ó heø not concerned with the hours and who is in the tasting room.

Cowell will side with that but for different reasons; unfair if in shoes of business owner; received comments from neighbors; what recourse does the township have for buses that run into the night; nuisance and annoyance issues. Deeren stated that they can grant a conditional allowance to comply with the noise ordinance. Hard to tell if nuisance or will have a proper flow.

Vida inquired as to the hours of operation of other tasting rooms on the peninsula. Serocki stated that it's not across the board. Cowell stated it doesn't seem fair. Gordon had a couple of questions, which Vida allowed. Gordon is commercial along with public spaces. Mike is most operations at 6am and tying up at 1. Gordon is not operating equipment. Mike is literally cleaning up and they take bins to dump in the fields. Gordon is solid wall between two halves of the building. Mike stated it is a fire wall. Gordon is the original approval had two allowed uses and they are now separating those two uses into three areas including reception and processing. One toilet for employees and people tasting. Original had no retail in processing. Specific hours and uses in reception and processing areas. Greg stated would like flexible. Vida is hours? Serocki 8-10 minimum. Gordon is board to approve same use? Mike is move/transfer. Cowell and Vida discussion. Serocki is wants hours nailed down and wants Health and Fire Department approvals. Cowell is the code stuff would kick in.

Vida made a motion to approve Request No. 859, second by Cowell, to allow the applicant to close their existing tasting room in Mission Table and relocate it to the brewery up to 1,075 square feet for the sale of beer, wine and distilled spirits along with logoed merchandise with the hours of 11:00am to 9:00pm conditioned on Health Department and Fire Department approvals; with addition of Serocki's additional language to include in the motion; the hours to match the restaurant operation hours and signage; for the 1,075 square feet as presented; to bring back to the board if configurations change. Roll call vote; motion carried unanimous.

9. Schedule of Public Hearing:

A. Request No. 860, Zoning R-1C (Suburban Residential Zoning)

Parcel No. 28-11-475-011-00

Applicant: Ann Elizabeth Schofield Trust, 3163 Holiday Village Rd., Traverse City, MI 49686

Owner: Ann Elizabeth Schofield Trust, 3163 Holiday Village Rd., Traverse City, MI 49686
Property Address: 860 Birchwood Ave., Traverse City, MI 49686

Request: To fill 85.36% of the flood plain area of the property that is below the defined flood plain elevation of 583.5 feet with 922 cubic yards of fill in order to construct a new single family residence on the subject property.

Deeren presenting this agenda item and read a letter of support for the record. Beth Pack, 7253 Center Road, Peninsula Township. Replace a portion of the building that she cannot repair. Had a structural engineer to assess. Starting with foundation. Forty feet tall rather than 26 feet tall and will use it for storage.

Vida ó intent to demolish down to the foundation?
Beth - í second time the barn was hití canø really use the building.
Vida ó wood style barn?
Bethí steel siding and steel roofí but will be structurally sound.
Serocki ó page two. Question to Deeren.
Cowell ó why not conformingí
Deeren and Cowell discussioní definition of shed versus barn
Still has pump house but not that big of a structure.
Cowell ó applicantø options under strict interpretation of the ordinance?
Deeren - í act of God.
Serocki ó options? Deeren ó yes.
Vida ó Section 7.5.3 is most fitting.
Cowell ó agree.
Discussion.
Deeren - í intent is for own personal storage.
Beth ó quilting machine in hay loftí downstairs are a lawn mower and a second car. Birds and snow fencing right now.
Deeren ó little smaller and restricted for that use of the property.
Vida ó thank you. Any comments from the public?
Nancy ____, 3901 Blue Water Road, Peninsula Township. \$375 permit fee cannot be justified.
Vida ó point well taken. Closed for public comment portion of this meeting and bring back
First action is to accept the information in the staff report as a finding of fact.
Motion to accept the eight points as summarized as findings of fact. Cowell second ó motion carried unanimous.
Motion to approve Request No. 861 under Section 7.5.3, Wahl second ó motion carried unanimous.
Vida to Deeren ó is this sufficient? Deeren said yes. Roll call vote ó all voted aye. Motion carried unanimous.

10. Public Comments

Nancy Arbeller, [address: _____]. With regard to Request 859, this is a wonderful opportunity to make changes regarding conditionsí went in the exit last month and she was welcome to wander all over and they certainly were. No safety. But fine. Reference signage ó just a tiny exit sign. Can see rooftop of a residence from the parking lot. Only tasting beer out here and going to draw people like fliesí increase in traffic. Buses on the increase. Could have asked them about the parking of buses. There are profanity and loud noise complaints by neighbors ó the board didnø put them through the ringer. Hope sheø proven wrong.

11. Meeting Minutes Approval – July 13, 2017

Serocki ó Gordonø addition to request

Deeren ó forward to that recording secretary with all the notes and corrections and approve them at the next meeting. Not fair to the current recording secretary to correct the minutes that another recording secretary had prepared.

Gordon ó since very controversial and complicated. Get it transcribed. There are a lot of discrepancies. Everyone should turn in their notes.

Deeren ó make motion to approve at the next meeting so it doesn't automatically default to approval.

Motion to delay approval of the minutes of July 13, 2017 meeting until the next scheduled meeting, Serocki second ó motion carried unanimous.

Cowell ó minutes of 7/13 transcribed.

Wahl ó support, approved.

Serocki stated there is no New Business. There is no Old Business.

12. Adjournment. Motion to adjourn; Motion carried unanimous.