

PENINSULA TOWNSHIP

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PENINSULA TOWNSHIP PLANNING COMMISSION AGENDA

January 22, 2024

7:00 p.m.

1. Call to Order
2. Pledge
3. Roll Call
4. Approve Agenda
5. Brief Citizen Comments (For Agenda Items Not Scheduled for Public Hearing)
6. Conflict of Interest
7. Consent Agenda
 - a. Approval of Meeting Minutes: Planning Commission and Township Board Joint Meeting, November 14, 2023, and Planning Commission Regular Meeting December 18, 2023.
8. Business
 - a. Special Use Permit (SUP) #132 – Bowers Harbor Vineyards, Amendment #1 – Introduction 2896 Bowers Harbor Road, Traverse City, MI 49686
 - b. Public Hearing on Proposed Zoning Ordinance Amendment #204 Related to Building Height
 - c. Planning Commission Meeting Dates for 2024
9. Reports and Updates
 - a. Special Use Permit (SUP) #35 OMP Seven Hills Development, Amendment #3 – Update
 - b. Shoreline Regulations Study Group Update
10. Public Comments
11. Other Matters or Comments by Planning Commission Members
12. Adjournment

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

Minutes

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

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PENINSULA TOWNSHIP PLANNING COMMISSION MINUTES

December 18, 2023

7:00 p.m.

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

2. **Pledge:**

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

4. **Approve Agenda:**

Hall: asked Cram to share additional details for the addition of agenda item 9d.

Cram: will share notes from the township board strategic planning meeting held on December 13, 2023.

Moved by Shipman to approve agenda, as amended, seconded by Beard approved unanimously

5. **Brief Citizen Comments (For Non-Agenda Items Only)**

Hall: briefly discussed the non-agenda items and agenda items for this evening's meeting.

Cram: clarified that the public hearing for Peninsula Shores was held in September.

Jay Milliken, 7580 East Shore Road: read the letter, *included in minutes.

Judy Spencer, 6450 Peregrine Court: read the letter, *included in minutes.

6. **Conflict of Interest:** None

7. **Consent Agenda:**

a. Approval of Meeting Minutes: Planning Commission Regular Meeting, November 20, 2023

Hornberger: correction to November 20, 2023 minutes: replace from with front.

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

8. **Business:**

a. Special Use Permit (SUP) – Peninsula Shores Planned Unit Development (PUD) #123, Amendment #4 – Continued Discussion with Draft Findings of Fact and Conditions for Consideration and Possible Action (Waters Edge Drive and Shoreline Court)

Cram: gave a brief history of the SUP. The packet contains draft findings of fact and conditions; there are several areas where the standards have not been met. Gave a history of the approval of the three previous amendments. For the board to approve this SUP amendment, they must find that all standards within section 8.1.3 (1), the general standards have been met; in addition, section 8.1.3 (3), specific standards, must also be met. Because this is a PUD, the standards in Section 8.3 must also be met. In total, staff found that nine standards within the three sections had not been met.

Hall: describe the conditions that have not been met.

Cram: refers to page three of the Findings-Section 8.1.3(1) General Standards, summarized standard. Read and summarize from (b) on page four.

Shanafelt: understood that the thirteen lots in the original actually existed, everything else is hypothetical because they did not complete the plating procedure or anything. So really, we are looking at forty-one versus thirteen.

Cram: thirteen lots was possible as use by right, the hypothetical fifty-five units that has been documented was possible through the state platting process, and was considered by the planning commission and the board when they were going through the process.

Shanafelt: it was my understanding that it was never officially done and never pled that way.

Cram: while the proposed forty-two units would be less than the fifty-five hypothetical units, it is not a substantial improvement. The amendments to the SUP/PUD that were previously approved by the township does not mean that there is any requirement to approve this proposed amendment, as each amendment stands on its own. Forty-one units were historically regarded to be the maximum number that was appropriate for the development as an incentive in exchange for the open space and original parcel configuration on the property. The number of units in this type of PUD residential development is foundational to the development and remains one of the most critical parts of the development, as the balance between the number of units and the open space was a significant component of the intent behind approving the original SUP. The increased expansion would erode the justifications of the original SUP approval and impact the balancing of the PUD provisions that warranted approval of the project in the first instance. The applicant has indicated to the planning commission that the sole reason for the proposed fourth amendment was to add an additional lot to the development; a purely financial motivation is not a sufficient reason to amend the SUP, while Planned Unit Developments can certainly be amended. Such amendments should further carry out the objective as a PUD rather than maximize economic realization. Staff finds that the standard has not been met. Summarized Section 8.1.3 (3), the specific requirements for an SUP (c) found on page six of the packet, this standard has not been met. Under (p) on page eight of the packet, this standard has not been met. Read 8.1.3, Planned Unit Development, number three, page ten, this standard has not been met. Read number five, page ten, this standard has not been met. Read under Findings-8.3.3, qualifying conditions, number four, on page ten. Finally, under number seven the proposed PUD development shall meet all of the standards and requirements outlined in this Section 8.3 and also Section 8.1, and Article VII. This has not been met. Staff has recommended that the planning commission recommend denial of the requested amendments to the township board. If the planning commission has a different perspective, there are draft conditions of approval for consideration provided on pages twelve and thirteen.

Dloski: staff has recommended denial, but has also prepared findings for approval, what is the overriding consideration for approval as opposed to denial?

Cram: if the commission has a different opinion on the findings, it should be discussed.

Dloski: how much emphasis was placed on trip calculations?

Cram: marginal, looked at the project as a whole.

Hall: asked for clarification on section 8.3.3, qualifying conditions, paragraph one, page eleven. The requirement seems to be saying that the density of the proposed development cannot be greater than the density that was permitted, the maximum density permitted, by the applicable use by right provisions.

Cram: for the original approval, the planning commission and the board would have considered the forty-one units as proposed, as opposed to thirteen as a use by right, fifty-five as a plat, or approximately seventy which was the maximum for the underlying zoning. However, the planning commission and the board approved forty-one for the maximum density. Looking at the amendment, that maximum density is being eroded.

Hall: the planning commission and the board agreed on the maximum density allowable or the density that they approved; these are different things. This condition is talking about the maximum density allowed and it seems to me that we are either talking about fifty-five or seventy-three.

Shanafelt: thirteen, that is the use by right and that is the only thing that had ever legally been done prior to this approval.

Cram: when I drafted this, my thought process was looking at the original approval, that had been vetted during multiple meetings (in reviewing the minutes of the planning commission and the board). It was found, in talking to planning commissioners that were present at the time, that forty-one was the

maximum number of units that they felt was a substantial benefit and so any addition would be an increase to the density that was approved.

Patterson: I wanted to participate as it relates to one of the findings, which is part of one of your factual findings, there is a reference, not only of staff, but it includes a comment by the township attorney (as to) having looked at the submittals of the applicant. I think it goes directly or sheds some light in context with the planning commissioners, in looking at this sort of density component, and looking at that forty-one units in contrast and balancing the fifty-five as was discussed in the original approval. We were asked to comment on administrative precedent by the planning commission, and I just wanted to make sure that consistent with the staff's review, and those proposed findings of fact, it was part of the record. This is the fourth amendment: there are prior Peninsula Shores approvals that have been done by the planning commission (obviously) including the original decision. One of the questions that stems from two different letters that have been submitted by the applicant's lawyer, as well as attachments, is citing other zoning decisions, as well as court cases, resulting from an appeal of this decision. Those present some guardrails or limitations in how you would view the standards, as it now applies to this amendment. I think based on what the planner is suggesting and looking at forty-one; looking at what the applicants' lawyers are arguing and (looking in) that we are bound by administrative precedent: the original PUD approval, as well as, the reference to the Grand Traverse Circuit Court opinion (that would have been a letter to exhibit one). If we take them at their word on binding administrative precedent and we do not look at any distinguishing characteristics (or even) the original approval of the PUD, the planning commission has already historically set the precedent that for purposes of the two particular benefits that we heard from the applicant over several meetings that: the shoreline protection, the configuration, and size of the lots, as well as the percentage of open space is ultimately a balance of forty-one units. That is the administrative precedent that was set- that is what was provided, that is what they are asking us to follow, that which was submitted in letter one exhibits one, three, and five. If you look at that- one of the things that you are seeing in those proposed findings of fact is being harmonious and consistent with what, the applicant's lawyer is attesting to, as administrative guidance from this plan; that not you as current members, but as the planning commission's prior decision does strike a balance (on those) on that property, the approximately eighty-one acres. When you look at open space, shoreline protection, the size of the lots, the configuration of them, and then the number forty-one, set forth in the original decision, they are asking us to then follow that precedent. If that decision is binding on us, and that decision is not distinguishable from the decision that is presented today, then I do think part of that balance is talking about these proposed findings of fact between forty-one and fifty-five, and that forty-two is too far. The commission already struck the balance in the prior findings of fact as to how we balance, or how this commission previously thought you should balance, shoreline protection, reconfiguration of those lots below, the permitted acreage size in the district, as well as the open space. I just point that out because it goes to one of the comments in the findings of fact that we have referenced; it responds to a question that we received from the planning commission that we distributed to the commissioners. I also just want to make it clear on the record that we did look at the other exhibits as well, and I do not want to spend too much time on, for purposes of the planning commission, that you have already reviewed and studied them and do not have questions. I think the particular ones I thought that were relevant to address are in letter one, exhibits one, three, and five, and of course letter two, exhibit one, because those particular decisions do relate to this project. I think when reviewing those I think they are in support of the township staff's recommendation for denial because of the guidance that was previously provided by the commission as to how you balance these standards under the PUD and the SUP standards; those that have been identified here. We also looked at additional exhibits four, six, and exhibit two (one), and then exhibits six and seven. I think you all probably have your own personal experiences or at least your own knowledge about the Seven Hills SUP and the Vineyard Ridge PUD, but in getting some actual information, and looking at those decisions that are provided in the letter, we just do not think they are particularly on point. So even if this commission is bound by administrative precedent, I think you can distinguish those by treating those two decisions as different from the decision that is being

presented. If you distinguish those, you are not bound by them to the extent that they even provide any guidance for your decision this evening. I think as far as the prior approvals that are in the history of this development, I think I did discuss those and I am happy to elaborate.

Hall: I would like to go back and focus on your comments. I understand the precedential value of the commissions and boards' earlier determination that forty-one units strike the right balance and what was approved. There must have been more than forty-one units that were possible, it could not have been thirteen, because if it were thirteen then this standard 8.3.3(4) would not have been met and the project should have been turned down at that time.

Cram: the thirteen units would have been if they did not go through any process; if they just wanted to come in by right. The upper bound of allowed density based on acreage and zone district would be the seventy-three units per section 8.3.

Hall: It seems to me during the initial approval process there could have been more than forty-one units.

Patterson: correct. I think that is the reason you have to be careful because I think in some of the comments, the applicant has made, there is some conflation of 8.3.5 as being an objective standard that actually applies to your approval, and I do not think that's correct, it is a procedural question. But 8.3.5, is actually implicated as part of, and reference, in that condition that you referenced subsection four of 8.3.3. What I think is important is: that we were asked a question that was raised by the applicant's legal counsel, are we administratively bound by our prior decisions? I think there is some; it is a little bit difficult to find case law directly on point in the zoning world, but you are an administrative body, and there are administrative decisions that do suggest that if you have made a prior decision, and is on point for the decision that is presented to you, again for purposes of consistency, it could be arbitrary or capricious (to just sort of unreasonably decide in some other direction). What we had told the commission (you understand) is that we think, yes, that prior decisions are of value to at least look at them, which then takes you to letters one and two that are submitted by council. I think if you take the position that those original decisions, particularly the Circuit Court opinion, stand for something. That says the planning commission is bound by this decision and the factual findings that were on appeal, and you take from the applicant legal council's letter that you need to look to those findings, and the balancing that was done in the initial PUD approval. Then, one of the conclusions that you can glean from that if you take their letter and their argument at face value, is that the planning commission has set the balance for those benefits that you heard the applicant talk about: the forty-one units in exchange for the shoreline protection, the size of the lots, and the open space. Take that administrative precedent, if it is going to be binding on you, according to their letter. Fast forward to today, practically speaking, I understand that the main benefits that were bargained for and discussed in the commission in the original approval remain relatively the status quo, looking at the Mansfield consultant report. But from a significant perspective, the answer is no. Then the question comes with all you have done is at a unit and if there is some precedential effect for that prior approval, the commission would follow it by indicating the previous balance that was struck is still consistent, and it would not be the same by just adding a unit, without understanding how do you depart from that prior approval. And suggest that adding a unit still satisfies that special use in the PUD standards.

Hall: if the planning commission's judgment calls for balancing compromise, if those are going to be legally binding on us, we need legal direction. Let us suppose that that is generally true what about a non-material change, what if this change that they are proposing could be construed as non-material; that a one percent increase in traffic flow is not material?

Patterson: I think the problem there is that, in this construct, there is no condition that says you satisfy it under either the prior approvals or in the plain language of the zoning ordinance by it just being non-material, right? I mean prior precedent cannot overrule the plain writing of the zoning ordinance you need to apply today. We have to find the condition or the standard that we are applying that proves that it is sufficient to then satisfy all the standards. If you give deference to those prior decisions the reason is that typically, those decisions do not cause much of an impact. Most zoning projects approval and decisions are always different.

Discussion of the plain language of the amendment, the zoning ordinance and substantial improvement, 8.3.2 and 8.3.3, and the standards, satisfaction of the criteria

Hall: it appears that the planning commission is constrained by the earlier decision that was made to approve this project with forty-one units.

Patterson: if you look at the findings, this goes back to the planner's report; if you agree with those factual findings. One of those findings is indicating some review of these administrative decisions, it is in one of the conditions. But if you accept the applicant's representation that these particular decisions are binding, that they are administrative precedents, then I am saying the conclusion that you would reach is still in support of the staff recommendation (particularly that condition that started this conversation) that you looked at the qualifying conditions, I think it was 8.3.3 sub 4.

Todd Millar, Parker Harvey, representing the 81 Development Company and the O'Grady family: we have supplied you with blow-by-blow responses in two very lengthy letters with a lot of exhibits as to why we believe that the conclusions reached by the planning and staff are not the correct results to reach; that this amendment does meet all of the standards set forth in the Peninsula Township zoning ordinance. I am not going to go through each one of those blow-by-blow because of the detail that we have in the letter but there are essentially four things that I would like to talk with you about tonight and I do not think that there is any dispute about what this amendment does. What this amendment does is, it provides for a septic system on lot twenty-four, which by the way has already been approved by the health department, or at least passed off on the health department. It adjusts lot lines for lots twenty-five through twenty-nine and forty-one. According to the planning department which is correct, it is reducing lots twenty-five through twenty-nine by a total of 4,718 square feet. This is improving the bluff buffer increasing the bluff area that is being preserved in this development. It is adding 4,652 square feet to lot forty-one, which is actually a net decrease of 66 square feet in the overall project, and as is painfully aware, it also creates a proposed lot forty-two; all while preserving the sixty-five percent open space, preserving the 1,500 feet of shared waterfront and maintaining the 11,633-foot minimum lot size in this development. This seems to be one of the big issues that you are struggling with, is this concept of going from forty-one lots to forty-two lots, and what does that mean, and what is the significance of the forty-one lots. If you have done any review of the record in this case going back to 2015; the only conclusion that you can reach is that that was not an agreed-upon maximum number of units in the development. There is one instance in the record from the 2015 meeting where Commissioner Leak asked about the first plan being thirty-six lots and now there are forty-one lots. Where were these lots added? The architect said to look at lot width, it was reduced in some of the lots, and also reducing the depth to make up for the open space. No other discussion in this record about forty-one lots. Let us not kid ourselves, forty-one lots were approved because forty-one lots are what was asked for by the applicant, and it was not a maximum that was set by the planning commission or the township board to be applied to further potential amendments. The other issue that seems to be forefront and the discussion you just had with the attorney, I think is very telling, and that is this concept of substantial improvement and whether or not this amendment standing alone has to meet this burden of substantial improvement. I heard the attorney say, no that it does not have to meet that. The township board and your predecessors on the 2015 planning commission clearly ruled that this proposed development was a substantial improvement. Your review of this matter, should not the question be, is this amended development still a substantial improvement as was found by the previous planning commission and the township board? I would encourage you not to place too much emphasis on a particular amendment when looking at the analysis of substantial improvement but look at the amended project as a whole. Otherwise, minor amendments to a project are never going to get approved because they can never meet this standard of substantial Improvement. What I would ask you to ask yourselves tonight is if this project came before you at forty-two units instead of forty-one would you approve it? If you would, I think you have got to approve the amendment that gets us to forty-two lots.

Kyle O'Grady, 901 South Garfield Avenue: Todd outlined the facts well. How did we get to this point and the history; we have supplied the information. We have an understanding of the ordinance while building

out this community. We urge the planning commission to look at this amendment and approve it this evening.

Dloski: where did the forty-one units come from?

Hornberger: I was on that board at that time, the forty-one came because they needed sixty-five percent open space. In order to figure out how many units they got their sixty-five and then they figured out the lots for what was left, and they ended up with forty-one.

O'Grady: correct and we are doing that again and ending up with forty-two.

Discussion about the number of lots approved in 2015

Hall: would like to revisit a question because I think it is important (at least for my thinking) on This- the substantial improvement requirement, does it apply to an amendment? Does the amendment, what is proposed by the amendment itself have to be a substantial improvement?

Patterson: I think what the zoning ordinance would require is that the amendment has to satisfy the standards of the zoning ordinance, and I think in October we talked about two different interpretations that were even discussed among the commissioners. I do agree that there is an interesting practical impact for some amendments to the extent that you may always deny them or "lack of" a substantial improvement because the dictionary definition of substantial improvement would probably be a pretty high burden. What we had discussed before and what I agree with, is that you could look at the amendment- even in isolation but then pull it back into the context of amending the entire PUD and decide if the PUD as proposed would satisfy all of those criteria. I think the one thing that is particularly on point with this, and I just want to be clear, I do not think that the administrative precedent suggests that forty-one is a maximum in a vacuum, but I think the administrative precedent that has been cited by the applicant's lawyer shows you is that forty-one was the administrative guidance on forty-one units in exchange for those benefits that were discussed by the applicant's attorney: preserving the open space, waterfront, that minimum lot size requirement and the fourth item that was discussed. That is what I am suggesting, is that if you look at that original approval and you are bound by the administrative precedent with respect to that; what I am saying is that the forty-one has already been balanced against those other benefits that the applicant provided. I do not think that there is anything substantial, that they have suggested, as to providing, to depart from the prior decision to add a unit. What has been sort of affected or substantially changed since the prior approval that suggests the balancing of forty-one units in exchange for that open space protection, the shoreline development, what exactly is going to move the needle for a planning commissioner to decide that they could add that unit?

Discussion of substantial improvement requirement and the amended project as a whole.

Susie: we are being taken through this history by both Jenn and the applicant's legal counsel and then I have been thinking about how I am processing it, where my decisions are being based. I am looking at how we have handled things previously. I can look at how we have handled the previous amendments, I can look at those amendments and say on their own they were beneficial, and for the project as a whole, they were beneficial. When I look at this, you could argue there is a sliver to me that is not a practical benefit, so I do not believe that that sliver of shoreline, I do not put it in the benefit category, just it is not really enough. Maybe that is just my take on that, I am not sure what the line is it just, practically, it does not seem like enough, and I see in black and white that we are being told we are increasing density and to me, that is a drawback. There is an argument: we get another taxpayer. Our master plan is not craving more residents, nothing in our master plan states that we want more taxpayers, more residents, and more traffic so I am going to point to that when I think about this project as a whole and this amendment independently or sort of on its own. But I can put them together and say I do not believe that there is enough in the positive column to approve this application for this amendment. I have voted to approve other amendments because there was, and I can also say that this amendment in the context of the whole project; I do not see it as a benefit we already have sixty-five percent open space, we have protection of the shoreline, we have all those benefits they are in place and so how does this, in the context of the whole development, result in a net benefit it does not change that. It does not adjust it is one more unit it is increased density, so even if I try and contort it to look at the specifics and say does

this meet it does it not meet it, I cannot seem to get to yes on a couple of them. I might be able to massage it a little bit to get to yes, but I certainly cannot do it. That is where I am.

Kevin: this is the fourth time this has been discussed at the planning commission level; we are hearing that some of the commissioners are reaching conclusions. I think we need a motion on the table to debate.

Moved by Beard to approve amendment number four to the Peninsula Shores Planned Unit Development Number 123, subject to the five conditions as detailed in the December 12, 2023 staff report and finding of facts, seconded by Hornberger, for the purpose of discussion.

No action taken

Hornberger: that was the date that Jenn distributed that to us, and for the purpose of discussion, I will second the motion. I was here in 2015 and we were not given an opportunity to vote on forty-two units, so whether or not I would have approved that or not is moot because it was not brought before us. I know that it was heavily discussed at the time and when forty-one units were approved, we had the sixty-five percent open space, and we had the lots. I do not see pulling units twenty-five through twenty-nine back a little bit from the bluff as significant enough to add another unit.

Beard: there is no question in my mind that even however slightly this amendment increases density in this development, and there is no doubt in my mind that even however slightly it increases traffic and noise and lighting in this development, I do not see how it benefits the residents of that neighborhood, that development, or the community as a whole. The mathematical calculations necessary to maintain the 65/35 ratio does not truly result in any additional usable common space for the residents of that development, and nor does it improve anything for the community as a whole. The resulting smaller lot sizes in forty-one and forty-two are in fact not consistent with the adjacent lots and I do not believe these are an improvement. We have heard this tonight (you can argue) that what is being requested here is a minor change, a modest change, a marginal change, an insignificant change, but the letter of the law that we have to find uses the phrase substantial improvement. The code does not say that minor changes shall be approved, the code requires approval if the modification is of substantial improvement and so in the plain language of the code, I do not think amendment number four does in fact meet that threshold. I do not think it is an improvement at all in the neighborhood, or in the community as a whole, substantial or otherwise. I think that the staff report and the findings of fact are dead on and I think what the attorney shared with us this evening is right on point as well. If I recall correctly by the applicant's own admission, forty-one was put on the table because that is what their engineer/architect put on the table, and they went with that. Now sometime down the road you crunch numbers differently and you have a different result does that create an obligation on us to change, I do not think it does, given that there are some downsides to approving. This in my opinion. I will be voting no.

Alexander: I would agree with you, Mr. Beard. One of the things in the ordinance talks about open space being available and usable for the residents. If you are just taking a little bit out of somebody's yard that does nothing to increase the amount of available space that is specifically set aside for the people that are in that development to use, this open space does not pan out. It does increase density which is something I am not in favor of and I just do not think it is an improvement to do that. As mentioned earlier, talking not approving or approving things; I do take issue with that because we did just move lot one and change that. This in our opinion, was an improvement. For this particular one, I am in agreement; it is not substantial enough. To refresh my memory: we are talking about the shoreline and saying we are obligated to preserve the shoreline, and that is one of the things that you really care about. There has been a discussion at one point about separating that piece out and taking those five lots. Was there a discussion of saying can we take those lots on Shoreline Drive if preserving the shoreline is the main intent here, and going ahead and tweaking those without considering the lot? I remembered discussing that at one point.

Cram: I am not recalling that conversation.

Alexander: to clarify, could the planning commission just approve the changes to lots twenty-five through twenty-nine separate from adding a lot? If the main consideration was definitely to preserve the bluff the

applicant was really concerned about preserving-meant bluff. Their main consideration was to preserve the bluff and the amendment, as it is written, changing those lot sizes- moving them, it would seem that a responsible builder would do that anyway.

Shanafelt: I agree with largely what has been said. What strikes me in general is that everything is going to be case by case; I think this one is particularly interesting. I understand in the background there is a lot of contentious disagreement about this approval in the first place in 2015, and this is where I really find myself grounded in the decision made at that time. In this particular case, that is what sways me almost, more than anything. I agree with Kevin totally. I cannot think of why this is a benefit in any way shape or form, and thus it is really hard to support it just because everything about it ends up making it not as good as it is currently. That is where I stand. I understand the discussion- everything that happened, this is why I actually go back to the case-by-case perspective because in the future we will have a different case that we will consider differently.

Larry: I think that this is a very nice development. It is a high-class development, well done, and I think it is a benefit to the community. However, if we have to analyze it under substantial benefit, I cannot see where adding a home is a substantial benefit, unfortunately. I would like to approve this but I cannot. The only reason I cannot approve it is because we are bound by the constraints of the zoning ordinance or I would vote yes for it in a New York minute.

Hall: Chris, I understand what you are saying: the amendment by itself, viewed in isolation does not have to be a substantial improvement, yes or no?

Patterson: I think that is the way that you could apply the zoning ordinance.

Hall: I agree with the comments that have been made that the various findings of fact by staff indicate that the proposed amendment would not be an improvement, and in fact will be detrimental; traffic and other features. However, my view is that- since we do not have to look at the amendment by itself and find a substantial improvement, we should be looking at the project as a whole, as amended by the proposed amendment to see if it still is a substantial improvement. I think that it is and I would approve it.

Dloski: asked for clarification.

Discussion

Hall: motion on the floor by Beard:

Moved by Beard to approve amendment number four to the Peninsula Shores Planned unit Development Number 123 subject to the five conditions as detailed in the December 12, 2023 staff report and finding of facts, seconded by Hornberger.

Roll Call: Beard, no; Shanafelt, no; Hornberger, no; Dloski, yes; Alexander, no; Hall, yes; Shipman, no
motion failed

Beard: when will this show up on the board's agenda?

Hall: we are not sending it on

Cram: the board has the final approval.

Patterson: my understanding is the motion was made in the affirmative. Under the zoning enabling act, we could consider this still action by the commission and take it to the board. There also is the alternative motion which is to then make a motion that you are recommending to the board to deny it; you should appreciate the fact that right now you are giving the board (not specific) direction; meaning you made a motion to recommend, it did not pass. If you want to make a motion of some sort to send it to the township board with a recommendation, if you decide to take no action, then we will have to take the commission's direction and we will work with whatever you give us.

Beard: in my past life this was a clear message to the legislative body. It was five to two against approval.

Patterson: if nobody wants to take any action, we are fine with that. We will take it as it is presented in the minutes to the township board.

Cram: normally in in my experience that motion failed and then there would be another motion made

to recommend denial to the board, but if Chris feels we have enough information. I just have not done it in the reverse like that.

Patterson: can I ask for one clarification from the commission? I just want to clarify you all understand that the decision that you made, just so this is on the record, that you understand that that was a final recommendation and that this action can now go to the township board with the findings of this meeting and the prior meeting and the public hearing.

Discussion

Moved by Shipman that we recommend denial to SUP Number 123, Amendment Number 4, as presented. no action taken

Dloski: reference the staff findings

Discussion

Moved by Shipman to recommend to the township board denial of the SUP amendment in conformance with the recommendations made by staff in the findings of fact presented in our meeting packet, presented and discussed on December 18, 2023, seconded by Alexander.

Roll call: Beard, yes; Shanafelt, yes; Hornberger, yes; Dloski, no; Alexander, yes; Hall no; Shipman yes

motion passed

9. Reports and Updates:

a. Application Received for an Amendment to SUP #132 – Bowers Harbor Vineyard

Cram: we have received an application and the plan is to bring that forward to the planning commission at the January 22, 2024, meeting for an introduction. It is an addition to the single-family residence, and the single-family residence was part of the original special use permit approval because of needing as much of the total acreage as possible. That is why the single-family residence was encapsulated into that SUP.

b. Building Height Study Group Update and Policy Recommendations

Cram: gave a brief update/summary from the building height study group, memo is in the packet. Will advertise for a public hearing for the January 22, 2024, planning commission meeting; will prepare draft verbiage.

Hall: gave brief comments on the activities of the building height study group.

c. Shoreline Regulations Study Group to Begin January 2024

Cram: plan to move this group forward in 2024. Summarized the purpose of this group and proposed participants.

d. Notes from the township board strategic planning meeting held on December 13, 2023

Cram: summarized the main topics of the strategic planning meeting, where all of the board members were asked to write down priorities for 2024. The notes can be found on the wall. A priority for planning was getting the draft master plan across the finish line in quarter one. Second, hiring a planning and zoning administrator and additional staff. Third, a complete update to the zoning ordinance also ranked very high. Also, specific strategic updates to shoreline regulations. In addition, there are police power ordinances that are also a priority, including the stormwater ordinance and the junk ordinance. Also, to look at recent legislation that is moving its way through the state with regard to wind and solar and housing density. The planning commission will work with staff to prioritize near-term zoning ordinance amendments. Finally, continuing the study groups and hiring assessing staff.

10. Public Comments:

Fred Woodruff, 4824 Forest Avenue: I read a number of months ago that there was the

formation of a metropolitan planning council. I noticed there are lots of things on the agenda including the master plan and the new zoning ordinance. Is the planning commission participating in that in any way because yes, we are unique and we have this little finger thumb, whatever you want to call it, sticking out in the middle of Grand Traverse Bay. We are one of four or five townships surrounding the City of Traverse City. It also has a planning commission; it also has a master plan; all of the others have a master plan. Does it make sense as we go through this for you all to participate in that in some way?

Cram: yes and no; there is a technical committee and a policy committee that is part of the new formation of the metropolitan area and so myself and Isaiah Wunsch, the supervisor, have been participating in these meetings. They had to designate voting members and I, as the Director of Planning and Zoning, am the voting member representing the township on the technical committee. Isaiah is the voting member on the policy committee. The township board authorized us to participate in these meetings. We both have the authority to be the alternate vote if one of us is not able to attend that meeting. There are fourteen townships and four transportation agencies. Some bylaws have been adopted, and as the representative for the township, I will be bringing updates to the commission as they come forward. We have been in a lot of red tape meetings adopting bylaws and procedures. We have not gotten to any policy decisions but that will be coming. The technical committee meets every other month so there are six meetings per year and the policy committee meets every other month. I have been participating in all meetings and going to all of them to make sure that the township has a voice and a vote.

Woodruff: there are lots of issues that come out of the master plan and the rewrite of the zoning ordinance. Let us not reinvent the wheel, there have got to be policies behind things. Leelanau County has as much shoreline as Peninsula Township. I imagine if you go all the way.

Cram: the metropolitan area is specific towards transportation and because we have become an MPO we qualify for federal dollars; to qualify and receive those dollars we have to have this group. Everybody gets an equal vote; those are all the things that we have been working through.

Lauren Tucker, 558 Brackle Point, representing the Home Builders Association: I do look forward to seeing the policy recommendation. I am disappointed because I thought we had reached a consensus with a good recommendation. I was hoping to hear that tonight and see that process move forward. That is a disappointment. I agree with you, Randy, that the process was constructive and productive. One thing that I would like to highlight is in the shoreline study group: I would ensure and encourage you to corporate engineers, landscape architects, of that sort. I didn't hear any of that listed. I would also like to be added to that group if possible as I do represent many of those professions and can add a different layer of expertise. So again, I thank you for what you do and for giving your time. Make sure that you are consulting the professionals because I think that is the thing that leveled that up.

Spencer: I just wanted to piggyback quickly off of that because that was going to be one of my follow-up comments. If you would not mind providing publicly the list of people who are already participating and perhaps if they have a role on the board, or if they come from a certain industry. I would also like to see who are the non-biased or the professional experts; I had recommended in the public packet. Jenn, there is the association that you belong to, there are other people that we could pull in to come in with an unbiased view. Inherently, we all have a biased opinion on this because depending where you are on the spectrum. It needs to take an outsider's perspective on what the law is; and how to limit the number of lawsuits our township gets into as a result of the decision that plays out in the study group and the decision that comes from that.

Monnie Peters, 1425 Neahtawanta Road: I packed this room five years ago when the water was rising, it reached its top, and the panic that was out there about what was going to happen to my shoreline. When I saw that this was coming back. From comments, I have heard shoreline means a lot of different things to a lot of different people. There is the boating community and how they look at the shoreline. Some people want to grow grass to the water and want to have lawns so they are looking at their yards. Various other communities look at shorelines. I think five, six seven years ago the person I found most interesting to talk about a lot of the serious issues was Dick Norton from University Michigan, an absolutely

incredible guy who has been involved in shoreline issues and he was dealing with the communities as they marched up along the coastline. There are multiple issues and multiple different things, so I can see that one of the important things is to start by having an open conversation about what are people's different views of the shoreline and how are they impacted. Then figure out where one needs to go on this. I think there is a fairly low water level and I read in the weekend's paper that they are suggesting that spring will be even four inches lower, something like that. So, there is not the panic that the citizenry had about what was going to happen and how can I save my shoreline and do I have to build a seawall. One of the things that we will have to do is to put our thinking caps on about what was happening four and five years ago as this was coming up and not forget that the water is down now, but the water was up not very long ago. I just suggest that to you all and say it has been interesting to have been in this area of study for the last four five six years: because it goes up and then it comes down and maybe it will be up again.

Hall: shoreline encompasses a lot of sub-issues, Jenn has subdivided these issues for discussion: single lot ownership and docks, size and location, shared waterfront, land use and shoreline maintenance, etc.

Cram: the builders and the architects are committed to working on the building height study group. The shoreline group is a longer timeframe and experts will be invited to speak on topics to get resident and expert input.

Shanafelt: the building-height study group worked cooperatively with all of the agendas involved.

Scott Norris, 5250 Lone Tree Road: I have the privilege of participating with you all in that study group and I agree I think that consensus was reached; it feels like things we are pretty clear about the finished grade, how that was going to be measured, and how we are going to measure the natural grade. We talked about a five-foot maximum between where that finished grade might be and the bottom, the average grade, the halfway point between the natural grade, and a finished grade would not be more than five feet above the natural grade. In other words, one might raise it ten feet but it could not be more than five feet higher than that- the halfway point could not be more than five feet higher than the natural grade. Whether you pick five feet or not, I think that is what we talked about around the table. There was some discussion about some exceptions to that particular rule: high water table was one, particularly steep slopes, maybe thirty percent slopes or greater if the house footprint was below the level of the road if they had a large acre parcel and the house was out in the middle of it, would it matter if it was raised more than the five-foot mean, if the parcel footprint was maybe more than x amount of feet from a property line. Jenn mentioned that those things could be handled by a recommendation from the zoning administrator for a variance. The time it takes to acquire a permit, as a builder, I and maybe the zoning administrator does not want to take on this added responsibility; but if there was a language that was included that where those exceptions would be allowed, you know for high water, table steep slopes so that the zoning administrator could have some latitude to approve those without having to refer us to a board of appeals. It takes a long time to get permits and this just adds more expense and time to the permitting process; if the zoning administrator denied the plan and it met those exceptions, then we could go to the zoning board of appeals. I think that to make the permitting less cumbersome than it already is, we could give some latitude to the zoning administrator and those particular exceptions that we talked about. It was an honor to be involved, it was very productive and felt positive.

Ellis Begley, 5419 Dunn Drive: also a participant in that study group, I think it has been productive. It has been very beneficial; we have been talking about definitions and creating diagrams. I am very thrilled and eager to continue working with that group to provide diagrams that hopefully everyone in the room can understand, every resident on the peninsula. We benefit from going through this process and studying more buildings on the peninsula, ones that have been built recently and historically, to ensure that we do not create several non-conforming structures. One thing that I have noticed that has been stalling the process: it is pretty clear that we are all in understanding about the definitions of where we measure from, and where we measure to. However, it seems pretty evident that these new definitions; if we continue to use this thirty-five-foot number, if we measure from a flat grade of natural grade to thirty-five feet up to the average, or mean elevation of the roof the lowest halfway point between the lowest point

of the roof in the top building height, then building heights on the peninsula will increase. This is based on how they are measured currently. Thirty-five might be the right number. I am certainly open to that discussion again during that meeting. I think it has just been incredibly worthwhile to review projects built on the peninsula already, to make sure that we are determining the correct number for these, with others in the group. It has not happened yet, but I think we are getting there. It is worth taking this time because there will be some public input if all of a sudden houses are five feet taller than what they are currently allowed to be.

11. Other Matters or Comments by Planning Commission Members:

Shanafelt: commented on the discussion on the Peninsula Shores amendment.

Shipman: absent in January

Shanafelt: absent in January

Shipman: commented on the building height group's productivity.

12. Adjournment: @9:10 p.m.

Moved by Dloski to adjourn, seconded by Shanafelt

approved by consensus

*Letters from public comment, item 5:

Good Evening...

Jay Milliken

7580 east shore road

I am very disappointed to find myself here tonight. There should be no cause for my presence in this situation. I find it extremely challenging to understand the recent angle and actions of the township administration. Regrettably, there appears to be a recurring theme within the township involving misinterpretations, inconsistent interpretations and new interpretations of long-standing laws and ordinances.

I am here with reluctance to formally read a letter for the record...

Dear Mr. Wunsch,

As owners of one of the very few commercial properties on Old Mission, Seven Hills, we are constantly striving to create a more inclusive community hub. Since our opening in June of 2023, we have worked diligently to establish a safe and inviting community center for people of all ages and backgrounds.

Our establishment has become a preferred spot for many local residents, serving as an ideal location for setting up remote workstations, allowing children to play on the expansive lawn, and providing a venue for friends and family to gather for various celebrations. We take pride in the positive community atmosphere we continue to foster on Old Mission.

Our property is classified as commercially zoned (C-1) and is contiguous to the largest section of commercially zoned property on Old Mission. Additionally, we possess a special use permit that allows for various uses on our property, including but not limited to a bar, tavern, and tasting room.

At Seven Hills, we have obtained licenses from the Michigan Liquor Control Commission that permit us to serve spirits and wine. These licenses are authorized under our current zoning (C-1), our special use permit, and the existing township zoning ordinance.

Throughout the first seven months of our business, we have, and continue to make numerous adjustments based on the needs of the local community and the business itself. Frequent questions and comments from the community on a daily basis include:

"Why don't you offer any beer?"

"I don't drink hard alcohol."

"You should really offer something with a lower alcohol content."

Embarking with just a small distiller's permit and gathering feedback from the community, we quickly recognized the need to incorporate beer and wine into our offerings. Daily, we observed

customers entering, taking a seat, and subsequently leaving when they realized we lacked options beyond hard liquor. We acted quickly and added a wine license.

The community members are extremely pleased with the addition of wine in our tasting room.

The next step for us as a business was to initiate the application process for a microbrewer permit. Introducing a low ABV (alcohol by volume) beer option to our tavern menu is an excellent way to ensure that all guests can enjoy our establishment. We often have guests who spend the entire day with us, enjoying their time on the lawn playing games and catching up with family and friends. Beer is obviously a great daytime beverage option compared to higher proof wine or spirits. By offering a beer option, we aim to contribute to creating a safer environment for all residents and visitors of the Old Mission Peninsula.

We recently learned that the Peninsula Township planner has submitted an opposition letter to MLCC concerning our pending microbrewer application.

The filed opposition claims that we would be in violation of the zoning ordinance and would need to amend our current special use permit. Furthermore, it states that we are only approved for a small distiller permit for our approved tavern, bar, and tasting room. However, all of these assertions are inaccurate. A micro brewer permit is surely allowed (as was the small distiller license and small wine maker license) within our existing SUP for tavern use (section 6.6.2 (1))

Given the limited size and development plan for our commercially zoned (C-1) property at 13795 Seven Hills Road we are unable to, and not planning to brew or make beer in a traditional, full production manner.

We have purchased a five-gallon glass carboy for fermenting third-party purchased wort on-site, at Seven Hills. This process will appease the MLCC licensing department and must be done, at a minimum, once a year. In total, we will create *maybe* 10-20 gallons of process and wastewater/liquid annually to meet the minimum on-site brewing requirements of the MLCC.

The beer we serve will be coming from our five-gallon fermentation carboy and from a local, licensed brewery. We will be purchasing five-gallon ("pony") kegs for service in the tasting room. No bottling, no retail, just tastings of beer in our already licensed tasting room.

Our supplier, a local brewery, is licensed and contracted to create our products for us, off-site at their licensed and bonded facility. Our products will be brought from their legally licensed and bonded facilities and delivered to our licensed, bonded facility.

Would the township require a tavern that only served cocktails and wine to amend their special use permit if they wanted to take a keg? No. (Would the township require Seven Hills to amend our special use permit to press old mission grown apples into apple cider and serve from a keg? Which we currently do? NO.) Serving kegged beer will not burden the existing infrastructure.

The nearby residential parcels will probably benefit from being walking distance to a nice place where they can snag a beer.

With the issuance of the microbrewer license, we will continue operating in accordance with the township ordinance and within the parameters of our Special Use Permit. We have provided all the necessary information to proceed with our business endeavors. Now, we will be able to offer our beer-loving clients an option they prefer.

Thank you for promptly addressing this matter and for assisting in securing the rescission of the Peninsula Township planners' letter of opposition with the Michigan Liquor Control Commission.

Sincerely,



Jay Milliken
OMP Seven Hills
Partner

My name is Judy Spencer, I live at 6450 Peregrine court, with my husband AND 3 young boys. My husband grew-up on the Peninsula, as well as his parents, and generations before that as well. One of the greatest gifts each of these Spencer-generations provided to their respective children was access to the Great Lakes, with Private or Shared frontage.

So when Jeff and I decided to raise our Family in Traverse City 13 years ago, we made it a financial goal of ours to some day get water access, to provide the same wonderful Travers City memories and experiences his parents provided to him.

We worked really hard – both working full-time – and were blessed enough to be able to fulfill our goal to afford a lot with Shared Frontage. We were living a dream: building a new house, getting a hoist and a boat, all under the impression we had proper permitting from the US Army Corp of Engineers.

When I look back, some of our greatest family memories were spent on the water of East Bay on our boat. It is simply why we live in Traverse City. Our boat and access to the water holds such significance in our family, which was amplified, unfortunately, during Covid, when the only thing we *could do* was go out on our boat, and spend time as a family, just the 5 of us. While the dark days of Covid seem to be in the rear view mirror, you have to understand, that was a major portion of my kids' lives; a good portion of their childhood. So the significance of being on the water on our as a family is even more significant in my children's eyes.

Fast forward to today, boating and access on East Bay, provides a sense of community meeting up with neighbors on the water, exploring nature over at Tobacco, and the latest is our kids are getting into water sports. The smiles on their faces truly reflects the beauty of Northern Michigan summers.

I guess my point is, while there is a fundamental legal disagreement on who has jurisdiction over the Great Lakes, Which I submitted information for next Month's meeting packet with my best interpretation of the Federal Law in response to the Planning meeting on November 20, at the end of the day, we are asking for 3 months out of the year to have access to our boats so we can pass on the enjoyment of the Great Lakes to this generation and generations to come.

The intent of our ordinance Section 7.4 as it stands today is to "protect the water quality and land resources related to the Great Lakes Shoreland for the future health, safety and welfare of Township residents."

If we didn't have a dock, all the boats would be Moer'd, and the same amount of people would still be crossing the roads to access their moerd boats. So limiting the number of hoists wouldn't increase the safety of our residents.

Even worse, if we had to explain to our kids we could no longer have access to our boat on East Bay, I can say for certain that we are not protecting the welfare of the Township citizens who want to share the beauty of being on the Great Lakes.

I am optimistic that the Shoreline Study group will look at other ways of improving the health, safety, and welfare of the Township Citizens, and look to remove ordinances in place today that conflict with Federal and State laws, resulting in less lawsuits and legal fees for us all in the future.

I hope to be a part of that study group, and want to thank you for your service.

Business

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

PENINSULA TOWNSHIP

MEMO

To: Planning Commission
From: Jenn Cram, AICP, Director of Planning and Zoning
Date: January 17, 2024
Re: Bowers Harbor Vineyard SUP #132, Amendment #1 - Introduction

The Bowers Harbor Vineyard Special Use Permit (SUP) #132 was approved by the board on July 23, 2019. The SUP approval authorized the use of the property as a winery-chateau under Section 8.7.3. The signed findings of fact for and conditions for SUP #132 and board minutes from the July 23, 2019, meeting are included in [Exhibit #1](#) for reference.

The conditions of approval for the SUP contained specific timeframes that action items needed to be completed. Please see pages 15 and 16 of the findings of fact. The applicant/property owner did not come in and apply for a land use permit to construct the addition to the single-family residence within the timeframe specified in the findings of fact. As noted in "Near Term Action Item" #6 failure to comply results in the need to amend the SUP.

The applicant/property owner would like to move forward with obtaining a land use permit to construct the proposed additions to the single-family residence that was included in the SUP. As such, they are requesting an amendment to the SUP.

The application and supporting materials for the requested amendment are included in [Exhibit #2](#). Staff has asked for additional information to document the current state of the property pursuant to the original SUP approval for a winery-chateau. We would like to document the "Immediate Action Items" as having been completed. We would also like the planning commission to determine if "Near Term Item" #5 has been completed satisfactorily per the intent of the original approval (planting no less than 1.2 acres of grapes or fruit trees). The location of these additional plantings is in the general vicinity of the largest addition to the existing single-family residence.

It is also important to note that on December 13, 2022, the board adopted zoning ordinance amendment #201 that repealed Section 8.7.3(10) – Winery-Chateau. As such, the existing winery-chateau use approved on the property is a legally-non-conforming use. The existing single-family residence was included in the SUP to meet

minimum acreage requirements for a winery-chateau. Single-family residences are uses/structures that are allowed by right within the A-1 zone district. As such, the single-family residential use/structure on the property is a conforming use/structure and an expansion/addition to the structure can be approved with an amendment to the SUP.

Staff and the applicant will be available on January 22 to walk you through the application and answer any questions.

Exhibit 1

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

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

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

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

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

1. PERMITTED ACTIVITY

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

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

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

2) Vehicular Parking and Circulation

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

3) Signage Changes

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

4) Specific Activities

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

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

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

2. GENERAL FINDINGS OF FACT

2.1 Property Description:

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

2.2 Action Request:

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

2.3 Zoning/Use:

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

2.4 Land Use Pattern:

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

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

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

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

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

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

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

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

- a) Be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
 - i. The board finds that architectural plans to expand the tasting room (20X65) have been provided and the design and use of this structure is harmonious and appropriate in appearance with the existing or intended character of the general vicinity (**EXHIBIT 5**).
 - ii. The board finds the existing single-family residence toward the south side of the property is proposed to be expanded with a three-level addition of living space and a new deck/pool. A land use permit (No. 5958) was issued on 6/6/19 for a 20x40 in-ground pool on parcel number 11-123-001-12). Architectural plans have been provided and the design and use of this structure is harmonious and appropriate in appearance with the existing or intended character of the general vicinity (**EXHIBIT 6**).
 - iii. The board finds that the pavilion is proposed to be expanded on the north side. The size of the expansion is 10x46.5 and the design of this expansion is consistent with the existing structure (**EXHIBIT 6A AND EXHIBIT 2**).
 - iv. The board finds that a new deck is planned to be constructed west of the existing pavilion. The design of this deck is consistent with the character of the area (**EXHIBIT 6B AND 2**).

This standard HAS been met.

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

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

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

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

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

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

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

This standard HAS been met.

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

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

This standard HAS been met.

3.2 Conditions and Safeguards: The board may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for ensuring that the intent and objectives of the ordinance will be observed. The breach of any condition, safeguard, or requirement shall automatically invalidate the permit granted.

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

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

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

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

This standard HAS been met.

- b) That all required information has been provided.

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

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

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

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

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

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

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

- e) That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.
- i. *The board finds that the applicant has obtained a letter from the Peninsula Township Fire Department, and that compliance with Soil Erosion & Sedimentation Regulations is not required. The board also finds that the applicant is required meet the Grand Traverse County Construction Code and the applicant has coordinated with the Grand Traverse County Health Department to ensure compliance with all regulations (EXHIBIT 10).*

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

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

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

This standard HAS been met.

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

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

This standard HAS been met.

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

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

This standard HAS been met.

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

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

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

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

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

This standard HAS been met.

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

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

This standard HAS been met.

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

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

This standard HAS been met

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

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

This standard HAS been met.

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

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

This standard HAS been met.

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

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

This standard HAS been met.

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

i. The Board finds that the applicant and township planning staff have generated a parking analysis showing the need for up to 153 parking spaces given existing facilities, proposed expansions, and planned events. A total of 153 parking spaces are provided on C1.1, along with 8 bus parking spaces. This assumes 30% of visitors arrive by buses (**EXHIBIT 13**). Improvements to the width of the driveways and turning radiuses are necessary as described in the letter from the fire chief (**EXHIBIT 7**) and are a condition of approval.

ii. Twenty-eight parking spaces are proposed to be aligned North/South and East/West on the west side of the subject property line. This lot line is shared with Bowers Harbor Park. At the far east end of this parking area is an agricultural access easement that connects to Devils Dive Road to the south. This access easement in Bowers Harbor Park is for

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

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

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

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

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

- r) That outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
 - i. The board finds that there are no changes to the existing accommodations for garbage and refuse storage.

This standard HAS been met.

- s) That the proposed site is in accordance with the spirit and purpose of this ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this ordinance and the principles of sound planning.
 - i. The Board finds that the proposed changes are consistent with the agricultural A-1 district farmland preservation goals and policies of the 2011 Master Plan, when all approval conditions and safeguards are met.

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

4. SECTION 8.7.3 (10) WINERY-CHATEAU REGULATIONS:

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

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

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

This standard HAS been met.

- b) The use shall be subject to all requirements of Article VII, Section 8.5, Food Processing Plants in A-1 Districts, and the contents of this subsection.

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

This standard HAS been met.

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

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

This standard HAS been met.

- d) The principal use permitted upon the site shall be winery, guest rooms, manager's residence, and single-family residences shall be allowed as support uses on the same property as the winery. In addition to the principal and support uses, accessory uses for each such use shall be permitted provided that all such accessory uses shall be no greater in extent than those reasonably necessary to serve the principal use.

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

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

This standard HAS been met.

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

Winery with tasting room: five (5) acres.
Manager's residence: five (5) acres;
Single-family residences: five (5)
Guest rooms: N/A

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

This standard HAS been met.

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

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

This standard HAS been met.

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

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

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

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

This standard HAS been met.

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

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

This standard HAS been met.

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

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

This standard HAS been met.

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

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

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

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

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

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

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

This standard HAS been met.

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

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

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

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

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

- o) In the event that the township board determines that noise generation may be disturbing to the neighbors or that the establishment is in an area where trespass onto adjacent properties is likely to occur, then the township board may require that fencing or a planting buffer be constructed and maintained.
 - i. The board finds that the expected noise generation will not require fencing or plantings. This finding also recognizes that, per approval conditions, no wine tasting shall occur within 25 feet of the property line shared with Bowers Harbor Park.

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

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

This standard HAS been met.

- q) Activities made available to registered guests shall be on the site used for the facility or on lands under the direct control of the operator either by ownership or lease. Outdoor activities shall be permitted if conducted at such hours, and in such manner, as to not be disruptive to neighboring properties.
 - i. The board finds that no guest rooms are proposed.

This standard HAS been met.

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

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

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

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

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

This standard HAS been met.

- t) The township board may approve guest activity uses (activities by persons who may or may not be registered guests) as an additional support use, subject to the following:

The winery-chateau section of the ordinance requires seventy-five percent (75%) of the site to be used for the active production of crops that can be used for wine production such as fruit growing on vines or trees. It does not require that any of the wine produced on the site be made from wine fruit grown on Old Mission Peninsula. However, maximum participants at guest activities is related to wine fruit production on Old Mission Peninsula if guest activity uses are allowed to take place at a winery-chateau facility.

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

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

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

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

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

This standard HAS been met.

5. COMPLIANCE WITH GOVERNMENTAL REGULATIONS:

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

6. APPROVAL CONDITIONS AND SAFEGUARDS:

Conditions and Safeguards: The board may require such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of the ordinance will be observed. The breach of any condition, safeguard, or requirement shall automatically invalidate the permit granted. Specific conditions include:

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

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

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

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

7. COMMENCEMENT AND COMPLETION OF SPECIAL LAND USE:

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

8. EFFECTIVE DATE OF SPECIAL LAND USE:

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

AYES
NAYS
ABSTAINING
ABSENT

Wunsch, Achorn, Biddle, Wahl, Sawyer, Chown
Manigold

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

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



Rebecca Chown, Peninsula Township Clerk


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

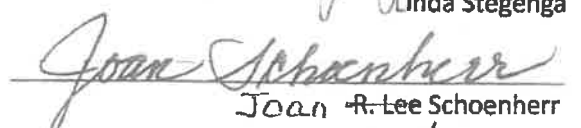


Rob Manigold, Peninsula Township Supervisor

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

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


Linda Stegenga


Joan R. Lee Schoenherr
Trustee

PENINSULA TOWNSHIP

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www.peninsulatownship.com

Township Board Regular Meeting

Township Hall

July 23, 2019

7:00 p.m.

Meeting Minutes

1. Call to Order

2. Pledge

3. Roll Call: Achorn, Bickle, Chown, Manigold, Sanger, Wahl, Wunsch

4. Brief Citizen Comments (for items not on the agenda): none

5. Approve Agenda

Moved by Bickle to approve agenda as presented, seconded by Wunsch. passed unan

6. Conflict of Interest:

Manigold will abstain from item 8, #1: public hearing on Bowers Harbor Vineyards special use permit [#132].

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.

1. Invoices (recommend approval)

2. Reports

A. Peninsula Township Water Quality Report for 2018

B. Ordinance Enforcement Officer Report for June

3. Correspondence

A. Judith W. Weaver

B. John Scarbrough

C. Mary Swift

4. Request to advertise for open seat on Peninsula Township Parks Committee

5. Michigan Association of Planning's 2019 Environmental Planning Award for Peninsula Township's Purchase of Development Rights program

6. 2% Grant Award from the Grand Traverse Band of Ottawa and Chippewa Indians to the Peninsula Township Fire Department

7. Request from Old Mission Women's Club to use the township hall for the 2019 annual Christmas Cookie Sale and to utilize various types of signage to advertise the event

8. Minutes from June 27, 2019, township board special meeting and July 9, 2019, township board regular meeting

9. Revised request to solicit RFPs for 2019 PDR monitoring contract

10. Master Plan Steering Committee update

Chown: corrected the June 27, 2019, meeting minutes. Said item 5 should read, "Moved by Bickle to approve the agenda as amended, not as presented, and the adjournment time should read 9:45 a.m."

Moved by Wunsch to approve consent agenda as amended, seconded by Wahl.

Roll call:

passed unan

8. Business

1. Public hearing on Bowers Harbor Vineyard special use permit [#132] (Mielnik)

Moved by Wunsch to remove Manigold from the board, seconded by Sanger.

passed unan

Chown opened the public hearing on Bowers Harbor Vineyard special use permit [#132].

Mielnik: as mentioned in the memo in your packet, steps have been taken to notify the public of the public hearing to approve SUP #132. In a brief summary, the applicant applied a year ago to the township to change the existing SUP and add a new one. There was a notion to have two special use permits on the same property. The planning commission considered options to amend activities beyond SUP #32. A planning commission subcommittee met to begin a dialogue to pursue winery chateau status for Bowers Harbor Vineyards (BHV). It was known at that time there would be one or more variances to accomplish that. Those variances were heard and approved in April by the ZBA. The application for the winery chateau was submitted in May. The planning commission held its public hearing and acted in June. The findings of fact and statement of conclusions found in the packet has been evolving; there was dialogue between the planning commission subcommittee and the planning commission.

There is a list of fourteen conditions. The immediate actions include modifications to a circular drive required for emergency vehicles, and BHV has been working with the fire chief to look at the driveway in terms of turning radius. Also, we are consulting with the township engineer in terms of the configuration of grades, lines of sight, paved parking area, turnaround, and storm water drainage. Second, there are 153 parking spaces. Last, there are existing and new exterior lighting that need to comply with section 7.14 of the zoning ordinance. Those are immediate actions to be taken. In the near term, the actions are as follows: 1.2 acres of grapes/fruit trees to be planted by July 1, 2020, and to apply for a land use permit for the deck, tasting room addition, pavilion addition, house, and garage addition.

Sara Kiever, planner for Bowers Harbor Vineyards: to briefly summarize the project, Bowers Harbor Vineyard[s] was approved as a roadside stand by an ordinance in the early 1990s. Those changes in the ordinance configured them to be legal non-conforming, and over the years they have expanded and the ordinance has changed. In the past few years, we have worked together to formulate a plan to be compliant with the ordinance. We worked with the planning commission with several items and went through the ZBA. We come here tonight to seek winery chateau status. The planning commission recommended our approval last month and we went through their conditions and agree with them. Looking at condition #2, the upgrade regarding the width of the driveway to fire code standards, we will upgrade the width of the driveway. Paving is scheduled with Elmers, but due to the season, it is difficult to get a scheduled date, and we don't want our SUP held up. If we are approved as a SUP tonight, we

would ask for a time waiver and have Elmers provide a letter confirming we are on their schedule. We agree with all other conditions.

Fred Gilstorff, Peninsula Township fire chief: has worked with Bowers Harbor Vineyard[s] since last year about improving occupancy in the building. They ran every idea that they want to do by him, and he gave recommendations in the concept phase. The driveway has been an issue, and the township ran fire trucks to see how tight the driveway is, and it's a tight turn by the main driveway by the residence. It does depend on how the vehicles are parked. If they are parked properly, it is not an issue. Sara has proposed another plan that he believes will be sufficient. The code states that we need to get an apparatus within 150 feet of the building. They are paying attention to how the buses are parked with regard to emergency services. The latest drawing takes into account extending the driveway. Initially, between 30 and 32 inches would suffice; that will allow for mistakes in parking vehicles. As for the existing driveway, the code requires it to be 20 feet wide and it currently sits at 17 feet, 8 inches, and it will be extended 26 inches. The circular drive is 26 to 27 feet wide and will be increased 30 inches. The circular drive in front of the home is 16 feet wide and will be increased to 22 feet wide. With these changes, the emergency vehicles can come in and accommodate human errors in terms of parking in the driveway. The drawings will receive further review.

Chown: asked for public comment; there was none.

Chown: closed public hearing and opened regular meeting.

Chown: we have a unanimous recommendation from the Peninsula Township Planning Commission to approve SUP #132.

Wunsch: explained that he was the township board's representative to the planning commission and joined the committee that has worked with Bowers Harbor Vineyards since the beginning. Bowers Harbor Vineyards currently exists in regulatory limbo because the ordinance under which it was formed no longer exists in the township. It has been a challenge as they have grown and it is a challenge for the township. We regulate them in a manner as we regulate other township wineries, but we haven't had ordinance language to enable that growth. One and a half years ago, the owners and their representatives came to us requesting to modify their existing SUP, and that was less than ideal for both the applicant and the township. At that time, we began looking at using a couple of variances to bring them under the winery chateau umbrella. The committee and the planning commission believe that SUP #132 is a good SUP. It provides for changes under that regulatory umbrella and moves Bowers Harbor Vineyards into the winery chateau ordinance. If modified in the future, it will give Bowers Harbor Vineyards the same options as other vineyards.

Sanger: what has come up tonight is the question of the driveway and fire code. Bowers Harbor Vineyards is presently operating under SUP #32. In 2010, the town board expanded SUP #32 to allow BHV to engage in dining in the vines. This is a guest activity as defined under the winery chateau ordinance. Under the town board, dining in the vines will go on until October of this year. This activity is conducted when the tasting room is closed; this is when the tasting room numbers go down and the number of diners goes up. Under this new SUP #132, now the activity can be concurrent with the tastings, so the paving matter is important. In the issue of fairness, Bowers Harbor Vineyards should be able to continue its

scheduled activities through October under the action of the township board. It is wise tonight to accept the findings of fact and the timeline as presented with the understanding that as soon as the driveway can come up to fire code, they can engage in guest activities like the other winery chateaus. These activities include concurrent or simultaneous tastings, agricultural meetings, food pairings, and so forth. If they can get the immediate items in place, then the existing SUP will stop and #132 will kick in.

Moved by Wunsch to approve SUP #132, which establishes Bowers Harbor Vineyard[s] as a winery chateau, pursuant to section 8.7.2(3) of the Peninsula Township Zoning Ordinance, subject to all the approval conditions and safeguards contained in the findings of fact and statements of conclusions. Bowers Harbor Vineyard[s] may continue wine tasting and related activities allowed under SUP #32 and township board action allowing dining in the vines until immediate action items listed are completed, at which time Bowers Harbor Vineyard[s] may conduct guest activities and uses pursuant to section 8.7.3(10)(u) and SUP #32 is rescinded, seconded by Bickle

Kristy McClellan, BHV director of operations: would it be possible to have guest activities after normal hours until parking is expanded?

Wunsch: you can continue to do the activities after hours; the motion will correct that problem.

Bickle: with my second, the motion is as follows: we approve SUP #132, which establishes Bowers Harbor Vineyard[s] as a winery chateau, pursuant to section 8.7.2(3) of the Peninsula Township Zoning Ordinance, subject to all the approval conditions and safeguards contained in the findings of fact and statements of conclusions. Bowers Harbor Vineyards may continue wine tasting and related activities allowed under SUP #32 and township board action allowing dining in the vines until immediate action items listed are completed, at which time Bowers Harbor Vineyards may conduct guest activities and uses pursuant to section 8.7.3(10)(u) and SUP #32 is rescinded, that is my second of the motion.

Achorn: thanked all who were involved.

Chown: asked if there were any other comments or questions.

Bickle: called for a vote.

Chown: all those in favor of a roll call vote say aye. All those opposed say nay.

passed unan

Roll call: Wunsch-yes, Achorn-yes, Bickle-yes, Wahl-yes, Sanger-yes, Chown-yes

passed unan

Motion by Wahl to have Manigold return to the meeting, seconded by Bickle.

passed unan

Manigold: item #2 on tonight's agenda is potentially a closed session pursuant to MCL 15.268(e) to discuss the personnel evaluation of Lighthouse Manager Ginger Schultz tabled from the last meeting. Ms. Schultz has the right to request the meeting occur in closed session.

Attorney Meihn: we are going into closed session upon the request of the employee.

Moved by Wahl as amended by Meihn to close the regular meeting to go to closed session, pursuant to MCL 15.268(e), to discuss personnel evaluation of Lighthouse Manager Ginger Schultz.

Roll call:

passed unan

(CLOSED SESSION)

Moved by Wahl to close closed session and open regular board meeting and return to open session pursuant to MCL 15.261, seconded by Wunsch.

Roll call:

passed unan

(OPEN SESSION)

9. Citizen Comments: none

10. Board Comments: none

11. Adjournment:

Moved by Wunsch to adjourn, seconded by Bickle.

pass unan

Adjournment at 8:10 p.m.

Exhibit 2

11/2/23

PENINSULA TOWNSHIP APPLICATION FOR SPECIAL USE PERMIT NO.

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

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

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

Daniel B. Jorgensen
Applicant's Signature

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

APPLICATION REQUIREMENTS

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

received 12/4/23
J2

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

Ordinance Reference - Section 8.1.3

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

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

- (1) **General Standards:** The Town Board shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that each use on the proposed location will:
 - (a) Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
 - (b) Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
 - (c) Be served adequately by essential facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.
 - (d) Not create excessive additional requirements at public cost for public facilities and services.
 - (e) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by fumes, glare or odors.
- (2) **Conditions and Safeguards:** The Town Board may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted.
- (3) **Specific Requirements:** In reviewing an impact assessment and site plan, the Town Board and the Planning Commission shall consider the following standards:
 - (a) That the applicant may legally apply for site plan review.
 - (b) That all required information has been provided.
 - (c) That the proposed development conforms to all regulations of the zoning district in which it is located.

- (d) That the plan meets the requirements of Peninsula Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage and other public facilities and services.
- (e) That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.
- (f) That natural resources will be preserved to a maximum feasible extent, and that areas to be left undisturbed during construction shall be so located on the site plan and at the site per se.
- (g) That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property.
- (h) That the soil conditions are suitable for excavation and site preparation, and that organic, wet or other soils which are not suitable for development will either be undisturbed or modified in an acceptable manner.
- (i) That the proposed development will not cause soil erosion or sedimentation problems.
- (j) That the drainage plan for the proposed development is adequate to handle anticipated stormwater runoff, and will not cause undue runoff onto neighboring property or overloading of water courses in the area.
- (k) That grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring properties.
- (l) That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.
- (m) That phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility service, drainage or erosion control.
- (n) That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities.
- (o) That landscaping, fences or walls may be required by the Town Board and Planning Commission in pursuance of the objectives of this Ordinance.
- (p) That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.
- (q) That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.

- (r) That outdoor storage of garbage and refuse is contained, screened from view and located so as not to be a nuisance to the subject property or neighboring properties.
 - (s) That the proposed site is in accord with the spirit and purpose of this Ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.
7. A public hearing on a special land use request is held by the Township Board if:
- a. A public hearing is requested by the Township Board, the applicant for special land use authorization, a property owner, or the occupant of a structure located within three hundred (300) feet of the boundary of the property being considered for a special land use.
 - b. The decision on the special land use request is based on discretionary grounds.
8. Complies with Section 7.7 Developments Abutting Agricultural Lands.

Page 4 of 4

Special Use Permit - Planned Unit Development Checklist

Project Name Bowers Harbor Vineyards

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

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

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

Name	Address	Phone
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ARTICLE VIII

Ordinance Reference - Section 8.1.2 Permit Procedures:

Submission of Application:

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

Ordinance Reference - Section 8.1.3

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

Section 8.1.3 (1) General Standards: The Town Board shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that each use on the proposed location will:

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

- b. ✓ Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
- c. ✓ Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
- d. ✓ Be served adequately by essential facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.
- e. ✓ Not create excessive additional requirements at public cost for public facilities and services.
- f. ✓ Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by fumes, glare or odors.

Section 8.1.3 (2) Conditions and Safeguards: The Town Board may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted.

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

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

- a. ☒ That the applicant may legally apply for site plan review.
- b. ☒ That all required information has been provided.
- c. ☒ That the proposed development conforms to all regulations of the zoning district in which it is located.
- d. ☒ That the plan meets the requirements of Peninsula Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage and other public facilities and services.
- e. ☒ That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.
 - i. ☐ *n/a* Grand Traverse County Road Commission
 - ii. ☐ *n/a* Grand Traverse County Drain Commissioner
 - iii. ☐ *n/a* County DPW standards for sewer and water if public.
 - iv. ☒ Grand Traverse County Health Department for private systems
 - v. ☐ *n/a* State and Federal Agencies for wetlands, public sewer and water.
- f. ☒ That natural resources will be preserved to a maximum feasible extent, and that areas to be left undisturbed during construction shall be so located on the site plan and at the site per se.
- g. ☒ That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property.
- h. ☒ That the soil conditions are suitable for excavation and site preparation, and that organic, wet or other soils which are not suitable for development will either be undisturbed or modified in an acceptable manner.
- i. ☒ That the proposed development will not cause soil erosion or sedimentation problems.
- j. ☒ That the drainage plan for the proposed development is adequate to handle anticipated stormwater runoff, and will not cause undue runoff onto neighboring property or overloading of water courses in the area.
- k. ☒ That grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring properties.
- l. ☒ That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.
- m. ☒ That phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility service, drainage or erosion control.
- n. ☒ That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities.
- o. ☒ That landscaping, fences or walls may be required by the Town Board and Planning Commission in pursuance of the objectives of this Ordinance.
- p. ☐ That parking layout will not adversely affect the flow of traffic within the site,

- or to and from the adjacent streets.
- q. ☒ That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.
- r. ☒ That outdoor storage of garbage and refuse is contained, screened from view and located so as not to be a nuisance to the subject property or neighboring properties.
- s. ☒ That the proposed site is in accord with the spirit and purpose of this Ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.

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

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

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

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

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

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

Revised August 29/2005



Special Use Permit Amendment Request
Peninsula Township

Owners/Applicant:

Bowers Harbor Vineyards

Special Use Permit #132

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

Planning Consultant:

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



Special Use Permit Amendment Request
Peninsula Township

Section 8.1.3(1) General Standards

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

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

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

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

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

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

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

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

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

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

Section 8.1.3(3) Specific Requirements

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

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

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

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



Special Use Permit Amendment Request
Peninsula Township

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

The site meets all applicable setbacks, parking, lot coverage and size requirements, as shown on the attached site plans.

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

There are no proposed changes in this Amendment application that will affect the requirements of Peninsula Twp for fire and police or water or sewage treatment. Soil Erosion and storm water management permits, if necessary, will be applied for at the time of the proposed building addition.

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

___n/a___ Grand Traverse County Road Commission

___n/a___ Grand Traverse County Drain Commissioner

___n/a___ County DPW standards for sewer and water if public.

___y___ Grand Traverse County Health Department for private systems

___n/a___ State and Federal Agencies for wetlands, public sewer and water.

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

The existing or proposed uses will not disrupt the natural resources.

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

There are no flood plains on subject parcels.

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

Soil conditions are suitable for the proposed residential addition. The areas of wetlands in the southwest corner will not be impacted.

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

At the time of construction for future additions/buildings, a soil erosion permit will be applied for to confirm.



Special Use Permit Amendment Request
Peninsula Township

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



**Special Use Permit Amendment Request
Peninsula Township**

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

Health Department
GRAND TRAVERSE
 COUNTY

RECEIVED
 OCT 12 2022
 Environmental Health

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

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

Property Address: 13975 Seven Hills Rd

Property Tax ID: 11-128-001-12

Township: Peninsula Twp.

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

Owner's Mailing Address: 13975 Seven Hills Rd

City, State, Zip: Traverse City, MI 49686

Owner's Phone: _____

Owner's email: spencer@bowersharbor.com

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

Applicant Address: 10167 E Cherry Bend Road

City, State, Zip: Traverse City, MI 49684

Applicant Phone: 231-941-1448

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

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

☒ RESIDENTIAL

Current # of Bedrooms: 4

Current # of Bathrooms: 3

Proposed # of Bedrooms: 4

Proposed # of Bathrooms: 6

Garbage Disposal: ☒ YES ☐ NO

Other changes: _____

☐ COMMERCIAL (please attach a brief business plan)

Type of Facility: _____

Current Max # of Employees: _____

Current # of Bathrooms: _____

Proposed Max # of Employees: _____

Proposed # of Bathrooms: _____

Max Customers Per Day: _____

Drinking Fountain: ☐ YES ☐ NO

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

Benjamin R. Maurer

Signature of Owner/Contractor

10/12/2022

Date

(TO BE COMPLETED BY SANITARIAN)

Grand Traverse County Environmental Health WELL & SEPTIC STATUS FORM

☒ EXISTING PERMIT AVAILABLE PERMIT # 22178
☐ EXISTING PERMIT NOT AVAILABLE

DATE OF ISSUE: 5/6/94

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

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

Comments: _____


Signature of Health Department Representative

10/12/22
Date

OFFICE USE ONLY

w/ Soil Erosion

Receipt Date: _____

Receipt #: _____

Initials: Im

ERICA AND SPENCER STEBERGA
EXISTING CONDITIONS SURVEY
13975 SEVEN HILLS ROAD
SECTION 28, TOWNSHIP 23 NORTH, RANGE 10 WEST
PERMIA TOWNSHIP, GRAND TRAVERS COUNTY, MINNESOTA

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

ENGINEERING
TERRILL & ASSOCIATES
1234 Main Street
St. Paul, MN 55101



DATE: 05/14/2024
PROJECT: 23-001-001
DRAWN BY: JTB

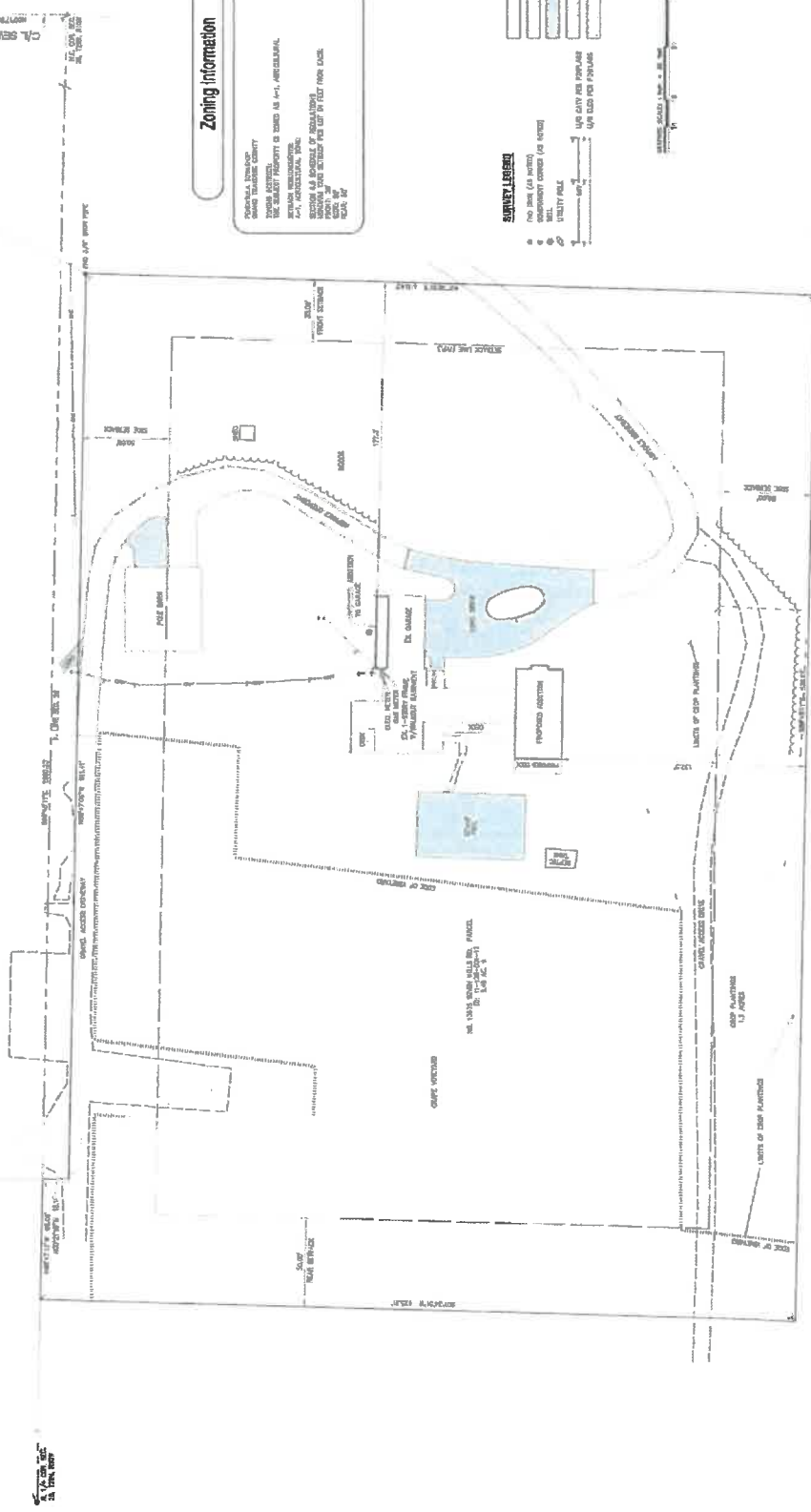
- SYMBOL LEGEND**
- EXISTING LOT LINES
 - EXISTING EASEMENTS
 - EXISTING BUILDINGS
 - EXISTING DRIVEWAYS
 - EXISTING UTILITY LINES
 - EXISTING FENCE LINES
 - EXISTING TREES
 - EXISTING ROCKS
 - EXISTING POLES
 - EXISTING SIGNAGE
 - EXISTING DRIVEWAY
 - EXISTING UTILITY LINES
 - EXISTING FENCE LINES
 - EXISTING TREES
 - EXISTING ROCKS
 - EXISTING POLES
 - EXISTING SIGNAGE

Zoning Information

PERMIA TOWNSHIP, GRAND TRAVERS COUNTY
TOWNSHIP 23 NORTH, RANGE 10 WEST
SECTION 28, TOWNSHIP 23 NORTH, RANGE 10 WEST
PERMIA TOWNSHIP, GRAND TRAVERS COUNTY, MINNESOTA

BASE OF BEARING
SECTION 28, TOWNSHIP 23 NORTH, RANGE 10 WEST
PERMIA TOWNSHIP, GRAND TRAVERS COUNTY, MINNESOTA

SURVEY NOTES
THIS IS AN EXISTING SURVEY. NO PROPERTY LINES WERE SET AS PART OF THIS EXISTING SURVEY. THE PROPERTY DESCRIPTION HAS NOT BEEN RECORDED, AND NO CHAIN OF TITLE HAS BEEN ESTABLISHED. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY EASEMENTS OR OTHER INTERESTS IN THE PROPERTY. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY EASEMENTS OR OTHER INTERESTS IN THE PROPERTY. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY EASEMENTS OR OTHER INTERESTS IN THE PROPERTY.





* 2 0 0 7 R - 2 0 3 7 4 *

2007R-20374
STATE OF MICHIGAN
GRAND TRAVERSE COUNTY
RECORD

11/02/2007 09:42:48AM
PAGE 1 OF 5 TXID 64984

PEGGY HAINES
REGISTER OF DEEDS

QUIT CLAIM DEED

THE GRANTORS:

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

WHOSE RESPECTIVE ADDRESSES ARE:

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

One Longfellow Place,
Ludington, Michigan 49431,

QUIT CLAIMS
TO THE GRANTEE:

SCHOENHERR VINEYARDS LLC, a
Michigan limited liability company,

WHOSE ADDRESS
IS :

One Longfellow Place,
Ludington, Michigan 49431,

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

As to Parcel 1:

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

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

As to Parcel 2:

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

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

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

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

Dated: October 13, 2007.

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

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

By 
Edward H. Albert, Jr.
Its President

STATE OF MICHIGAN

COUNTY OF GRAND TRAVERSE)
ss:

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

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

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

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

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

STATE OF MICHIGAN)

COUNTY OF Mason)

)ss:

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

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

PREPARED BY AND RETURN TO:

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

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

EXHIBIT A

Property

TOWNSHIP OF PENINSULA, GRAND TRAVERSE COUNTY, MICHIGAN

Parcel 1:

Part of Southeast quarter of Section 21, and part of Northeast quarter of Section 28, Town 29 North, Range 10 West, more fully described as: Commencing at the North quarter corner, Section 28, Town 29 North, Range 10 West; thence South 89° 08' 54" East, 1166.44 feet to Point of Beginning; thence South 0° 45' 42" West, parallel with the East 1/8 line of said section 880.08 feet; thence North 89° 40' 35" East, 1507.14 feet to centerline of Seven Hills Road; thence North 0° 23' East, 871.58 feet along said centerline to Northeast section corner; thence North 01° 33' West, 437 feet along said centerline to a point where Bowers Harbor Road and Seven Hills Road meet; thence North 55° 01' West, 313.95 feet along centerline of Bowers Harbor Road; thence North 57° 21' 0" West, 100 feet along said centerline; thence North 65° 21' 0" West, 100 feet along said centerline; thence North 74° 21' 0" West, 20 feet along said centerline; thence South 01° 33' 30" East, 366.98 feet; thence South 74° 05' 40" East, 69.90 feet; thence South 57° 22' 40" East 47.81 feet; thence South 20° 08' East, 98.50 feet; thence South 04° 58' West, 121.88 feet; thence South 24° 06' West, 117.86 feet; thence South 01° 14' 13" West, 410.02 feet; thence North 89° 08' 54" West, 580.01 feet; thence North 0° 45' 42" West, parallel with the East 1/8 line, 425 feet to the North line of Section 28; thence North 89° 08' 54" West along the North line 563.72 feet to Point of Beginning.

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

Parcel 2:

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

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

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

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

Grand Traverse - Leelanau
Antrim Bar Association
Form

WARRANTY DEED

For Register's use

AUG 30 12 53 PM '83

REGISTER OF DEEDS

THIS INDENTURE, Made this 25th day of March 19 83

WITNESSETH, That PAMELA W. WILLISIE, Trustee of the Pamela A. Willisie Trust dated 11/17/81, of 2896 Bowers Harbor Road, Traverse City, Michigan,

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

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

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

Subject to reservations, restrictions and easements of record.

Real Estate Transfer Tax: \$178.75

Signed in presence of

David C. Skinner
David C. Skinner

James A. Jennings
James A. Jennings

Signed on the date first above written

Pamela A. Willisie Trustee
PAMELA A. WILLISIE, Trustee
of the Pamela A. Willisie Trust

STATE OF MICHIGAN

COUNTY OF GRAND TRAVERSE

ss.

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

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

My Commission Expires

July 27 1986

George X. Paulin

Notary Public Grand Traverse County, Michigan

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

Date AUG 30 1983

County Treasurer GRAND TRAVERSE County, Michigan

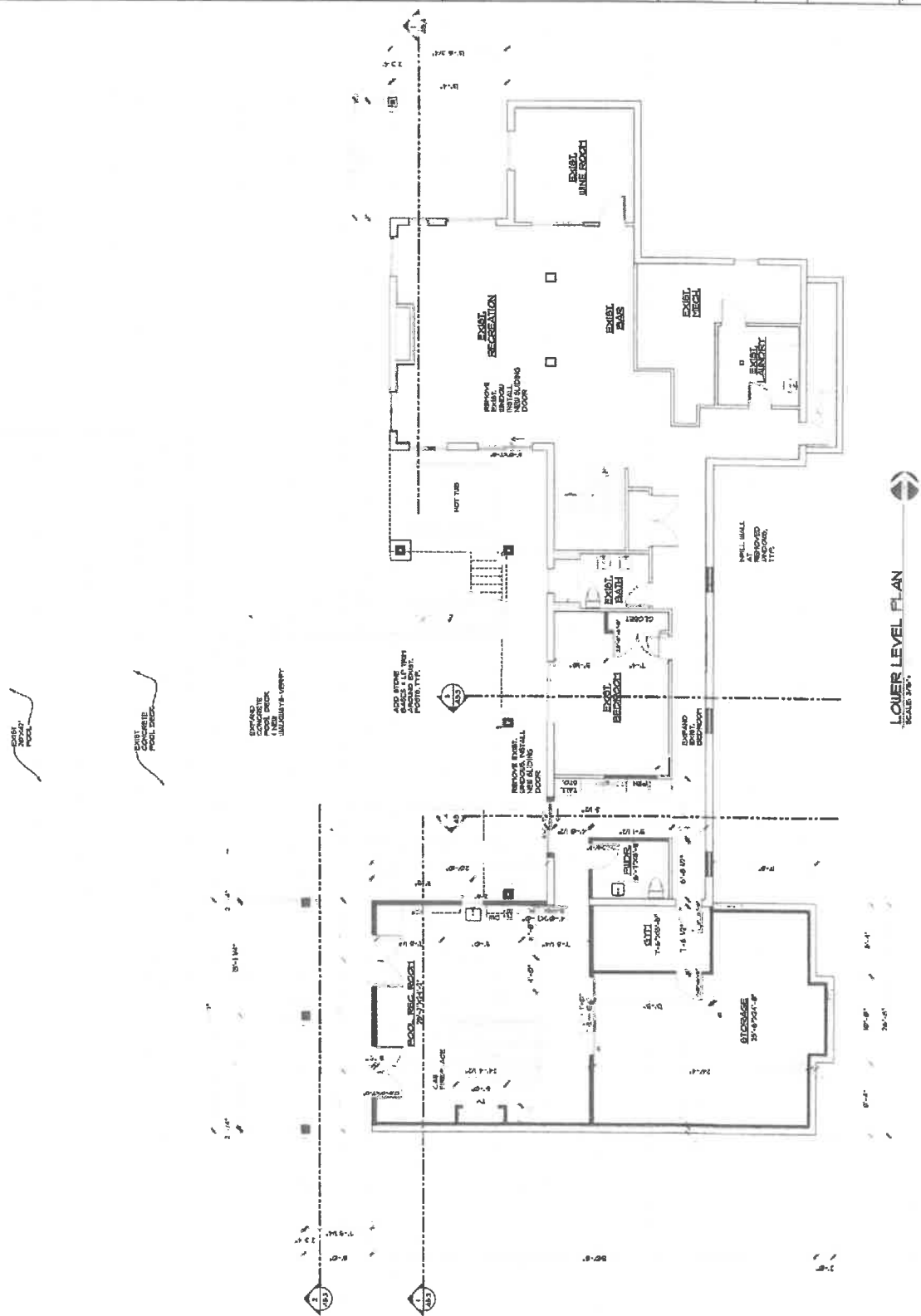
Exhibit B

121.077.10

RENOVATIONS & ADDITIONS
TO THE STEGENA RESIDENC
13975 SEVENS HILLS RD.
RAVENSBURG CITY ME

LOWER LEVEL
FLOOR PLAN

A2.0

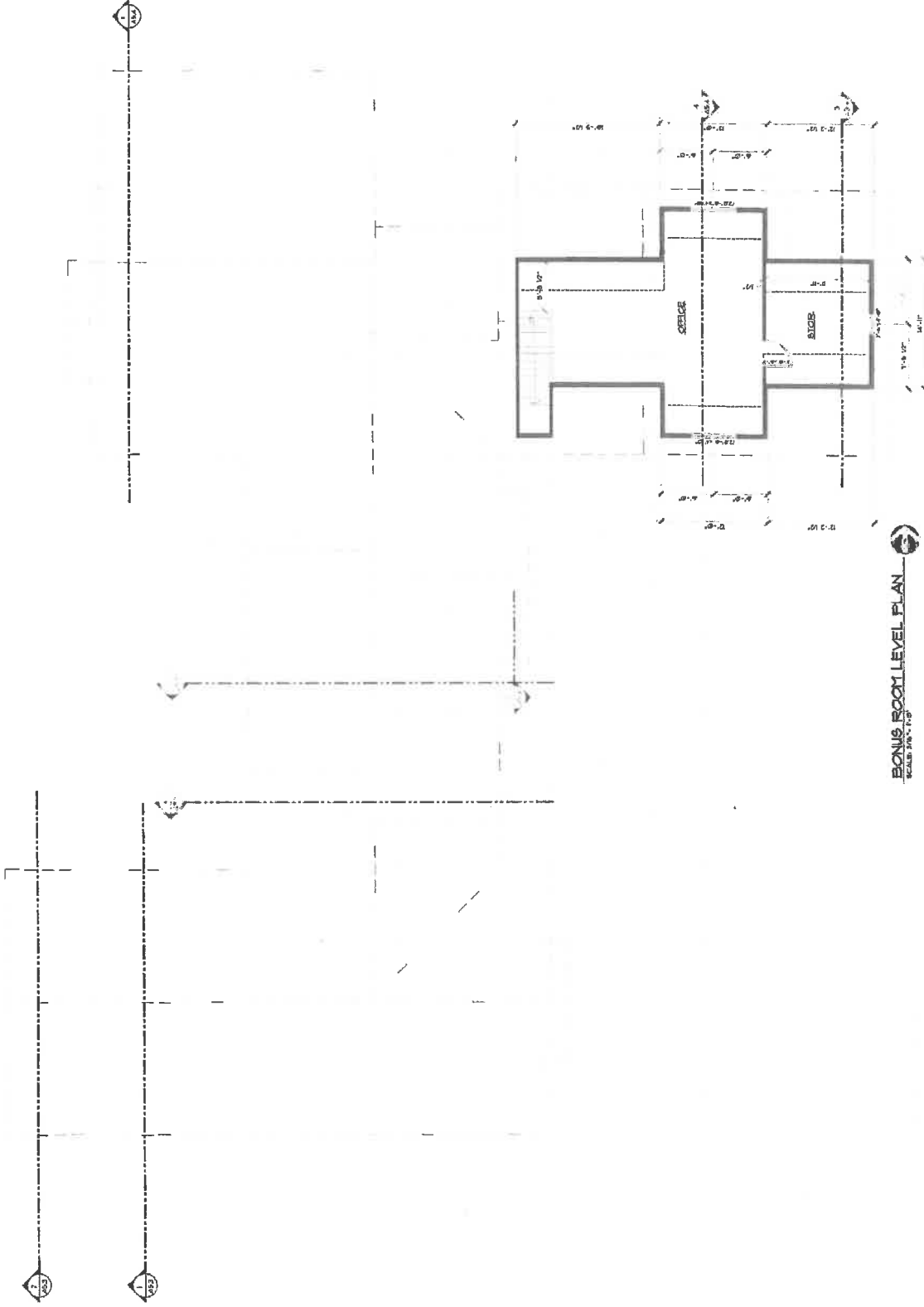


PROJECT: JESSICA VONHOLZER STRAUD
807 W. ORCHARD DR.
TROY, MI 48064
JESSICA.VONHOLZER@GMAIL.COM

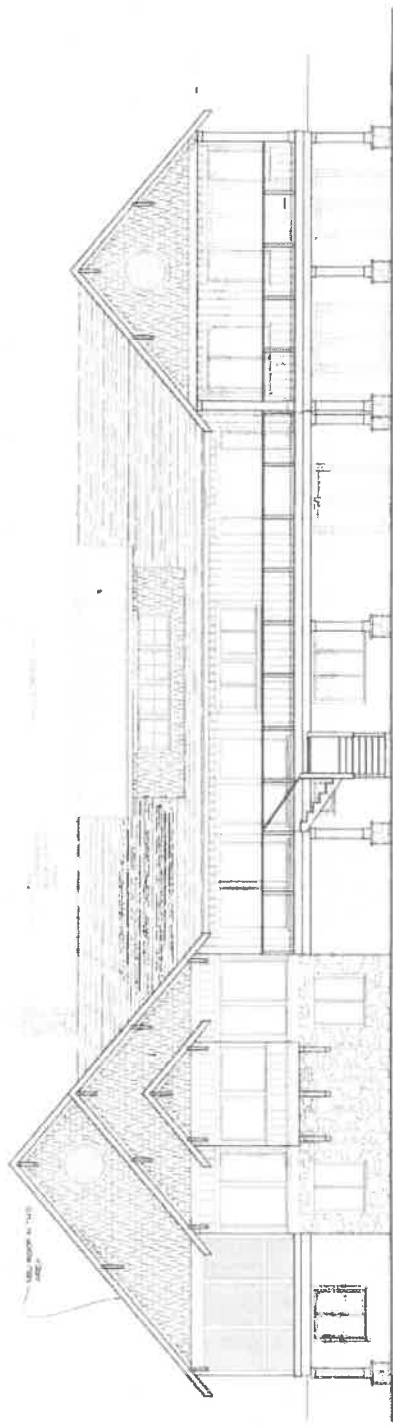
REVISIONS:
1. 10/10/2018
2. 10/10/2018
3. 10/10/2018
4. 10/10/2018
5. 10/10/2018
6. 10/10/2018
7. 10/10/2018
8. 10/10/2018
9. 10/10/2018
10. 10/10/2018

SHEET TITLE:
BONUS ROOM
FLOOR PLAN

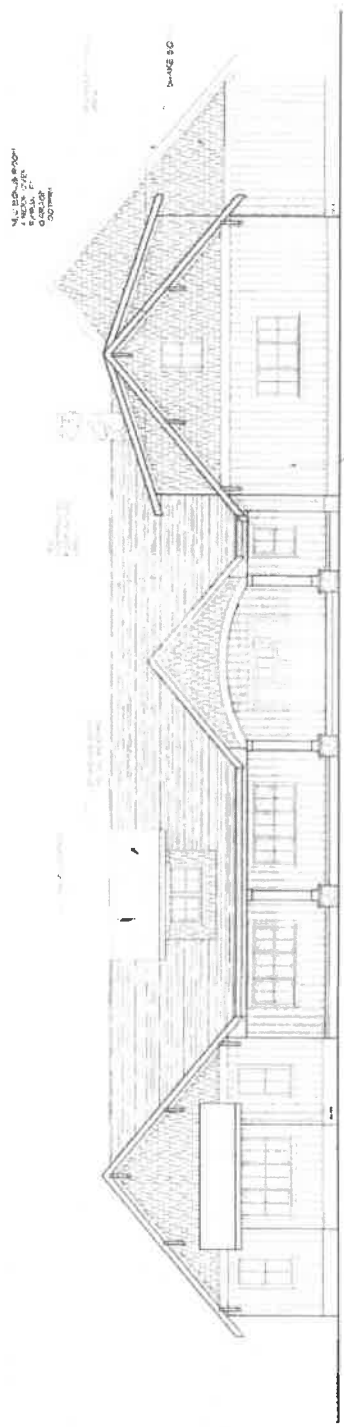
A2.2



<p> Architect: William Stoud 1000 W. Grand Ave. Traverse City, MI 49781 231-941-4378 wstoud@stoud.com </p>	<p> Project: 1000 W. Grand Ave. Traverse City, MI 49781 231-941-4378 wstoud@stoud.com </p>	<p> Scale: 1/8" = 1'-0" 1/8" = 1'-0" </p>	<p> Sheet Title: ELEVATIONS </p>	<p> Sheet: A5.1 </p>
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WEST ELEVATION
 SCALE: 3/8" = 1'-0"



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

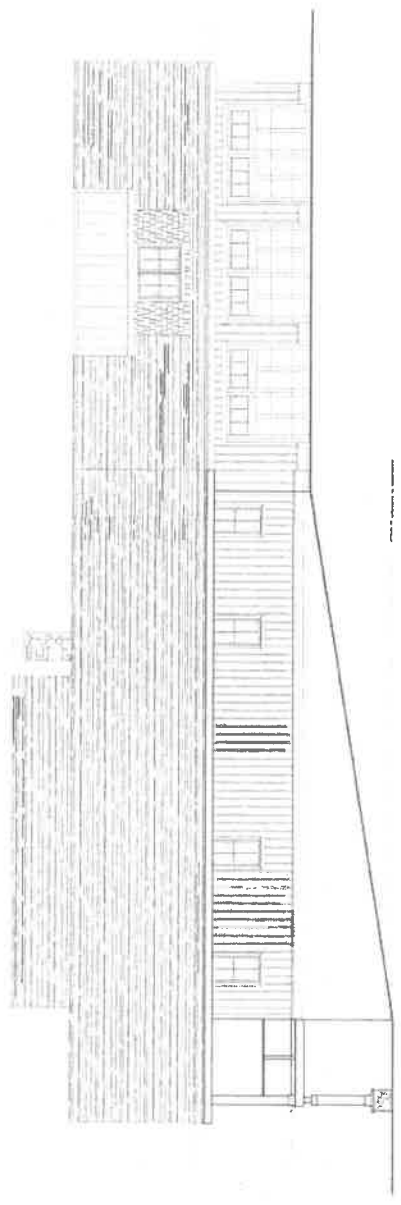
ARCHITECT:
Jesseca VanHousen Straud
807 W. Orchard Dr.
Madison, WI 53706
231-631-4376
jvanhou@gmail.com

PROJECT NAME/ADDRESS:
RENOVATIONS & ADDITIONS
TO THE SIEGENIA RESIDENCE
100 WEST HILLS RD.
TRAVERSE CITY, MI

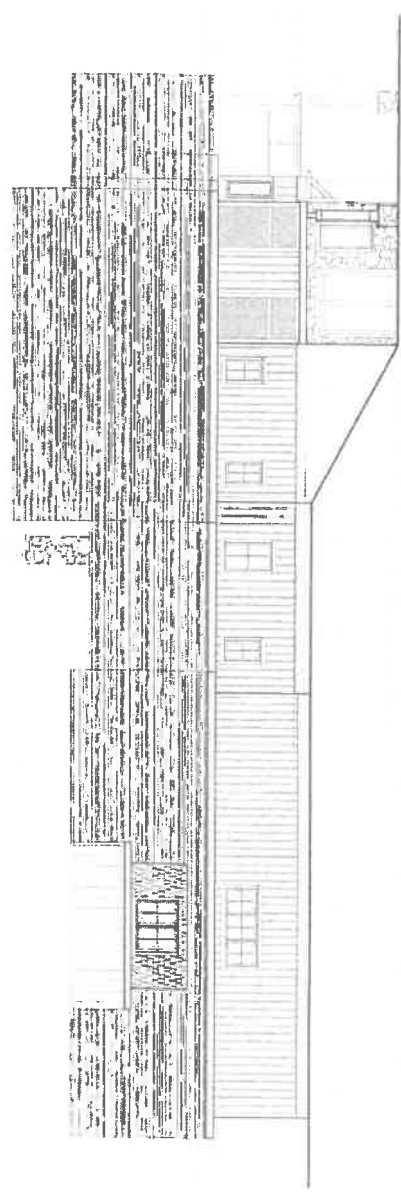
DATE: 05/27/2018
DRAWN BY: JVS
CHECKED BY: JVS
SCALE: 3/8" = 1'-0"

SHEET NO.:
ELEVATIONS

PROJECT NO.:
A5.2



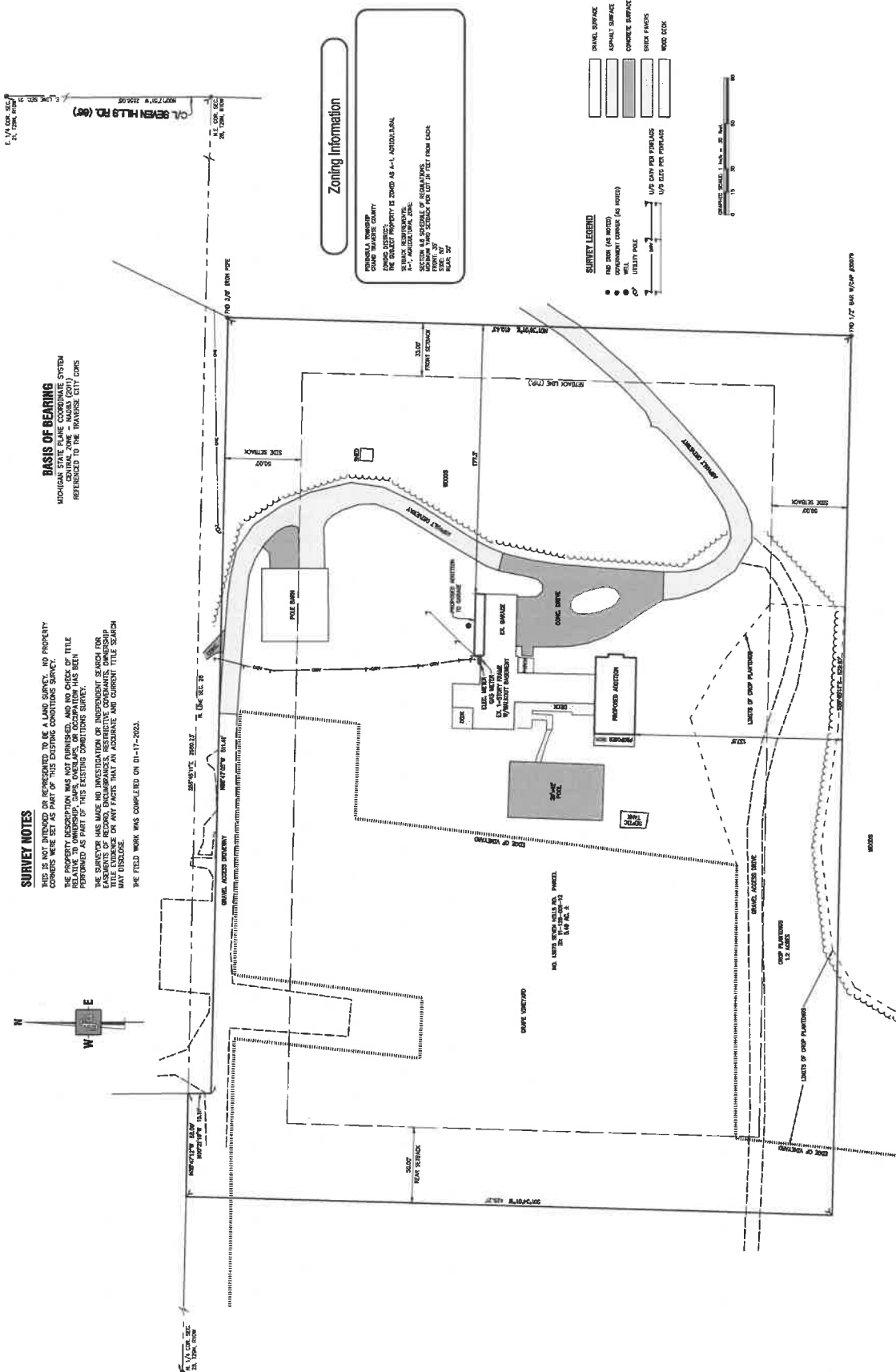
SOUTH ELEVATION
SCALE 3/8" = 1'-0"



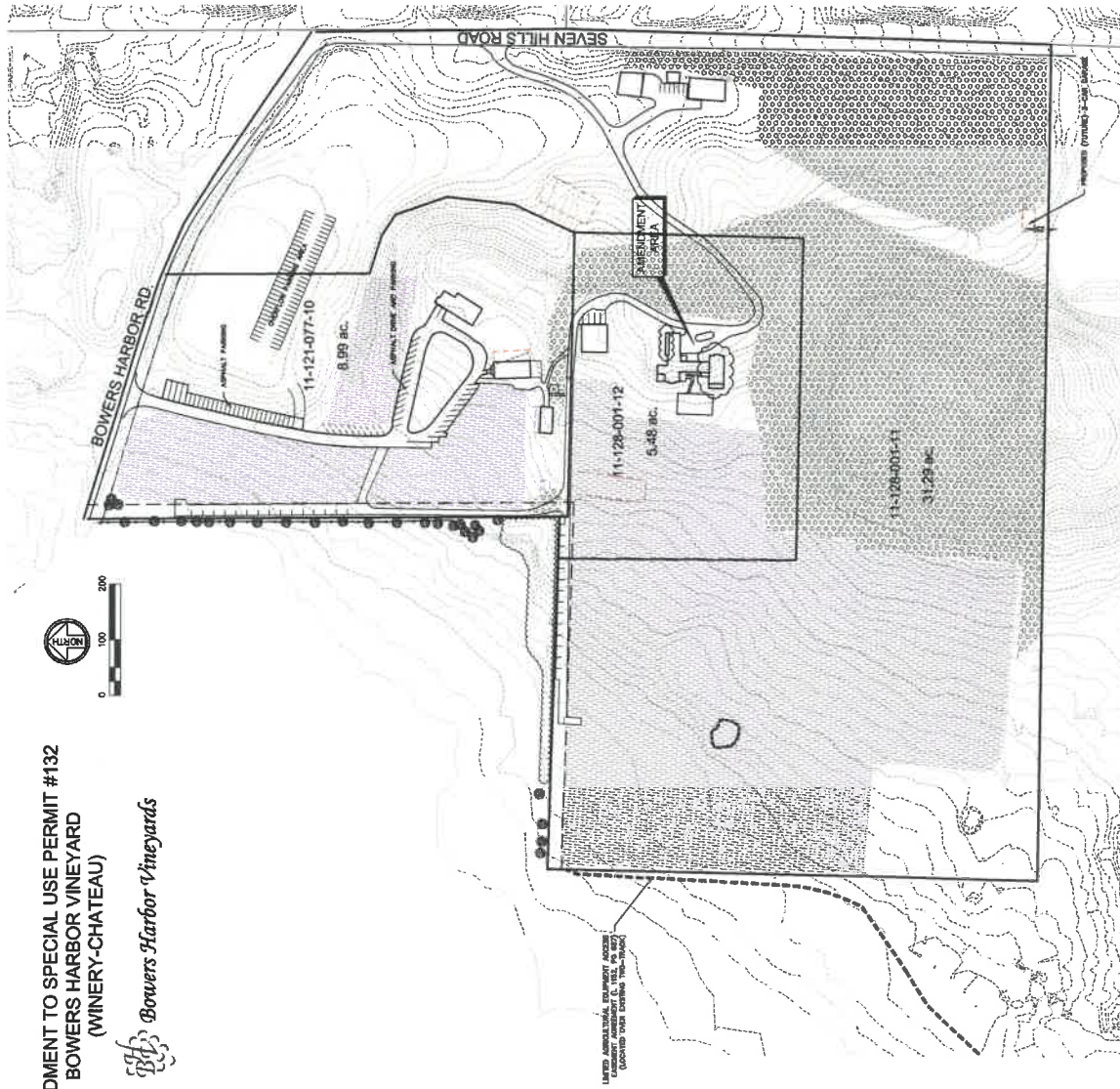
NORTH ELEVATION
SCALE 3/8" = 1'-0"

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

TESTING & OPERATIONS
SULFONATIONS
1231 White Flint Street
Trenton City, NJ 08634



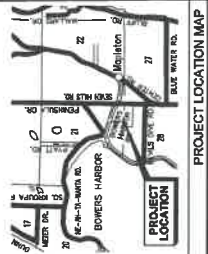
AMENDMENT TO SPECIAL USE PERMIT #132
BOWERS HARBOR VINEYARD
(WINERY-CHATEAU)



LIMITED AGRICULTURAL, EXISTING ACCESS
EASEMENT (PERMIT # 1132, 10-02)
(LOCATED OVER SEVEN HILLS ROAD)

CROP CALCULATIONS			
Area	Area in Acres	Area in Planting	Total Percent
11-128-001-12	5.48	11.7	17.2
11-128-001-11	31.29	11.7	17.2
11-121-077-10	8.99	11.7	17.2
Total	45.76	35.1	48.1

Since 2015, 1.2 acres of crop/crops have been planted, per owner. See GPS Survey, #132, 2014



PROJECT LOCATION MAP

NORTHVIEW
P.O. BOX 3542
TRAVERSE CITY MI 49685

PLANNING
10-02-02 TRP 02-02-02

PART OF SECTIONS 21 & 26, T29N, R10W,
PENINSULA TWP, GRAND TRAVERSE COUNTY,
MICHIGAN

Bowers Harbor Vineyards

Parcel Acreage:
25-11-128-001-10 Longley Vineyards LLC 5.98 acres
25-11-128-001-11 Bowers Harbor Vineyards LLC 31.29 acres
25-11-128-001-12 Bowers Harbor Vineyards LLC 8.99 acres
Total 45.77 acres

AREAS

1. THIS IS NOT A SURVEY CONSTRUCTION OR BOUNDARY
2. THE BOUNDARY OF THE PROJECT IS SHOWN BY A DOTTED LINE
3. THE BOUNDARY OF THE PROJECT IS SHOWN BY A DOTTED LINE
4. THE BOUNDARY OF THE PROJECT IS SHOWN BY A DOTTED LINE
5. THE BOUNDARY OF THE PROJECT IS SHOWN BY A DOTTED LINE
6. THE BOUNDARY OF THE PROJECT IS SHOWN BY A DOTTED LINE
7. THE BOUNDARY OF THE PROJECT IS SHOWN BY A DOTTED LINE
8. THE BOUNDARY OF THE PROJECT IS SHOWN BY A DOTTED LINE
9. THE BOUNDARY OF THE PROJECT IS SHOWN BY A DOTTED LINE
10. THE BOUNDARY OF THE PROJECT IS SHOWN BY A DOTTED LINE

NOTES

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

C1.0

SHEET INDEX

C1.1

SITE EXHIBIT

2018-107

PROJECT NO.



Bowers Harbor Vineyards

LOCATION

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

PLAN DATE

REVISIONS (TWP) 01/2017



NORTH
20' 40' 60' 80' 100'
NORTHVIEW P.O. BOX 3542
TRAVERSE CITY MI 49605



Building Height

PENINSULA TOWNSHIP

MEMO

To: Planning Commission
From: Jenn Cram, AICP, Director of Planning and Zoning
Date: January 17, 2024
Re: Proposed Amendment #204 Related to Measuring Building Height

Measuring Building Height:

The primary goals for proposed amendments to the zoning ordinance related to building height are to develop a clear and concise method for measuring building height that considers safety, supports community character, and allows flexibility for the varied terrain on the peninsula.

Section 3.2 – Definitions, includes definitions of Basement, Building, Height of and Story, Height of. Copies of existing definitions are attached as [Exhibit #1](#) for reference.

Section 6.8 – Schedule of Regulations, governs the allowed height, bulk and density of structures and land area by zoning district. Section 6.8 specifically notes that the maximum height of structures in stories is 2 ½ and the height is 35 feet. A copy of Section 6.8 is attached as [Exhibit #2](#) for reference.

However, despite having clear maximums noted in Section 6.8, the current definitions of how building height is measured have been interpreted differently by zoning administrators.

This matter was discussed with the Planning Commission on August 21, 2023. The matter was discussed again at a special joint meeting of the planning commission and board on November 14, 2023. To assist staff and the planning commission with drafting clarifications to the definitions related to measuring building height a study group was formed.

The Building Height Study Group consists of 13 people including staff and three members of the planning commission. The study group includes residents, architects, and builders. A list of participating members is attached as Exhibit A.

The first meeting of the study group took place on November 29, 2023. The second meeting of the study group took place on December 6, 2023. A comprehensive packet of material was provided to the study group including an American Planning Association report, existing zoning ordinance language and examples of zoning ordinance language related to building height from neighboring jurisdictions in Grand Traverse County and Leelanau County to help frame discussions. To reduce paper but still provide the planning commission with some context, examples from Acme Township, East Bay Township and Long Lake Township are included in [Exhibit #3](#) for reference.

As discussed on December 18, 2023, both meetings of the study group were very productive, and all participating members contributed their expertise and/or experience openly and respectfully. The public was welcome to listen and provide comments at the end of each study session. The group did come to a consensus on policy direction summarized below.

Policy Recommendations:

- Remove reference to stories and define maximum allowed height of 35 feet only
- Measure height from (lower bound) the mean or median between natural grade and finished grade (maximum cut or fill allowed not to exceed 5 feet, with excess counting towards maximum height measurement)
- Measure height to (upper bound) the mean or median between the eave and highest peak of the roof
- Develop graphics to visually support verbiage

At the December 18, 2023, meeting the planning commission gave staff their blessing to move forward with drafting zoning ordinance amendments and to present the draft at a public hearing on January 22, 2024, at public hearing.

Staff collaborated with Randy Hall, chair of the planning commission and Ellis Wills-Begley on drafting language and refining diagrams. Draft language and supporting diagrams or graphics were shared with the study group, planning commission and posted to the website on January 8, 2024. Draft language is included in [Exhibit #4](#).

This draft varies from the policy direction recommended by the study group regarding where building height is measured from and also includes a recommendation to include a maximum of 3 stories based on a study of potential outcomes. Staff will walk through the analysis of potential outcomes as demonstrated in the diagrams included in Exhibit #4.

The goal of the public hearing on January 22 is to share draft language with the planning commission, listen to public comment, and answer questions. We anticipate that further revisions to draft language may be needed once we hear from the public and receive feedback from the commission. As such, we do not anticipate that the planning commission will take action on January 22. If all goes well, we hope is to bring this back to the commission on February 21, 2024, and if the commission is comfortable at that time, they may take action to recommend that proposed amendments go before the board at their next regularly scheduled meeting.

Exhibit 1

Adjacent - Adjoining Area: That area of the Township bounded by major thoroughfares as described in the Township Major Thoroughfare Plan requiring the same land use designation in the Comprehensive Land Use Plan of Peninsula Township.

Adult Foster Care Facility: A governmental or nongovernmental establishment having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care facility shall include homes for the aged.

Agricultural Labor Camp: An agricultural labor camp means a tract of land and all buildings or other structures pertaining thereto, all or part of which is established, occupied, or used as living quarters for less than five (5) migrant farm laborers engaged in agricultural activities, including related food processing. **(ADDED BY AMENDMENT 90) (REVISED BY AMENDMENT 166B)**

Licensed Agricultural Labor Camp: An agricultural labor camp for migrant farm laborers licensed by the State of Michigan. **(ADDED BY AMENDMENT 90)(REVISED BY AMENDMENT 166B)**

Alterations: Any modification, additions, or change in construction or type of occupancy, any change or rearrangement in the structural parts of a building; any enlargement of a building, whether by extending a side or by increasing in height; or the moving from one location to another.

Bed and Breakfast Establishment: Means a private residence that offers sleeping accommodations to transient tenants in 3 or fewer rooms for rent, is the owner's residence in which the owner resides while renting the rooms to transient tenants, and serves breakfasts at no extra cost to its transient tenants. **(REVISED BY AMENDMENT 136)**

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

Board of Appeals: Peninsula Township Board of Appeals.

Boarding of livestock: Providing care, custody and control of livestock for others, with or without remuneration, on agricultural land or in buildings incidental to the use for agricultural purposes but not for hourly rental of animals and not a petting farm. **(ADDED BY AMENDMENT 155A)**

Boat Hoist: A devise to raise and/or store boats above or out of the water. Included are shore stations, hoists, inclined ramps with carts on rails or similar devices. **(REVISED BY AMENDMENT 109A)**

Boat House: An enclosed structure designed for the use and storage of private boats and marine equipment having a maximum height of eleven (11) feet and a maximum area of 300 square feet.

Boat Livery: A boat livery is hereby defined and declared to be any structure, site or tract of land utilized for the storage, servicing or rental of boats and for the sale of hunting and/or fishing tackle, equipment, boats and etc.

Building: Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This shall include tents, awnings and vehicles situated on private property and used for purposes of a building, whether or not mounted on wheels.

Building Area: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

Building Envelope - An area identified on a site plan within which a building or structure may be located. **(ADDED BY AMENDMENT 151)**

Building, Front line of: The line that coincides with the face of the building nearest the front line of the lot. This face includes sun parlors and enclosed porches, but does not include steps.

Building, Height of: The vertical distance measured from the mean elevation of the finished grade line of the ground about the front of the building to the highest point of the roof.

Building Lines: A line defining the minimum front, side and rear yard requirement outside of which no building or structure may be located.

Building, Principal: A building in which is conducted the main or principal use of the lot on which it is located.

Campground: Means any parcel or tract of land under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for five (5) or more recreational units.

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

Child Care Organization: A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act 116 of the Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

- (1) "Child care center" or "day care center" means a facility, other than a private residence, receiving more than 6 pre-school or school age children for group care for period of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day.

Sign-Yard/Garage Sale/Personal Event: A temporary sign which is placed on the premises of a yard sale, garage sale or events such as family reunions or weddings.

Site, Area: (includes the terms: Site, Site Area, Lot, Parcel Size and Parcel Area) - the total area within the property lines excluding road and street right-of-ways except as follows: Site Area, Parcel Area, and Parcel Size shall include road or street rights-of-way, provided both of the following are documented:

- a. The property legal description includes such right-of-way; and
- b. The property is being developed as a Planned Unit Development. **(REVISED BY AMENDMENT 158)**

Story, Height of: The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the floor to the top surface of the ceiling joists.

Street: Provides direct access to individual abutting properties.

Street Line: The legal line of demarcation between a street and abutting land.

Structure: A structure is any production or piece of material artificially built up or composed of parts joined together in some definite manner; any construction, including dwellings, garages, building, mobile homes, signs and sign boards, towers, poles, antennae, landfill, sea walls, weirs, jetties, swimming pools, stand pipes; fences over four feet in height above final grade and earth sheltering for earth-sheltered structures or other like objects, but not including: (a) a temporary fence; (b) agricultural fences that are used for general farming and horticultural uses, field crop and fruit farming, raising and keeping of small animals, and raising and keeping of livestock; (c) access steps required to negotiate changes in site elevation; (d) landscape mounds; and (e) sidewalks, drives, and paved areas which do not protrude above the finished site grade. **(REVISED BY AMENDMENT 152)**

Tasting Room: A room in conjunction with a licensed winery premises, including a remote wine tasting room, where the following takes place; a) tasting of fresh and/or processed agricultural produce such as wine, fruit wines, and non-alcoholic fruit juices; b) retail sales of winery products by the bottle for off-premises consumption; and c) sales of wine by the glass for on-premises consumption. **(ADDED BY AMENDMENT NO 139A)(REVISED BY AMENDMENT NO 181)**

Township Board: Peninsula Township Board.

Trailer Coach: Mobile Home as defined herein.

Use: The purpose for which land or a building is arranged, designed, or intended, or for which land or a building may be occupied.

Wall: A structure, including gates when closed which has openings of fifty (50%) percent or less of each one square yard of surface area.

WECS: Shall be the approved form of abbreviation of "wind energy conversion system".

Exhibit 2

SECTION 6.8 SCHEDULE OF REGULATIONS (REVISED BY AMENDMENT 91) (AMENDMENT 107D)

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

Zoning District	Minimum Zoning		Maximum Height of Structures	Minimum Yard Setback Per Lot in Feet from Each			Normal High Water Mark	Maximum % of lot area Covered by All Structures	Minimal Elevation of a Principal Structure
	Area	Lot Size Per Dwelling Unit Width in Feet		Front	Side	Rear			
R-1A, Rural & Hillside	1 Acre	150 (b)	2 ½ (c)	30 (j)	15 (j)	30 (j)	60 (d)	15	24'
R-1A, PUD; R-1B PUD	(e)	(e)	2 ½ (c)	30 (e)	15 (e)	30 (e)	60 (d)	15	24'
R-1C, PUD; R-1D PUD	(e)	(e)	2 ½ (c)	30 (e)	15 (e)	30 (e)	60 (d)	15	24'
R-1B, Coastal Zone									
Single and Two-Family	25,000	100 (b)	2 ½ (c)	30 (j)	15 (j)	30 (j)	60 (d)	15	24'
R-1C, Suburban Residential									
Single and Two-Family	20,000	100 (b)	2 ½ (c)	25 (j)	15 (j)	30 (j)	60 (d)	25	24'
R-1D, Community Residential									
Single and Two-Family	15,000	100 (b)	2 ½ (c)	25 (j)	15 (j)	30 (j)	60 (d)	30	24'
C-1 Commercial	25,000	150	2 ½ (c)	35	10	30	60 (d)	35	
A-1, Agricultural	5 A.	330 (g,h,i)	2 ½ (c)	35 (j)	50 (f,j)	50 (f,j)	60 (d)		

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

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

Exhibit 3

Acme Township

BEDROOM: A room designed or used in whole or part for sleeping purposes and has a closet and window.

BERM: An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

BREWER: A person as defined and licensed by the Michigan Liquor Control Code

BREWERY: A facility or facilities owned or controlled by a licensed Brewer.

BUILDING: A structure enclosed within exterior walls, built, erected and framed of a combination of materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or property.

BUILDING, PRINCIPAL (MAIN): A building or, where the context so indicates, a group of buildings that are permanently affixed to the land and that are built, used, designed or intended for the shelter or enclosure of the principal use of the parcel.

BUILDING, ACCESSORY: See **ACCESSORY BUILDING** or **STRUCTURE**

BUILDING, TEMPORARY: A building that is not of a permanent construction that is not affixed to the property, and is permitted to exist for a specific reason for a specific time.

BUILDING ELEVATION: The entire view of any building or other structure from one of four sides showing features, such as construction materials, design, height, dimensions, windows, doors, other architectural features, and the relationship of grade to floor level.

BUILDING ENVELOPE: The area of a lot that is defined by the minimum setback requirements

within which building construction is permitted by the terms of this Ordinance.

BUILDING HEIGHT, FEET: The vertical distance measured from the finished grade to:

- The highest point of the roof surface for flat roofs;
- To the deck line of mansard roofs; and
- To the average height between eaves and ridge for the highest gable, hip studio, and gambrel roofs.
- Seventy five (75) percent of the height of an A-frame.
- The number of habitable stories when maximum height is defined by stories, which shall not include attics or basements.

Where a building is located on sloping terrain, the height shall be measured from the average ground level grade at the building wall.

BUILDING HEIGHT, STORIES: The vertical distance measured as the number of individual floors in a building that can be occupied. Stories does not include basements or attics as defined in this Ordinance, permitted rooftop patios, or architectural features such as cupulas, steeple, etc.

BUILDING LINE: A line parallel to the front lot line at the minimum required front setback line.

FOSTER FAMILY HOME: A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in a household under the Michigan adoption code, chapter X, of the probate code of 1939 (1939 PA 288, MCL 710.21 to 710.70) are provided care for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

FOSTER FAMILY GROUP HOME: A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in a household under the Michigan adoption code, chapter X, of the probate code of 1939 (1939 PA 288, MCL 710.21 to 710.70) are provided care for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

FOSTER CHILD: A child unrelated to a family by blood or adoption with which he or she lives for the purposes of care and/or education.

FRATERNAL ORGANIZATION: See **CLUB**

FREIGHT TERMINAL: A heavy distribution transfer facility for pick-up and distribution utilizing railroad or trucking modes of transit.

FRONTAGE: The portion of any property that abuts a private or public street or a waterway. A corner lot and a through lot have frontage on both abutting private or public streets or a waterway and a street.

FUNERAL HOME: An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held. May also be referred to as a mortuary.

14.8 "G" TERMS

GARAGE: An accessory building designed or used for the storage or parking of motor driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory. Private garages do not have public repair facilities. A private garage may be either attached to or detached from the principal structures, but shall be located on the same lot as the principal structure.

GRADE: The ground elevation established for regulating the number of stories and the height of a buildings or structures. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the dwelling.

GRADE, AVERAGE: The average ground elevation on each of the four (4) sides of a building, measured within six (6) feet of the building's exterior walls.

GRADE, FINISHED: The completed surfaces of lawns, walks, and roads, brought to grades as shown official plans or designs related hereto.

GREENHOUSE: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

nearest point on the side lot line to the nearest point of the principal building.

- **Rear Yard:** An open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage, but each lot shall only have one (1) rear yard.

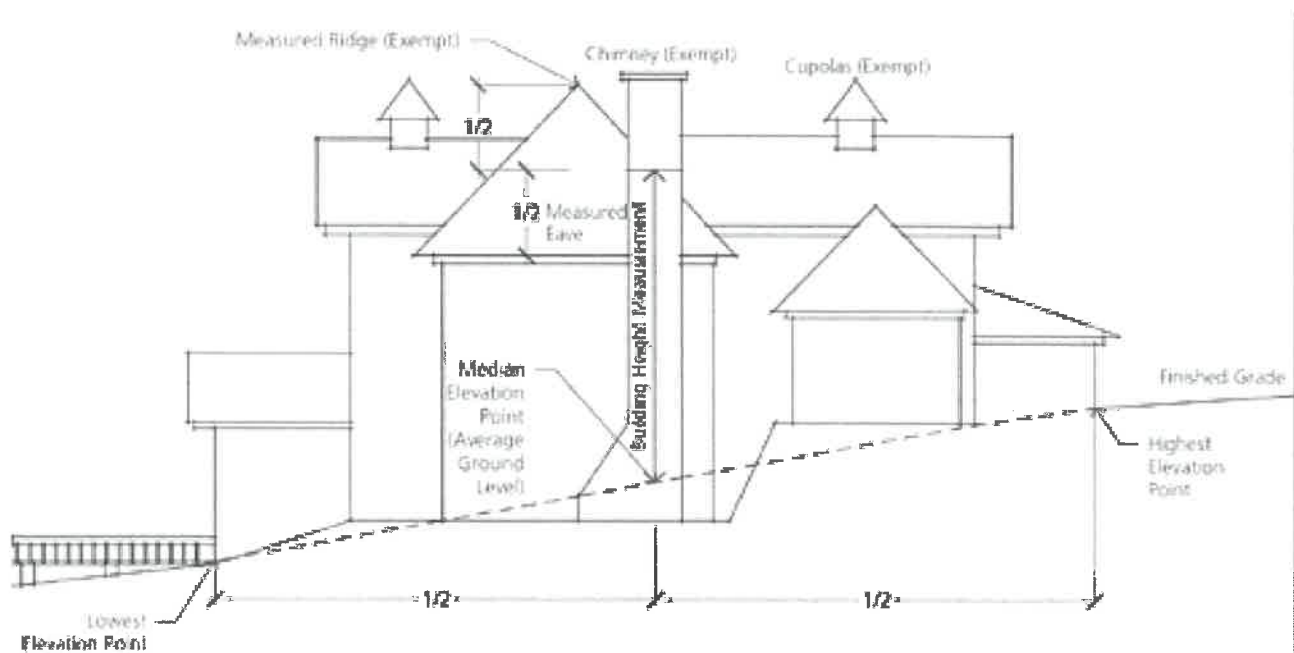
14.25 "Z" TERMS

ZONING DISTRICT: A portion of the incorporated area of the Township within which on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other requirements are established under the provisions of this Ordinance.

ZONING BOARD OF APPEALS: The Body appointed pursuant to the provisions of Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, to serve as the Zoning Board of Appeals for Acme Township.

ZONING ADMINISTRATOR: The Township official(s) authorized to administer the Zoning Ordinance on a day-to-day basis, including but not limited to processing applications, granting ministerial approvals, maintaining the records of Planning Commission actions, sending notices of public hearings, and similar work.

14.26 GRAPHIC - HEIGHT and GRADE



3.4.1 AG - Agricultural District

A. Dimensional Requirements:

AG - AGRICULTURAL DISTRICT	
LOT OCCUPATION	STANDARD
Minimum Lot Width	330 feet
Minimum Lot Area	5 acres
Maximum Lot Coverage	---
Maximum Impervious Surface	---
Base Density	0.2 dwelling units / acre
PRINCIPAL BUILDING	STANDARD
Front Setback	50 feet
Side Setback	25 feet
Rear Setback	40 feet
Maximum Height	2.5 stories - not to exceed 38 feet
Minimum Ground Floor Livable Floor Area	500 square feet
Minimum Floor Area / Unit	---
ACCESSORY BUILDING	STANDARD
Permitted Location	Front, side or rear yard
Front Setback	50 feet
Side Setback	25 feet
Rear Setback	40 feet
Principal Building Setback	10 feet
Maximum Height	≤ principal building, except as allowed
Maximum Ground Floor Area (cumulative)	---
PARKING	STANDARD
Permitted Location	Front, side or rear yard
Front Setback	50 feet
Side Setback	25 feet
Rear Setback	40 feet

B. Additional Requirements:

1. Structures for agricultural uses, such as barns and silos, may be permitted up to one hundred (100) feet in height.
2. Waterfront parcels in the AG - Agricultural District shall meet the requirements of waterfront properties in Article 4.

3.4.2 SFR - Single Family Rural District

A. Dimensional Requirements:

SFR - SINGLE FAMILY RURAL DISTRICT	
LOT OCCUPATION	STANDARD
Minimum Lot Width	150 feet
Minimum Lot Area	1 acre
Maximum Lot Coverage	25%
Maximum Impervious Surface	30%
Base Density	1.0 dwelling units / acre
PRINCIPAL BUILDING	STANDARD
Front Setback	30 feet
Side Setback	20 feet
Rear Setback	35 feet
Maximum Height	2.5 stories - not to exceed 38 feet
Minimum Ground Floor Livable Floor Area	500 square feet
Minimum Floor Area / Unit	---
ACCESSORY BUILDING	STANDARD
Permitted Location	Side or rear yard
Front Setback	15 feet for waterfront properties
Side Setback	20 feet
Rear Setback	10 feet
Principal Building Setback	10 feet
Maximum Height	24 feet
Maximum Ground Floor Area (cumulative)	≤ principal building
PARKING	STANDARD
Permitted Location	Front, side or rear yard
Front Setback	30 feet
Side Setback	20 feet
Rear Setback	10 feet

B. Additional Requirements:

1. Waterfront parcels in the SFR - Single Family Rural District shall meet the requirements of waterfront properties in Article 4.

3.4.3 SFN - Single Family Neighborhood District

A. Dimensional Requirements:

SFN - SINGLE FAMILY NEIGHBORHOOD DISTRICT	
LOT OCCUPATION	STANDARD
Minimum Lot Width	100 feet
Minimum Lot Area	10,000 square feet
Maximum Lot Coverage	30%
Maximum Impervious Surface	35%
Base Density	2.9 dwelling units / acre
PRINCIPAL BUILDING	STANDARD
Front Setback	30 feet
Side Setback	10 feet
Rear Setback	20 feet
Maximum Height	2.5 stories - not to exceed 38 feet
Minimum Ground Floor Livable Floor Area	500 square feet
Minimum Floor Area / Unit	---
ACCESSORY BUILDING	STANDARD
Permitted Location	Side or rear yard for non-waterfront properties; Front or side yard for waterfront properties
Front Setback	15 feet for waterfront properties
Side Setback	10 feet
Rear Setback	10 feet
Principal Building Setback	10 feet
Maximum Height	24 feet
Maximum Ground Floor Area (cumulative)	≤ principal building
PARKING	STANDARD
Permitted Location	Front, side or rear yard
Front Setback	30 feet
Side Setback	10 feet
Rear Setback	10 feet

B. Additional Requirements:

1. Waterfront parcels in the SFN - Single Family Neighborhood District shall meet the requirements of waterfront properties in Article 4.

3.4.6 CS - Corridor Shoreline District

A. Dimensional Standards:

CS - CORRIDOR SHORELINE DISTRICT	
LOT OCCUPATION	STANDARD
Minimum Lot Width	100 feet
Minimum Lot Area	10,890 square feet
Maximum Lot Coverage	20%
Maximum Impervious Surface	25%
Base Density	4 dwelling units / acre
PRINCIPAL BUILDING	STANDARD
Front Built-To-Line	30 feet
Side Street, Corner Lot Built-To-Line	25 feet
Side Setback	10 feet
Rear Setback	35 feet
Maximum Height	1 story - not to exceed 20 feet
Minimum Ground Floor Livable Floor Area	400 square feet
Minimum Floor Area / Unit	400 square feet
ACCESSORY BUILDING	STANDARD
Permitted Location	Side or rear yard for non-waterfront properties; Front or side yard for waterfront properties
Front Setback	10 feet behind built-to-line
Side Setback	8 feet
Rear Setback	---
Principal Building Setback	10 feet from built-to-line
Maximum Height	20 feet
Maximum Ground Floor Area (cumulative)	≤ principal building
PARKING	STANDARD
Permitted Location	Side yard only for waterfront parcels; Side or rear yard for non-waterfront parcels.
Front Setback	---
Side Setback	5 feet
Rear Setback	10 feet

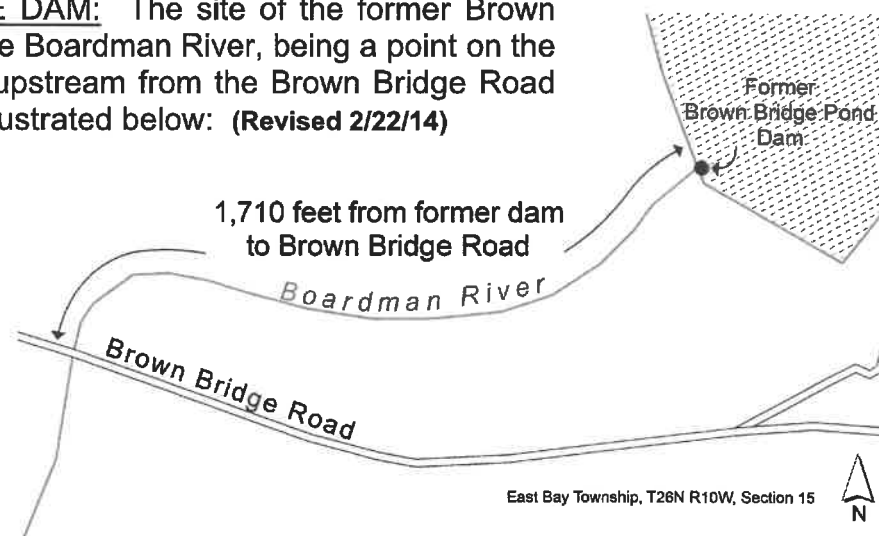
B. Additional Requirements:

1. The Corridor Shoreline District shall be subject to the US-31/M-72 Mixed Use Overlay District standards in Article 4, along with all other applicable standards of this Ordinance.
2. Waterfront parcels in the CS - Corridor Shoreline District shall meet the requirements of waterfront properties in Article 4.
3. Attached garages shall be a minimum of ten (10) feet behind the built-to-line.
4. Accessory structures shall be allowed in the front yard of non-waterfront parcels.

East Bay Township

BED AND BREAKFAST: A Bed and Breakfast means a single-family residential structure

BROWN BRIDGE DAM: The site of the former Brown Bridge Dam on the Boardman River, being a point on the River 1,710 feet upstream from the Brown Bridge Road right-of-way, as illustrated below: (Revised 2/22/14)



which includes sleeping quarter occupied by the innkeeper and has 10 or fewer guest rooms, one or more guest rooms which are available for rent to transient tenants, and may serve meals at no extra cost to its transient tenants. The innkeeper or his or her spouse must be the property owner(s) and innkeeper must be living onsite when rooms are to be let to transient tenants. (Revised 2/10/20)

BUILDING: A structure having a roof supported by columns or walls for shelter, support, or enclosure of persons, animals, or chattels. (Revised 4/24/11)

BUILDING FOOTPRINT The area enclosed by the exterior perimeter of a building where it meets the earth together with the area located beneath any building projections.

(Revised 12/28/15)

BUILDING HEIGHT OF: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

BUNGALO COURT/COTTAGE CLUSTER: A group of detached or semi-detached, one or two-family dwelling situated around a shared central courtyard or garden and which are used for non-transient housing (Revised 6/12/17)

SECTION 1404 C (Revised 11/20/21)

CAMPS AND CAMPGROUNDS: An area or establishment intended to contain temporary or permanent buildings, tents, recreational vehicles such as motor homes or camper trailers, or other structures established or maintained as temporary living quarters, usually operated during the summer for recreation, religious, education, or vacation purposes. (Revised 10/13/08)

CAR WASH. A building and equipment used for the commercial washing, waxing, detailed cleaning of the interior and exterior of automobiles and trucks for the general public. Such

FLOOR AREA: The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six (6) feet.

FLORAL SHOP: See Neighborhood Local Business. (Revised 4/24/11)

SECTION 1408 G

GASOLINE STATION: Any building, structure or land used for the dispensing, servicing, sale or offering for sale at retail, of any automobile fuels, oils, or accessories. When such dispensing, sale or offering for sale is incidental to the conduct of a public garage, the use shall be classified as an Automobile Repair Facility.

GARAGE, PRIVATE: An accessory building or an accessory portion of a principal building designed or used primarily for the storage of noncommercial motor vehicles and residential tools and equipment owned and used by the occupants of the building to which it is accessory.

GIFT AND SOUVENIR SHOP: See Neighborhood Local Business. (Revised 4/24/11)

GOLF COURSES AND RELATED ACCESSORY USES: A tract of land laid out for at least nine holes for playing the game of golf, improved with tees, greens, fairways, and hazards such as water and sand traps, and which may include such accessory uses as a pro shop, clubhouse, driving range, practice greens and service buildings. (Revised 4/24/11)

GRADE: The median level of the finished surface of the ground adjacent to the exterior walls of the building, determined by subtracting the lowest elevation point from the highest, dividing the result by 2 and adding the resulting quotient to the lowest point.

GRAVEL PITS AND OTHER MINERAL EXTRACTION. A parcel of land utilized for the removal or extraction of natural mineral deposits, soil, and organic soils by open pit mining methods.

GREENHOUSE: A building or structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers, trees, shrubbery or other vegetation and kept for personal enjoyment or sold at wholesale. (Revised 1/8/08)

GROCERY STORE, WITHOUT GAS PUMP: See Neighborhood Local Business.
(Revised 4/24/11)

SECTION 1409 H

HARDWARE STORE: A facility primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, garden supplies, and cutlery.
(Revised 4/24/11)

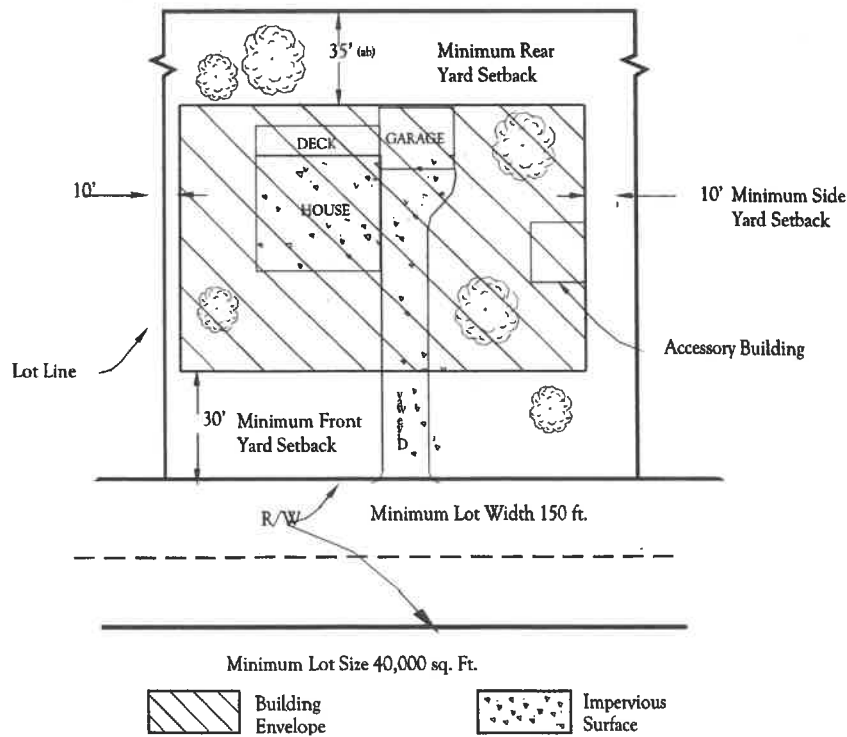
HAZARDOUS SUBSTANCES AND POLLUTING MATERIALS: Shall mean hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan

DISTRICT REGULATIONS

- ◆ **Minimum Lot Area:** 40,000 sq. ft.
- ◆ **Minimum Lot Width:** 150 ft.
- ◆ **Maximum Dwelling Units/Acre:** 1
- ◆ **Maximum Building Height:** 2½ stories, or 35'
- ◆ **Minimum Building Setbacks:** ^(a)
 - Front: 30 ft.
 - Side: 10 ft. (each side)
 - Rear: 35 ft. ^(b)
- ◆ **Maximum Lot Coverage:** N/A
- ◆ **Minimum Living Space Dimensions:** 24' x 24'
- ◆ **Minimum Floor Area (One Family):** 768 sq. ft.
- Minimum Floor Area (Two-Family):** 576 sq. ft.

- (a) Where a lot adjoins or is intersected by a lake, stream, drainage way or other body of water, any structure located thereon shall be set back a minimum of 50 feet from said water, except on the Boardman River where the minimum setback shall be 150 feet on those portions of the river upstream from the Brown Bridge Dam and 100 feet on those portions of the river downstream from the Brown Bridge Dam and on Mitchell and Baker Creeks where the minimum setback shall be 100 feet.
- (b) The rear yard setback shall be 45 feet from elevation 581' USGS datum properties located on Gd. Traverse Bay.

RR DISTRICT



Long Lake Township

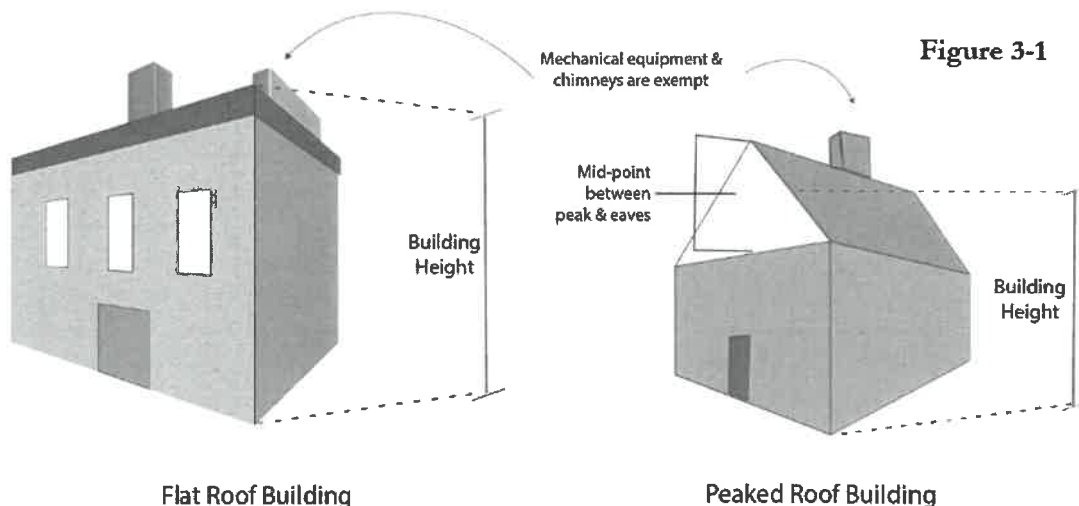
Buffer Strip: Natural, landscaped, and open space areas or any combination thereof used to physically separate or screen one use, property, or land feature from another in order to visually shield or block noise, lights, or other nuisances or filter storm water runoff.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building Envelope: A portion of a parcel remaining after excluding setbacks required by this Ordinance.

Building Footprint: The total area contained within the exterior foundation or framing area taken on a horizontal plane at the largest floor level of a building or an accessory building exclusive of unroofed porches, terraces, patios, decks, steps, awnings and nonpermanent canopies.

Building Height: The vertical distance from the median finished grade of the footprint of the building to the top of the highest roof beams on a flat roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level of a gable, hip and gambrel roofs. Mechanical equipment, chimneys, air conditioners, church spires and steeples, water towers, and similar appurtenances shall not be included in this measurement.



Building Material Supplier: A business primarily engaged in the sale of materials, tools and equipment for the building construction industry and/or the general public; including such materials as lumber and hardware, roofing material, pre-fabricated building components, yard and landscape materials other than plantings, fencing and related materials.

Business Park, General: A group of structures housed on a single access, road, or drive with a mixture of retail business, office or commercial ventures, and intended to serve both residents of the immediate area and the larger population of the region.

SECTION 3.4 DEFINITIONS – C [This Section has been amended by Ordinance #154, adopted April 12, 2016, effective April 27, 2016]

Car Wash: Any structure or premises containing facilities for washing automobiles including any or all of the following: automatic or semi-automatic application of cleaner, brushes, rinse water, polishes and similar materials and heat or forced air for drying.

Table 2.6 Table of District Regulations for Primary Structures

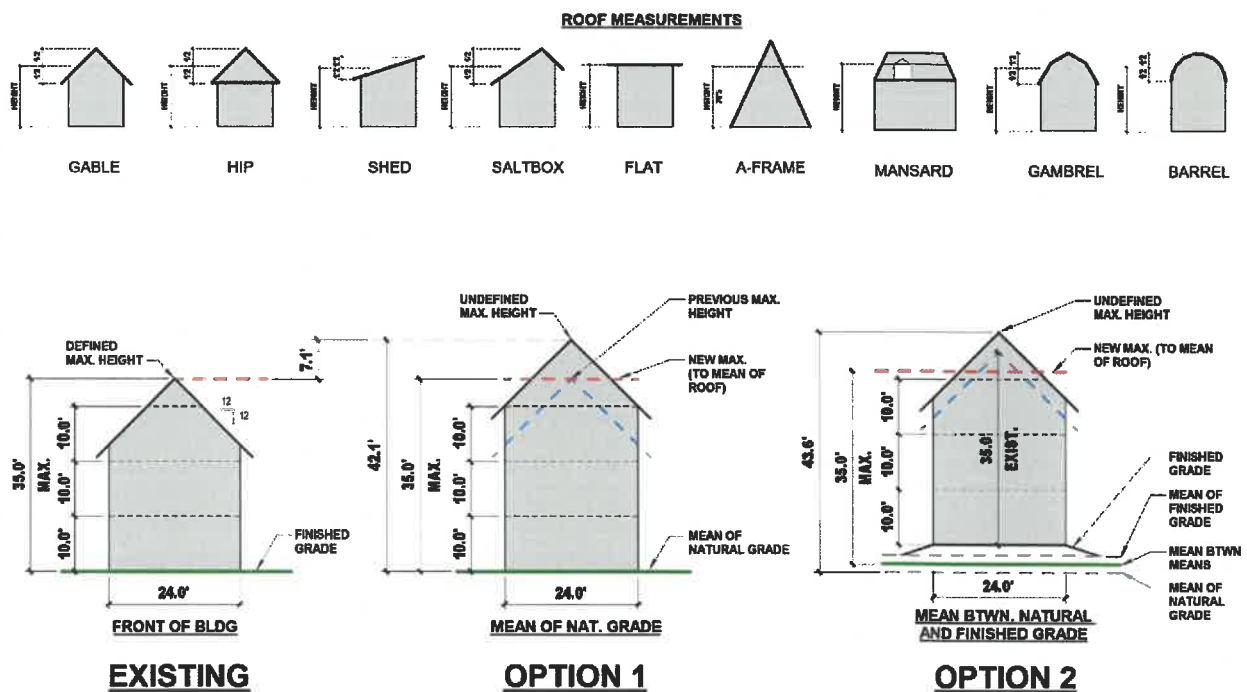
Zoning District		Minimum Parcel Size		Minimum Yard Setback Dimensions (feet)			Maximum Height* (feet)	Minimum Livable Floor Area (square feet) ^g	Maximum Lot Coverage [amended by Ordinance #119, adopted 8/9/11, effective 8/24/11]
		Area	Width (feet)	Front	Side ^e	Rear			
CR	Conservation & Recreation	5 acres	300	50	15	50	35	960	Determined by setbacks
AG	Agricultural	2 acres	200	50	15	Waterside: 50 Other:40	35	960	Determined by setbacks
NL	Natural Lakefront	2 acre	At road: 200 At water: 200	50	15	Waterside: 100 Other: 40	35	960	Determined by setbacks
LDR	Low Density Residential (w/o community wastewater)	1 acre	150	50	15	Waterside: 50 Other: 40	35	960	Determined by setbacks
	Low Density Residential (with community wastewater)	15,000 sq. ft	100	30	10	Waterside: 50 Other: 30	35	960	Determined by setbacks
LR	Lake Residential	1 acre	At water: 100 At road:150	50	15	Waterside: 50 Other: 40	35	960	Determined by setbacks
MDR	Moderate Density Residential	10,000 ^b	80	30	10	25	35	1 & 2 unit 700 Multi-unit: 700	Determined by Setbacks
	With community wastewater	20,000 ^b	100						
	Without community wastewater	10,000 ^b							
HDR	1&2 Unit, w/ community wastewater	8,500 ^c	60	25	6	25	35	1&2 unit: 700 Multiple: 700	Determined by Setbacks
	Without community wastewater	20,000 ^c	100						
	Multiple Unit, area per dwelling	4,000 ^c	60						
	With community wastewater	10,000 ^c	100						
Without community wastewater									
LB	Local Business	See Article 15 for Local Business Standards							
GB	General Business	1 acre	150	40 ^d	20 ^d	20	40	n/a	Determined by setbacks

Exhibit 4

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

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

Change 2.5 stories to 3 stories.



Planning Commission Meeting Schedule 2024 - 2025



PENINSULA TOWNSHIP

MEMO

To: Planning Commission
From: Jenn Cram, AICP, Director of Planning and Zoning
Date: January 18, 2024
Re: Planning Commission Meeting Calendar for 2024 and 2025

Currently the planning commission meets on the third Monday of each month unless the third Monday falls on a holiday.

As such, the February 2024 meeting was scheduled for Monday, February 12 due to the holiday on February 19. We would like to reschedule the February meeting to Wednesday, February 21.

We would like to move the planning commission meetings to the first Tuesday of each month starting in March. The proposed date for the March meeting is Tuesday, March 5, 2024.

A calendar with other proposed dates for April 2024 through March 2025 is attached for reference.

There are elections on Tuesday, August 6, 2024, and Tuesday, November 5, 2024. The proposed planning commission meeting dates bump to Wednesday, August 7, 2024, and Wednesday, November 6, 2024, respectively.

PENINSULA TOWNSHIP FISCAL 2024-2025 REGULAR MEETING DATES

	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.
Town Board	9 th	14 th	11 th	9 th	13 th	10 th	8 th	12 th	10 th	14 th	11 th	11 th
P.C.	2 nd	7 th	4 th	2 nd	7 th *	3 rd	1 st	6 th *	3 rd	7 th	4 th	4 th
Z.B.A.	16 th	21 st	18 th	16 th	20 th	17 th	15 th	19 th	17 th	21 st	18 th	18 th
Parks Comm.	24 th	22 th	26 th	24 th	28 th	25 th	23 rd	20 th *	18 th *	22 th	26 th	26 th

All meetings are held at the township hall at 7:00 p.m. unless otherwise posted. Note: all meeting dates are tentative.

**Meeting changed from originally scheduled date.*

Becky Chown, Clerk

Adopted: March TBD, 2024

Posted: March TBD, 2024