

**Additional Information on Hawthorne  
Vineyards SUP #135 Accidentally Left  
Out of Original Packet**

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

SPECIAL USE PERMIT (SUP)  
FINDINGS OF FACT AND CONCLUSIONS  
**SUP #135 \_ Hawthorne Vineyards**  
**July 14, 2020**

## **PENINSULA TOWNSHIP BOARD**

Applicant: Montague Development, LLC  
1000 Camino Maria Dr.  
Traverse City, Michigan 49686

Hearing Dates: February 24, 2020 - Planning Commission  
July 14, 2020 - Township Board

## **PROPERTY DESCRIPTION**

Parcel ID#: 28-11-018-006-01, 28-11-018-008-00, 28-11-017-036-00

## **INTRODUCTION AND BACKGROUND**

Hawthorne Vineyards is currently approved as a Farm Processing Facility (also often referred to as a "139" or use by right winery) in accordance with the Peninsula Township Zoning Ordinance. Approval is sought as a winery-chateau given the size of the existing facility. A winery-chateau is a special use. There are no planned guest houses or single-family residences proposed as part of this application. Hawthorne seeks to upgrade to a Winery Chateau to take advantage of event privileges and less restrictive sourcing requirements. Construction of a 40' x 60' outdoor pavilion for guest use activities is proposed as part of the plans to become a winery-chateau, but construction is not anticipated for two years from the date of SUP approval. A copy of the original written application is provided in **EXHIBIT 1**. The proposed site plan is provided proposed in **EXHIBIT 2**.

WHEREAS, an application for a SUP has been filed by Montague Development, LLC to create SUP #135 permitting a winery-chateau to be established upon three existing parcels of land in Peninsula Township (28-11-018-006-01, 28-11-018-008-00, 28-11-017-036-00).

WHEREAS, after due notice as required by law, the Peninsula Township Planning Commission held a public hearing and recommended approval to the Peninsula Township Board on June 15, 2020.

- 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 primary entrance to the property is from Peninsula Dr. to the west. Access also exists from Montague Rd. on the east. Plans have been reviewed by the Peninsula Township Fire Chief and comments are provided in EXHIBIT 4. These comments indicate the need for subsequent compliance steps and are conditions for approval. Plans have also been provided to the Grand Traverse County Sheriff's department, and there are no know issues related to drainage, refuse disposal, water and sewage facilities. No direct impacts to local schools are expected.**
- d) Not create excessive additional requirements at public cost for public facilities and services. **The board finds that there will be virtually no additional requirements at public cost for public facilities and services. This existing facility/site is not proposing any additions that are expected to incur public costs related 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. **Existing operations at Hawthorne Vineyards have not been known to contribute fumes, glare or odors detrimental to area residents. The proposed change to a Winery-Chateau is not expected to add activities, processes, materials, and equipment or conditions of operation that will represent a material change such that they would represent conditions detrimental to area residents.**

#### **FINDINGS - SECTION 8.1.3(3) SPECIFIC REQUIREMENTS:**

***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. **The applicant has provided ownership documentation. The board finds that the applicant may legally apply for the site plan review.**
- (b) That all required information has been provided. **The board finds that the applicant has provided all required information to review the proposed SUP. This includes all written materials and drawings provided (EXHIBIT 1 AND 2).**
- (c) That the proposed development conforms to all regulations of the zoning district in which it is located. **The proposed building and site conform to all regulations, including minimum lot size, structure height, setbacks, and lot coverage for the A-1 zoning district. A small portion of the site is zoned R-1A.**
- (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. **Hawthorne Vineyards has been and will continue to comply with all fire department regulations. Water and sewer are private and have been approved by the health department with the winery wastewater system being monitored by EGLE. There are no current building plans to affect soil erosion and storm water management at this time. The pavilion set-backs meet the 150 ft from road fire requirements.**
- (e) That the plan meets the standards of other governmental agencies, where applicable, and that the approval

of the objectives of this ordinance. **The board finds that the proposed plan will not change fences or walls. The site is well vegetated with vineyards, cherries, trees and landscaping.**

- (p) That parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets. **The board finds that the parking provided is appropriate in amount, flow on site, and access from adjacent roads. All parking is contained far from public roads on the site as indicated on the site plan. The overflow parking that is aligned in a north/south direction dead-ends at the north property line.**
- (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 drop-off of customers and then move on to designated parking areas. No parking signs will be installed to ensure guests do not park in the driveway, but in overflow lots.**
- (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 designated trash receptacles. They are not visible by surrounding neighbors.**
- (s) That the proposed site is in accord with the spirit and purpose of this ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this ordinance and the principles of sound planning. **The board finds that the proposed plan amendments are in accord with the spirit and purpose of this ordinance.**

### **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.

**Hawthorne Vineyards has been open as a 139 winery since 2012 and continues to be harmonious with the character of the surrounding land and uses. The facility is located high on a ridge, out of sight from any public road. There are no guest rooms or residences planned at this time. 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.

**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.

**Hawthorne Vineyards meets this requirement with 75.3% of the parcels planted to grapes, cherries and a small amount of cold air drainage, broken down as follows:**

| Area                   | Total Ac.                 |
|------------------------|---------------------------|
| Estate Grapes          | 30.64                     |
| Cold Air Drainage Area | 5.62                      |
| Cherries               | 5.52                      |
|                        | 41.78 (75.3% of 55.48 Ac) |

Documentation with respect to cold air drainage areas is found in EXHIBIT 5. This standard HAS been met.

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

**There is 850 feet of frontage are on Montague Rd.**  
This standard HAS been met.

- (j) The winery-chateau shall be the principal building on the site and shall have an on-site resident manager.

**The winery building is the principal building on the site and the General Manager, Ann Pettyjohn, occupies the on-site resident manager apartment on the lower level of the building.**  
This standard HAS been met.

- (k) 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.

**No guest rooms are proposed at this time.**  
This standard HAS been met.

- (l) All lighting shall conform to the requirements of Section 7.14.  
This standard Will Be met with Approval Conditions and Safeguards (Page 15).

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

**The board finds that the application does not include facilities for registered guests or accessory uses.**  
This standard HAS been met.

- (n) Proof of evaluation of the well and septic system by the Grand Traverse County Health Department and

Upon such demonstration, the township board may permit a lesser setback.

**No guest rooms (with registered guests) are proposed.**

**This standard HAS been met.**

- (u) 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.

**Hawthorne Vineyards provided documentation that it has purchased 141 tons of purchased from other OMP farms in 2016. The maximum number of guests at events is 111.**

**This standard Will Be met with Approval Conditions and Safeguards (Page 15).**

## **COMPLIANCE WITH GOVERNMENTAL REGULATIONS:**

The petitioner shall comply with all state, county, township, and other governmental regulations relative to the establishment of the special use for a parcel zoned R-1C, 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.

## **APPROVAL CONDITIONS AND SAFEGUARDS:**

Pursuant to Section 8.1.3 (2), the board may require 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. Specific conditions and requirements for a land use permit include:

- 1) All future lighting associated with the proposed pavilion shall conform to the requirements of Section 7.14.
- 2) Compliance with requirements articulated by the Fire Chief in a letter dated 2-25-20 (**EXHIBIT 4**).
- 3) Provide required overflow parking as shown on the site plan (approximately 62 spaces).
- 4) Apply for a land use permit to construct the pavilion within three years.

## **COMMENCEMENT AND COMPLETION**

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 permit and accompanying site plan are enforceable, and remedies are available under Section 3.2 of the zoning ordinance.