

PENINSULA TOWNSHIP

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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.