

PENINSULA TOWNSHIP

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**Minutes Corrected by Shaina LaFond November 7th, 2024
Planning Office**

**PENINSULA TOWNSHIP
PLANNING COMMISSION SPECIAL MEETING MINUTES
October 10th, 2024, 7:00 p.m.**

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

2. Pledge

3. Roll Call

Present: Alexander, Beard, Hall, Hornberger, Shanafelt, Shipman;

Absent/Excused: Dloski;

Attending Virtually: Chris Patterson, Legal Counsel for Peninsula Township

4. Approve Agenda

Jenn Cram, Director of Planning & Zoning: Takes the opportunity to share with the Planning Commission the recent codification of the Peninsula Township Zoning Ordinance, which has been published to the website (where it is fully searchable by words) as well as being physically bound for each member. Explains that the zoning ordinance had not been codified since 2009 and now includes all amendments to the present date. Reminds Commission members that any changes to the zoning ordinance start first with the Planning Commission and then move to the Board for approval.

Hall: Reminds the Commission and public that requests for amendments to the zoning ordinance may be proposed by any citizen, and should be sent first to township planner, Jenn Cram.

Motion to approve by Hornberger, second by Shipman.

Motion passed by

consensus

5. Brief Citizen Comments (For Agenda Items Not Scheduled for Public Hearing): none

6. Conflict of Interest: none

7. Consent Agenda: none

8. Business:

- a. Special Use Permit (SUP) #35 -Seven Hills Development, Amendment #3 – Public Hearing
13795 Seven Hills Road, Traverse City, MI, 49686

Jenn Cram, Director of Planning and Zoning, Peninsula Township: Provides Planning Commission a summary of the history of the property as well as details on the request for amendment as outlined in the findings of fact included in the packet.

- SUP was originally approved in February of 1993, which included four buildings for various professional offices and related storage
- Amendment #1 was approved May 11th, 2021, which requested redevelopment of the property and reduced the total number of buildings to two. The uses approved within the two buildings included a restaurant/tavern in the front or eastern building and retail offices/storage in the back or

western building along with associated parking, drainage facilities, lighting, and landscaping. Notes that the approval of Amendment #1 included a distillery as part of the restaurant/tavern use.

- Amendment #2 was approved May 23rd, 2023, which expanded the capacity of the restaurant/tavern from 32 persons to 70 persons and allowed outdoor uses in a defined area that includes seating, consumption of food and beverages, yard games, fitness classes, and gatherings with the use of amplified sound. The approval also allowed the restaurant/tavern to utilize a limited distilling liquor license to blend, bottle, and label spirits that are manufactured in an off-premise bonded facility. A condition of approval of this amendment was that the applicant(s) would come back to the Township for an amendment to their SUP if they chose to seek additional MLCC licenses.
- Proposed Amendment #3 to SUP #35 seeks to add a microbrewing license, small wine-making license, and beer and wine tasting. The applicants would like to add the new licenses so that they could serve beer and wine with similar restrictions to those placed on the small distilling license.
- The Township's C-1 Commercial zone does not currently allow for manufacturing. There are fumes, noise, lighting, and other impacts associated with manufacturing to consider. The Board was not interested in updating the zoning ordinance to allow manufacturing at this juncture but was comfortable allowing the small distilling license that limited the 'manufacturing' to mixing, blending, bottling, and labeling.
- The applicants have represented in this request that they intend to apply the same limitations to this amendment as applied to the small distiller license. There would be no actual manufacturing occurring on the property. The applicants would be providing their recipes to be made at an off-premise bonded facility.
- In order to meet requirements for their requested MLCC licenses, certain equipment must exist on the premises. They are purchasing wine- and beer-making equipment that meets the bare minimum requirement to satisfy their license stipulations, which is one gallon produced per year for each product. Applicants plan to purchase their beer/wine made at another bonded facility and bottle with their labels or place in kegs and serve it on premises.

Hall requests that the applicant approach the podium to answer questions posed by the Commission. The first question is regarding the plan for manufacturing on site.

Troy Daily, 16169 Hill Rise Road: There are a lot of different ways that you can use the actual license. You don't have to manufacture anything on site but because the MLCC requires (for) a manufacturing license (that) you at least have to have the equipment and at least make a minimum onsite, which is one gallon annually. Therefore, we aren't going to manufacture anything on site. You can use another manufacturer - with your recipes - that create something for you and then you can obtain that because it's your recipe that you had them make in their manufacturing facility. We're not going to be manufacturing anything. We don't manufacture anything there right now.

Shanafelt: Clarifies that all spirit, beer, and wine-making equipment are fulfilling a technical requirement. Asks the applicant if there is space/ability to do on-site bottling.

Daily: We do that right now right behind the bar because we don't have enough area to keep all the bottles so we actually have large jugs (that) go into bottles so we can have it behind the bar.

Shanafelt: Asks if those bottles are for resale purposes.

Daily: We only sell the liquor by the bottle. We're not going to do that with any wine or beer. You have to have refrigeration for that.

Cram: The beer and wine would be by the glass?

Daily: By the glass, or you can purchase something to go, something (from) a cooler like a growler or a can. That would all be manufactured off-site and you could buy it on premise and take it home.

Cram: Notes that Amendment #2 required an additional amendment to the SUP if further licensing by the MLCC was desired by the applicant. The introduction was held on August 21st, and this meeting fulfills the public hearing for this application. Staff would gladly walk the Planning Commission through the draft findings of facts included in packet materials if requested.

Hall asks each Commission member if that feels necessary. None do. Hall then opens up for Board questions prior to public hearing.

Shanafelt: Poses questions related to both the issue of previous noise ordinance violations at the property and to the issue of parking overflow. Voices concern that additional uses will lead to additional instances of excessive noise and parking on Seven Hills Road.

Cram: With regard to noise:

- The Township approaches complaints received by first investigating the complaint and, if confirmed, by issuing a verbal warning to the violator. This acknowledges that residents make mistakes and that there may be extenuating circumstances.
- If further complaints are received, a violation letter is issued, which notifies the subject of a violation of a zoning ordinance or police power ordinance and gives them seven (7) days to come into compliance.
- If staff were to receive another complaint, a citation will be issued and the matter would go onto the circuit court. At that point, the judge would be responsible for issuing fines or penalties. Additionally, the Planning Commission has the right to make a recommendation to the Board to consider whether the SUP should be rescinded in portions or in entirety.
- In this situation, staff received a noise complaint, Dave Sanger, Ordinance Enforcement Officer reached out to one of the owners and the complaint was acknowledged. The Township then received two subsequent complaints which caused the issuance of a violation letter.
- The noise complaints are largely arising from the use of amplified sound. There are avenues to prevent that. We hope that the property owners/applicants will work with us to try to curb the excess sound coming from the premises. We've received complaints from various sides of the property, from as close as 1,000 ft away to the other side of Bowers Harbor Park. Staff understands that new businesses experience growing pains as they attempt to grow their clientele, but acknowledges that the majority of complaints received have been about excess noise.

With regard to parking concerns:

- The parking on Seven Hills Road seems to be related to specific events. Staff's interpretation is that larger events held to increase community awareness when they first opened drove most of the issues. When concerns were first voiced, the Grand Traverse County Road Commission said that they would not put signs up unless there were documented incidents. Community police officers have observed the excessive parking on Seven Hills Road and expressed concern for citizen safety. They would support the installation of 'no-parking' signs. If/when 'no-parking' signs are installed and people continue to park on the road, our CPOs would be able to issue tickets.

Shanafelt: Recalls that when the Planning Commission asked the applicant to describe their planned course of action if guests parked on the road the response was "to ask the township to take care of it for them" which he deems highly inappropriate. Asks if the noise complaints were for after-hours noise or for excessive noise during regular business hours.

Cram: Confirms they were during regular approved business hours.

Shanafelt: Agrees that signs are the first step, but would request that the applicant come up with a plan to monitor and advise guests against parking on the road.

Hornberger: Notes that there are 55 parking spaces and with a maximum capacity of 70 guests, the existing on-site parking should be sufficient. If parking overflows that amount, the concern is that the business is exceeding its allowed occupancy.

Hall requests that the applicant focus on the noise complaints before moving on to the issue of parking.

Daily: I'm aware of one violation that we just got - actually this week. It is news to me that we have multiple - I've talked to Jenn about them. I'm only aware of one and that was during our business hours. As far as sound, we do keep it at the same level when we have live music. All summer long we have music five or six evenings a week and it's the exact same time every day, so it really all depends on the wind direction, who's singing, how close they are to the microphone, and all those things. We are conscious of that and we will continue to do our best to be able to monitor that. I think over the last year and a half we've been pretty good at that and we will continue to. We don't want to make a habit out of it, either. (On) Labor Day weekend we did have music until 9:00 and they were rocking out.

Shipman: Wants to find the language in their SUP specific about the volume level.

Cram: Indicates that it can be found in the conditions of approval.

Beard: Quotes it as indicating "normal conversational voice at property line during regular business hours."

Shipman: Notes that it is difficult to reconcile that with "rocking out".

Daily: I think (in) regard to that, we have received our first violation and obviously we don't want to get another one, so I'm going to do the best I can to make sure that our staff/we don't allow them to have the music up that high.

Hall: Susie has hit on something: how do we monitor this and what triggers a violation? Is it simply a neighbor who says "I can hear the music"? That would be in excess of the standard referenced. We're not (likely) to have somebody with sophisticated equipment determining decibel level.

Beard: Why not?

Hall: I'm asking. It doesn't seem practical.

Beard: You would hope it wouldn't be necessary. But if you can hear it from across Bowers Harbor Park, it has to be exceeding the decibel level at the property line by quite a bit.

Cram: The last complaint that Dave Sanger received was a recording of what the nearby resident could hear inside their house with the windows closed. Thus, he felt that he had the evidence to issue the violation letter because if someone could hear it inside their house with the window closed then clearly it was louder than the condition of approval which is a conversational voice at the property line. What's challenging for this community is that our C-1 commercial zones are scattered. We don't have a commercial district that has a buffer of mixed use around it. Our C-1 zone is, in this particular situation, surrounded by A-1 and rural-residential homes and it's also low-lying and that affects the way that sound travels. We want their business to be successful but we have received noise complaints. We know they aren't trying to be malicious. They're offering this to draw clients to their business. However, we have to balance their rights with the rights of others.

Hall: Since we aren't going to use any sort of monitoring device, and the test of appropriate volume seems to be whether or not a neighbor can hear noise above conversational level at the property line, how do you plan to address that?

Daily: We'll have to readjust how we're currently doing music to make sure that the levels are at an appropriate level.

Hall: It's a pretty low bar. Allowing anything other than acoustic instruments would risk the noise level being exceeded. How often is live music offered?

Daily: At this time of year, two nights a week but all summer long five to six nights a week.

Hall: If it were less frequent than seven days then the timeline (set by the violation letter) doesn't work. You can't come into compliance in seven days if your next show is in 3 weeks.

Cram: (Optimistic) hearing that they've been doing music that often and we've had only three complaints.

Shanafelt: We want to continue to improve that. It sounds like you're trying and sometimes it leaks out.

Daily: I can't be there every night, either.

Shanafelt: That's also an issue. It may not be you, but someone has to be assigned to monitor that. It would be useful to convey when those complaints came in order to check against what type of music was being offered then. It is in your favor that you do a lot of concerts and there's only been three or four complaints. I do find it concerning someone was inside their house with the windows closed (and could hear/record it).

Daily: I do, as well.

Beard: Notes that he believes that the number of complaints do not indicate the number of residents affected, as residents would likely try to ignore the issue several times before making a formal complaint. Acknowledges that there is a parallel to the recorded instances of conflict when the Commission talked about the shoreline/dock situation. Compared to the fairly small number that required intervention by the Sheriff's Office there were many more instances where people simply did not confront their neighbor or walked away from an argument. Believes the appropriate way to look at those complaints is that it's the tip of the iceberg.

Shipman: Does not want this to become a problem that Township resources are allocated to.

Cram: It was noted under Section 8.1.3 (1)(b) that this use has been found to be disturbing due to noise complaints and is not meeting that standard for approval. Hearing the discussion it seems that the applicant wants to take steps to prevent this from happening. A condition of approval could be drafted to require that the applicants will assign someone to monitor/develop a plan to address further noise complaints.

Shanafelt: Requests that the applicants define that plan, rather than asking the Commission to determine what is necessary. Once a plan is outlined, discussion with the Planning Commission to make sure that will help meet the need should occur.

Daily: We won't have any outdoor music (from) now until June.

Hall requests that the Commission now turn the discussion to the issue of parking.

Cram: Notes again that excess parking on Seven Hills Road has been documented on several occasions, the most egregious of which had 78 cars parked along the roadside. A possible solution to this issue would be to have Township CPOs work with the Road Commission to install "no-parking" signs at the property owner's expense, giving them the ability to ticket cars as needed. As part of the approval of Amendment #2, the property owners did install signage on their property warning guests that if on-site parking was full to come back another time. This has not been sufficient to prevent the excess parking on Seven Hills.

Daily: I agree with everything. I think having signs would be a great idea. We do try to control it. We have signs (and) we let people know. I think it's that whole perception...we can't control people. Once one person does it, they all do it no matter if we run out there. We can't afford to have somebody there that says "hey, you can't park on the road, it's not our property". We've talked to you about that. We can't legally do anything on the road. We can obviously encourage people not to do it, however, that's not our property. We have tried to talk to MDOT about having signs. I would encourage that, as well, but it's one of those things where we have an event and someone wants to leave early and they don't want to have to deal with traffic. Once one person does it (parks on Seven Hills) they all start doing it. One event that we had - the whole back parking lot was empty and it's because one person did it, and nobody wanted to pull in and see that there were open spots in the back. That's one of those things where we really can't control it. I'm open to what you want to do.

Hornberger: But you can (control it). You could have an employee standing there and saying "you're not allowed to park on the street". You could also count the number of people and say "I've got 150 people here" which exceeds the maximum.

Daily: Agreed. However, people are going to do what they want to. I'm not going to get into an argument with somebody that wants to park on the road. We can't control that. We can say "please don't park on the road" but they say "I can do whatever I want". We cannot tell them they can't.

Hornberger: But you can turn away people beyond the number that you're allowed to have.

Daily: We turn people away often.

Hornberger: Over 70?

Daily: Yes, because we are at capacity.

Hornberger: You still had how many cars on the road?

Daily: I'm not sure. I didn't know that there was a number until tonight.

Cram: States that she spoke to Jordan about that particular incident and a violation letter was not issued as it has not been documented since. Offers to share those photos with Daily. States that during that incident the parking lot was full, people were parked on the property itself, adjacent to designated parking spaces, and in addition to that there were 78 cars on the road. Clearly capacity was exceeded on that particular evening (possibly September 4th). As a new business the applicants have hosted some creative events.

Daily: I'm just going to say it's one of those things where we want people there and we do advertise on social media and hang posters. We do want people there. We don't know how many people are going to show up. (It) could be 20 or 150.

Hornberger: What do you do if 150 people show up?

Daily: We do let people know they're not allowed, but people still come in.

Shipman: Well, that's a problem.

Daily: We do control it, but also on those days we didn't know that many people were going to be there. We can just continue to improve and make sure if we do have an event to have somebody at the road and have somebody at the door.

Hornberger: Tell them they have to leave because you've reached your maximum.

Hall: Are you familiar with the Hop Lot facility on M22, south of Suttons Bay?

Daily: Very. Yes.

Hall: They had a serious problem with parking on M22. My impression is that that's been reduced. Do you know how they managed that?

Daily: They ended up buying the urgent care that's right next to them which has ~80 spots in it.

Hall: Opines that the situation here is worse due to the blind hill just before the Seven Hills development, combined with the fact that guests who have been consuming alcohol will be crossing the road to reach their vehicle. Hopes that can be managed.

Daily: Yes. I hope we can do a better job at that, as well. We want the exact same thing you guys want.

Shipman: Offers the opinion that the applicant is saying they can't control capacity which likely relates to the outdoor area.

Daily: We can control it, we just haven't had that problem yet, (other than) the one time.

Shipman: Counters that she has previously documented an additional two instances where a similar level of excess parking occurred. Requests that the applicant outline how they intend to address this. States that by continuing to exceed capacity other problems present themselves, including concern for the Fire Department and for the capacity of the on-site septic system.

Hornberger: Asserts that from the beginning of this project she has been concerned about the lot size and capacity, as well as the ability to control excess visitors. Notes that fire is a significant risk when over occupancy. A plan is needed.

Shipman: Important to state that regulating this cannot fall on CPOs because it prevents them from providing other important services.

Alexander: A condition of approval is that the Fire Department continues to support this, which is unlikely if they are consistently over capacity.

Daily: Our septic system is regulated by the health department to make sure (of) that. We have to submit (a report) every week to them, as well. We've never been over that.

Alexander: Another issue is that if there is a safety issue and there are more cars parked than allowed, it may prevent people from exiting safely. The amendment process asks if each application poses a substantial

improvement to the community as a whole. These issues make that questionable. Asks the applicant if an approval would result in the establishment having the ability to serve beer, wine, spirits, and cider.

Daily: Yes. We want to do that because we want to be able to have a lower ABV option rather than only liquor.

Alexander: Confirms that that would effectively allow them to operate as if they possess a Class C liquor license.

Daily: Yes, but it's all manufactured locally off-site. We can only serve our recipes.

Alexander: Wonders if offering additional types of alcohol is advisable if no plan for safety is in place.

Shanafelt: Notes that while offering lower ABV options is positive, it also effectively increases the pool of people attracted to the establishment, thus exacerbating the issues with over-occupancy and excess parking. The downside to their success is the attendant responsibility to figure out a way to prevent that.

Beard: The problem of excess parking is a symptom of the real problem, which is over-occupancy. With all 55 designated parking spots filled, and using the assumption that at least some number of those vehicles would be delivering at least two passengers/guests, it is reasonable to further assume that the permitted occupancy is being exceeded with some regularity.

Daily: It's not. Our septic system is tested every week to make sure that we aren't over our capacity (which is) regulated by that. We have never exceeded it.

Beard: Agrees that that is a good sign, but it would appear that during these larger events that they are over occupancy with no one, such as a bouncer, counting guests at the door and due to the fact that people can overflow to the outdoor area. The Planning Commission should, thus, receive a plan for how the applicant is going to control that. Notes that other establishments regulate the number of people on-premise and prevent others from entering until room has been freed up by others exiting. While that may not be practical for this establishment, tighter control is necessary.

Daily: We've had a lot of events. We try to have an event every month or so, and we don't know which ones are going to (be a) hit (and) which ones aren't. I now can say that for any events we have we can have somebody at the door, or somebody up at the road, because we don't know how successful it is going to be.

Hornberger: Requests that the applicant have a written plan for how they are going to monitor capacity to control the excess noise and overflow parking. Perhaps it's possible to ask guests to register in advance.

Beard: Asks if a flow meter has been installed and if a weekly report is submitted to the Health Department.

Daily: Confirms that it has been installed and he believes it is a weekly report.

Shanafelt: Notes that the observation that a septic system is not operating at capacity on average does not necessarily imply that the establishment does not frequently exceed its capacity. Rather, it indicates that periods of lower business activity on other days help to balance out those times when the system is indeed over capacity.

Hornberger: Suggests that the applicant look to ways that they might utilize the systems implemented by the wineries once they realized the popularity of, and inherent issues with overcrowding caused by, their Macaroni & Cheese wine nights.

Hall opens the public hearing portion of the meeting.

Nancy Heller, 3091 Blue Water Road: What number would you call if you're experiencing loud music?

Cram: Call the sheriff's department or the ordinance enforcement officer, Dave Sanger.

Jane Boursaw, 12875 Bluff Road: I'm one of the non-complainers. I don't like to complain but I did hear music at my place down on Bluff Road. Nancy's probably about halfway between me and Seven Hills. Just FYI, you can hear the music quite a ways away. That was maybe a Sunday night.

Valdmanis/Daily: We don't have any music on Sundays, so it wasn't us.

Hall closes the public hearing portion of the meeting.

Cram: This was advertised as a public hearing. Generally, the Planning Commission does not take action the night of a public hearing, but such action is possible, if so desired. Summarizes her interpretation that the Planning Commission requires more information from the applicant, including a written plan of how they propose to address excess noise and overflow parking. As such, staff suggests continued discussion at the regular November meeting to allow applicants to develop a plan for the Commission to review.

Hall: Notes that approving a project like this sets a precedent and the Township is often concerned about that. Requests that Cram determines how many other commercial sites exist within the Township that could be similarly developed and whether there are limitations on the issuance of liquor licenses.

Alexander: I believe there are five or six Class C liquor licenses that we have here and now that the Tavern is not in existence any longer I think that's one that may be up for purchase.

Cram: The Old Mission Tavern sold and they did transfer the Class C license with the sale, leading staff to assume that it will eventually reopen with new ownership. We currently have four Class C liquor licenses, others can be transferred from other townships if available. There are also Resort Class C liquor licenses in the area as well as wineries. Staff will put together a fact sheet around parcels zoned C-1 and where they are located.

Alexander: One of the things we talked about during discussion over Amendment 201 is that there is no current limit on small wine-making or distilling licenses, so we could have unlimited properties available for them. Thus, approval of this amendment will set precedent for other properties to obtain similar licenses.

Cram: Correct. Any owner of C-1 property could come in and go through the special use permit process to get approval of a restaurant/tavern use and could pursue these types of liquor licenses. That's not to say that the Planning Commission and board have to approve them.

Hall asks Commission members to indicate their interest in taking action at this point or have continued discussion at a subsequent meeting. Alexander requests the ability to first see a plan of action which could then be added to the conditions of approval. Shipman agrees, but notes that the conditions of approval, as-is, are comprehensive and alleviate concern regarding the issue of precedent, as did the Health Department affidavit.

Daily: We have been trying to get our beer license now for quite a long time and we're here because of beer and wine so we can have other options and have a successful business. I didn't realize we were going to be talking about noise or parking, which, yes, may have a little impact on the beer license but we can address those later or as a condition at the board meeting. I can bring those to them but we're heading into our offseason. We don't make any money in the winter. We need to continue being able to be a sustainable business. We've been trying to get this beer license for a year and a half. We already have the license. This is a formality. We can check a box with the MLCC and have beer, so I really don't want to wait another month. We were here in August, hoping to be here in September. Now it's October and we're going to wait again. It's not a quick thing with the MLCC either, so I would just really encourage... if we can have those things ready at the township (board) - if that's a condition, I'm okay with that, but I really don't want to wait another month if we don't have to.

Beard: I take issue with your comment that this approval process is just a formality. It is not. The township and its residents have a say in how these licenses are issued.

Daily: It's all the same license. That's what I'm saying.

Hornberger: Frankly, even if we were to approve this tonight all we'd be doing is approving it to send it on to the Township Board. They are then going to come back to us and say "why did you approve this when you've got over-occupancy, complaints about noise, cars parked on the street".

Valdmanis: Something the township board, along with Jenn, said (is) that they would make a priority a year and a half ago for small changes in the commercial C-1 district. (It's) obviously not a priority. I respect and understand everything you guys are saying (it's) just we've been told differently a couple different times.

Cram: What the staff and the Township Board said was that we would be willing to consider changes to the C-1. We didn't say we would prioritize it. The board talked about it at their strategic planning meeting, and it was noted as a low priority. We will be looking at additional uses in the C-1 zone district in the future. What was made clear at your approval of Amendment #2 was that additional liquor licenses would require an amendment to the SUP. We began talks in January and an application was brought forward in July to go (in front of the Planning Commission) in August. Had you submitted an application in January, you might have had this to utilize all summer. We are following the process.

Valdmanis: It originated with the wine (license). I completely understand resources and I'm not trying to throw anyone under the bus at all. (It's) just stuff that we had talked about in a public meeting with Isaiah starting with the wine license. I know that Susie mentioned this as well. I have a lot of history with the MLCC and rubber stamps.

Cram: At that time you told the board that you had no interest in making beer. We understand as entrepreneurs you're looking to see what customers want.

Hall: I'm going to close the discussion on this. We appreciate the urgency and the business need. However, it's the sense of the Commission that we are not prepared to move forward with an approval vote tonight. We need some more information, and I hope that you use this additional month as an opportunity to come up with a plan. A number of Commission members have asserted that it is not the role of the Commission, but rather your job as applicants to solve the issues.

Alexander: We meet before the Township Board (meets again), don't we? Because even if we did hear what we needed to hear and were able to take action tonight, it would not be possible for the Board to take action at their next meeting.

Shipman: Donna made the most critical point. If we send this to the Town Board as-is, they will boot it back to us. It would then take months more and I would hate to do that to you. Let's make sure all these questions are answered. Reach out to Jenn or any of us; bring it in early and ask us what we think.

Valdmanis: Absolutely, and I think if there's stuff that we can do to help to get on (a) normal Planning Commission meeting...if there's more people (that) comment, whether it's good or bad, it's important for the community, obviously. If there's something we can do to get it on the normal Planning Commission (and) not have to, I don't want to say 'waste your guys' time' but keep you guys (on your regular) schedule. (If) there (is) something we (can) do to help with that and then if we can get specifics? I know we're talking about, in general, a noise plan (and) a parking plan. If we (can) have written specifics I think that's helpful, as well.

Shanafelt: Informs applicants that the responsibility to provide a plan is theirs, and not for the Commission to inform. Given the requirements set by their SUP, the applicants must ensure conformity regarding noise, parking, and capacity.

Valdmanis: I don't think we're missing the point at all. I was just looking for that very specific answer.

Beard: Under the approval conditions and safeguards beginning with 'continued compliance with permitting necessary' the second line reads "to include the absence of any manufacturing". Requests that be amended to read "to prohibit any manufacturing".

Shipman: Wants to ensure that does not negatively impact their ability/requirements under the MLCC license.

Cram: Will work with legal counsel to ensure there is appropriate language drafted for that condition.

Beard: Asks for clarification regarding a stipulation that the SUP amendment will expire one year after the final date of approval, and whether that references Amendment #1 or each subsequent amendment or new land use permit.

Cram: Notes that action must be taken within a year on each amendment but will make that language more specific since the last amendment required a land use permit and resulted in changes of uses on the property.

Hall concludes discussion on business item: Special Use Permit (SUP) #35 -Seven Hills Development, Amendment #3

9. Reports and Updates: none

10. Public Comments: none

11. Other Matters or Comments by Planning Commission Members

Shipman: Would like to report to the Planning Commission that the Non-Motorized Working Group applied for and received \$15,000 in grant monies from the DALMAC fund in May of this year. And in September, word was received that a second grant was awarded, this time from the Michigan Health Endowment Fund 'Nutrition and Healthy Lifestyles' program in the amount of \$51,000. In addition, the Township had previously committed \$8,000 in cash, and many working group members are committed to providing in-kind hours toward the effort. All told, it's \$74,000 in funding to be used toward development of a non-motorized transportation plan for Old Mission Peninsula. Notes that an RFP will now be issued for engagement of a planning consultant and that there will be several opportunities for public engagement throughout the planning process. This group has been working toward this goal since May of 2021, and it's an important part of the vision and goals within the approved Master Plan.

12. Adjournment

Beard moved to adjourn at 8:23 p.m. with a second by Shanafelt.

Motion passed by consensus.