

## MINUTES

**SUTTONS BAY TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING - SEPTEMBER 5, 2023  
SUTTONS BAY TOWNSHIP OFFICES  
95 W. 4TH St., Suttons Bay, MI**

### **1. CALL TO ORDER AND NOTATION OF QUORUM**

Chair Tom Koernke called the meeting to order at 6:00 p.m. at the Suttons Bay Township Offices.

Present: Tom Koernke, Dee McClure, Dennis Rathnaw, Rhoda Johnson, Patti Miller,  
Doug Periard, Andy Brandt

Absent: Don Gregory, John Clark

Chair Koernke declared a quorum of the Planning Commission present.

Staff: Steve Patmore, Mathew Cooke

### **2. APPROVAL OF AGENDA**

***Dee McClure/moved, Patti Miller/supported, to approve the Agenda as presented, motion carried.***

### **3. PUBLIC COMMENT**

Barbara Hagan commented on Fox Glove Farm (Barnes property), noise coming from the property is an issue.

Steve Patmore said written comments regarding Fox Glove have been distributed to the Planning Commission.

Leland Township resident asked if the township has a nuisance ordinance.

### **4. CONFLICT OF INTEREST**

None.

### **5. APPROVAL OF MINUTES**

#### **A. August 1, 2023 Regular Meeting:**

Corrections were made to the draft Minutes

***Dee McClure/moved, Dennis Rathnaw/supported, to approve the August 1, 2023 Minutes as corrected, motion carried.***

#### **B. August 14, 2023 Special Meeting:** No corrections were offered

***Patti Miller/moved, Rhoda Johnson/supported, to approve the August 14, 2023 Special Meeting Minutes as presented, motion carried.***

## **6. ITEMS OF DISCUSSION/CONSIDERATION**

### **1. Public Hearing and consideration of an Application and Request from 9 Bean Rows / Aurora Cellars for a Special Use Permit to operate a Winery Tasting Room at 9000 E. Duck Lake Rd., Suttons Bay, MI 49682.**

Applicant: 9 Bean Rows - Nic & Jen Welty  
 Aurora Cellars - Sam Simpson, Taylor Simpson  
 Existing Zoning: Agricultural  
 Project Location: 8996 E. Duck Lake Road - 45-011-019-002-00  
 9000 E. Duck Lake Road - 45-011-020-006-00

The public hearing was opened by Chair Koernke.

Steve Patmore said an introduction of the Application was held at the August meeting. This is an Application of 9 Bean Rows, Aurora Cellars and Harbor Hills to have an off-premise tasting room on the 9 Bean Rows property. The Special Use Permit would go to 9 Bean Rows which already has a Special Use Permit to have seasonal worker housing. The existing farm market and food processing is a Use that has been carried over from one owner to the next. This Permit would be an amendment to the Permit that the township issued last year for the seasonal worker housing. Since the introductory meeting the applicant has been working on increasing parking on the site, and buses are going to be discouraged or prohibited with limited schedule for tour buses. Nic Welty has been working on solving the parking issue to double the existing parking on the site.

Nic Welty's presentation -

- Drawing submitted shows 30 more parking spaces down at the end where employees park. Around the bakery there are 24 parking spaces, for a total of 54 parking spaces. Will put up headers for parking spaces. No plans to pave parking lot. Handicapped parking space will be concrete. Some improvements have been done by putting down gravel to the existing parking lot.
- Signage - state what is allowed pointing out alternative parking lot.
- Has two (2) acres for planted farm crops that support the produced product.
- Wine tasting - 4-6 types at any given time (white, rose, red, cider)
- Space in the building - for 24, patio designed for 11 picnic tables.
- Fire Chief Jim Porter wants 18 ft wide space for emergency vehicles.
- Have two (2) separate wine licenses, want to preserve flexibility to have wine manufactured by Aurora Cellars or Harbor Hills.

Chair Koernke closed the public hearing.

Chair Koernke asked ZA Steve Patmore to review the Staff Report.

Background Information/General Findings of Fact

1. The subject property consists of three parcels:
  - A. Parcel No. 45-011-019-002-00, 8996 E. Duck Lake Rd., consisting of 9.92 acres, owned by 9 Bean Rows, LLC. This parcel contains a single-family residence, accessory buildings including greenhouses, and is actively farmed.
  - B. Parcel No. 45-011-020-006-00, 9000 E. Duck Lake Rd. consisting of 3.91 acres, owned by 9 Bean Rows, L.L.C. This parcel contains the farm market, food processing kitchen, accessory buildings, greenhouses, and is actively farmed.

Total acreage of the two parcels is approximately 14 acres.
2. In addition there is a lease agreement between 9 Bean Rows, LLC. and Eagle View Farms, LLC. for the adjacent parcel.
3. All three parcels are currently zoned Agricultural.
4. 9 Bean Rows, LLC. is currently an approved farm market/food processing kitchen, originally established as the Covered Wagon Farm Market.
5. A Special Land Use Permit was approved in 2022 for Seasonal Worker Housing.
6. The subject property has access from M-204 (Duck Lake Road), a State Highway.
7. Adjacent current property zoning and land use:

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
East	Agricultural	Agricultural/Vineyards
North	Agricultural	Agricultural/Residential
West	Agricultural	Agricultural
South	Agricultural	Agricultural

8. The Michigan Department of Transportation has approved a commercial driveway and stated that the driveway covered a Wine Tasting Room. They prohibited any parking on M-204.
9. The Benzie/Leelanau District Health Department is conducting a commercial review.

Review of the Zoning Ordinance – Special Land Use Permit

**SECTION 20.8 GOVERNING STANDARDS**

*In deciding to grant or to deny a special land use application, the Commission shall establish that the following standards shall have been satisfied, together with all other requirements of the Ordinance. The standards enumerated herein are intended to promote the intent and purpose of the Ordinance and to ensure that the land use or activity authorized shall be compatible with the zoning district, the adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed land use. These standards shall ensure that the proposed land use or activity is consistent with the public health safety and welfare of the Township.*

Additional Information

- The Applicants have stated that they have a plan to double the existing parking.

- The Applicants stated that they will not allow buses and will limit visits by tours.

### **Review of Zoning Ordinance Requirements for Wineries and Tasting Rooms**

*Wineries, and Cideries are allowed as a Special Use Permit in Suttons Bay Township's Agricultural District when the following conditions and standards are met as well as the governing standards for Special Land Uses. It is the intent of this section to encourage the growing of wine and cider crops and production of these beverages as an integral component of the rural and agricultural character of Suttons Bay Township, and to maintain the viability of fruit and other crop farming through value added processing and direct sales of these and related beverages made from locally grown crops. It is also the intent of this section to promote local agri-tourism by allowing construction of a tasting room and retail sale of related products in the agricultural district subject to this ordinance.*

*Wineries and Cideries are permitted, provided:*

1. *The winery or cidery must, if required, be properly licensed by any local, state, or federal regulatory agency. **Condition of Approval.***
2. *Parcel requirements:*
  - a. *The minimum lot area shall be at least five (5) acres. **Meets***
  - b. *The parcel shall contain a minimum of two (2) acres of planted farm crops that support the production of products produced by the licensee. **Should be a condition.***
  - c. *The minimum parcel width shall be at least three hundred (300) feet. **Meets***
3. *Setbacks:*
  - a. *All buildings shall be set back at least fifty (50) feet from any lot line. If the building is open to the public, that building shall be set back at least one hundred (100) feet from a lot line. **Existing building.***
  - b. *Preexisting structures prior to the date of the adopt of this ordinance (1993) may be utilized. To encourage the use of existing buildings, the setback requirements may be reduced to the other standards of the district, subject to site plan review by the planning commission. **Existing building.***
  - c. *The Planning Commission may require greater setbacks if necessary to buffer adjacent properties as determined during the Special Land Use Permit process. **By Consensus – no additional buffer was determined to be necessary.***
4. *The total land area covered by buildings and structures used for production, storage and sales does not exceed two (2) percent of the parcel area. **Meets.***
5. *The above ground portion of any individual building shall not be greater than six*

- thousand (6,000) square feet for the first ten (10) acres of land dedicated to the facility. **Meets.**
- a. For every additional ten (10) acres of contiguous property dedicated to the facility, an additional one thousand (1,000) square feet of area is allowed, up to a maximum of ten thousand (10,000) square feet. **Meets.**
  - b. Building area used to support the facility may be comprised of a single building or multiple buildings. The processing and storage areas/structures may occupy no more than ten thousand (10,000) square feet. **NA**
  - c. Underground buildings are not limited to, and may be in addition to the total square footage limitations of the facility provided the said buildings are below pre-existing ground level and have no more than one (1) loading dock exposed. **NA.**
6. Equipment and materials related to the facility must be stored within a structure when not in use.
  7. One (1) single family dwelling may be allowed upon the parcel utilized for the facility. **MEETS**
  8. Entrance from the public road must be approved by the County Road Commission or Michigan Department of Transportation with concurrence from the Suttons Bay Township Planning Commission as part of the site plan review process. Public drive access shall be limited to one (1) access off a public road. **MEETS**
  9. Tasting, retail sales and food service areas combined shall occupy no more than one thousand five hundred (1,500) square feet. This square footage includes both indoor and outdoor spaces. This space may be separate or attached to the processing facility. **Condition.**
  10. Retail sales shall be limited to beverages produced under the license of the facility, food products produced on the premises, logo merchandise, and beverage related paraphernalia such as but not limited to corkscrews, bottle openers, glassware, or tableware. **Condition.**
  11. All lighting shall meet the Outdoor Lighting Standards as outlined in Section 3.18 Outdoor Lighting Standards. **Condition**
  12. All signs shall meet the sign standards as outlined in Section 3.17 Signs. **Condition**
  13. Site landscaping requirements must be met as required in Section 3.12 Landscaping, Screening. **NA**
  14. All parking shall meet the parking standards as outlined in Section 3.15 Off-Street Parking and Loading. Parking must be screened from neighboring properties as required in Section 3.12 Landscaping, Screening, Buffers and Greenbelts. One (1) space per employee, plus one (1) space for each hundred (100) square feet of floor area used for retail sales, wine tasting, or other public use including office reception areas. A minimum of five (5) automobile parking spaces are required for

*each three hundred (300) square feet of floor area used for retail sales or wine tasting with a minimum of one (1) space required. Parking for oversize vehicles shall be designed to allow drive through parking (no backing required). **Meets with the new Site Plan.***

Discussion on possible conditions: The Planning Commission reviewed the possible conditions contained in the Staff Report. Several clarifications, corrections and additions were discussed and approved by consensus.

***Motion by McClure to approve with conditions, as modified tonight and listed below, the request from 9 Bean Rows, LLC, Aurora Cellars [2015], Inc., and Harbor Hill Fruit Farms, Inc., for a Special Land Use Permit to operate an Off-Premise Tasting Room at 9 Bean Rows, 9000 E. Duck Lake Road, Suttons Bay, MI, and authorize the Zoning Administrator to issue the Special Land Use Permit.  
Seconded by Rathnaw***

**Conditions of Approval:**

- 1. Subject to issuance and continuance of the Off-Premise Tasting Room Permit by the State of Michigan.**
- 2. This Approval covers an Off-Premise Tasting Room for products manufactured by Aurora Cellars [2015], LLC, and Harbor Hill Fruit Farms, Inc. which are the licenses held by the Applicants. The serving of Harbor Hill Fruit Farm, Inc. products will be subject to a new licensing Resolution from the Suttons Bay Township Board.**
- 3. A minimum of two (2) acres of planted farm crops that support the production of products produced by the licensee shall be planted and maintained on this property. The planting of these farm products shall be completed no later than December 31, 2025.**
- 4. Provide the parking for 54 total vehicles, as shown on the revised Site Plan presented tonight. No parking for the Special Land Use shall be allowed on M-204, or in the driveway interfering with emergency access.**
- 5. Access for emergency vehicles shall be maintained at all times on the site.**
- 6. Parking for three (3) oversize vehicles shall be provided, which is planned to be west of the commercial building, with drive-thru access.**
- 7. Signage shall be provided to guide guests to the overflow parking area.**
- 8. Provide at least one (1) paved handicapped accessible parking spaces, or more as may be determined by the Leelanau County Department of Building Safety.**
- 9. The Planning Commission reserves the right to review this permit if Conditions #4 and #5 are not being met, and, after a Hearing, may revoke this permit.**
- 10. Subject to approvals/permits from MDOT, the Benzie/Leelanau District Health Dept., and Soil Erosion, if necessary.**
- 11. Retail sales of wine products limited to items manufactured by the Applicants and incidental items.**

12. Limited to 1500 square feet of indoor and outdoor tasting and retail area.
13. This approval shall expire in two (2) years, unless extended by the Planning Commission, if an Off-Premise Tasting Room is not established at this location. Thereafter, this permit shall expire if the Tasting Room is not in operation for a continuous two (2) -year period.

*Motion approved unanimously by voice vote of those present.*

2. Zoning Ordinance Overhaul

Mathew Cooke provided "Schedule of Uses" with comments from Dee McClure. Discussion was held and proposed changes were made to the chart.

Steve Patmore and Mathew Cooke were asked to provide information for the next meeting - definitions for duplex, adult day care, going to flag open space residential, definition of cottage housing. (Drafts of definitions)

**7. REPORTS**

Zoning Administrator – Received an application for a new communications tower- special meeting in two weeks should be the public hearing on the tower, per the recommendation of the two attorneys involved.

Planner - Mathew Cooke - No report.

Twp Bd - Doug Periard - No report.

Chair - Mathew Cooke congratulated for being on the under 40 ~~west~~ **best** for this part of the state.

Commissioner Comments - Welcome back Andy Brandt.

**8. ADJOURNMENT**

Having no further business, Chair Koernke adjourned the meeting at 7:58 p.m.

Minutes recorded by Marge Johnson, Recording Secretary

Reviewed by Staff at the request of the Recording Secretary.

***Minutes approved as-amended on October 17, 2023.***

Dee McClure, Planning Commission Secretary