

AGENDA
SUTTONS BAY TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
95 W 4th Street, Suttons Bay
Tuesday, September 5, 2023
6:00 PM

THE MEETING WILL BE HELD AT SUTTONS BAY TOWNSHIP OFFICE at 95 W 4th Street, Suttons Bay. The public may participate in person or by remote access through Zoom access by computer and smart phone using the following link:

Join Zoom Meeting

<https://us02web.zoom.us/j/89744877411?pwd=S2dSb2xrb2d5aHJaTUJjaFRra1NOdz09>

Meeting ID: 897 4487 7411 Passcode: 425095 +1 312 626 6799

Call to Order and Notation of Quorum

Approval of Agenda

Public Comment

Conflict of Interest

Approval of Minutes: August 1, 2023 Regular Meeting Minutes; August 14, 2023 Special Meeting

Items of Discussion/Consideration:

1. Public Hearing and consideration of an Application and Request from 9 Bean Rows/Aurora Cellars for a Special Land Use Permit to operate a Winery Tasting Room at 9000 E. Duck Lake Rd., Suttons Bay, MI 49682. Property Numbers 45-011-020-006-00 & 45-011-019-002-00

2. Zoning Ordinance Overhaul-Time Permitting

Reports:

Zoning Administrator	Steve Patmore
Planner:	Mathew Cooke, Networks Northwest
Township Board:	Doug Periard
Chair Comments:	Tom Koernke

Commissioners' Comments

Public Comment

Next Meeting – Special Meeting September 19, 2023

Adjournment (8:00 PM unless extended by a motion.)

Commission Packets can be viewed at: <https://www.leelanau.gov/suttonsbaytwppln.asp>

This meeting is a session of the Suttons Bay Township Planning Commission held in public for the purpose of conducting the Commission's business and is not to be considered a public community meeting. There is time set aside for public comment during the meeting as noted on the Agenda, and the Planning Commission welcomes the public's input at that time.

admin@suttonsbaytwp.com

From: Barbara Hagan <barbarajhagan@gmail.com>
Sent: Wednesday, August 2, 2023 9:02 AM
To: admin@suttonsbaytwp.com
Cc: Steve Patmore; Rjhagan
Subject: Fwd: The Foxglove Farm

Hi -

I spoke in reference to this during the Planning Commission meeting. It sounded like Steve had not yet had a chance to read the most recent email prior to the meeting as it was sent the morning before. As a result, it seemed like there was a lot of missing context for the Commission which was contained in this email.

One of the members requested that we itemize our concerns about non-compliance, which we had attempted to do in that email. In order to try to get on the same page, we thought it may be helpful to include this email in the meeting minutes or otherwise circulate it to the Commission.

Our apologies again for the confusion. If there are any questions please don't hesitate to reach out.

Barbara Hagan
734-494-2123

When you see something that is not right, not fair, not just, you have to speak up. You have to say something, you have to do something. John Lewis

On Thu, Jul 13, 2023, 12:16 PM Barbara Hagan <barbarajhagan@gmail.com> wrote:
Good afternoon Steve -

We received notice from The Foxglove Farm - the events venue that Glenn & Patty Barnes recently received a special permit from Suttons Bay Township to open on what was formerly the Southwell Farm - informing us that they have begun operations.

The letter names you personally as having given final approval to begin holding events under the special use permit. Has your office confirmed their compliance with those obligations upon which the special permit was contingent? As you know, we are hopeful but nervous about their intention to adhere to the constraints set by the Township.

In addition, Barb spoke with you via phone a little while back regarding the way in which they posted a property line. You conveyed that you were going to clarify to the Barnes' that the permit required them to have a professionally surveyed demarcation. Was that conveyed and clarified in their obligations upon which the permit was contingent?

Lastly, is there a final, approved version of the special permit that you could send us? The only record we can find is the amendments presented and approved in the Dec 15, 2020 planning commission minutes.

Dick & Barb Hagan
cell 734-494-2123

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Steve Patmore

From: Steve Patmore <zoningadmin@suttonsbaytwp.com>
Sent: Tuesday, August 1, 2023 9:00 AM
To: 'Barbara Hagan'
Subject: RE: The Foxglove Farm
Attachments: 2021-10-14 SLUP Rev - Southwell Farms Event Facility.pdf

1. Attached is the Special Land Use Permit reflecting the Planning Commission approval with conditions.
2. I have performed two inspections of the property.
3. As required by the permit, the Barnes installed signs informing their guests not to go past these signs to the north. These signs are clearly on their property. The fact that they installed no-trespassing signs facing the other way was not required by the township, nor does the township have any authority or responsibility to verify the placement of no-trespassing signs. It is my understanding that the Barnes did have their property corners located by a professional surveyor.

Steve Patmore
Suttons Bay Township

From: Barbara Hagan <barbarahagan@gmail.com>
Sent: Monday, July 31, 2023 12:04 PM
To: Steve Patmore <zoningadmin@suttonsbaytwp.com>
Cc: Rjhagan <rjhagansr@gmail.com>
Subject: Re: The Foxglove Farm

Steve, just confirming that we spoke this morning and you indicated you have been very busy but will get us the information requested. Let us know when we can expect to receive it.

Barbara and Dick Hagan
734-494-2123

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On Sun, Jul 30, 2023, 5:32 PM Barbara Hagan <barbarahagan@gmail.com> wrote:

Hi Steve, We sent you an email on July 13th. I am not sure if email is your preferred method of communication. I'll give you a call Monday if I don't hear back from you.

Best,
Barbara and Dick Hagan
734-494-2123

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Dick & Barb Hagan
cell 734-494-2123

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DRAFT MINUTES

**SUTTONS BAY TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES - AUGUST 1, 2023, 6:00 P.M.**

95 W. 4th St., Suttons Bay, MI

(The public may participate in person or by remote access through
ZOOM by computer and smart phone)

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 Office.

Present: Tom Koernke, Dee McClure, Rhoda Johnson, Don Gregory, John Clark,
Doug Periard, Patti Miller, Dennis Rathaw

Absent and excused: Andy Brandt

Staff: Steve Patmore, Mathew Cooke

Chair Koernke declared there is a quorum of the Planning Commission.

APPROVAL OF AGENDA

Dee McClure/moved, Dennis Rathaw/supported, to approve the Agenda, motion passed.

PUBLIC COMMENT - None.

CONFLICT OF INTEREST - None.

APPROVAL OF JUNE 6, 2023 MEETING MINUTES

Patti Miller/moved, John Clark/supported, to approve the June 6, 2023 Meeting Minutes as corrected, motion carried.

ITEMS OF DISCUSSION/CONSIDERATION

- 1. Pre-Application/Introduction: Winery Tasting Room at 9 Bean Rows with Aurora Cellars**

Steve Patmore submitted Pre-Application Sketch Plan & Review

Applicant: **9 Bean Rows - Nic & Jen Welty**
Aurora Cellars - Sam Simpson, Taylor Simpson

Project Location: **8996 E. Duck Lake Road - 45-011-019-002-00**
9000 E. Duck Lake Road - 45-011-020-006-00

- The Applicant requested a pre-application sketch plan review with the Planning Commission.

The PC cannot take formal action during a pre-application review, and should refrain from deliberation or determinations in the absence of a Public Hearing.

The PC may ask questions of the applicant.

Discussion:

- Steve Patmore - The Application would be reviewed at next month's meeting.
Nic Welty has been before the Planning Commission to have a winery at 9 Bean Rows and is moving forward on it. The only twist is that he is working with Sam and Taylor Simpson from Auroa Cellars who would be the ones that the license is under. Nic Welty wants to have a tasting room at 9 Bean Row. We have to have a public hearing and go thru the Special Use Permit at the next meeting.
- Sam Simpson said a winery is allowed to have 5 off-site tasting rooms per license. We would be overlaying our license onto the 9 Bean Row property to allow the Welty's to sell the Aurora product in a tasting room since they will have a small wine maker's license as well. The only difference is the product that is being sold on that site. Aurora is one of the largest grape growers in Northern Michigan and grows roughly 300 acres of grapes here. The business model is 100% agricultural

forward.

- Nic Welty - Aurora would do the labeling. We have to have remote tasting room license in the bakery.
- Tom Koernke said I am a periodic customer and notice with your current layout sometimes the existing parking is pretty much maxed out. Are you going to allow buses if you open up a wine tasting room?
- Nic Welty said with our location it is not convenient for buses. It doesn't work out well with the space that we have. Don't want to accommodate tour buses. Right

now

we are a 7 am to 3 pm operation. Being open from 3 pm on would make sense for

the

business of pairing wine with the food.

- Sam Simpson - don't really have that many buses, see more passenger vans. The market is going to speak for itself.
- Don Gregory said looking at off-site tasting room has nothing to do with the winery. Don't think a winery and tasting room would be approved on that small of a site. Looking at where does an off-site tasting room fit in our ordinance.
- Nic Welty said would like to produce some grapes, makes more sense for someone with a larger facility to do it.
- Steve Patmore said we have to treat it with the same standards as a winery.
- Don Gregory said the only way we can fit this into the ag district today as if it meets the criteria of a winery, otherwise it has to be in the commercial district.
- Nic Welty said not very far in the process of having a distillery.
- Sam Simpson said there would be a conflict with the Michigan Liquor Control, and would be something that would not get approved.
- Steve Patmore said zoning does not allow for a distillery in the ag district.
- Nic Welty said the wine tasting would take place in the bakery which is 1,000 sq ft.
- Tom Koernke - suggestions for the site, increase the parking lot, designate the fire lanes.
- Steve Patmore - need to know how many parking spaces there are and how it works, how can it be reorganized. The parking doesn't have to be in front of the building.
- Don Gregory - make sure to stay within the realm of a farm market and how the off-site tasting room fits together.

2. Zoning Ordinance Overhaul Project - Review

The Planning Commissioners reviewed Articles 14 and 3. Steve Patmore and Mathew Cooke answered questions from the Planning Commission.

PUBLIC COMMENT - Barb Hagan, 1222 E. Vreeland Rd., commented on the Barnes property.

REPORTS

Zoning Administrator - Steve Patmore submitted 2 Reports.

Planner - Mathew Cooke - MSU Extension having Land Use Education in East Bay Township in October.

Township Board - Doug Periard - Herman Park opening up, personnel question being discussed.

Chair Comments - Suggest Special Meeting September 19, 2023

Commissioner Comments - Take a look at 9 Bean Rows with off-site wine tasting room before the September meeting (Article 4 of the Zoning Ordinance)

Future Meetings -

August 14, 2023, 3:00 p.m- Tour of the Township. Don Gregory requests list of things PC would like to see.

September 5, 2023, Regular Meeting

September 19, 2023, Special Meeting

ADJOURNMENT - Chair Koernke adjourned the meeting at 8:18 p.m.

Minutes by Marge Johnson, Recording Secretary

Dee McClure, Secretary

DRAFT MINUTES
SUTTONS BAY TOWNSHIP PLANNING COMMISSION
SPECIAL MEETING
AUGUST 14, 2023
3:00 p.m.

**Special Meeting convened at 3:00 pm at the Suttons Bay Township Offices,
95 W. Fourth Street, Suttons Bay, MI 49682, followed by a tour of the township.**

Call to Order and Notation of Quorum

Tom Koernke, Chair, called the Special Meeting of the Suttons Bay Township Planning Commission to order on Monday, August 14, 2023, at 3:00 p.m. at the Suttons Bay Township Offices, 95 W. 4th St., Suttons Bay, MI

Present: Dennis Rathnaw, Dee McClure, Patti Miller, Doug Periard, Tom Koernke, Don Gregory, John Clark.

Absent and excused: Rhoda Johnson, Andy Brandt (but communicated via cell phone during tour)

Staff Present: Steve Patmore.

The purpose of the meeting was to tour the township in a van, courtesy of Don Gregory and Cherry Bay Orchards. A map of the township and an itinerary was distributed and attached to the approved minutes.

Public Comment: None

Conflict of Interest - None

The tour began about 3:05 p.m., with highlights as follows:

1. Peck Rd. – Leelanau Watersports:

- Someone is living in the residence.
- Portable toilet is there.
- Landscaping/buffering/ fence looks nice, but some of the cedars will need to be replaced.

2. Stony Point

- Drake/Hawley Farm may be going up for sale according to Don. Maybe the community will be interested in preserving the open space.
- Reviewed the Korson Farm area and the rezoning area on Lover's Lane.

3. Richter Road Proposed C-2 Commercial Area

- Noted the existing houses – possible home business area.
- Noted the village waste-water plant.
- Noted the former solid waste station property.

- 4. South Pineview Road & Herman Road Neighborhood Residential.**
 - Noted the properties owned by Peninsula Housing.
 - Turned around at St. Michael's Highland Drive.

- 5. Herman Road / Bahle Road Tower Site**
 - Drove up Bahle Road to see the general location of the proposed tower site.

- 6. M-204 Governmental Center Tower**
 - Drove into the Leelanau County Governmental Center to see the new county communications tower.
 - There does not appear to be any communications equipment installed on this tower yet.

- 7. M-204 9 Bean Rows**
 - Pulled off across the highway from 9 Bean Rows to get a general layout of the facility.
 - Drove into the 9 Bean Rows parking lot.

- 8. Horn Road – 45 North Winery and Wild Cherry Resort**
 - Drove into 45 North Winery
 - 45 North Winery is serving hor duerves from a dedicated food truck.
 - Drove through Wild Cherry Resort – this project was quite controversial when it was reviewed and approved years ago.

- 9. Marek Road – Homestretch Housing Project**
 - Drove into the Vineyard View Apartment project that appears to be relatively close to completion.
 - Road work needs to be completed.
 - Drove the back way through the orchards from the end of Marek Rd to Scott Hill Road.
 - Reviewed the incomplete Bay View housing project in the village, and noted the deterioration of the homes that were started.

- 10. Guinan Subdivision (Bayscape Hills Subdivision) Dumas Rd.**
 - Drove back through the orchards to Dumas Road and Bayscape Hills.
 - A number of homes have been built in this subdivision since the last tour.

- 11. Mork Road Horse Farm**
 - There is a large horse farm now on Mork Road.

- 12. Setterbo Road Housing**
 - Drove by a few housing starts on Setterbo Road.

- 13. Starry Nights Barn Event Venue – Jacobsen Road**
 - Drove along the edge of Starry nights barn and through parking lot.
 - People may be staying in RV's in the back.
 - Owners never came back to get approval of parking in the rear of facility.

14. McKeese Road Housing

- Cherry Bay orchards has seasonal worker housing on McKeese Road, and there is additional property that may be conducive to workforce housing.

15. Tribal Housing – Peshawbestown Rd.

- Drove by the considerable number of housing units built by the GTB in the Peshawbestown Road area.

16. Fox Glove Farms Event Facility – Putnam Road

- Patty Barnes gave the PC a tour of the Barn renovation and grounds at Fox Glove Farms.

17. Jacobsen Road Subdivision

- Due to time constraints, the tour did not include Bluewater Ridge on Jacobson Road.

The tour arrived back at the township office at 5:30 p.m and the meeting was adjourned.

Minutes compiled by Steve Patmore, Zoning Administrator.

Dee McClure, Secretary

Approved (as presented/ as-corrected) on _____

SUTTONS BAY TOWNSHIP

APPLICATION FOR SITE PLAN REVIEW

OFFICE USE ONLY

DATE RECEIVED: _____
DATE APPLICATION DETERMINED COMPLETE: _____
DATE(S) REVIEWED BY PLANNING COMMISSION: _____
DATE APPROVED: _____

FILE NUMBER _____

FEE: _____

RECEIPT NO: _____

Project/Applicant Information:

Project Title: Aurora Cellars off Site Tasting Room

Applicant: Nick & Jen Welty

Address: 9000 E. Duck Lake Road
Suttons Bay, MI 49682

Phone: 216-244-1385 Fax: N/A

Applicant's Interest / Relationship in the property (circle one): OWNER PURCHASER AGENT

Owner (If other than the Applicant)

Name: ~~Jennifer Welty~~

Address: _____

Authorized Agent or Representative:

Name: _____

Company: _____

Address: _____

Phone: _____ Fax: _____

Location of Property:

Property (Tax) Number: 45-011- 019-002-00

Street Address of Parcel: 9000 E. Duck Lake Road, Suttons Bay MI
49682

Current Zoning of Parcel: Suttons Bay Township

Acreage of Parcel: 9.92 Acres

Existing Structures on Parcel: 3 permanent structures (house, garage,
& primary business)

Provide copy of Legal Description of Property (if requested)

Description of Proposed Project:

Aurora Cellars is looking to open an off site tasting room located at 9 Bean Rows.

Project Completion Schedule / Description of Phasing:

Complete upon approval by Suttons Bay townShip and the Michigan Liquor Control Commission.

Describe prior Site Plan Reviews, Variances, and Permits related to subject property, including dates:

I certify that the above information is true and authorize officials of Suttons Bay Township to enter the property during Site Plan Review.

I also certify that I have the authority to make this request.

Signature:

By:

9 Bean Rows

Name:

Janele Weety

Title:

Managing member

Note: If the Signatory is not the Owner of the subject property, then a letter of authorization from the Owner will be required.

Attachments Required:

- Application Fee –
- Owner's Authorization Letter (if applicable)
- Hazardous Materials Checklist (if applicable)

proposed land use or activity is consistent with the public health, safety and welfare of the Township.

Each of the proposed special land uses on the proposed location shall:

- A. Meet all the specific requirements of the particular special land use contained in the zoning district for which the special land use is proposed. *Yes*
- B. Be designed, constructed, operated and maintained so that such use will not change the essential character of the zoning district and surrounding vicinity in which it is proposed. *Yes*
- D. Be served adequately by essential public facilities and services, including but not limited to highways, streets, off-street parking, police, fire protection, drainage district, refuse disposal, water and sewage facilities, schools, etc. *Yes*
- E. Not unduly burden the capacities, or negatively impact public services and facilities affected by the proposed special land use, nor result in excessive additional public cost for the creation of facilities and services not otherwise available. *Yes*
- F. Not adversely affect the natural environment, especially any creek, stream, lake, pond, wetlands area, floodplain or the groundwater. *Yes*
- G. Not adversely affect farmland or farming operations, but to the extent practicable preserve it as open space or provide adequate buffering between the special land use and farmland. *Yes*
- H. Demonstrate in the site plan that there exists sufficient protection to ensure that there will be no additional storm water runoff created by the proposed special land use; or that adequate and full measures have been taken to accommodate such storm water runoff on the proposed site location. For purposes of this standard the receipt of a Soil Erosion permit or Drain Commissioner's review shall satisfy this requirement. *Yes*
- I. Provide that the special land use including off-street parking, loading and unloading areas, outside storage areas, and areas for the storage of trash, which face or are visible from neighboring property or public thoroughfares, shall be screened in accordance with Section 3.12 Landscaping, Greenbelts, Buffers, Screen, and Fences. *Yes*
- J. Conform to the requirements of Section 3.18 Outdoor Lighting Standards. *Yes*
- K. Not be hazardous to adjacent or neighboring properties, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or to adjacent and neighboring properties, through the excessive production of traffic, noise, smoke, odor, fumes, or glare. *Yes*
- L. Be in compliance with the requirements of the district in which it is proposed and with all

actual costs of the application review, or if the Commission determines that review of the application and/or participation in the review process by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount in escrow determined by the Commission equal to the estimated additional costs. *yes*

SECTION 20.6 REVIEW FOR COMPLETENESS

- A. The Zoning Administrator shall provide an initial review of the Special Land Use Permit application to insure it is complete, and contains all of the elements required by the standards of this Ordinance.
- B. If the application is found to be incomplete, the Administrator shall return the application to the applicant with a list of items needed to make the application complete.
- C. If the application is found to be complete, the Administrator shall notify the Chairperson of the Commission, perform a written staff review of the application, and distribute the application, site plan and other materials to the Commission.
- D. Applications for uses that qualify for Abbreviated Site Plan Review, (as determined in Article 19 or in the zoning district) will be noticed for Public Hearing and review at the first Commission meeting that meets the noticing requirements.
- E. Applications for uses that require a Detailed Site Plan Review, (as determined in Article 19 Site Plan Review or in the zoning district) will be placed on the next available Commission Meeting Agenda for preliminary consideration. Following preliminary consideration, if the Commission is satisfied with the data submitted the Commission shall set a date for a public hearing on the special land use application.
- F. Public Hearings shall be noticed per Section 23.3.3 Notices.

SECTION 20.7 COORDINATION WITH OTHER AGENCIES

The Applicant is responsible for obtaining any and all permits or approvals from other agencies. Applicants are encouraged to submit projects to agencies for review and/or approval prior to submitting an application for a Special Land Use Permit. The Commission during deliberation of the Special Land Use Permit may require an Applicant to obtain an agency permit or approval prior to, or as a condition of, the Special Land Use Permit if it is determined that the agency approval or permit is needed to satisfy one or more of the Governing Standards.

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

July 25, 2023

Aurora Cellars intends to extend and overlay a tasting room license at the 9 Bean Rows property. We understand this will require a Special Land Use Permit approval prior to opening. We intend to provide Aurora Cellars wines for customers to enjoy with food from 9 Bean Rows on site and bottles to purchase and take away off site. There will be a small, limited selection of wines available. The intention of the tasting room at this specific location is to highlight the quality of local food and wine available in the area. It will not be the primary source of revenue for 9 Bean Rows or Aurora Cellars. We do not envision this business addition to increase foot traffic during regular business hours, however, it is our intention to gradually increase hours to match that of the primary Aurora Cellars tasting room location.



Taylor Simpson
Member
Aurora Cellars [2015] LLC



Sam Simpson
Member
Aurora Cellars [2015] LLC



Nick Welty
Member
Boulangerie 9, LLC



Jen Welty
Member
Boulangerie 9, LLC

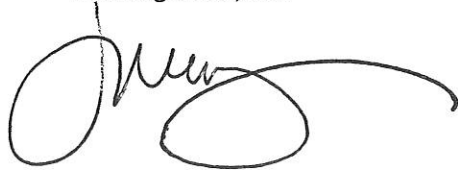
July 25, 2023

We, Boulangerie 9, LLC request the approval for our Off-Site Tasting Room to be transferred to Aurora Cellars [2015] LLC. We support the partnership with Aurora Cellars and authorize Aurora Cellars [2015], LLC to extend their wine tasting room license to overlay on our property. We plan to manage the tasting room and provide glasses of wine for consumption with our food as well as selling bottles of wine to go.



Nick Welty
Member
Boulangerie 9, LLC

Jen Welty
Member
Boulangerie 9, LLC



M 204

- Shrub
- Deciduous Tree
- Coniferous Tree
- Earthen Berm
- Wildflowers
- Raised Herb Planter

100' 0"

Existing site plan to be replaced

New Market and Bakery with wine tasting

Existing greenhouse

Existing hoophouse

U-pick Pavilion planned not approved

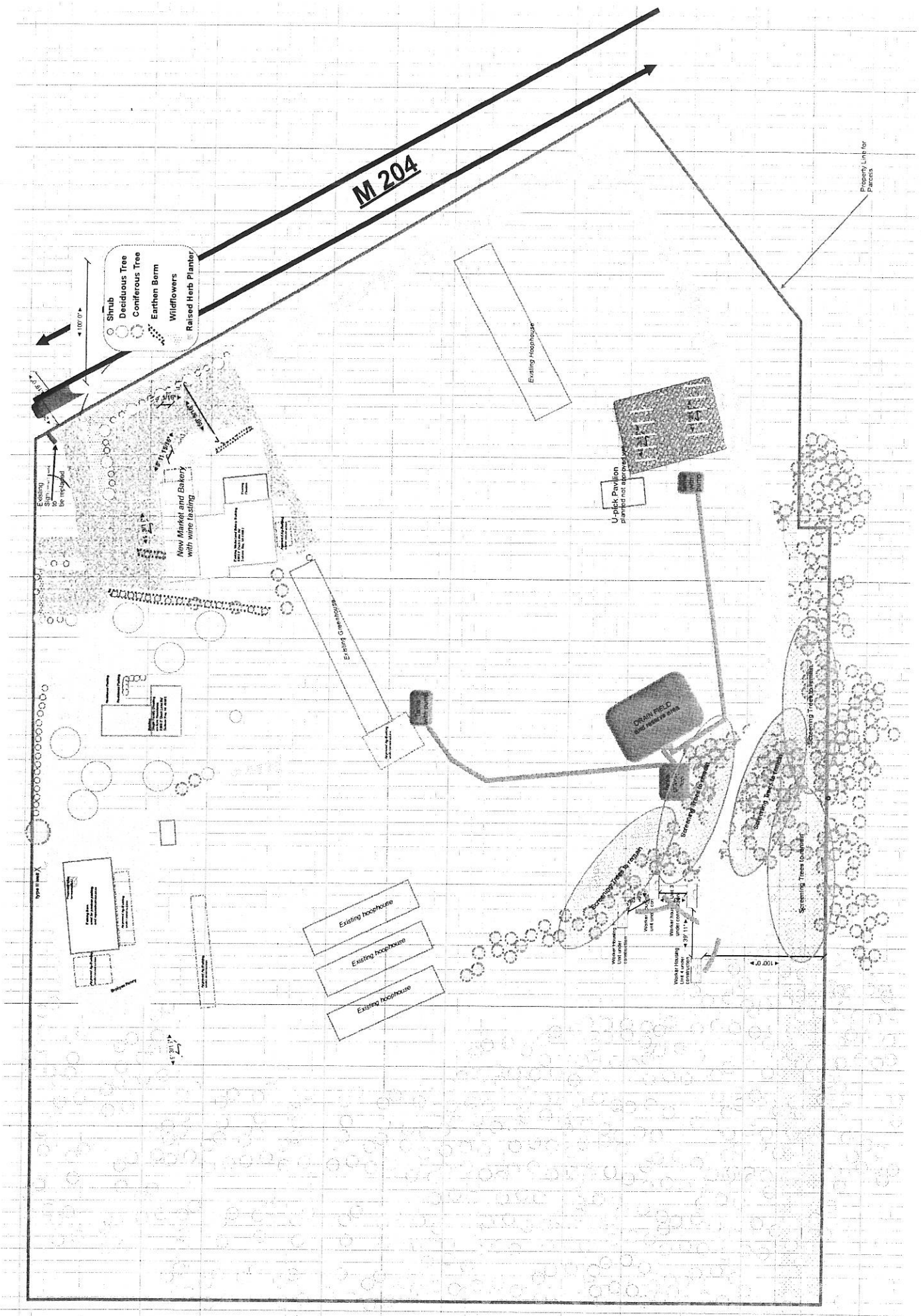
OWN FIELD 200' x 100' x 100'

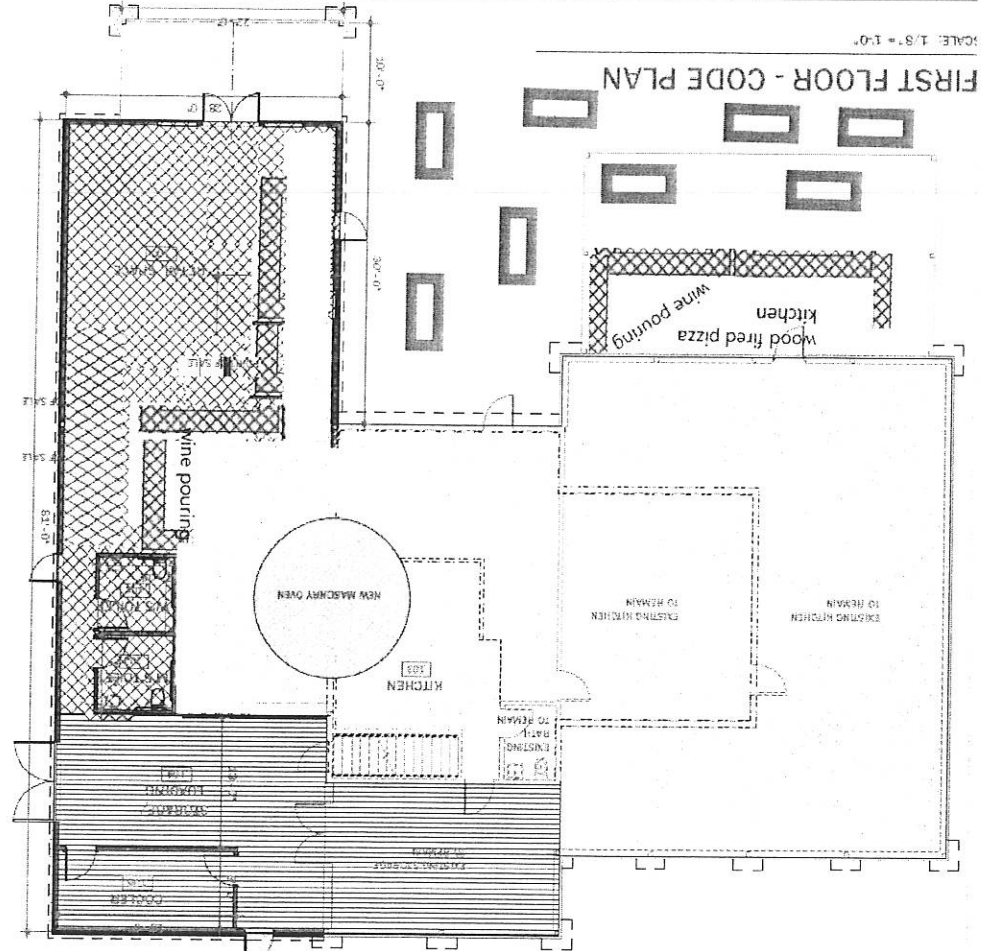
Existing hoophouse
Existing hoophouse
Existing hoophouse

Screening trees to be planted
Screening trees to be planted

100' 0"

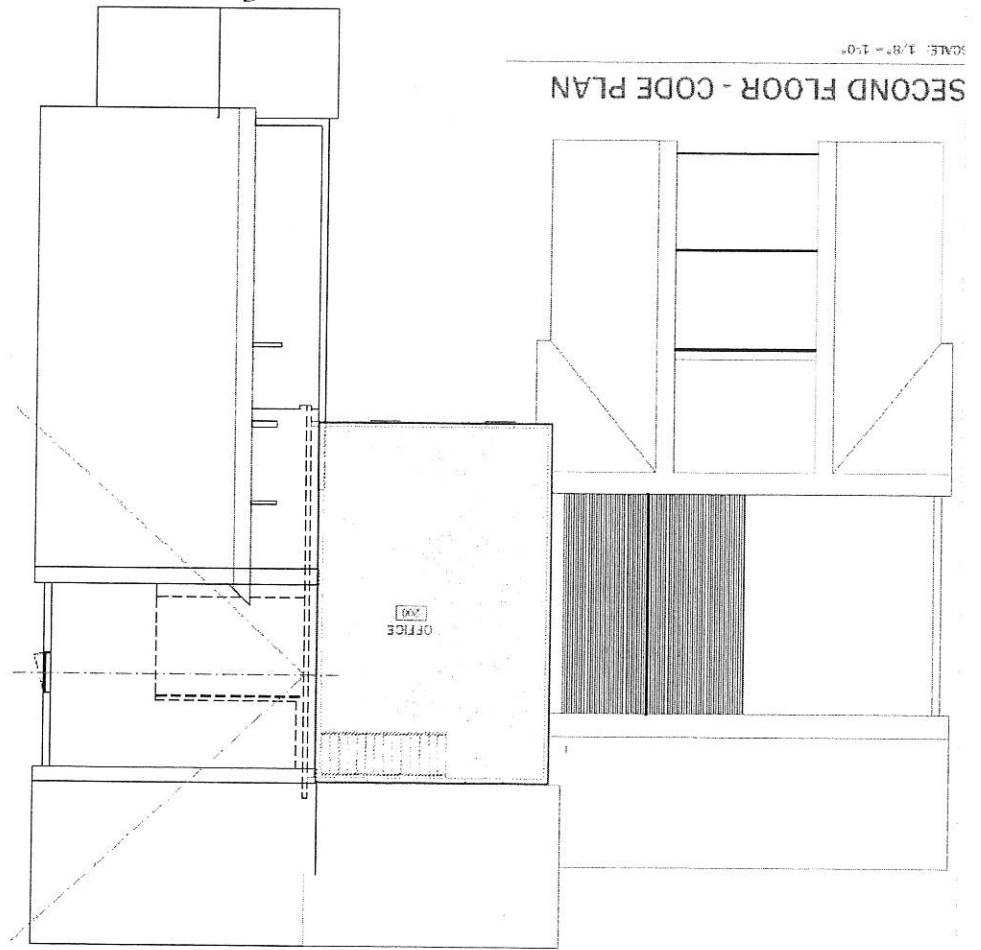
Property Line for Parcels





FIRST FLOOR - CODE PLAN

SCALE: 1/8" = 1'-0"



SECOND FLOOR - CODE PLAN

SCALE: 1/8" = 1'-0"



Map data ©2023, Map data ©2023 20 ft



Re: 9 Bean Rows LLC M-204 operation

nic 9beanrows.com

Burzynski, Steve (MDOT)

, fitzpatrickc1@michigan.gov

Tue, May 2, 2023, 5:30 PM

9BeanRowsLLCpropertyPrint.pdf

Connor and Steve

Thanks for getting the sign permit back quickly for zoning. We are moving forward with our farm projects this spring and summer. Zoning requested that you review our site plan / activities; We have 4 on site worker cabins approved pending construction and dept of Ag inspection, the fire marshal and county planning reviewed the gravel driveway on property and assigned new addresses. We have no need for another entrance from the property to M204.

Our operation has applied for a small wine maker license and tasting room at our bakery / market building. Are there any issues with that or MDOT permit needs knowing our customers can have a glass of wine with their wood fired pizza on the farm now?

We have a site plan map attached for your review.

thanks

Nic Welty

Fitzpatrick, Connor (MDOT)

nic 9beanrows.com

, Burzynski, Steve (MDOT)

Wed, May 3, 2023, 12:00 PM

Hi Nic,

MDOT has permitted a commercial driveway and a new sign in the ROW for your site. The road ROW is 60' from the center of the road. No trees, landscaping, longitudinal driveway (parallel with M-204), or parking will be allowed in the ROW.

Since you are not adding an additional entrance, there is no further action required by MDOT at this time. MDOT does not regulate the sale or consumption of alcoholic beverages on private property.

Please note that if site conditions, traffic volumes, or other factors adversely affect the road ROW, MDOT can add additional requirements.

If you or zoning has any additional questions, please let me know. Have a great day!

Connor Fitzpatrick, PE
Utility & Permits Engineer

MDOT

Traverse City TSC

Mobile : 616.202.8733

2084 US-31 South

Traverse City, MI 49685

nic 9bearrows.com
Fitzpatrick, Connor (MDOT)
Wed, May 3, 2023, 4:32 PM

Connor

Thanks, that should satisfy zoning requirements. We will keep in touch year to year on total traffic and any other needs you have over time.

thanks

Nic

3 Emails

RE: Well

James Reardon
nic 9beanrows.com
Fri, Apr 29, 2022, 12:13 PM

Nic,

Did you ever talk with Eric regarding the Type II well?

Jim

~~~~~

Jim Reardon, M.Sc.  
Environmental Sanitarian  
Benzie-Leelanau District Health Department  
231-256-0214  
jreardon@bldhd.org

---

nic 9beanrows.com  
James Reardon  
Tue, May 2, 2023, 5:22 PM

Jim

I am finally within a month of getting started on the worker housing. We are also applying for a winery license and tasting room so people can have a glass of wine with their pizza. I don't see us being able to be open past 3 pm due to lack of staff, but it will help sales to add wine. Aurora cellars approached us looking to expand their visibility and partner with our wine goals to produce the wine and have a remote tasting room at our bakery. We are at capacity in the bakery already, I am thinking we add some picnic tables around the u-pick pavilion that was planned to feed into the worker housing drain field. So we should probably revisit the septic needs ect. Now that I have the well up and running I will have to reconnect with Eric on testing schedule and the variance he said we could get for the farm diesel on property related to the type II well needs. Send me questions you need answered on the u-pick, winery/Aurora cellars tasting ect.

thanks

Nic Welty

---

James Reardon  
nic 9beanrows.com  
Wed, May 3, 2023, 10:08 AM

Nic,

Whats the plan look like? Are you adding a tasting room area, or just incorporating it into the current space in the bakery? Are you going to process the wine too on site, or leave that for Aurora to do and ship it over? Maybe put a rough sketch site plan together and email it back over to me.

Thanks

Jim

---

nic 9beanrows.com  
James Reardon  
Wed, May 3, 2023, 12:47 PM

We aren't adding anything  
We will just incorporate into the bakery with our other beverage sales  
And leave the wine production to Aurora  
I can make a sketch on our building plans from this past build

---

nic 9beanrows.com  
James Reardon  
Wed, May 3, 2023, 4:31 PM  
bakeryfloorplanWine2023.png

Jim

Here is a quick sketch of the floorplan on top of what the architect drew

---

James Reardon  
nic 9beanrows.com  
Thu, May 11, 2023, 10:02 AM

Nic,

Sorry I missed you stopping by. We are swamped, so your best bet is to go through a commercial review for remodel, it will take a bit, but that's the process we go through with this. You can stop back at the office and talk with Josh at the front desk here and apply for that and fill it out as best as you can with employee count, patron count, hrs, etc.. or you can fill it out online.

Thanks,

Jim

---

6 Emails



# WEINERT LAND SURVEYING

THEODORE H. WEINERT RLS  
P. O. BOX 129 · SUTTONS BAY, MICHIGAN 49682 · PHONE 271-3231

5-25-77

Mr. Kenneth Pease  
M-204  
Suttons Bay, Michigan  
49682

## LEGAL DESCRIPTION FOR; Parcel 2

Part of the Northwest one-quarter of the Northwest one-quarter of Section 20, T.30N., R.11W., Suttons Bay Township, Leelanau County, Michigan more fully described as; COMMENCING at the Northwest Corner of Section 20; THENCE S 00° 07' 37" E along the West Line of Section 20 a distance of 66.00 feet for the POINT OF BEGINNING of the described parcel of land;

Thence S 89° 31' 38" E parallel with the North Line of Section 20 a distance of 173.78 feet to the center-line of Michigan State Highway M-204;  
Thence S 26° 48' 38" E along the center-line of Michigan State Highway M-204 a distance of 472.11 feet;  
Thence S 51° 11' 20" W a distance of 277.11 feet;  
Thence Due West a distance of 169.48 feet to the West Line of Section 20;  
Thence N 00° 07' 37" W along the West Line of Section 20 a distance of 596.48 feet to the POINT OF BEGINNING of the described parcel of land. Containing 3.75 acres and subject to the public rights of Michigan State Highway M-204.

## LEGAL DESCRIPTION FOR: Parcel 3

Part of the Northwest one-quarter of the Northwest one-quarter of Section 20, T.30N., R.11W., Suttons Bay Township, Leelanau County, Michigan more fully described as; COMMENCING at the Northwest Corner of Section 20; THENCE S 00° 07' 37" E along the West Line of Section 20 a distance of 662.48 feet for the POINT OF BEGINNING of the described parcel of land;

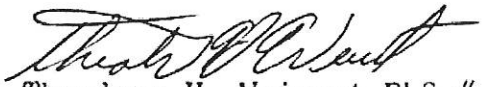
Thence Due East a distance of 169.48 feet;  
Thence N 51° 11' 20" E a distance of 277.11 feet to the center-line of Michigan State Highway M-204;  
Thence S 26° 48' 38" E along the center-line of Michigan State Highway M-204 a distance of 736.72 feet to the center-line of an ingress and egress easement;  
Thence S 66° 40' 52" W along said center-line a distance of 99.61 feet;  
Thence continuing along said center-line N 77° 11' 33" W a distance of 197.45 feet;  
Thence continuing along said center-line N 71° 55' 13" W a distance of 208.46 feet;  
Thence continuing along said center-line S 72° 34' 47" W a distance of 171.07 feet;  
Thence continuing along said center-line S 45° 40' 47" W  
continued on next page

# WEINERT LAND SURVEYING

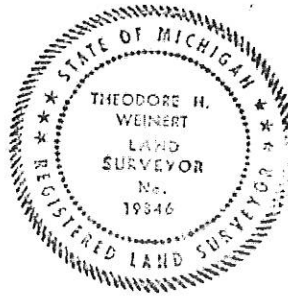
THEODORE H. WEINERT RLS  
P. O. BOX 129 · SUTTONS BAY, MICHIGAN 49682 · PHONE 271-3231

Kenneth Pease Parcel 3 cont.

98.69 feet to the West Line of Section 20;  
Thence N 00° 07' 37" W along the West Line of Section  
20 a distance of 534.90 feet to the POINT OF BEGINNING  
of the described parcel of land. Containing 7.02  
acres and subject to the Right of way of Michigan  
State Highway M-204 and subject to a easement  
for ingress and egress over a strip of land 33 feet  
in width over the entire south side of the described  
parcel of land.

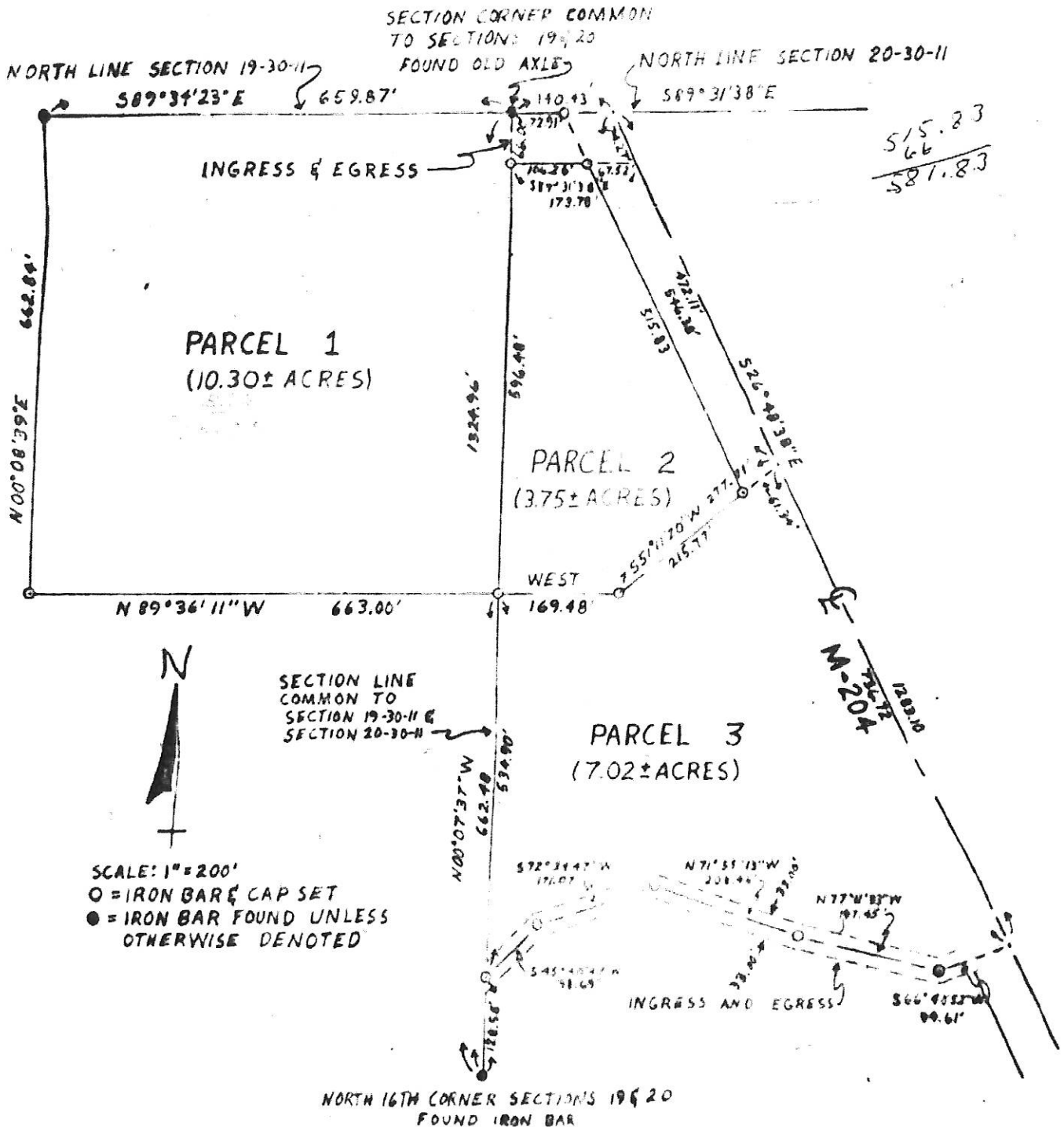


Theodore H. Weinert RLS # 19846



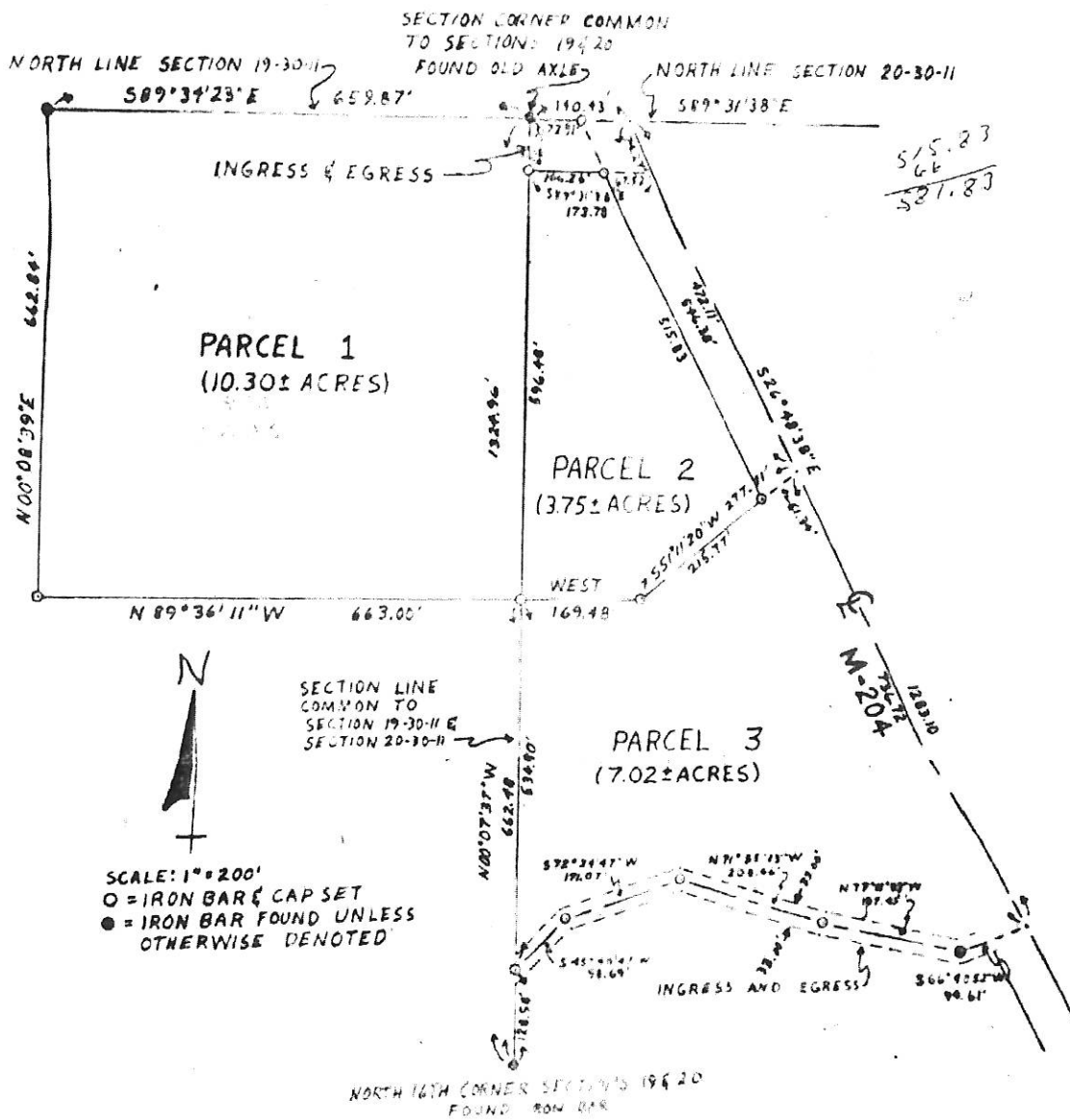
# CERTIFICATE OF SURVEY

**DESCRIPTION:** Part of the Northeast one-quarter of the Northeast one-quarter of Section 19 and the Northwest one-quarter of the Northwest one-quarter of Section 20, T.30N., R.11W., Suttons Bay Township, Leelanau County, Michigan. (See attached descriptions)

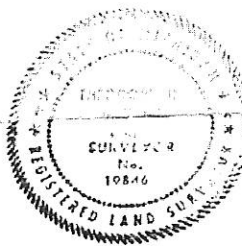


# CERTIFICATE OF SURVEY

**DESCRIPTION:** Part of the Northeast one-quarter of the Northeast one-quarter of Section 19 and the Northwest one-quarter of the Northwest one-quarter of Section 20, T.30N., R.11W., Suttons Bay Township, Leelanau County, Michigan. (See attached descriptions)



I, Theodore H. Weinert, Registered Land Surveyor, hereby certify that I have surveyed and mapped the herein described parcel of land; that the ratio of closure of the unadjusted field observations is equal and within the accepted limits; and that I have fully complied with the regulations of Act 133, P.A. 1970. The basis for bearings is shown.



RECORDED \_\_\_\_\_  
AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_  
LIBR. \_\_\_\_\_ OF CERTIFIED SURVEYS \_\_\_\_\_  
PAGE \_\_\_\_\_

REGISTER OF DEEDS

Surveyed for:

**KEN PEASE**

**SUTTONS BAY, MICH.**

Theodore H. Weinert R.L.S. 19846  
P. O. Box 127  
Suttons Bay, Michigan 49682

Date: 5/26/77

File No. \_\_\_\_\_

# WEINERT LAND SURVEYING

THEODORE H. WEINERT RLS  
P. O. BOX 129 · SUTTONS BAY, MICHIGAN 49682 · PHONE 271-3231

5-25-77

Mr. Kenneth Pease  
M-204  
Suttons Bay, Michigan  
49682

LEGAL DESCRIPTION FOR: Parcel No. 1

Part of the Northeast one-quarter of the Northeast one-quarter of Section 19 and the Northwest one-quarter of the Northwest one-quarter of Section 20, T.30N., R.11W., Suttons Bay Township, Leelanau County, Michigan more fully described as COMMENCING at the Northwest Corner of Section 20 (Northeast Corner of Section 19) for the POINT OF BEGINNING of the described parcel of land;

Thence S 89° 31' 38" E along the North Line of Section 20 a distance of 140.43 feet to the center-line of Michigan State Highway M-204;

Thence S 26° 48' 38" E along the center-line of Michigan State Highway M-204 a distance of 74.27 feet;

Thence N 89° 31' 38" W parallel with the North Line of Section 20 a distance of 173.78 feet to the West line of Section 20 (East Line of Section 19);

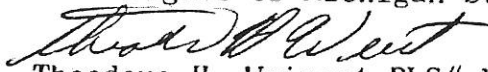
Thence S 00° 07' 37" E along the West Line of Section 20 (East Line of Section 19) a distance of 596.48 feet;

Thence N 89° 36' 11" W into Section 19 a distance of 663.00 feet;

Thence N 00° 08' 39" E a distance of 662.84 feet to the North Line of Section 19;

Thence S 89° 34' 23" E along the North Line of Section 19 a distance of 659.87 feet to the POINT OF BEGINNING of the described parcel of land.

Containing 10.3 acres and subject to the public rights of Michigan State Highway M-204

  
Theodore H. Weinert RLS# 19846



**9 Bean Rows/Aurora Cellars  
Special Land Use Permit**

September 5, 2023

SUTTONS BAY TOWNSHIP PLANNING COMMISSION

**Public Hearing & Review**

**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**

**As of Monday, August 28, 2023 I am awaiting some additional information and getting clarifications on a few items in order to complete the Staff Report.**

**The Staff Report will be distributed separately.**

**Steve Patmore  
Zoning Administrator**

# MEMO

August 2, 2023

To: Suttons Bay Township Board

From: Steve Patmore, Zoning Administrator



Re: Local Government Recommendation for Off-Premise Tasting Room Permit  
Aurora Cellars – Sam Simpson  
9000 E. Duck Lake Road - 9 Bean Rows, (Jennifer & Nic Welty)

In March 2023, the Suttons Bay Township Board approved a Local Government Resolution for an On-Premise Tasting Room for 9 Bean Rows at 9000 E. Duck Lake Road.

We recently received a request for a Local Government Recommendation for an Off-Premises Tasting Room at 9000 E. Duck Lake Road from Aurora Cellars, Horn Road – Leland Township.

Off-Premise Tasting Rooms are allowed by the State of Michigan, and there are several in Northern Michigan. Aurora would be allowed to serve and sell their wines and ciders at the off-premise location.

Suttons Bay Township allows for a Winery or Cidery with a Special Land Use Permit in the Agricultural Zoning District after a Site Plan Review and Public Hearing. There are criteria that must be met to get the Land Use Permit including a license from the State, meeting general standards, and meeting other agency approvals. There is currently an application in front of the planning commission for review.

Attached are:

- Draft Resolution required by the State of Michigan.
- Letter of understanding from Aurora Cellars and 9 Bean Rows.
- Letter from the owners of 9 Bean Rows authorizing Aurora Cellars to apply for the license.

I have no objection to a Suttons Bay Township Board recommendation for approval of the Off-Premise Tasting Room with the understanding that the winery owners will need to complete the Special Land Use Permit process.

Possible Board Motion:

***Motion to adopt Suttons Bay Township Resolution No. \_\_\_\_\_ recommending approval to the Michigan Liquor Control Commission Michigan of the Aurora Cellars [2015], LLC Off-Premise Tasting Room at 9000 E. Duck Lake Road, Suttons Bay, with the understanding that a Special Land Use Permit is required from the township to operate a winery or tasting room, and that this recommendation for the license does not guarantee that a Special Land Use Permit will be granted by Suttons Bay Township. This Board authorizes the Township Clerk to sign and submit the Local Government Approval Form.***



**Local Government Approval For Off-Premises Tasting Room License**  
(Authorized by MCL 436.1536)

**Instructions for Applicants:**

- You must obtain a recommendation from the local legislative body for a new Off-Premises Tasting Room License application.

**Instructions for Local Legislative Body:**

- Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a Regular meeting of the Suttons Bay Township council/board  
(regular or special) (township, city, village)  
called to order by Supervisor Tom Nixon on August 9, 2023 at 5:15 pm  
the following resolution was offered: (date) (time)  
Moved by Petroskey and supported by Moe  
that the application from Aurora Cellars [2015], LLC  
(name of applicant - if a corporation or limited liability company, please state the company name)

for a **NEW OFF-PREMISES TASTING ROOM LICENSE**

to be located at: 9000 E. Duck Lake Road, Suttons Bay, MI 49682

It is the consensus of this body that it Recommends (Resolution #11 of 2023) this application be considered for  
(recommends/does not recommend)  
approval by the Michigan Liquor Control Commission.

If disapproved, the reasons for disapproval are N/A

**Vote**

Yeas: 4  
Nays: 0  
Absent: 1

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the Suttons Bay  
council/board at a Regular meeting held on August 9, 2023 (township, city, village)  
(regular or special) (date)

Jean Moe

Print Name of Clerk

*Jean Moe*  
Signature of Clerk

8-9-2023  
Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.

Please return this completed form along with any corresponding documents to:  
Michigan Liquor Control Commission  
Mailing address: P.O. Box 30005, Lansing, MI 48909  
Hand deliveries or overnight packages: Constitution Hall - 525 W. Allegan, Lansing, MI 48933  
Fax to: 517-763-0059



# ZONING ADMINISTRATOR'S REPORT

## SUTTONS BAY TOWNSHIP

AUGUST 2023 (to-date)

For September 2023 PC Meeting

Prepared by Steve Patmore, August 28, 2023

### LAND USE PERMITS ISSUED

| DATE              | TOTAL | NEW HOMES | ADDITIONS | ACCESSORY STRUCTURES | OTHER |
|-------------------|-------|-----------|-----------|----------------------|-------|
| July 2023         | 2     | 1         | 1         | 0                    | 0     |
| Year To Date      | 25    | 9         | 7         | 8                    | 1     |
| Year to date 2022 | 41    | 19        | 10        | 12                   | 0     |
| Year to date 2021 | 32    | 13        | 8         | 10                   | 1     |
| Year to date 2020 | 24    | 7         | 4         | 12                   | 1     |
| Year to date 2019 | 24    | 13        | 7         | 4                    | 0     |
| Year to date 2018 | 29    | 15        | 5         | 9                    | 0     |
| Year to date 2017 | 26    | 7         | 4         | 12                   | 3     |
| Year to date 2016 | 24    | 6         | 8         | 8                    | 2     |
| Year to date 2015 | 20    | 10        | 4         | 5                    | 1     |

LUP 23-024 S. Stony Point Rd. Deck addition  
LUP 23-025 Setterbo Rd Single-family dwelling with B&B  
Revisions to existing permits.  
Bingham and Leelanau Townships 2023 permit totals are higher than 2022.

#### Land Divisions:

- Several inquiries on potential splits
- One application reviewed, then withdrawn

#### Zoning Board of Appeals:

- Application received for variance request – lot width.

#### Short Term Rentals:

- 46 short term rental permits issued for 2023

#### Other:

- Follow up on Site Plan Reviews and Special Land Use Permits.
- Inquiries from owners on potential land uses and new zoning ordinance
- Research for Zoning Ordinance Overhaul.