

**AGENDA  
SUTTONS BAY TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING  
95 W 4<sup>th</sup> Street, Suttons Bay  
Tuesday, August 1, 2023  
6:00 PM**

THE MEETING WILL BE HELD AT SUTTONS BAY TOWNSHIP OFFICE at 95 W 4<sup>th</sup> 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/83067178950?pwd=TXcySWI1cU1ITjBmVTNtSWV4SHBadz09>

Meeting ID: 830 6717 8950    Passcode: 420525    +1 312 626 6799

**Call to Order and Notation of Quorum**

**Approval of Agenda**

**Public Comment**

**Conflict of Interest**

**Approval of Minutes:**        June 6, 2023 Meeting Minutes

**Items of Discussion/Consideration:**

1. Pre-Application/Introduction: Winery Tasting Room at 9 Bean Rows with Aurora Cellars
2. Zoning Ordinance Overhaul Project-Review Article(s) 14 & 3

**Reports:**

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

**Commissioners' Comments**

**Public Comment**

**Next Regular Meeting – September 5, 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.*

**DRAFT MINUTES**  
**SUTTONS BAY TOWNSHIP PLANNING COMMISSION**  
**REGULAR MEETING - JUNE 6, 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 Koernke called the meeting to order at 6:00 p.m. at the Suttons Bay Township Office.

Present: Tom Koernke, Dee McClure, Rhoda Johnson, Andy Brandt,  
Don Gregory, Tom Clark, Doug Periard (came in late in meeting)

Absent and excused: Patti Miller, Dennis Rathnaw

Staff: Steve Patmore, Mathew Cooke

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

**APPROVAL OF AGENDA**

***Andy Brandt/moved, Dee McClure/supported, to approve the Agenda as amended, adding Peninsula Housing to No. 1 on the Agenda, passed.***

**PUBLIC COMMENT - None.**

**CONFLICT OF INTEREST - None**

**APPROVAL OF MINUTES**

1. May 2, 2023 - Correction - Under Public Comment - Nick Welty, 9 Bean Rows  
***Dee McClure/moved, Andy Brandt/supported, to approve the May 2, 2023 Minutes as amended, passed.***

2. May 16, 2023 -  
***Dee McClure/moved, Andy Brandt/supported to approve the May 16, 2023 Minutes, passed.***

**CONFLICT OF INTEREST - None.**

**PUBLIC COMMENT - None.**

**ITEMS OF DISCUSSION/CONSIDERATION**

1. Larry Mawby, Peninsula Housing. said he submitted a Letter of Intent to the Department of Agriculture regarding a Rural Readiness Grant. If the letter is accepted and the invitation to make application to the grant is received, the grant application needs to be completed by August 3, 2023. Larry Mawby asked the Planning Commission to entertain a Resolution to Support the Grant Application. The intent is to apply for a \$50,000.00 grant from the Department of Agriculture, with a \$10,000.00 match raised locally. The \$60,000 would be used in a planning process for two parcels (10 acres in the township and .3 acre parcel in the Village of

Suttons Bay) for multiple family affordable housing. Development plans as exist right now are predicated on the proposed zoning ordinance changes that the Planning Commission is working on and will tie into whater master plan work that will be done in the coming months. Hope to be able to provide housing for young familieis in the community.

Don Gregory/moved, Dee McClure/supported that the Planning Commission adopt a Resolution of Support for Peninsula Housing's Rural Readiness Grant.

Therefore, be it resolved that Suttons Bay Township Planning Commission supports Peninsula Housing's Application for a MIVARV Rural 'Readiness Grant". Roll call vote: Yes: Koernke, McClure, Johnson, Brandt, Gregory, Clark. No: None. Motion carried. (Doug Periard was not at the meeting when this vote was taken).

Larry Mawby said under current zoning, the parcel in the township would hypothetically accommodate 80 dwelling units. They are in the process with the Village to change the zoning to permit multi-family housing. Multi-year build out process, approval to build 100 units of housing is a \$20 million dollar or more build project and would very likely be done in phases.

2. Zoning Ordinance Overhaul -  
Articles 11, 10, 12 were reviewed. Planning Commission requests revised Articles 4 and 10 before August Planning Commission Meeting.  
Next meeting Articles 14 and 3.

#### **REPORTS**

Zoning Administrator - Steve Patmore submitted his Report.  
Planner - No report.  
Township Board - New Township Clerk, Jean Moe  
Chair Comments - Will there be a township tour?  
Don Gregory - September 19th, 2023 township tour.

**PUBLIC COMMENT** - None.

**NEXT REGULAR MEETING** - August 2023.

**ADJOURNMENT** - Chair Koernke adjourned the meeting at 7:47 p.m.

Minutes by Marge Johnson, Recording Secretary  
Dee McClure, Secretary

# Pre-Application Sketch Plan & Review

August 1, 2023

SUTTONS BAY TOWNSHIP PLANNING COMMISSION

## Pre-Application Sketch Plan & 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

### **Attachments from Applicant:**

- Will be provided

### **Attachments from Staff:**

- Correspondence

### **Background:**

- The Zoning Ordinance provides for a voluntary pre-application sketch plan and review. No public notice or hearing is required. No formal action or deliberation can be taken at the pre-application review.
- 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.**

**From:** Sam Simpson <sam@simpsonfamilyestates.com>  
**Sent:** Saturday, July 22, 2023 11:35 AM  
**To:** zoningadmin@suttonsbaytwp.com  
**Cc:** Taylor Simpson; Nicholas Welty  
**Subject:** Re: Winery at 9 Bean Rows

Thank you Steve!

We will plan to attend the August 9th meeting. On Monday we can start putting this information together. Have a great rest of your weekend!

Sent from my iPhone

On Jul 22, 2023, at 11:11 AM, Steve Patmore <zoningadmin@suttonsbaytwp.com> wrote:

We can move forward with the licensing recommendation with the understanding that the Special Land Use Permit is required to operate the tasting room.

My thoughts:

1. Change to the Local Government Recommendation for an Off-Premise Tasting Room..
  1. We can put the new Local Government Recommendation on the August 9, 2023 Board Meeting Agenda
  2. Attached is a Draft LCC Form 106b that would be presented to the Board for consideration. Please review the Applicant Info for correct spelling.
  3. We would need a letter or email from 9 Bean Rows requesting the change.
  4. We would need a letter or email from Aurora acknowledging that they understand that the tasting room requires a Special Land Use Permit from the planning commission.
  5. Please get us the information at least a week before the meeting.
  
2. Special Land Use Permit
  1. In Suttons Bay Township, a winery and/or tasting room requires a Special Land Use Permit from the planning commission.
  2. I previously sent you the ordinance language and application.
  3. The earliest that we could schedule the Public Hearing would be their September 5<sup>th</sup> meeting, however, if you desire, we could have a brief introduction/pre-application at their August 2, 2023 meeting. I would need to confirm this with you by next Monday the 24<sup>th</sup> to get it on the agenda. I believe that you would get valuable feedback from the PC.
  4. The PC approval can be contingent on Agency permits and approvals. We do not need final approval from these agencies, however, the PC wants to know where you are at with the required approvals, and it helps to provide correspondence from these agencies.
  5. The application should designate the areas where the tasting room and consumption will be. Any clarification on the operation, hours, and any limitations will be helpful.
  6. Parking will be a concern, as the existing operations on the site frequently fill the existing parking on the site. We do not want too much parking either. Our concerns will be no parking on the highway, and keeping the access drive and lanes open to

emergency vehicles. Any clarifications and limitations can be included with the application.

7. The PC will want to hear if MDOT is acceptable with the existing driveway.
8. The health department permits do not need to be in-hand, however, it would be helpful to have the correspondence from them.
9. A Soil Erosion permit will not be required unless there will be grading work.
10. I will discuss the project with our Fire Chief when the Site Plan is received.
11. I would need the application for Special Land Use Permit in the next couple weeks. The application can be supplemented.

Let me know if you have any questions.

Steve

<MX-M266N\_20230721\_130820.pdf>



**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 \_\_\_\_\_ and supported by \_\_\_\_\_

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: \_\_\_\_\_ 9600 E. Duck Lake Road, Suttons Bay, MI 49682 \_\_\_\_\_

It is the consensus of this body that it \_\_\_\_\_ Recommends \_\_\_\_\_ 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: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

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

Jean Moe

Print Name of Clerk

Signature of Clerk

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

**From:** Sam Simpson <sam@simpsonfamilyestates.com>  
**Sent:** Thursday, July 20, 2023 7:43 AM  
**To:** zoningadmin@suttonsbaytwp.com  
**Cc:** Taylor Simpson  
**Subject:** Re: 9 Bean Rows - Off Site Tasting Room Permit

Hi Steve,

Thank you for your time yesterday on the phone, much appreciated to get a historical context on where we are in the process as we are coming onboard Mid Way.

Can you please send me all of the required paper work and the times and locations of the meetings we spoke about please? I believe there was one next Monday and then the PC was on the 9th.

We look forward to getting this paperwork and approvals wrapped up so we can still catch some of the sales season.

Thank you again!

My cell phone is 231 944 2870 if you need to get ahold of me.

Sent from my iPhone

On Jul 19, 2023, at 12:40 PM, Steve Patmore <zoningadmin@suttonsbaytwp.com> wrote:

Taylor & Sam,

I spoke with the township supervisor about this, and we both agree that the township board would need to re-adopt the Resolution in your name. This can be done at the next board meeting scheduled for August 9, 2023.

1. We cannot just amend what was originally approved by the Board, as it only addressed 9 Bean Rows, as requested by their attorney. There was no mention at that time of any involvement with Aurora Cellars.
2. Also, the Resolution was for an On-Premise Tasting Room – I am assuming that there is a different resolution form for an Off-Premise Tasting Room.

I also want to emphasize that the Board's Resolution was based upon the condition that 9 Bean Rows would be applying for a Special Land Use Permit from the Suttons Bay Township Planning Commission to operate a Winery and Tasting Room on the premises. This will still be a condition. I believe that Nic and Jen and their attorneys understood this. I have spoken with Nic several times.

For the August 9<sup>th</sup> Board Meeting, we will need the following:

1. Letter or email from Aurora stating that they understand that a Special Land Use Permit is required for a tasting room in Suttons Bay Township.
2. Letter or email from 9 Bean Rows giving Aurora Cellars their permission to apply for a license at their address.



I also spoke to Nick about the Special Land Use Permit:

1. We will need an updated Site Plan, Application, and the required supplemental materials.
2. Parking has been a big concern at this facility.
3. We will need approval from MDOT, the Health Department, and Drain Commissioner.
4. I will consult with the Fire Chief once the Site Plan is submitted.

I will also need to research any differences between an On-Site vs Off-Site Tasting Room as it applies to our zoning ordinance, and our standards.

Steve Patmore  
Suttons Bay Township

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**From:** Taylor Simpson <taylor@simpsonfamilyestates.com>  
**Sent:** Monday, July 17, 2023 9:41 AM  
**To:** zoningadmin@suttonsbaytwp.com  
**Cc:** Sam Simpson <sam@simpsonfamilyestates.com>; jen@9beanrows.com <jen@9beanrows.com>; nick@9beanrows.com  
**Subject:** 9 Bean Rows - Off Site Tasting Room Permit

Good Morning Steve-

We are in the process of applying for an off site tasting room for our winery, Aurora Cellars, which will be located at 9 Bean Rows. Jen and Nick Welty have already received local government approval for a tasting room at this location, however, upon speaking with the MLCC, they have indicated that the name on the approval must read, Aurora Cellars [2015], LLC. As you will see in the attachment, it currently has Jen and Nick's LLC, Boulangerie 9 LLC listed.

We will not be able to move forward with our application without this approved form. Will you please let me know if you are able to amend the current form?

Thank you kindly for your help!

Cheers,

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<image001.jpg>

# ZONING ADMINISTRATOR'S REPORT

## SUTTONS BAY TOWNSHIP

JUNE 2023

For July 2023 Board Meeting

Prepared by Steve Patmore

### LAND USE PERMITS ISSUED

DATE	TOTAL	NEW HOMES	ADDITIONS	ACCESSORY STRUCTURES	OTHER
June 2023	5	1	1	2	1
Year To Date	18	6	5	6	1
Year to date 2022	28	13	8	7	0
Year to date 2021	22	12	4	5	1
Year to date 2020	13	3	3	6	1
Year to date 2019	19	11	5	3	0
Year to date 2018	23	12	4	7	0
Year to date 2017	22	6	4	9	3
Year to date 2016	16	4	5	5	2
Year to date 2015	10	3	3	3	1

LUP 23-014	Putnam Rd.	Sign
LUP 23-015	Stowe Rd.	Accessory Building
LUP 23-016	Donnybrook Rd.	Deck
LUP 23-017	Celtic Ln.	Accessory Bldg – shed
LUP 23-018	Cherry Blossom Ln.	New Single-Family dwelling

### Land Divisions:

- Several inquiries on potential splits

### Zoning Board of Appeals:

- Application received for variance request – lot width.

### Short Term Rentals:

- 43 short term rental permits issued for 2023
- Complaints received about parking.

### Other:

- Follow up on Site Plan Reviews and Special Land Use Permits – 3 Site Inspections.
- Site inspection on a legal non-conforming use.
- Investigate possible setback issue – site visit
- Inquiries from owners on potential land uses.
- Application for Special Use Permit for a communication tower. Application was not complete. Considerable review and communication in process.
- Research for Zoning Ordinance Overhaul.

# ZONING ADMINISTRATOR'S REPORT

## SUTTONS BAY TOWNSHIP

JULY 2023 (to date)

For August 2023 PC Meeting

Prepared by Steve Patmore, July 24, 2023

### LAND USE PERMITS ISSUED

DATE	TOTAL	NEW HOMES	ADDITIONS	ACCESSORY STRUCTURES	OTHER
July 2023	4	2	0	2	0
Year To Date	22	8	5	8	1
Year to date 2022	35	18	9	8	0
Year to date 2021	25	13	5	6	1
Year to date 2020	15	4	4	6	1
Year to date 2019	23	12	7	4	0
Year to date 2018	25	12	5	8	0
Year to date 2017	24	6	4	11	3
Year to date 2016	19	5	6	6	2
Year to date 2015	13	6	3	3	1

LUP 23-019	Donnybrook Rd.	Single-family dwelling
LUP 23-020	Belanger Woods Dr.	Single-family dwelling
LUP 23-021	Macksey Rd.	Accessory Building
LUP 23-022	Bay View Trail	Accessory Building

### Land Divisions:

- Several inquiries on potential splits

### Zoning Board of Appeals:

- Application received for variance request – lot width.

### Short Term Rentals:

- 44 short term rental permits issued for 2023

### Other:

- Follow up on Site Plan Reviews and Special Land Use Permits.
- Site inspection on a legal non-conforming use.
- Inquiries from owners on potential land uses.
- Research for Zoning Ordinance Overhaul.