

**Charter Township of Elmwood
Planning Commission
Special Meeting
December 20, 2022
7:00 PM
Approved: 1/17/2023**

- A. Call to Order:** Chairman Bechtold called the meeting to order at 7:00 PM.
- B. Pledge of Allegiance:** The Chair led the Pledge of Allegiance.
- C. Roll Call:** Jonah Kuzma, Chris Mikowski, Rick Bechtold, Jeff Aprill.
Excused: Doug Roberts, Kendra Luta, and Nate McDonald.
- D. Limited Public Comment-Only on Agenda Items:** Chair Bechtold indicated that there would be Public Comment on the hearing after the hearing is opened. He relayed the process of the public hearing and opened Limited Public at 7:03pm. Attorney Bryan Graham reiterated that, generally, the purpose of Limited Public Comment is meant to hear comments other than comments meant for the Public Hearing. No one made limited Public Comment. Closed at 7:04pm.
- E. Agenda Modifications/Approval: Motion by Commissioner Aprill, seconded by Commissioner Kuzma to approve the agenda as presented. Motion passed 6-0.**
- F. Declaration of Conflict of Interest.** Commissioner Aprill indicated that he has done road maintenance on the roads in the area, but nothing for this project. Attorney Graham indicated that as there is no contractual obligation, he believes there is no legal conflict of interest.
- G. Purpose of the Special Meeting**
- a. Public Hearing SPR/SUP 2022-06 Request by Wellevity LLC regarding property at 0 S Timberlee Dr, 10901 and 10800 S Cottonwood Dr, and 0 E Timberwoods Dr, parcels 113-014-26, 113-014-16, 113-014-29, 113-014-51 for a resort.**
Chair Bechtold read the statement to open the public hearing at 7:07pm.

Marc McKellar of Kuhn Rogers stated that he is present, along with a team, to present the project on behalf of Wellevity. He said that prior to the meeting he spoke to Sarah Clarren and at that time they did not have a Fire Report from the Fire Chief nor was there a full board. McKellar indicated that they received the fire report as they walked in and would like to move forward with the public hearing. However, McKellar asked if deliberations and findings of fact be postponed until another meeting is set in January. McKellar said they would answer questions after public comment to provide clarity.

Commissioner Aprill asked how if the project were to come back before the Board and the Board is not present here this evening, how it would work. Attorney Graham said that the other members would have to review the tape of the meeting, all documents presented, and then they would have the same information; Attorney Graham asked Attorney McKellar to confirm if that is acceptable, to which Attorney McKellar said it is.

Attorney McKellar stated that there is a lot of speculation surrounding the project. Tonight is about the factual aspects of the project. He then said that he has not come across a developer who is so in-tune with what is best for the project area, the environment, the neighborhood; they have offered several items that are above and beyond the requirements for public safety, for maintaining the trees, that is low-impact. He said it isn't required to be fire suppressed in every fashion, but the entire project will be fire suppressed. It isn't required to have certain fire turnarounds, but they will have more than what is required. The site will be fully maintained by wells; there will be a NFPA22 tank that holds water for suppression and water for the property that will be buried. The same is true with the septic system; it is a treatment system and will be self-sustaining onsite. There is recycling of greywater where feasible/acceptable. Many of the features relative to stormwater runoff are in excess of what is needed under the calculations and are integrated/incorporated into the landscape rather than separate standalone items. In other words, the visitors will only see the cosmetic features of the system.

McKellar indicated they have been working with the Township for some time and have worked to address a variety of matters, including traffic. He indicated a traffic study was volunteered. The project is a wellness resort that is geared towards family, children; it is meant to service generations. There are a mix of areas in which they can stay overnight. There is a spa, a ton of activities that are integrated into nature. There are walking trails, pavilions for outdoor activities (yoga, crafts programs, etc).

McKellar said he wanted to address some elephants in the room about the project. First one is the access along the private road. The team understands the concern about traffic which is addressed in the traffic study which will be presented later. That report doesn't address the road itself in its condition; that is not something that is typically in an approval process by the Planning Commission. That is handled by MDOT or the Road Commission on a public road and by the owners benefited/burdened by the easement. In this case, we acknowledge that there is a lot of concern about the road. Easement documents have been provided; we have legal access. Regardless, the scope of the easement access or private relationships to maintenance is not an issue for the Commission to consider. He stated that it is in Wellevity's interest to have a quality road and to work with private individuals to meet and discuss how to contribute to the road maintenance and development. Wellevity has committed to that and to contributing their fair share. Anyone who utilizes the road should pay their fair share and certainly construction, residential or for a resort, has an impact on the road. We acknowledge that and expect it will be allocated appropriately, but again, that is a private matter.

He said they are aware of concern around light and noise pollution. The applicant has provided the indication that they are applying the dark sky and downfacing requirements of the Zoning Ordinance; if there are any violations of that, the Township would have the right to enforce the Ordinance. He noted that it is impossible to have a light study done prior to approval/construction of a project. What is required is that a lighting plan be provided and should it violate the Ordinance, it would be in violation if proven and then would be remedied. The same is with noise. What trees, buildings, etc. are going to be in place to effect noise are so site specific; therefore, police power ordinances exist. We acknowledge the property will have light and noise; the question now is does it meet the requirements within the Ordinance. He noted that if approved and if it seems like it doesn't meet the requirements in the future, then there is the opportunity to bring the matter before the Township. The intent, the reason why it was set up the way it is extraordinarily in-line with what the need, in their mind, to follow the ethos of development that is not impactful in a negative way in the best they can. This is and should be a facility that many can come up to see. The view is probably one of the top ones in Northern Michigan. McKellar said the other members of the team will go into more detail on the project. We'll take notes on public hearing comments and after we will be happy to further clarify. We want to ensure the record is complete.

Sarah Keever, Northview 22, said that throughout this process there has been a lot of attention to detail, so she will try too not be too long-winded. Wellevity is located in Timberlee on a 100 acre parcel(s) and is zoned and has been zoned Rural Resort for many years. Parts of the area have been run as a resort for many years. They did a deep dive into what Timberlee is and was. Timberlee consisted of over 200 acres; it contains a ski hill and used to contain an all-season restaurant, lounge, had concerts, there was a lot of activity and was a destination. It was a resort community and was used as such. The resort went through some hard times which is part of the reason we end up with such a weird shaped parcel.

Keever walked through the different aspects of Wellevity. Towards the north is what they call the lodge. Throughout the project there are different lodging facilities. The lodge does have rooms. The 'center' of the lodge has a variety of different things including a multi-use space (for conference, meetings, etc.), outside there is an outdoor lawn space, there is one outdoor pavilion structure further north, there is also a restaurant, a small retail market, clubroom, greenhouse, and assorted garden areas for the cultivation for produce to be used in the restaurant. Southwest from the lodge there is a kid's club which is meant for guests to take their children. We want to keep in mind that the focus with this project is wellness, which covers a lot of things; recreation, exercise, meditation, nutrition, etc. We don't want to forget the children which is why there is a kid's club. Along an existing ridge southeast of the lodge are what we call single-family residential homes; these would be available for rent. They would be 3-4 bedroom homes. Further south of the kid's club are more individual sized cabins. To the east of the cabins is the spa and wellness facility. It is comprised of just that. There is an indoor pool, treatment rooms, small café, a meditation

dome; there is a high emphasis on wellness to be immersed in nature. Throughout here are small pavilions that can be accessed by walking trails. There are other walking trails onsite.

Keeper then talked about the main operations. She indicated that there is, what they call, a main driveway going up to the lodge. There is valet and drop off in two places. They spent some time working with Clarren on parking to meet the needs of the program, but ensuring that there isn't unnecessary paving. There are parking lots. She indicated that there is a desire for this to be a destination. Those coming by airport may be picked up by a shuttle and brought to the property. With daily activities, there will be a shuttle. Golf carts will be on the property. There isn't a lot of expected traffic like you'd expect from a grocery store or large development. There is always a question on phasing; this is essentially a one-phased project. As much as construction allows, this project will proceed as one project from start to finish. Keeper said that there is a well onsite and that is what will be used for water. We know there is a nearby Township water system; there is no intent for this project to tie into that system and we have provisions onsite for fire suppression and water needs. She said the same goes for sanitary sewer; it will be handled entirely onsite. That is something that would be routinely inspected by EGLE.

Keeper said that it is easy for her to say this project would be low impact, but really, one exhibit in the packet shows previously disturbed areas (including clear-cutting). There is also another designation on the same plan to show areas of new proposed impact. This plan is great as it shows the low impact of the project. There is also a great intent to restore a lot of the forestation; the flora and fauna. This is seen in the extensive planting plan.

TJ Lichens from Fishbeck presented remotely via Zoom. He was involved in the traffic analysis. He said that the Memorandum that was provided in in-line with any project whether it be public or private. One of the first things his firm does when they become involved with a project is to understand how much traffic the project will generate or will shift from one road to another. The volume of traffic doesn't trigger concern for off-site impacts. The local road network that feeds into the arterial network, they have adequate capacity and have relatively low volumes from an engineering standard and coupled with the relatively low volume of traffic that this development is expected to generate, we don't see need for concern for evaluating intersections. We did a crash analysis. There is nothing in there (operational or safety-wise) that triggers concern where a deeper dive is necessitated. With that said, we are happy to answer questions. McKellar asked Lichens if the analysis or report would be the same if you were hired by MDOT or a Township to which Lichens said yes. Fishbeck said the numbers are the numbers and it is essentially an engineering exercise.

Commissioner Aprill said that in the Fishbeck report, the tables and in the conclusion, it is compared to the pre-existing ski resort. However, the thing that was missed is that the ski resort didn't use any of these roads. Therefore, the comparison in the report is not

adequate. He suggested that comparison is re-examined. Commissioner Aprill then suggested that the paper done by TriTerra should be revised from stating Greenwood Township; it should reflect the correct township.

Chairmen Bechtold opened Public Comment on the Hearing at 7:46.

Planner Clarren noted that the Commission received a variety of written comments which have been provided to the Commission.

~~Sherry Bookbinder~~Cheri Buchbinder said that her friend, Krista ~~Algier, Allgaier~~ asked her to read the written comment ~~Allgaier Algier~~ provided. ~~Allgaier Algier~~ is in opposition of the project. Access shouldn't be granted through a neighborhood. The noise level from the top of the hill will disrupt the neighborhood. Residents have purchased with the intent to maintain the nature and noncommercial wooded nature it was meant to be. The roads were designed for the capacity as it stands. To add commercial traffic would not be in favor of anyone who uses the roads. The original design for the Timberlee property was for a single resort which has already been established. A previous owner, Groves, was denied approval for a resort. If this proceeds, there would need to be more studies on traffic, infrastructure, and environment. The commercial increase would exponentially impact the wellness and safety of the community.

Ansel Bowden, resident of Timberwoods Drive. One of his concerns is the potential impact on existing infrastructure, including the paved roads as well as the existing aquifer. He's unsure when the roads were paved, but they are showing significant signs of wear. The development would amplify the wear, but it's hard to understand how much based on the information provided. He said it is unclear who will pay for the inevitable repairs once the additional traffic; will it be a reasonable cut? It seems like it will be an undue burden on existing property owners. He's been told there are drought issues in the past in the area; he understands there is a new well, but how will it impact the existing aquifer. What are the ramifications in a future drought event. He is extremely concerned over the impact this will have on pedestrian traffic; there are no sidewalks so many walk in the middle of the road. Dogs run free in the neighborhood. He said it is inevitable there will be a casualty and the traffic study doesn't incorporate the high pedestrian activity in the area. It begs the question on how it can proceed without a proper traffic study; there is no percentage increase in traffic. Ansel exceeded his 3minutes, Chairman Bechtold allowed an extension of time. Bowden reiterated Aprill's concern that the traffic study included a comparison to a resort that didn't use the private roads. The roads are icy and steep; it doesn't seem like the people who prepared the report have traveled the roads.

Greg Thomas (11222 S Cottonwood Dr) expressed concern over construction impacts. He asked if there has been a study done on the impact to the roads during construction, including the impact of the weight of the vehicles. He said that recently there has been construction of a residential home and they have documented impacts that has caused. Another concern is the safety of the residents on these roads as pedestrians utilize them. He then said he read through the proposal which indicates there will be weddings,

receptions, conferences, a restaurant, bar, so we know they are going to serve alcohol. He then asked if during the traffic study they determined the effect of that on the roads. The roads twist, turn, and get icy. Have we gotten any impact from the sheriff on the impact of the roads. He said in December a woman in her 40s was hit walking her dog and they both died.

Doug Ebright (10091 S Timberlee Dr) said he lives on the dirt road behind Timberlee. He said that road is a mess and there is also an artisan river that runs across that road. He said he is concerned about heavy equipment on that road. He doesn't want his lawn torn up. Wants to know about the plans for runoff as they get a lot of water running down the hill.

Tim Wolf (7517 E Timberwoods Dr) said he submitted written comments but wanted to make sure the Commission got it. He said he wanted to run through some bullet points although some of it has been addressed already by other commenters. Bullet points 1, 2 and 3 all have to deal with correct access. He is unsure if they have the right to access for commercial development. He has concerns over the road maintenance costs; he knows the road maintenance agreement only covers a handful of lots and none of them include the lots being discussed. He said that there are road maintenance issues that need to be addressed in this area. Bullet point 4: he doesn't believe this will be a one phased project. He expressed concern that sometimes large projects go bankrupt, which is a concern. He then said to call these cottages with a footprint that is bigger than the homes in the area is a concern. He also said that they have said that people will come and stay but that isn't true. He has an STR by his property and they come and go all the time which is more traffic on the road. He has concerns in bullet point 5 over the construction quality of the road and the traffic study indicates that it's a relatively low volume; he wonders what the relatively low volume is to because everything here sounds like a lot. He said that April hit his bullet point 6 with the traffic study report comparing the project to a resort that didn't use the private roads. His biggest concern are around the change in traffic patterns in the area. He said that weddings ending at all hours and then said that the traffic report deals with peak hours; weddings would be nonpeak. Bullet points 8 and 9 are about traffic and safety concerns. Lastly in 10, he highlights section 9.3 in the application; 9.3.a.1 indicates that the project needs to meet the intent of the rural resort [zoning district] he doesn't believe so as he sees STRs and an event center. 9.3.a.5 indicates impact on the surrounding properties; he doesn't think the project will have a positive impact—traffic will be a negative impact. 9.3.a.7 indicates if there will be excessive costs to the facilities in the area; he believes there will be excessive costs, particularly with the road.

Jeff Dorsch (7622 E Timberwoods Dr) said that he agrees with everything that has already been said. He believes the road study is fatally flawed based that the comparison was based on a different road. The report indicates that they looked at Google and saw two lanes; they didn't see how tight those lanes were, there is no sidewalks. They haven't taken into account the impact with construction. On turns, heavy trucks will go off the road and cause erosion and extra damage. It also makes it dangerous. I already worry about his wife walking the dog and now there would be more traffic. He said that the application includes

a lot of fluff and was designed to make it look like there wouldn't be a lot of traffic, but there is. For instance, in 8.3.9 it indicates that they will encourage shuttles which will reduce ingress/egress, but that is just wishful thinking. The application suggests frequent egress/ingress will be limited due to length of time spent by visitors, but there is no study on that; they are just saying that, but how do we know it's true. He said that in this area, you're going to want to go to beaches, cherry festival, wine tasting, etc. You don't come to Traverse City to sit on a resort with one restaurant. This is a commercial property and they are here to make money; he doesn't see anything that will benefit the community. He said we are sacrificing a lot so someone else can make profit. If this was a different project geared towards locals he could see it. He asked what the plan would be for buried lines; what is the impact for digging up a line and burying it. He doesn't know if there's enough buried line to support the project. With regard to the traffic study, there wasn't anything that said how much traffic there would be for construction, how noisy it would be, or how long it will take. 2 years is a long time for construction. He gave a copy of his notes to Staff.

Chris Thiebaut (11235 S Newfie Hills) said he wanted to echo everything that's been said. He doesn't know if everyone has been up on those roads; the report says that there is a two-lane road, but it's tight and windy. He also has a question on overflow parking and if it's going to be parking for employees and if so can it be screened or moved closer to the resort. The Ordinance states that the rural resort must have an outdoor recreation component. Do a few walking paths make that outdoor component?

Doug Cole (11210 S Cottonwood Dr) said that most everything he came to say has already been said. He reiterated that when this was originally zoned resort, it was because traffic was going to the existing lodge. At no time did the customers going to that resort travel these easements. In fact, when the ski hill was built, the easements weren't used to build it; there was a separate road running parallel to E Timberwoods running back into the woods. They didn't use the easements. Cottonwood Associate built a portion of a paved road in front of the property. When Groves, the previous owner, had the place wooded out, that road was destroyed within 3 months due to the lumber trucks. He's not sure what will happen to the roads if they try to build something over the course of 2 years. Cottonwood had to pay to have that road done. 12-14 years ago, we came to Elmwood Township Board to set up special assessment district to have our road built. We tried to get it made to County standards because we wanted a wider, sturdier road, but that wasn't going to happen. The current road is no more than 3" of asphalt and isn't built with the foundation that a County road would be. It's all been the residents of E Timberwoods Drive and Cottonwood responsibility to have it built and maintained; that's how it's been. He said he's happy to hear that those guys want to work with the road, but until now he hasn't heard anything like that. In regards to traffic, there is over 45 lodging places; we have 50something homes and they are adding 45 units.

Bob Brick, local resident and realtor. In the early 70s he helped market and sell over 1000 acres in the Timberlee area. The resort was originally 6,000 acres owned by different individuals. He grew up skiing in the area and wrote a Master's paper on the death of a

resort, the Timberlee story. He knows the property and there are some facts that haven't been addressed; there used to be an alpine slide and a go-kart track that had 1,000 visitors/day that accessed the same roads that are being proposed to be accessed today. He is currently the marketing broker for Steve Brock and a buyer representative for the Wellevity investors. When Brock asked for help in selling the property, he wanted it to be to someone who would allow and provide open access to the property. For the past 1.5 years he's searched for that person. There have been others who have wanted to develop the property more densely or with providing no access to the neighbors. He believes the Wellevity resort is a better use and more inclusive plan than other possibilities. He attests the people behind Wellevity have character and have a vision for the property that is thoughtfully conceived and has been presented with attention to detail. This is a use for Timberlee that is deeply rooted in wellness. There is a holistic approach to healing the body and mind surrounded in nature. He predicts this will be a great experience for visitors/residents to enjoy. He strongly supports the proposal.

Hillary Rickelmann (11234 S Cottonwood Dr) said that a variety of things stood out to her. The proposal suggests that people will stay onsite which will reduce traffic; she doesn't know if that idea is based off a comparison to other local resorts like Crystal Mountain or the Grand Traverse Resort where there are significant onsite attractions like casinos and golf courses. Based on what we see there isn't enough substance onsite to keep people onsite for the length of their stay. She said if it was here, she would be interested in other attractions which would increase traffic; this is a concern of hers. She agrees with the presenters that one of the most beautiful views in Leelanau County being available to only one owner is a shame. But, she thinks that this proposal probably prices out most of the people in this room from ever seeing that view. She doesn't think it will elevate the community in the ways that have been stated without the community being able to access all of the things they are saying will happen.

Jeff Zelinski (11206 S Cottonwood Dr) said he recently moved to the area from Chicago. He is very familiar with the sounds of the city. He said that he moved to Northern Michigan for peace and quiet. He has a 2 year old daughter. He said that their home is at the bottom of the gravel road in the Cottonwood Association. It is very narrow in that area. There are homes being built right across from him right now and it does get to be very busy. A concern is that there is a span of 2 years. Will this be extended? He wanted to come up and support his neighborhood.

Mitchell Blue (10565 E Cherry Bend Rd) said he isn't in the area per say, but he is down there on the audubond that everybody rips down; he can empathize with the traffic concerns. He said he thinks that the project, having grown up here and spending time on the hill, does have some impeccable views. He applauds how little impact it has, less than 3%. When making an investment like that, clearly, those that are making the investment will do what is in their best interest to have access to that property and to support that road even though it isn't necessarily part of their purview. You're not going to put that amount of money into it without having a good road. It is a private road. There has been a

trend to narrow roads and to add various changes to slow traffic. He thinks that given the proposal he doesn't see a similar situation to what he experiences on Cherry Bend where people speed. He appreciates all the steps the developer has taken, including fire suppression, going above and beyond minimums. He's in support of it.

Steve Brock (owner) said he's owned the place for 20+ years. He's tried to maintain the driveway; has put in two 1,100 gallon holding tanks to retain runoff so it wouldn't run off down the road. He's put over \$100,000 in on the driveway in the last several years. He's tried to be a really good neighbor. He supports the project. He's been approached numerous times over the years with people who want to build condos, wineries, breweries, all kinds of things. The parcel has the zoning that supports it as people in the neighborhood are doing that. He thinks it is something different and will get people to enjoy the view. He definitely supports the plan. He thinks the neighborhood is concerned about the road and they should be, but someone who is going to spend that kind of coin up there isn't going to let the road deteriorate. They have to think of the big picture.

Chair Bechtold asked if anyone else in the public would like to comment at this time. No one said anything.

Attorney McKellar then addressed some concerns that were raised. He said they would like to be as transparent as possible. He talked about the traffic study. He said that it speaks to Timberlee resort and the past, but the traffic study is based on the criteria; it talks about the proposed use and the current roads. There is a lot of belief on if it is sufficient, but it is a full traffic study and we're confident it would be vetted by anyone else. TJ Lichens from Fishbeck said that the numbers that are projected in the report are not something he's come up with on his own; they are based on data published by the Institute of Traffic Engineers; it is a national body that governs a lot of what they do. He understands the concerns, including concerns raised over if traffic has been predicted accurately but it's based on a lot of data that is referenced. When we say it is a relatively low generator of traffic, it is. There are a lot of other uses that could be built with more intensity. That is part of the reason for referencing the historical use; understanding that maybe the access was different, but the capacity of those roadways and volume of the traffic that will be generated by this site is factual, based on the data in the report.

McKellar said that there was an issue raised on the size of the cottages and how they were extravagant. He noted that the footprint of the cottages are 1,250 – 1,500 sq ft which is consistent with the neighborhood. He said some of those will be a partial walkout and then a first floor you walk up to; an aggregate of 2,500 sq ft or 3,000 sq ft. The foundation will essentially be a single family home, basement, with a walkout. They've pulled the assessment records and that's pretty common square footage. They are not STRs. They are for guests to utilize; meant for families to congregate at one site. We acknowledge that the amenities aren't going to keep everyone on site, but we have every intention to minimize the impacts when we can. TJ Lichens from Fishbeck said that while we have every intention on minimizing traffic impacts, when we talk about meeting thresholds and red flags that

would trigger an additional need for study, we were very conservative with estimates. They didn't assume any discount for internal capture of trips and looked at every use as an individual use and how much those individual uses would generate if it was on its own. He said the numbers in the report are conservative.

McKellar said he wanted to speak to the nature of the use of the property. There were a lot of comments being made about being priced out of the property. The spa, the cafés, the meditation, the use of the amenities on the property, are open for daily use to any public member, no different than any other type of resort. You can go Crystal Mountain for the day and go to the spa. That is something that no one is priced out of. More importantly, no one is priced out of the free access to the walking trails that are on the property which will be open to the public for no fee. The view will be something you can walk right out onto a viewing platform for no fee. When we say intent and we're going to do something, it is baked into the record of approval. Those types of things we are bound by. Although you may think it's just conjecture, when/if it's approved, a lot of those conditions are baked into the Land Use Permit and we have to fulfill those obligations.

McKellar said that it is unfortunate that the road maintenance agreements are so piecemeal and its unfortunate that the litigation from the 70s/80s to resolve the bank ownership of the property was poorly done in some manners which has resulted in a quagmire of access and understanding. That is not anyone here's fault. The easement does provide this property the right to utilize it. It doesn't restrict it for residential purposes only. The property is still currently zoned Rural Resort. This applicant has every intent of being at the table, but it takes everyone in a community to enter into a joint maintenance agreement or understanding or else you default into standard provisions under the law. They have said they will sit down and will maintain that position. They have every intent to have a nice path to the site. One of the comments made was related to having a say at the table unlike a public road. That's right; you don't have to build a state highway—you guys have a say and Wellevity has a say. We don't have to build or expand road system that is not conducive to the neighborhood feel. The fact remains is that Wellevity has the right to access the land, utilize it, and it's a private agreement.

McKellar said it is a single phased project; continuous phased project. He said there are mechanisms in place such as performance guarantees to ensure that what is obligated to be built is done and if not, the financial obligations would permit the Township to utilize funds to remediate. We expect to be engaged in those discussions and to meet obligations of those standards. In regards to gas utilities and electric; almost like railroads, we legally don't get a say on where and how they are developed; they are public utilities. We want to have as much underground as possible; they are regulated activities. The utilities have an obligation to provide service for the use to the extent in which it is available, which it is. They dictate 100% of that process. Those costs will be borne by our clients. He said that we hear you and understand and want to address concerns. McKellar said the team would be happy to address questions.

Chair Bechtold stated that we've heard from members [of the public] who are present who wished to comment, we received additional comments from developer's representative, we've received written commentary specific to the project. All of this is part of the process. He asked if there was any other member of the public that wished to speak. He closed the public comment portion of the hearing at 8:36pm.

He said that typically this is the point where the Commission would begin its deliberations, but there is a request from the developer to essentially request a recess. This would allow excused Commissioners to review and participate at a later date. For people who are not aware of the process, Chair Bechtold relayed that after public comment is closed, the Commission goes through a variety of standards and determine if they are met. Sometimes there are questions for the developer. Sometimes we have questions for one another to ensure we are interpreting the standard appropriately. He asked if the Commissioners wanted to proceed into deliberations or if they should recess and schedule another meeting. Commissioner Kuzma, Mikowski, and Aprill said they should recess. Commissioner Aprill indicated that the applicants had requested it be recessed, so questioned if the Commissioners had a choice. Attorney Graham said the Commission does have the choice, but said that several documents were received this evening and he isn't sure if there has been sufficient time to review and absorb that information; it is his recommendation additional time be taken to review the new information and come back to deliberate at a future date. Attorney Graham said that if a motion is made containing a specific time, date, and place then you aren't required to send out new notices. The notice of the adjourned hearing would be incorporated as part of the record. The Commission discussed a date; there was a consensus that January 18th works. Clarren asked if the date worked for the applicant, to which it did.

Chairman Bechtold made a motion to adjourn the special meeting of December 20, 2022 and reconvene on January 18th, 2023 at Elmwood Township Hall. Clarren asked Attorney Graham if he would propose any modifications to the motion, to which Graham said that they would be adjourning deliberations on this special use permit.

Bechtold amended his motion to state that we are adjourning the deliberations for the special use permit process and will reconvene on Wednesday, January 18th, at 7pm at Elmwood Township Hall. Aprill seconded. Motion was unanimous.

- H. **Discussion on Zoning Ordinance.** No discussion.
- I. **Comments from the Chair.** Chair Bechtold thanked the public for their turnout and for the respectful comments made during public comment. He also thanked the Commission and wished everyone a merry Christmas, holiday season, and prosperous new year.
- J. **Comments from the Planning Commissioners.** Commissioner Aprill thanked the public for being present.

K. Comments from the Staff. Clarren wished everyone happy holidays.

L. Public Comment. Opened at 8:47pm. Chairman Bechtold relayed that this portion of public comment is limited to 2 minutes and people may come up and make additional comments if they so wished.

Doug Cole made a statement regarding the notification system for the Commission, Township Board, and maybe Wellevity to consider. He said that it is his understanding that letters are sent to people within 300' of the property. Given that we share this easement, he would like to see that everyone who resides on these easements get notice.

Closed at 8:48pm.

M. Adjourn: Motion by Commissioner Aprill, seconded by Commissioner Kuzma to adjourn meeting at 8:49pm. Unanimous.