

**Charter Township of Elmwood
Planning Commission
Special Meeting
January 18, 2023
7:00 PM
Date Approved: 2/21/2023**

- A. Call to Order:** Chairman Bechtold called the meeting to order at 7:00 PM.
- B. Pledge of Allegiance:** Chairman Bechtold led the Pledge of Allegiance.
- C. Roll Call:** Present – Nate McDonald, Chris Mikowski, ~~Rick Rich~~ Bechtold, Jeff Aprill, Jonah Kuzma. Excused: Doug Roberts, Kendra Luta.

Chair Bechtold said that he wanted to give Township Attorney Bryan Graham the opportunity to address the group. Attorney Graham thanked the Chair and said that he wanted to talk about a couple of preliminary items. It's his understanding that Commissioner McDonald was not present at the Public Hearing that was held on December 20th, so he wants to ask some questions so that the record is clear on his participation. Attorney Graham asked Commissioner McDonald if he was present at the hearing, to which McDonald said he was not. Attorney Graham asked if, in the meantime he had an opportunity to review the videotape of the meeting and looked at all of the exhibits from the last meeting, to which McDonald said he has. Attorney Graham asked McDonald if he felt comfortable or aware of the information made available at the last meeting, to which McDonald said he is. Attorney Graham asked if McDonald felt comfortable in participating fully in the balance of these proceedings, to which McDonald said he is.

Attorney Graham said he would like an opportunity to address another matter. He said that late this afternoon they received a 39page document from local attorney John Lynch outlining some issues that he wants to bring forward to the Planning Commission. Attorney Graham said that as we all know, the Planning Commission public hearing was closed at the end of the meeting back in December and so the question comes; do we take this information or do we proceed with the deliberations. He said that it has become clear after reviewing the information that there's information out there that people want to get to the Planning Commission; they raise a number of issues related to some of the standards. He also spoke to the Fire Chief earlier regarding some issues relative to the slope of the drives. Attorney Graham said it is therefore his recommendation that they reopen the public hearing, but for a limited purpose. The limited purposes would be as specified for certain sections of the Zoning Ordinance which include items raised in the letter from Lynch and the item raised by the Fire Chief. We need to be sure that we get information on a timely basis; we do not want any more last minute submittals, so we get the information, have time to review the information, before considering the matter. And again, it's a limited scope of

reopening the hearing; we are not redoing everything we did back in December. He said he has a prepared motion that outlines the standards that he thinks we need to have more evidence on and he cites those standards which include standards that the proposed special land use will be served adequately by facilities and services such as highways and roads, that the proposed special land use will not adversely impact existing or future neighboring uses, that the proposed special land use will meet all requirements of other Township, County, State, and Federal ordinance and code requirements and that the specific requirements for the proposed special land use will be controlled to ensure maximum vehicular and pedestrian safety, convenience, and minimum traffic impact on adjacent roads and highways. He said that the motion goes on to specifically state that the Planning Commission wants to have additional information on whether the private roads leading to the proposed special land use will be adequate to safely accommodate the traffic that will be generated by the proposed special land use and whether the roadways within the proposed special land use will comply with all applicable road slope requirements. To that degree, he has laid out a schedule for parties to submit additional information pertaining to items referenced earlier in the motion; Township submits information by January 27, 2023, the public can submit information by February 3rd and the applicant can submit information by February 10th. After those deadlines pass, it is important for everyone to know that we won't allow additional information; they are hard and fast deadlines. We then want to be sure we reopen the public hearing for limited purposes and he proposes the date of February 23rd as it will give the Commission about two weeks to review the information so that fair consideration can be given to all material. He indicated he's spoken with Marc McKellar [applicant's attorney] about his recommendation and McKellar wanted to make a statement.

McKellar said that Graham was correct; he spoke with Graham earlier in the day and received the information as well. He said they don't want to rush this. They raise concerns, although we disagree with the merits of the issue; it needs to be fleshed out on the merits. We concur with the proposal and agree to the timeline. He then requested that the Commission postpone deliberation or discussion this evening.

Chair Bechtold said that with that being shared by the group, he is prepared to make a motion to implement the contents of the memo received by Counsel this evening and that we adhere to the sections and subsections identified and the timeline. Graham said that the Commission has copies of the motion and it can be read, but he's already essentially read through it already. **Chair Bechtold read aloud the motion which goes as follows:**

- (A) The Planning Commission finds that it desires additional information related the following special land use approval standards:
 - (1) Section 9.3.A.4 that the proposed special land use will be served adequately by facilities and services such as highways and roads;

- (2) Section 9.3.A.5 that the proposed special land use will not adversely impact existing or future neighboring uses;
 - (3) Section 9.3.A.8 that the proposed special land use will meet all requirements of other Township, County, State, and Federal ordinance and code requirements; and
 - (4) Section 9.3.A.9 that the specific requirements for the proposed special land use will be controlled to ensure maximum vehicular and pedestrian safety, convenience, and minimum traffic impact on adjacent roads and highways.
- (B) To obtain the desired additional information as specified above, the Planning Commission hereby reopens the public hearing in this matter for the limited purpose of receiving additional information concerning whether the applicant has complied with the above specified approval standards. In particular, the Planning Commission desires to obtain information concerning both of the following:
- (1) Whether the private roads leading to the proposed special land use will be adequate to safely accommodate the traffic that will be generated by the proposed special land use.
 - (2) Whether the roadways within the proposed special land use will comply with all applicable road slope requirements.
- (C) To proceed in an orderly manner so that the Planning Commission has adequate time to consider this additional information and to eliminate last minute submittals,
- (1) Township staff shall submit information to the zoning administrator related to the above specified approval standards no later than January 27, 2023.
 - (2) Members of the public shall submit information to the zoning administrator related to the above specified approval standards no later than February 3, 2023.
 - (3) The applicant shall submit information to the zoning administrator related to the above specified approval standards no later than February 10, 2023.
- (D) Once the above deadlines have passed, no other information may be submitted and no other information will be considered by the Planning Commission in rendering its decision in this matter.
- (E) The reopened public hearing for the limited purposes specified above shall be held on Thursday February 23, 2023 at 7 p.m. at the Elmwood Charter Township Hall, located at 10090 E. Lincoln Rd., Traverse City, Michigan.

Commissioner Aprill seconded the motion.

Staff indicated that before the Commission vote on the matter, they should confirm that Commissioners are able to make that date. The Commission discussed dates and determined that February 28, 2023 worked better.

Chair Bechtold moved to amend the previously stated motion with C.E reading as
(1) The reopened public hearing for the limited purposes specified above shall be held on Thursday February 28, 2023 at 7 p.m. at the Elmwood Charter Township Hall, located at 10090 E. Lincoln Rd., Traverse City, Michigan.

Commissioner Aprill seconded the motion. Motion was unanimous.

D. Limited Public Comment-Only on Agenda Items

Commissioner Bechtold indicated that the conditions contained in the motion will be the rules followed for reopened public comment tonight. Attorney Graham said that public comment is really for members of the public to address comments to the Commission that are unrelated to the Public Hearing process. Any comments regarding the merits of the project would be done at the limited reopened public hearing. Attorney Graham recommended that future agendas be modified—public comment on agenda items other than public hearings. All public comments relative to a particular case should come during that agenda item—that public hearing. Chairman Bechtold said that there are a lot of people present, so there should be comments. Attorney Graham said that is fine, but understand that comments will not be part of the record on which the Commission will make its decision on. Chairman Bechtold and Commissioner Aprill indicated that the public can comment at the limited reopened public hearing on 2/28.

Chairman Bechtold opened limited public comment at 7:18pm. Chairman Bechtold reiterated that comments should not be made on the project.

Cheri Buchbinder, Steve Strong, Gary Bergstrom, Unidentified man, Renee Fineout, Greg Thomas, Unidentified man, Jeff Dorsch, Kevin Glasby, Doug Cole.

Chairman Bechtold closed limited public comment at 7:32pm.

E. Agenda Modifications/Approval MOTION BY COMMISSIONER APRILL SECONDED BY COMMISSIONER KUZMA TO DELETE ITEM G.A FROM THE AGENDA AND HAVE IT BE PLACED ON THE FEBRUARY 28TH AGENDA. MOTION APPROVED 5-0.

F. Declaration of Conflict of Interest

G. Purpose of the Special Meeting

~~a. Commission Deliberations on SPR/SUP 2022-06 Request by Wellecity 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. [Note: Public Hearing held on 12/20/2022; Public Comment open and closed on 12/20/2022.]~~
[SEE AGENDA ITEM E]

H. Discussion on Zoning Ordinance

I. Comments from the Chair. Chair Bechtold thanked the public.

J. Comments from the Planning Commissioners. Commissioner Aprill echoed Bechtold's comments and added that he's sorry that they couldn't begin deliberations but it gives everyone another month to look at it.

K. Comments from the Staff. None.

L. Public Comment. Chairman Bechtold reiterated that there will be a limited reopened public hearing on the matter on February 28th. Public Comment opened at 7:37pm. No public comment. Public Comment closed at 7:38

M. Adjourn MOTION BY COMMISSIONER KUZMA, SECOND BY COMMISSIONER MCDONALD TO ADJOURN MEETING AT 7:38 PM. MOTION PASSED UNANIMOUSLY.