

**Charter Township of Elmwood  
Planning Commission  
Special Meeting  
March 22, 2023  
7:00 PM  
10086 E. Lincoln Rd. - ETFD Fire Bays**

**A. Call to Order:** Chairman Bechtold called the meeting to order at 7:00 p.m.

**B. Pledge of Allegiance:** Chairman Bechtold led the Pledge of Allegiance.

Chairman Bechtold indicated that there are a few housekeeping matters to be dealt with prior to getting into the rest of the agenda. He indicated that a stenographer is present and therefore typical conduct would be to spell out your name if you speak, speak directly into the microphone, and if the stenographer has issues hearing, they will ask the speaker to stop, slow down or repeat what was said.

Chair Bechtold then thanked the Fire Department for the use of the space and assistance in setting up the meeting. He turned the meeting over, briefly, to Chief Keith Tampa for announcements. Chief Tampa said that it is a staffed Fire Department and therefore they ask that the public don't enter into certain rooms that are roped off. He relayed where the restrooms, drinking fountains, and exits are. He said that there may be a 911 call and therefore there may be a call, but efforts have been made to reduce impacts. He relayed that if anyone leaves from the exit doors, the doors will latch and they would have to re-enter through the main entrance of the Fire Department.

**C. Roll Call: Present:** Kendra Luta, Jeff Aprill, Jonah Kuzma, Nate McDonald, Rick Bechtold  
**Excused:** Chris Mikowski, Doug Roberts

Chairman Bechtold indicated that Limited Public Comment is meant for items on the agenda without a public hearing process. If someone is present to speak on the limited reopening of the public hearing, there will be an opportunity at a later time.

**D. Limited Public Comment:** None

**E. Agenda Modifications/Approval: MOTION BY COMMISSIONER KUZMA, SECONDED BY COMMISSIONER APRILL TO APPROVE THE AGENDA AS PRESENTED. MOTION APPROVED 5-0.**

**F. Declaration of Conflict of Interest:** None

**G. Purpose of the Special Meeting**

**a. LIMITED REOPENING of 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.**

Attorney Bryan Graham indicated that before the limited public hearing is opened, he needs to go over some procedural matters with Kendra. He said that it is his understanding that Kendra were not present at the original public hearing on December 20, 2022, to which Commissioner Luta said that is correct.

Attorney Graham then asked if Luta has listened to the tape recordings of that public hearing, to which Commissioner Luta said that she has watched all the recordings. He then asked if Luta has reviewed the exhibits that were presented at that public hearing, to which Luta said she has. Attorney Graham then asked if Luta feels prepared to be able to proceed as if you were there, to which Commissioner Luta said she does.

Chairman Bechtold then read the statement to open the public hearing. He also stated, in our motion that prompted the allowance for limited public comment, there were some portions of a section that will be addressed. If you are looking at the motion, the first one referenced Section 9.3.A.4, we are not looking at that entire section, we are just looking at the portion of the proposed special land use will be served adequately by facilities and services such as highways and roads. The second element is section 9.3.A.5 that the proposed special land use will not adversely impact existing or future neighboring uses. The third element, 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 the fourth element, 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. Then we had a second slice if you'll have it, that we'll be taking public comment on dealing with 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 2) whether the roadways within the proposed special land use will comply with all applicable road slope requirements. So, with that, we are asking that the commenters speak only to those items that are identified. Any other areas or subjects, you will be ruled out of order and I would like to do it as gently as possible, there will be a gentle tap of my gavel and you will hear me say, you're out of order, and if there's time remaining, you will be able to do a jump shift then get back to the topic at hand and finish your comment. Otherwise, if you haven't prepared another comment, then I will ask you to please respectfully take you seat in the audience.

The public comment is now open at 7:20 p.m.

Attorney Bryan Graham interjected saying typically the applicant would go first.

The Chair noted the applicant is going to make a brief statement.

Marc McKellar said I'm the attorney for Wellevity and the applicant. I just want to thank the Planning Commission for accommodating this, I know there's a lot of interest, and the Fire Department for also accommodating this. I want to thank the Planning Commission members and Staff that have been going through all the effort to proceed through this

process, give everyone an opportunity to have their say. As a point of clarification because that's going to dictate a little of how we respond tonight, the motion identifies 4 sub-sections 9,3,A,4, 5, 8, 9 and it says to obtain the desire for additional information as specified above, the Planning Commission further narrowed those criterion or subject areas to be identified as items 1 & 2 which are 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 2) whether the roads within the proposed special land use will comply with all applicable road slope requirements. It's my understanding that those are the 2 subjects which we're supposed to present on and related to those 2 subjects to be contemplated against those 4 conditions, so I just want to verify that, that we're not, those 4 conditions aren't broadly being discussed, just the 2 subject areas below that are narrowly tailored.

Chairman Bechtold confirmed the 2 sub areas, I was not very clear when I was extracting that information from the motion, but, if people have an agenda, it would be the parenthesis 1) and parenthesis 2) that would be specific areas for comment.

Marc McKellar said that's my understanding too, so he appreciates that. I'm not going to belabor this. We've presented our information; we reviewed the information on the record presented by the public. Item 2 has actually been resolved since this motion because we received the letter of approval on the slope issue from the Fire Chief so our remaining issue is item 1. We don't need to again, belabor that I think our application is sufficient and you guys have all had the opportunity to review that so we'll reserve any further comment to a rebuttal any particular issues on that and we just want to thank you for giving everyone the opportunity and proceeding in a diplomatic and professional way.

The Chair said, just so we're all clear, the areas for comment will be specific to are 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 2) whether the roadways within the proposed special land use will comply with all applicable road slope requirements. So, with that, the public comment period specific to those is now open at 7:24 p.m.

Lauren Teichner commented, I am with the friends of Timberlee group, I'm an attorney for Olson, Bizdoc, and Howard, respectfully I just have to voice an objection to what's just been said about limiting the comments to only those 2 questions because I believe the motion is clear that those 4 sections in the Zoning Ordinance are re-opened. I even was questioning that the wording was limited from the ZO itself but even if you were to just take the motion on its face that was passed by the Planning Commission, I believe that the 4 sections on, it is discussed repeatedly that the re-open public hearing will be for the purposes specified above those 4 standards are listed. I believe they should all be included not just the 2 questions. Seems the agenda got more boiled down than the motion. I am here to represent about 80 residences from the Timberlee area, it's about over 100 people who live almost immediately next to the proposed development and there are members of the friends of Timberlee group who would like to cede their time to me so that I can gather

some 3 minutes together and hopefully speak without interruption for approximately 10 minutes. I don't know if the Commission is open to that or if you'd prefer to have individual members stand up and speak their time as we go. I wanted to leave that to the Chair.

Chairman Bechtold said, due to the number of people that are here, we're going to adhere to the 3- minute time limit, if for example we get 3 other people that want to present and we have time, then I would consider inviting you back for additional comment, but its important that the public is here to offer their comment.

Lauren Teichner responded saying, then may I begin my 3 minutes now? I had prepared to speak for 10, there are many members that would be willing to individually give me their 3-minutes. The Chair said typically it doesn't work that way, it's 3-minutes per person, I'll make the one exception to allow you 3-minutes beginning now.

Lauren Teichner-I wanted to first assure the Commission that my comments tonight do fit into this standard that have been re-opened tonight specifically Section 9.3.A.4 because our concerns as a group have to do with whether the resort will be served adequately by public utilities, I know that the motion says "such as" and so I'm including my comments with the other examples in that section including water supply, waste water disposal, and drainage structures. We all are very concerned about the ground water resources in the area and whether these will be depleted by the resort. (The Chair interjected, that's getting out of the realm) Lauren continued, moving on to Section 9.3.A.5 we also believe this proposed development will adversely impact existing or future neighboring uses due to significant ground water usage, light and noise concerns, these are all raised in a detailed letter that I submitted to the Commission on February 3<sup>rd</sup>. Lastly and most importantly my comments have to do with Section 9.3.A.8, we are gravely concerned that the proposed development does not meet the requirements of the Michigan Environmental Protection Act, MEPA, which is directly implicated, it's a state law with this Section. I just wanted to make the broad point that you as the Planning Commission during your deliberations tonight, if you find that even one of these Standards or any of the Standards as listed in the Zoning Ordinance that you are tasked with reviewing, are not met by the information provided in the application, just one, even one, you must deny this Special Use Permit. I have 2 other key points that fit into those Standards that I've just talked about. I believe that Mr. McKellar in his letter on February 10<sup>th</sup> is trying to limit what you can look at and what you can think about and I just want to say that these are all important issues that you as the Planning Commission absolutely have the power, you are charged with reviewing all of these Standards pursuant to the Zoning Ordinance, you are the gate keepers for this application, your duty is to apply these Zoning Ordinance Standards as they are written. All of the topics that are going to be raised tonight by members of friends of Timberlee are things that have been raised over the course of the past few months, these are not new topics. Your duty is to apply the Zoning Ordinance Standard language, you are the gate keepers, and as part of that you have the right pertaining in particular tonight to 9.3.A.8, the protection of the environment and our fears that this project will not meet the MEPA's Standards to prevent environmental concerns. You have the power under the Zoning Ordinance to ask that the developer set aside money be in an escrow account and hire

environmental experts to review this development, that has not been done yet despite the letter from Andy Smitts. He relies on documents and conversations with EGLE members who were very concerned that people have not gone out to the property to do environmental studies.

The Chair asked the public to hold off on applause.

Rob Serrine of S. Timberlee Dr. reading a report by Mike Lachinski their neighborhood group expert hydrologist reports and director response to the EGLE Wellevity submitted on February 10. This report directly deals with Zoning Ordinance 9.38.8 as implicates in the Michigan Environmental Protection Act. Dear Planning Commission, we reviewed the additional information submitted on behalf of Wellevity by Andy Smitts, Mr. Smitts comments do not properly address the wetlands and inland waters that maybe impacted by the draw down in the water table caused by the water well for the resort. There are 3 outstanding environmental tests and studies that should be completed to get a clear picture of the potential impact of the resort on the wetlands and inland waters before the Township makes a decision. 1) a pumping test, 2) a wetlands delineation, and 3) geological cross sections with ground water and surface water level data. According to EGLE, a type 2 community well that will produce over 70 gallons per minute requires a pumping test to demonstrate the pumping rate can be sustained for 100 days. If this pumping test was done, it should have been submitted for review. This is important because one well in the area owned by neighboring business, Timberlee Hills, cannot sustain 200 gallons per minute for even 30 minutes before going dry. He has a well record he can provide. The real ability to supply water in the draw down in the water table caused by the pumping must come from a properly conducted pumping test. Pumping tests can be used to predict a potential lowering of the water table at various times and distances. The test would be useful to understand any adverse impacts to wetlands and inland water. 24-72 hour pumping tests would provide invaluable information to predict water level changes for the proposed development. 2) is a wetlands delineation. Wetlands and inland water have been identified on the site by Tritera, However, a wetland delineation has not been done to determine if the wetlands are regulated under an REPA. According to EGLE, a wetland delineation should be performed during the growing season as it looks at soils and vegetation types, the vegetation cannot be identified in winter months. 3) a geological cross section. In their professional opinion, more site- specific information is needed before approval, they also highly recommend the Township hire experts for a 3<sup>rd</sup> party review at the expense of the applicant as authorized by the township Zoning Ordinance. (letter submitted).

Greg Thomas 1122 S. Cottonwood Dr. said I'm staying on topic on talking about the roads, the roads that are going up to the planned development in the Special Use Permit. Sometimes I think it's important just to get your eyes on something and take a look at it when you're making decisions that are going to impact so many people's lives up there. What we have here [referring to visual aids], what we're looking at on the roads, and specifically the conditions of the roads and what we deal with up there and how the roads are traversed up there. The question being is Wellevity coming in there and establishing

themselves, they're a commercial operation and they're going to be open to the public and they're going to open up our roads to the public, I think they can all agree on that. In my first image what you see is S. Cottonwood Dr. which is one of the roads that are going to be a main thorough fair for people from Wellevity or the guests of the resort coming up that road. If you look at the drive, we're going 18' from curb to curb. When you build a road at 18' like that, it was meant to be a private road, a private residential road. A typical road in a public residential neighborhood is 20' wide and ours is built to 18', so it was never intended to be a commercial thoroughfare or a road for the public to be driving and traversing. In the first image, you have just a car and a truck passing, but if you look, I've accounted for 8" for a pedestrian to walk, 48" is your typical sidewalk and that's sighted on my document. On my second drawing, I want you to take a look at the large commercial vehicle passing a pick-up truck on the same road, 18' apart, you can see that you only have 12" of passing space with that. I want you to keep in mind 2 years and to keep that in your head while I'm talking. On the roads going up to the proposed development, there are multiple curves and turns in the road, very dangerous especially in cold wet conditions and the slope grades on the roads are quite significant. As you'll see here, we have the same truck, with a small car and a pedestrian passing each other on the 18' road width, the trailer on the back of this truck, is completely off the road, it's on the shoulder. This truck cannot pass this vehicle without going on to the shoulder. The narrowness of the road, we're going to have trucks like this coming up here for 2 years, I think that's going to impact our lives a little bit, especially for the people who live up here and walk along the roads. You'll see that when this truck makes a turn on this road in that 18', he has to cross the centerline to do it, in order to keep his trailer on the road. Any other time if somebody were to be walking along that side of the road, and that trailer or truck were to come down, they're going to see that for 2 years. For 2 years we're going to have trucks going up and down the roads like that. So if somebody were to be walking along side that road, they're going to be in a lot of danger. So, there's the safety of the road itself that should tell you this project shouldn't go forward, it's not appropriate.

John Thiry, President of Sun Perch Condominium Association, 11022 S. Blue Ridge Ln. I speak for all 31 condos at Sun Perch when I say they strongly oppose the granting of the Special Use Permit for Wellevity. Section 9.3.A.4, the Elmwood Zoning Ordinance says the proposal Special Land Use will be served adequately by roads and Section 9.3.A.5 says the proposed Special Land Use will not adversely impact existing or future neighborhood issues. The Wellevity proposal fails on both those rules. Wellevity is seeking to use private residential roads to service a casino sized resort. This commercial resort plan calls for a restaurant and outdoor facilities that are open to the public that offer space for special events like weddings and corporate events and stuff like that. The inclusion of an overflow parking lot in their plans should tell you how much traffic they're planning on having there. East Timberwoods Dr. is a narrow, winding road and it's a residential road, it has a 20mph speed limit. There are no sidewalks, bike paths, or shoulders. Despite this E. Timberwoods is very popular amongst neighbors for walking and jogging and biking and it's impossible to see how much increased traffic from the resort will not negatively impact the neighborhood and the use of the roads in the area. Historically all the ski area traffic came

in via S. Timberlee Dr., not E. Timberwoods. E. Timberwoods was never meant to be a commercial thoroughfare. Back in the 60's the original plans for Timberlee actually called for a southern access road to be built from Lincoln Rd., E. Timberwoods was never considered to be a main access road, it was only meant to be a maintenance road for the ski area. The Timberlee ski area closed in 1980, it's been 43 years since then and your Zoning Board has done a great job of managing the area and building it into a residential neighborhood as opposed to a resort. Elmwood Township built a community water system to enhance the neighborhood there. If you allow Wellevity to dominate the roads in the neighborhood, you'll undo all those years of good work that you've done so far building that community. I strongly urge you to listen to the concerns of your neighbors, your fellow Elmwood Township residents. Please head the voices of your constituents and not those of the out of state interlopers who want to overrun our neighborhood for their own personal gain. Please vote no on the Wellevity SUP.

Jeff Dorsch 7622 E. Timberwoods Dr. The Wellevity Development if it moves forward without a doubt would irreversibly change the nature of our neighborhood for the worse. This is obviously unarguable this is why we're all here. To follow up on Greg's comment, it's not just 2 years of this, this is an ongoing safety issue. Food and beverage trucks, shuttle buses, any large vehicles to get up to the resort to supply or service vehicles, they're all going to have that issue. Secondly, with regards to safety, besides just the traffic and them trying to pass each other, imagine 2 fire trucks if there's a fire up there, 2 fire trucks trying to pass each other, one going to get water, another one coming back with water, trying to pass each other around those curves, it's not going to happen, it's not going to be safe at all. With regards to that, in my letter I submitted, I referenced parts of the fire code that requires there to be 2 fire roads for the size of development that's up there. Those can be overridden by the local fire officer if there's a good reason and supporting evidence so there has to be, you have to be able to demonstrate the road that's there will definitely work in all conditions for any sort of medical emergency. Without an established basis, and without basis and facts, you can't just say I think this will probably work. The Township could assume liability for that so if there's a medical emergency up there, the road is blocked and it's blocked in the winter a lot, and an ambulance can't get up there, somebody could die and then they could be on the hook for that. The most important thing is getting vehicles up there to help save people. With regards to, the same applies if the roads aren't safe, we're all here telling you the road is not safe, this is a big concern, the road is not safe for that amount of traffic in what you've seen, that increase in traffic. We're telling you this is not safe and if this goes through with that single road and that is used for all that traffic, somebody is going to get hurt and there's going to be more accidents there without a doubt, so we're warning you now, don't go through with this, this is not good for the community and it's unsafe.

Beth Kott S. Timberlee Dr. My comments refer to 9.38, #'s 5 and 8. Number 5 states, the proposed Special Land Use will not adversely impact existing or future neighboring uses and it shall not be detrimental to any persons, property, or the general welfare nor have adverse environmental impacts and detrimental effects on the general aesthetics or appearance of the character of existing or future neighborhood uses. Number 8 states, the

proposed Special Land Use has met or will meet all other township ordinance and code requirements, specifically, the Zoning Ordinance must facilitate the Master Plan the other main legal Township document. The Master Plan states that Township goals and objectives must reflect the type of community desired and the kind of lifestyle... (The Chair interjected she was slightly off topic)...I'm just reading from the Ordinance and haven't gotten to my comments so I'll skip to my comments, but they relate to how it ties in with the MP that they support each other as a legal framework so, Wellevity plans to build on sandy soils with slopes primarily ranging from 33-50% and above 50% slope on two of the three main water sheds that drain the Township. Sandy soils elevation and an important water shed combined make the potential for drainage problems, storm water runoff, and water pollution significant. Perched at the top of Timberlee noise and light pollution are inevitable and Wellevity plans access on private narrow roads without sidewalks. These roads where residents now walk, bike, and children play, will be replaced with traffic from employees, guests, delivery trucks, people using the restaurant, market, or trails. Residents will have to adjust or move. Wellevity's proposal doesn't align with the legal framework of our Zoning Ordinance and Master Plan and it should not be permitted. The strong push for commercial development will continue and if we don't stand up for the protective, legal convenience of our Township, the characteristics of this beautiful, unique place that we call home will be gone forever.

Kristen Selle and this is my daughter Willa 7220 E. Leelanau Hills Dr., our property juts up at the top of the hill to this project and Willa wants to say that she's very concerned about this project and the potential for noise, and light, and all the activity that will happen at the top of the hill right next to her woods, and her playground, and her place where she enjoys being out there by herself and with her sister and her brother.

Lisa McPherson 10475 S. Timberlee Dr. Just to back what Kristen said, we have a lot of young children in our neighborhood, it's a great place for families and it's just going to change that. This big project which I don't exactly understand what it is, what the Wellevity project is. Is it a hotel? Who's going to come here, is it for people out of state, people in state to come and get well? What is Wellevity exactly? Are there other resorts like this? Is it a place for people with drug abuse problems or is there a different meaning behind this? My girls are getting to the age where they could go and walk to Willa's house and play in her yard right at the top of Timberlee. I wouldn't let them do that if there's all these strangers in our neighborhood. It's just going to take away from what we have which is a very special community, so I hope this is not approved for personal reasons plus all the data on everything from what everyone has said here tonight.

Rosemary Hagan Timberlee Ct., we've lived here since 1985. I'm speaking on Ordinance 9.3.A.5, actions shall not be detrimental to the general welfare by reason of glare. I am speaking to light pollution. The largest light dome affecting dark sky, light visibility in our area is Traverse City and it's surrounding Townships. The top of Fouch or Timberlee Hill sits at 1,056 ft. above sea level. Sugarloaf rises to 1060 ft., a mere 4 ft. taller, and Sleeping Bear Point within the National Lakeshore, and a part of a soon to be, hopefully approved application for international dark skies certification, rises to less than Fouch Hill at 1,007 ft.



Lighting from the proposed hotel, rentals, and outside night time events on the top of Fouch Hill even if shielded, will increase the light dome, negatively impacting the dark sky of the Timberlee area and will significantly impact dark sky viewing around the county. Evidence based research supports the positive impact of a rural dark sky upon both human and wildlife well-being. The American Medical Association Counsel on Science and Health reports “glare from night time lighting can create hazards ranging from discomfort to frank disability”. The Leelanau County Master Plan recommends “at night the stars should be visible in the sky, not obstructed by the fuse light from the built up environment”. Elmwood Township’s community survey and Master Plan site of goal (referring to commercial development) of limited commercial development and focusing commercial development along the M-22 and M-72 corridors adhering to this goal, would help protect our township and County night sky and our citizens well-being. Please commit to not expanding the existing light dome in our area and to not allowing this proposed commercial development within the Timberlee rural residential area instead of existing away from us on M-22 and M-72 corridors.

Tim Wolf 7517 E. Timberwoods Dr. I’m a resident and I’m also a licensed professional Engineer and professional surveyor in the state of Michigan. Like all Engineers, I’ve been trained in all aspects of Civil Engineering. It is my opinion based on my experience, that the applicant has specifically failed to address 9.3A.9; vehicular and pedestrian safety, and 9.3.A.5; adversely affecting neighbors in the application for Special Land Use. The bullet points have not adequately addressed by the applicants submittal or written comments as they remain silent to any action addressing vehicular and pedestrian safety all on E. Timberwoods Dr. But the fact remains that there’s still insufficient information available to this Commission to determine that the safety of the residents is unaffected by this proposed development and how they are adversely affected. An assessment of the roads physical condition was commissioned and performed by Mr. Pat Middleton of KPS Engineering in Kingsley. A summary of Mr. Middleton’s report is discussed in these comments and is available in a hard copy. Additionally, we sought to have an opinion on traffic and safety. I contacted at least 4 firms in town and all were unable to produce such a study in such a short amount of time, they have months of back log due to work load. Subsequently, I provided my professional observations of E. Timberwoods Dr. to accompany Mr. Middleton’s report. Mr. Middleton’s report addressed both physical characteristics of the road and the horizontal and vertical alignment. Mr. Middleton’s report determined that the current road asphalt thickness is 1.5 inches at all locations where he cored. The current Township private road ordinance requires that roads be built with an application rate of 220 lbs. per square yard which yields 2 inches of asphalt. The generally accepted method of assessing roads, the pavement surface evaluation and rating system or PASER, considerably rates this road at a 3 out of 10. Where the road is already failing, letting water creep into the sub base. The recommended fix is to add an additional 2 inches of asphalt overlay. However, the additional traffic, commercial and public, that this road will soon become a 2 out of 10 if this development goes through. The recommended fix then would be to replace the road, reconstruct it. To allow public traffic on a private road, we should uphold the standards of the Leelanau County Road

Commission, where their specifications require at least 2 ½ inches of asphalt on a 6- inch dense graded 22A aggregate sub base. As you can see from the cores in the sections of the road that labels the aggregate as only fair and poor, it is clearly not dense graded 22A aggregate. The applicant has not addressed any of the physical characteristics of this road to prove that it meets these standards that it should be held to. The applicant is proposing to allow this use of a private residential road for use of commercial traffic that will destroy it and the residents will be financially burdened. The applicant is downplaying the amount of traffic that will be created by this development.

Cheri Wolf said that she would be finishing Tim Wolf's comments. The applicant is downplaying the amount of traffic that will be created by this development. In their most recent response, they state it will produce less than 1 extra vehicle per minute during regular peak hours, but in their application, the data shows up to 137 cars passing in and out trip during the p.m. peak hour. That means when children come home from school and hop on their bikes, they have to dodge over 2 additional cars per minute on this road in each direction. Nothing in the application addresses these additional pedestrian/vehicle conflicts, they only acknowledge and consider them negligible. They have not compared this additional traffic to the current traffic that is passing along this road. Unofficially, an estimate of 55 residents coming and going throughout the day may produce approximately 150-200 trips per day. The applicant has projected 137 total vehicle trips during the peak hour. This is not a negligible number as they state and appears to greatly underestimate considering the 58 motel rooms, the 55 full and part time employees. Additionally, the applicant compares traffic generated by this development to that which was created by the former ski resort which accessed off of an entirely different road. The report by Mr. Middleton indicates that the maximum slope of E. Timberwoods Dr. is 10.4 % which not only exceeds the maximum allowed by the private road Ordinance, but also is less steep than what is reported on the Fire Department's report which is 11.3%. The road does not contain a 2 ft. shoulder as required by the current County Road standards, there is not a shoulder. Driving off the road edge can cause additional damage which already shows deterioration from multiple commercial vehicles too heavy and too wide to traverse the road.

Dan Marquardt 7352 E. Timberwoods Dr. In continuance of Mr. Wolf's comments, the report by Mr. Middleton indicates there are 6 curves with radius of less than 230 feet which is currently what is allowed by the private road Ordinance, 3 of which are less than 150-foot radius allowed with Township Engineer approval. 2 of these could be considered blind corners, all of which when applying the Ashto turning radius template could not be safely negotiated by a typical semi or delivery truck without driving over the shoulder and onto the shoulder causing damage to the road, or crossing the centerline into the passing lane causing a safety concern. The Township's private road Ordinances specifies MDOT 1100T asphalt mix there has been no indication by the applicant that the proper mix exists on this road. All of these above points should be addressed by the applicant or questioned by the Planning Commission prior to using a private road for public purposes. Additional concerns possibly are reviewing the applicants submissions and its worth noting the terms "safety" and "pedestrian" appear just 10 times in 206 pages. Of those 10 instances, only 1 time was it used by the applicant or its contractors in an original sentence. Where the

applicant says in response to, if the road can safely accommodate the traffic, it says, the answer is yes. Regarding bullet 9.3.A.9, the applicant fails to ensure maximum vehicular and pedestrian safety as required. Maximum safety. No doubt there are some on this Commission that live on private roads or small residential streets. Think about how safe you would feel if something like this were to go in at the end of your road where you walk, where your kids ride bikes, when safety comes up it is not seriously considered by the applicant, the applicant says that the proposed development would produce “less than one extra vehicle per minute during regular peak hours”, but in their application, the data shows up to 137 trips during the afternoon p.m. peak hour. That means when children come home from school and hop on their bikes they have to dodge over 2 additional cars per minute on this road. Nothing in the application addresses these additional conflicts, they only acknowledge and consider them negligible. Regarding bullet 9.3.A.4, the applicant has not adequately addressed this bullet because they have not adequately addressed the safety of those who live along this road. While the applicant feels contrary, the Private Road Ordinance requires that the road be designed to “protect the safety of those who will use it and users of adjoining land”. Enforcing safety on a private road is the Township’s jurisdiction and obligation and should be heavily considered if you are changing use of this road. The applicant does not address this. Bullet point 9.3A5, the applicant fails to meet this criteria because they are proposing a use that adversely affects neighboring uses.

Michelle Kuffer, Vice-President of the Sun Perch Condominiums, regarding bullet 9.3.A.5, the applicant fails to meet this criteria because they are proposing to use the adversely affecting uses. Adverse-Merriam Webster defines adverse as acting against or in a contrary direction. What can be more adverse than channeling commercial traffic through a residential neighborhood as the applicant is proposing.

Michelle Thomas 11222 S. Cottonwood Dr. reading for Jeff Dungan, this comment deals directly with reopen Zoning Ordinance 9.3.A.4 & 5, this resort will unarguably, negatively, and irrevocably change the nature of the Timberlee neighborhood and should have been dismissed on that fact alone months ago. My time is brief so I’ll begin with a simple question, do you know what Merriam Webster’s word of the year was in 2022? It was gaslighting. For those of you unfamiliar with the term, gaslighting is a driver of disorientation and mistrust. Gaslighting is the act or practice of...(The Chair interjected and asked her to specifically address the Ordinance)...she proceeded, they have read we sincerely hope and literally hundreds of pages of public comments from concerned citizens only a handful of which are in support and interestingly those are from parties that stand to make a significant monetary profit from the development of Mr. Brock’s parcel. They have seen lawyers and hydraulic experts weigh in on their behalf and illustrate how not one of the standards for approval has failed but nearly all of them have failed when examined through the lens of the the Wellevity Resort proposal. You have heard multiple citizens stand before you as I am now pleading their case why this resort project defies all logic and must not be approved. The ETPC under your own counsel had enough concern to reopen the public comment portion of the hearing after arguments brought forth at the January

18<sup>th</sup> meeting and yet here we are in a room that is packed with the same concerned citizens who are here once again to voice their concerns and disapproval of the Wellevity Resort. The fact that the ETPC has found it difficult to render a no vote on the SUP also defies logic given you're here to serve the multitudes of your constituents who do not approve this development and therefore I am wondering the extend to which all of you have been gaslit in this process. Gaslit by Wellevity's legal team, architects, consultants, and others to believe that no impacts will be felt in a neighborhood that was not designed for such use. Gaslit to believe that vegetation can control the transmission of sound waves, gaslit to believe we need another yoga studio, farm to table restaurant, green house, conference or wedding venue, or any of the rest of the thinly disguised reason for wanting to have a resort on a top of a hill with a nice view. Mind you within 10 miles of here, we have 10 restaurants, 12 event centers, wedding and conferences, 12 yoga studios, 5 full-service gyms, robust trail system and a city park that is open to the public for skiing, walking, running, and cross-country skiing. Thank you Wellevity, but we really don't need your wellness on top of our hill to be healthy. We have plenty of privately owned and operating businesses by residents and families that fill this niche.

Carolyn Swift 10840 S. Blue Ridge Ln., Blue Ridge Ln. is adjacent to Timberwoods. She piggybacked on Tim Wolf and his group, their comments should there be any question about the safety of the roads, about who uses those roads other than children, which they spoke of frequently, she is one of several people who walks that route daily and has done so for the last 11 years. There are many, many of them, they all know each other, many walk their animals along that. The road is simply not safe for reasons really beautifully spoken about with data, but she just wanted to make sure they understand who uses that road and it isn't just kids.

Kevin Gillespie wanted to bring to attention, obviously address the main issue of noise. They live adjacent to Timberlee and the current owner of the property on top of the hill. For years there's been, they wouldn't know it, unless you know it's up there, so obviously many loud music parties so the biggest part they knew about the noise from the weddings or the ongoing music was, when you're on top of the hill, it's an amphitheater, so with south winds, west winds, all that sound just carries across the valley, so as much as he wants to hear 38 Special, that's what they heard all summer long. So, again, that frightens them if there's going to be weddings and events all summer long. So, again, he's in marketing, Northern Michigan is a tourist destination, weddings are a destination, this is the Crem de la Crem of spots of wedding destinations. Every person would love to have their wedding here at the dismay of the folks who live in proximity to that road. Looking at it as they all know, they explode, case in point, the park property welcomed 1,722,995 visitors in 2021 alone. That's just the national park property which is 50 minutes from Traverse City, we are 15-18 minutes from Traverse City. So even at 5% of that number, we're looking at 86,000 potential people who could visit this property because 1) it's public, 2) the scenic views, and 3) there's alcohol. That's the recipe for what it's offering, it's a resort, it is a resort offering those things. Just use comparable data of independent study, please just study Farm Club, just have someone study it for 6 months, how much traffic's coming from

Farm Club, how much traffic's coming from Hop Lot, how much traffic's coming from Jacob Corn Maze, just watch it. If they think there's only 147 people coming into Farm Club, then you've been living in a rock. Please just look at the traffic that can come there. Let alone, he's worried about if it is built, Mann Rd. and Fouch Rd. intersection, if they remember Chick Fil A going in, how much traffic and nightmare that happened on the main road, so anybody coming east bound or west bound on Fouch Rd., do I want to wait 30 cars for someone going into the resort, let alone if he live in that.

Doug Cole 11210 S. Cottonwood Dr. He's lived up at Cottonwood for over 20 years. He began living there when it was still a dirt road and he was instrumental along with ½ dozen other people who are there tonight in getting that road built so he has quite a number of things he could say, but he's limited in time. He restricted his comments to 9.3.A.5 in terms of the adverse effect. Numerous documents, not limited to the Elmwood Township Zoning Ordinance and the Michigan Zoning Enabling Act make it clear that Special Use Permits should not be approved if there's evidence of a detrimental impact on adjacent lands and neighborhoods. This position is also held by the Michigan State University Extensions national recognized program, the Michigan Citizen Planner, which addresses Special Use Permits. In the classes it offers to those who are making zoning decisions. This program states that Special Use Permits relate to uses that are allowed under certain conditions sighting that those conditions are related to avoiding adverse impacts on the neighboring area. They provide examples of Special Uses being the allowance of a home business such as a tax service, a hair salon, a daycare, a small engine repair shop, in a residential rural neighborhood. Take a moment and compare those exceptions to what is being proposed. No where did he see motels, bars, restaurants, or wedding venues listed, and most certainly not all of those in one location. Clearly, all the references noted are intended to protect the community. They assume that you good folks have volunteered for the Planning Commission because you care about your community. In recent months, he happened upon a book that depicted challenges they all face in today's world. One question it asked is what is community, the answer proverbial is community is a sum total of our choices. You are looking at a community of individuals representing families and their children, grandchildren and neighbors, the Timberlee Community, and they're a part of a larger community, Elmwood Township and Leelanau County, which they chose to reside. One has to assume that you chose to reside here for similar reasons. He believes the good folks behind him have made it clear to them by their letters and their presence here tonight are hopeful the Planning Commission stand on the side of community in choosing to protect the social, emotional, and physical well being of our community as they have certainly not seen this coming from the group claiming to be concerned about wellness.

Lynn Francomb 10655 S. Slope Dr. I'm retired and can't help but ask herself if the Commission who are going to vote over this have visited this area, have walked down such roads as S. Slope, that in the middle of that road at the bottom of the hill that you're talking about building on, there's a beautiful stream that's spring fed in a wetland that's right at the base of that hill and that stream runs under S. Slope and continues on to Lake Leelanau. Do they realize that if any sewage gets in that stream, it could end up in Lake Leelanau, they

already have problems with Lake Leelanau, they do not need more. She would also attest to the fact she's a walker that walking on Timberwoods and walking up towards Sun Perch or the Cottonwoods subdivision is not safe if there's going to be more traffic. The beauty of it now is you can walk it most times of the day and see one or two cars. You have to get off of the road if you're walking, there is no shoulder, you get in the ditch, in the grass, in the sticks. The curves on that road, you can't have earplugs in your ears because you have to hear the cars coming around the curves because they cannot always turn on that road, they may end up also in the ditch or on the side of the road. There are already many more deliveries from Amazon and such places that are causing delivery trucks up there, more than they ever had before since Covid. You're talking about starting a whole bunch more deliveries on that road, she can't even imagine the road situation, but she's really worried about the water and she hopes they are and she hopes they visited that area because they are going to be the ones responsible if that water becomes polluted because they're the ones that are going to vote to do that to them.

Randy Deruiter 408 W. 8<sup>th</sup> St. I appreciate everyone's comments tonight and I'm going to offer a different perspective in support for this project. Some of this is coming from a co-worker of mine Doug Luciani. Doug was the president of Traverse Connect for 17 years, a very well respected gentleman in the community, and full disclosure, their company hired Doug precisely to help us navigate through projects like this. Doug is in support of this project and I'd like to offer up a letter that Doug prepared for us. During my tenure at Traverse Connect I worked extensively as a champion for growth in our region that would not sacrifice the natural amenities that make this a great place to live, work, and play. Part of my responsibility was overseeing new design for growth programs that is now part of Networks Northwest and identifies the best plans for growth. In 2015 we worked to identify a unique wellness retreat for corporate leaders that would expose them to our region while they recharge and took time to create. Although it's desperately needed, we couldn't make it work because it required massive investments beyond our ability to fundraise. It looked almost identical to Wellevity. The Wellevity project is so attuned to the environment around it and it's overarching mission of wellness and healing that it only uses a fraction of the available land for the resort recreation and is making outdoor features available to local community free of charge. Who does that in today's business environment? Most developers would maximize the available property and build as much as possible, placing profits above all else. Given a new shed, they would also seek to make it luxury exclusive, not Wellevity. I've been at these planning sessions and it's interesting to me that the developers share many of your concerns. This is precisely the type of complimentary development needed to go with housing, childcare, etc. to attract good jobs and new people to our region without gimmicks or typical touristy experiences. The project respects land, respects the community, and respects the culture of Northern Michigan, my home and my passion. Despite the hopes and fears of some, our region has been changing in growth for decades, and there's no end in sight. All we can hope for is to manage growth and see that it is positive. There is no scenario for this amazing parcel of properties, recreational or otherwise that comes out as net positive to our region, our

community, and even our neighborhoods that surround it. I urge you to approve the plan and move forward with this process.

Duane Straubel. The lady that mentioned she lived on Slope Dr., I can verify, I used to walk around there when I was a little bit younger from my house which is on Old Orchard around Timberlee by the lodge. You have a lot of water in there and I forgot about the stream, but this time of the year and a little bit later unless they paved it, it's really hard to walk down there's so much water. I think that's an environmental concern and I guess the one I have is, I'm going to address it to the private roads, but there's going to be a lot of traffic, that would be my concern because we're on a public road near the private roads. We've had some deaths out on Cherry Bend last year, 1 or 2 people died in car accidents out there last year.

Chris Thiebaut. I think you've heard the public sentiment on the dangers of the road. On February 10 Wellevity addressed the concerns of these dangers. The letter was from a Civil Engineer based out of California. A search on the licensing and regulation in Michigan shows that Cody Anderson is not licensed in Michigan but claims to be the Civil Engineer on the project. Are you accepting the work of somebody that isn't even licensed in Michigan?

Dorothy Serrine 10555 S. Timberlee Dr. I have 3 kiddos at the house, they vary in age, and I keep thinking about the nature of the neighborhood and the impact of what would be above and how do we begin to mull these two things together because in the beginning I was excited, I actually taught yoga for about 15 years and I love wellness, love the concept, love yoga, but as I think about it more and more, so many of the people that have showed up here today are talking about how this neighborhood is their wellness. The walking, the bike riding, the streams that would be impacted. We personally bought our property because it's surrounded by woods on 3 sides and all the run off that comes down from Timberlee, comes down through a little seasonal stream right behind our house, and I would love to see an environmental impact that could address that in the long term. I just want to say one thing and I appreciate that people want to come and have a more regional perspective of what this area could or should be, but when I think about wellness, I just want to say who's wellness are we looking after? Is it the constituents here or is it for people who might be coming from out of town and I would hope that we would protect us first.

The Chair called for a 5-minute break.

Shane Wyatt. I live on S. High Meadows Ct. just below this proposed development. Storm water run off is already a problem in and around Timberlee neighborhood, a special assessment district is being proposed to pay for improvements to channel and direct the excess water at the expense of homeowners considered within this district. The run off from the roads in Timberlee are the cause of this particular run off. Mt. Josh Rd. which is a private road accessing to the backside of Timberlee is a private road that is dirt and is washed out and in terrible despair already. The increased run off from the top of the hill is only going to make that road worse along the way. With on site waste water disposal

systems at the top of the hill, what hydrology studies need to be completed to prove this waste water is not going to infiltrate any Aquaphors that not affect not only the Timberlee water system but every private well all around that particular hill. Those questions need to be answered before this can be approved. Wellness' application points to the history of Timberlee on page 6 of their application. Their first statement claims, Timberlee area has played an important role in Northern Michigan recreation activities for almost 60 years and has created a well established part of the rural resort zoning district. They go on to describe all things offered by Timberlee and its history that started as a ski hill using the parcels that are in question here today as a ski hill starting in 1964. The very last statement in the resort says it closed in 1976. That could be wrong, but using the numbers they provided, that's not a 60-year run as resort rural zoning district, that shows just 12 years being used as a resort. The top of that hill has been vacant for 47 years. If it closed in 1976, the top of that hills basically remained the same and unchanged and being used as a residential rural zoning district for that time, that's 47 years of precedence of its use. The Elmwood Township Master Plan shows that the increased activity or zoning amendments made to that area to increased commercial activity was to be catered towards the market of the particular area, this resort has no point in catering toward any people that live there. We are not who they are selling it to, they are selling it to out of state people and visitors coming into that area to spend their money here. 100% of the development is dependent on outside visitors, the locals that live in the area, Grand Travers County included, we will not sustain you at all. We might visit once to say we've been there, but that will be the end of it. What could end up happening is that this is allowed to continue and is approved, this will become the homestead of Elmwood Township. With that particular means is that will be a sore spot, an eye sore on our horizon that's not just for Elmwood Township that's going to be for people in Centerville, that's going to be for people in Bingham, and Solon township just as well as Elmwood, so don't let this happen.

Bethany Betzler and I live on Blue Ridge Ln. I have a professional background in tourism as well as in community economic development so I understand the need to balance development and community concerns. The land in question is a geographic asset to the Township and Leelanau County. It's ground water flows into Lake Leelanau and its peak can be seen by many residents who live in the area. For those of us who are fortunate enough to call the hills of Timberlee home, it's a sanctuary. It is such an important piece of land, not just any parcel, it is critical that the Township Planning Commission plans for its future carefully. In an ideal world, the land would be owned by us. It should be preserved for and by future generations. As Leelanau County continues to become more of a national hot spot, we must follow the example of other conservation movements from around the County and ensure its protection. In the 2018 5-year Parks and Rec plan of Elmwood Township, I see this has been in consideration... (The Chair interjected asking which part of the Ordinance she was addressing) ...she stated 9.3.A.5, adverse effects. Page 13 of the document states that the top of Timberlee Hills could be considered for a future conservation easement. Additionally, here is a quote from page 28 "approximately 101 acres of land atop Timberlee Hills Resort area has been mentioned as potential future recreation land acquisition in conjunction with the Leelanau Conservancy. Access from the



south end of Lake Leelanau off Fouch Rd. such an acquisition could provide scenic hiking trails and public recreational space for the Timberlee vicinity". It's clear that many residents don't welcome this to our neighborhood, I ask the Planning Commission to do what is in the best interest of our Township and County for the long term and deny Wellevity its Special Use Permit. Let's work together to pursue this pathway for Timberlee Hills to become a conserved land for public recreation, not a large-scale commercial use. Large scale commercial development doesn't belong at the top of Timberlee.

Abby Robinson, I live on S. Timberlee Dr. I am here tonight like many of my neighbors here with concerns about the adverse effects of this development on our neighborhood, our community, and out-lying areas as well. I'm probably one of the youngest individuals here who owns a home in the area, I am 27 years old and when I was looking for a home to purchase in the area, I wanted a neighborhood that was walkable and safe and potentially a great place to start a family and live here. I think that these roads very woefully unprepared for the amount of traffic that a resort of this size could bring in. As anyone can tell, there are no shoulders, there are no sidewalks, there are no safe alternatives for people to walk in these neighborhoods. Many of these people who live in these homes have children, have pets, and this is a concern especially with a resort that serves alcohol, we always know that there are erratic drivers coming to and from events. Drunk driving continues to be an issue in our region and our state, and our country. We know that the greater Traverse area is working on an alcohol safety plan because it is a large issue up here in this region. I think that we all in recent weeks have heard of the several pedestrian deaths in our neighborhood, this is cause for concern as well. We don't want anyone walking in these streets to be unsafe or be impacted by any of the traffic. We talk about the construction traffic that will be happening for 2 years, I have concerns about that, we know how backed up the supply chain is right now, we know that inflation is increasing costs and construction can certainly take more than 2 years, not to mention these trucks are not only driving down Cottonwood, and Timberwoods, these trucks are driving down Cherry Bend, and throughout the rest of Traverse, so I would argue that far more regions are impacted by this traffic as well not to mention once the facility is constructed, there will be delivery trucks, maintenance trucks, that will be coming at all hours of the day and these are not small little pick up trucks, these are semi-trucks with trailers, large vehicles that will be using these roads. We know that this is a very active region, the TART Trail intersects several areas coming up Cherry Bend and we know that that intersection right on Bugai and Fouch is home to many accidents. Personally, myself, in the few years I've lived in this neighborhood have seen plenty of accidents there, and I don't think that increased traffic will decrease those by any means especially if individuals are drinking at the bars or restaurant at this establishment. We also know that Michigan is a winter state, it's often snowy and dark so these roads are even more narrow, they're not plowed, well they are plowed well thank you to all our public service employees, but they're not as clear as they are in the summer.

Nick Theisen, I live on Birch Point Rd., my house looks directly at Timberlee. I am a business owner in Elmwood Township, I own Loma Farm and Farm Club, sorry about the

additional traffic. I stand to gain from this project economically, but I stand in complete opposition to it. As a farmer, I always stand in defense of the land. Timberlee is an iconic landmark in Elmwood Township. It's a natural environment that we all look at from, as was mentioned, the surrounding Township's in addition to Elmwood Township. It can be seen from miles around, it stands as a beacon of the beautiful, natural environment that we all call home. A development of this scope and magnitude would thoroughly change the character of the land and the neighborhoods that surround Timberlee that it would be in conflict with the Zoning Ordinance 9.35. As stated in Ordinance 9.35, the proposed special land use shall not be detrimental to any persons, property, or general welfare by reasons of excessive smoke, fumes, glare, noise, vibrations, and odors, nor have adverse environmental impacts and detrimental effects on the general aesthetics and appearance of the character of this existing or future neighborhood uses. The Wellevity development proposes over 30 new structures including cabins, a spa, pools, lodge, multi-family houses, and hundreds of parking spots, all on top of the most prominent geographical feature in the Township. This will increase light pollution, noise, traffic, air and water pollution, and will be a scar on our landscape for generations to come. In addition, I'm concerned about the increased traffic to both the rural and private roadways. Speaking from experience, Farm Club has far more traffic than we ever anticipated. I can tell you in the summer during certain times of the day, there is a constant stream of in and outs. We have 75 employees; we are just 1 restaurant. Development of this scope will have so many employees, that the traffic from employees alone, will be a significant impact. We have delivery trucks coming every single day, multiple times a day, this is on the second busiest highway in Leelanau County, not on a private road. Wellevity sounds like a resort that could possible fit in Leelanau County but not at the expense of our night skies, our rural character, water quality, and the destruction of the largest natural landmark for miles. Wellevity belongs on a public road designed to handle traffic with utilities to service such a large development and in a valley where it blends in with nature and doesn't stand on a hill raining above us.

Cindy Armbruster. I live at Sun Perch condos on Blue Ridge Ln. My biggest concern, my one question that I have, is who will pay for the roads when they break apart? Right now, I know that we were assessed about \$10,000 to build the original roads and I live on a fixed income and I do not want to pay for somebody else's profit.

Kelsey Zaryczny I am a resident at S. High Meadows Ct. I'm finishing the letter that was started by one of the residents in the room by Jeff Dungan. We were talking about gaslighting the last she spoke. This committee has done nothing to ensure the safety of our ground water or determined if pumping rates are feasible. This is our water we are concerned about. Why have you not ordered any independent study of your own, why have you only read into what the developer has presented to you, why are you so clearly reluctant to do the fact finding necessary for a development of this magnitude? The Planning Commission has been misled by those who have presented studies that are horribly misrepresented of our current realities or simply gloss over environmental regulation and law. Not to mention National Fire Protection Association Fire Codes and Regulations. All this puts our Township in a very dangerous future position. Despite what

is told regarding your purview all studies and findings have been presented by the developer only, you have done nothing to research any of this. In this regard you have failed us, Elmwood Township, and your duties to the community. For the record, it is within your purview to order up independent testing, consultation, etc. as you see fit. This is what the escrow account that you mandated from Wellevity is for. Your scope as the Elmwood Township Planning Commission is not limited. It is in fact the law that gives you have broad powers under Zoning Ordinance 11 in which you are all well versed in. I do believe in silver linings and one of the biggest ones that has come from your handling or mishandling of the Wellevity Special Use Permit is that you now have a large portion of your Township who know nearly everything about Elmwood Township Zoning Ordinances, Park plans, regulations, and standards. I will congratulate you in activating and mobilizing your citizens who are now paying close attention to the actions of their elected and volunteer Township officials and the laws and ordinances they're elected to uphold. We are paying close attention, so thank you for that. Finally, I will remind you that as public servants you are beholden to the citizens you serve, not private interests, not whims or opinions of Elmwood Township staff or legal counsel, you're here to serve us your constituents I ask that you consider this before casting your vote this evening.

John Melichar 10060 Melichar Dr. Speaking on the negative impacts. You've heard a lot from people who live right below the project. Our property is located across the valley. The one gentleman spoke to noise that gets produced in the summer and the winter, it's going to affect us across the valley 24/7 365 with all the noise, the events, we hear it now, it's only going to get worse. The gentleman from Loma Farms if it's truly about wellness the thing would be put in the valley somewhere in tune with nature, not on top of a hill projecting light and noise pollution everywhere.

**MOTION BY COMMISSIONER KUZMA, SECONDED BY COMMISSIONER MCDONALD TO PROCEED PAST 9:00 PM. MOTION APPROVED UNANIMOUSLY.**

Attorney Bryan Graham said before the Chair opens the floor and recognize the applicant for its rebuttal you need to be sure there is no other public wanting to speak because once the floor is given to the applicant for rebuttal once the applicant is concluded, there will be no more public comment from the public so you need to give the public one last opportunity to speak prior to the applicant's rebuttal. The reason the applicant gets rebuttal is because the applicant carries the burden of proof to establish that the standards are met. I just want to make sure there is no misunderstanding that if the applicant in rebuttal makes some comment that people want to respond to, you do not have that opportunity. The Chair gave one final call for the public to speak. No one came forward.

Marc McKellar attorney for Wellevity. I want to address a couple items. Again I want to thank the Planning Commission for permitting everyone to speak, even frankly, items well with outside of the confined areas, in support of people in support who share their opinion and their position on the matter. With that said, there was an extraordinary amount of statements made, some conjecture, some based on reports that were well outside the scope

and we just need to get on the record for legal purposes that we would ask the Planning Commission to postpone any deliberation from this evening so they can sift through the comments to identify those that are appropriate subject matter for review and those which are not. So we would ask the decision be postponed, as the applicant I think that's an appropriate request and I think frankly despite what the public may think that's probably better for the record for everyone. I don't mind being accused of gaslighting, I'm not exactly sure what it was for, but I'm an attorney and the developer's attorney so I take arrows and spears all the time and that's ok but I do take a little umbrage with some of the personal statements about the applicant. The idea that there's some type of outside interlope I think the reality is a lot of members, the residents in that area aren't originally from this area or this state and that can be true of anywhere and that's many developers are not from the area, some money isn't from the area projects like this do simply take resources that are multi-level and so I don't think that's a positive or negative thing, I don't understand the value of that statement. The other statement that concerns me is that the implication that Wellevity and Georgina and the developers somehow aren't paying attention to mitigating impacts of the property. They have the right to develop the property and they certainly have the ability to develop the property. They had options to do things that are different and they chose to do things better or higher standards than the Township or Ordinance and all that's in our record. The other thing that's also important is implication that our Engineer is from California. Well, first of all, his office is also licensed in Michigan and furthermore Architectural Engineers often work in conjunction with those outside the state, those are stamped, signed, and sealed by an Engineer in Michigan, that's the peer review process, so different than Attorney's license outside the state of Michigan go through pro hoc ? to be admitted in Michigan for limited purposes. That happens in professional realm it happens all the time. We wouldn't have a 15-story structure in the state of Michigan without it, that's just the case. Those are kind of red herrings, but on behalf of the team I think that's inappropriate to be considered in weighing the merits of this case. It probably goes without saying, but I want to put that on the record. A lot of the items that were addressing the road, and Mr. Wolf's statements were representative of a report that was presented to the Planning Commission that was not presented pursuant to the timeline and the required motion so again we would object to that being considered as part of the approval process, it does not follow the do process procedures in the motion so we want to get that on the record. Furthermore, the statements related to the road being a residential only, the project has an easement right, it does not restrict it to using the property for residential purposes only. The resort, rural resort Zoning has existed on that property, that's related to the statement about the 12 years vs. 60. We were stating the property's either utilized for or carries the Zoning to permit that and has for well over 50,60 years. So they have the right to utilize the road for purposes which is permitted and it's a private road and it's a private issue. The condition of the road, we'll make this statement again, and we're going to offer it as a condition, the applicant will replace and repair any damage created by the road as part of its construction at its sole expense, that would be expected. It certainly hasn't been required of any other developer in there, there's homes going in right now, no ones complained about that to the Township in a forum like this. Those roads have deteriorated as a result of that construction of those new

homes, and that would happen even with a use by right was developed on the property in a single-family way. But I want to make it clear, the applicant will pay for those repairs and the road is residential in terms of the surrounding use right now but the road itself is permitted and the rights under the easement provide that they can utilize it, our clients, for purposes outside of residential use and that can't necessarily be prohibited because it was used for residential purposes only today. The adequacy of the road is a matter of having access and impacts. We provided a traffic impact report, I don't believe there's been any other report or studies by anyone to counter that, provide facts or merits and that's really the key to this issue. Ultimately this is standards that need to be applied with the facts or at least the facts need to apply to the standards and it's an objective process. Thank God it's not a beauty contest, that's what these are, they are an objective based, facts to the merit, and merits of the case to these standards of the Ordinance. I'm not going to belabor any of the points we have, we already supplied we believe is a competent record that supports the project for approval. I understand the neighbors have a different position and they're entitled to that, but I am going to have our Engineer speak on these particular topics tonight, the topics that are the subject matter which is the traffic and the road and I'm going to invite them to come up, address those topics, and then we'll close our portion of this project. Again, thank you very much for the opportunity to present to you and for the way you've managed it, and with that I'll have Cody come up.

Cody Anderson. I'm a consulting Civil Engineer working closely with the local Civil Engineer Gosling. The reason we're on this project is the client, respected developer, reached out to us because we specialize in working in sensitive environments across the United States and Internationally, particularly in areas where developers want to do it a little bit better with regards to ground disturbance, preservation of resources, maintenance of storm water quality, and preservation and creation of habitat. So, explaining why I'm here, guilty as charged, flying in from California. In regards to the subject matter at hand, I've heard some cogent points. The road itself is in fair condition as has been assessed accurately by a commenting Civil Engineer by a recent study that was done by a contractor in terms of getting an estimate for costs to bring it in good repair, asphalt roads by their very nature are always in a state of decline, you can get 10-20 years out of a well-constructed asphalt road, but asphalt is a soft paving and it doesn't last forever. So what we've seen based on physical observations and was verified by the contractor is that the road will require a grind and overlay to keep it in good repair for all nature of traffic. Construction traffic has an impact on roads and it accelerates the decline and the quality of asphalt paving and that happens everywhere. It's typical that the developer will contribute or cover all of the costs of road improvements, road maintenance, repairs associated with development. Usually, you see interim improvements to make sure that it's safe and passible during construction, including traffic control, including repairs to paving, including crack patching, and then at the end of the project, when they're no longer running the heavy vehicles associated with deliveries and construction, there's a final grind and overlay to put it back in good repair.

Amy Lipset. I'm a senior transportation planner for Fishbeck consulting here in Michigan and I'm here filling in for my colleague T.J. who is a licensed professional Engineer in the state of Michigan who did the traffic report that was submitted that you have reviewed. I just want to clarify, I think there may be a little confusion on the tables that were included in that report. Table 2 and Table 3 both talk about weekday trip generation peak hour traffic for this development. Table 2 discusses the peak hour trip generations in the peak hour of the actual street traffic which is generally 8:00-9:00 in the morning and between 4:00-6:00 in the evening. It is expected that due to the land use proposed here, the use proposed at this resort, the peak hour for that resort will not fall from 8:00-9:00 in the morning and 4:00-6:00 in the afternoon, especially depending upon check in times, arrivals, departures, that sort of thing. Table 3 talks about the weekday trip generation of the peak hour of the generator, the development, and that is why there's a discrepancy Table 2 says total trips 92 in the p.m. peak hour 4:00-6:00 p.m. where table 3 is 137 p.m. peak trips and that is because that is deemed to be a little earlier in the day. I just wanted to clarify that because I can see where that would be confusing. I also wanted to mention that all of these trip generations come from the ITE trip generation manual which is the standard used nationwide when looking at estimating trips that will happen for development. I reviewed his memo and it is aligned, I spend 20 years working for the Michigan Department of Transportation reviewing traffic impact statements for development across the state that were looking to develop on state trunk line routes and this is exactly the same type of report, with the same standards and using the same ITE trip generation manual that I reviewed and we looked at when I was at the DOT. So, this is standard use. Regarding the current, approximately 100 parcels in the neighborhood, it is estimated those 100 properties probably generate at a rate per the trip generation manual about 943 directional trips per day so just to give you, I don't know if you're familiar with the institute for transportation Engineers and they put together these manuals that are used, so they have thousands of different land uses and you go in and you can estimate based on, in this case, single family homes and it would give you a generated number per unit if that makes sense, and so it's the same way as you can see in the Tables that were in the report that was submitted to you.

The Chair asked on Tables 2 & 3 on those values that were expressed in one the value indicates the a.m. traffic and the other the p.m. traffic? Amy Lipset responded and said that both Tables have a.m. and p.m. traffic in each table. Table 2 is reflective of the peak hour of the road itself, the current peak hour which is 7:00-9:00 a.m. and the p.m. peak hour is 4:00-6:00 p.m. The trips in that Table represent the trips to and from the proposed development that would occur during those times versus Table 3 is deemed the peak hour of the generator which is the proposed development, which is different from that 7:00-9:00 a.m. and 4:00-6:00 p.m. and that is why there is a difference in those numbers, but both Tables have a.m. and p.m. peak hours.

Commissioner Kuzma said it's been brought up by the public, they referenced a road that they weren't actually going to use as the actual road for the development. Amy Lipset responded; I understand your question. It doesn't matter the access point. When you're

using the generation manual, it is just saying you're going to have X number of trips in and X number of trips out in the peak period because of the land use as you're providing. So in this case, it's resort hotel, public park, health and fitness clubs, sit down restaurant. I think it was brought up earlier someone mentioned something about Chick Fil A. I've actually reviewed traffic impact statements for Chick Fil A, that would be a fast casual restaurant with a drive thru. That has its own ITE number assigned to it and that generates completely different amounts of traffic. It doesn't matter what road it's on, it's just how many trips for the development if that makes sense. It's a moot point what road. It's just the number of trips that this development is going to be generating.

Mark McKellar said one last item I'd be remiss if I didn't have a couple statements made to the extent water which was spoke about a lot is somehow going to be contemplated which I don't believe is appropriate. I do want to get in the record a couple statements on the stormwater and environmental issues real quick. We're going to have our Engineer come up and make a few statements. Again, I think we make this point in our submittal, we submitted Andy Smitts' report, we didn't believe it was appropriate in terms of we didn't think it was necessary in scope of the motion, but I would be remiss if I didn't reserve the statements in the record, so I apologize for this last-minute little presentation, but it's important to preserve our right here.

Cody Anderson said with regards to the water and the water resources there's some accurate and well-articulated points about water and storm water runoff and management of water and waste water which are at the core of our client's desire to develop this area responsibly and at the core of our expertise and passion as consulting Engineers. I'll start with water, the intention is to pump ground water at very low rates and use on site storage as a way to mitigate that flow, so we'd never be pumping anywhere close to the 200 gallons per minute. Once the water is used, we're proposing an onsite waste water treatment system, it's called an active treatment system, that treats water to tertiary standards, which is the highest treatment level that's recognized nationally. Tertiary treated water allows us to reuse that water for non-potable demands, so it can be used for irrigation, it can be used for wash down, it can be used for laundry. What this does is it gives us an opportunity to use water twice. Any water that is collected from the commercial aspects or the residential aspects is collected into the system, so essentially you get to recycle this water through the system, it's a very responsible way to go about using our water resources, and its above and beyond the minimum requirements. For storm water, and this is all well documented in the submitted documents for this project. Storm water has minimum treatment requirements that we propose to exceed. The collection cleaning through landscape-based methodologies which is a well-established practice and infiltration back into the Aquaphor. If we look at the overall water picture, it's actually a very responsible water cycle between withdrawal, use, reuse, cleaning, and infiltration into the environment. Bottom line is runoff that's seen from this property will be at the highest possible standard we can maintain, above and beyond the minimum requirements of the state and the county.

Attorney Bryan Graham-Mr. Chairman now that the public hearing is basically over, I think it's important that the Chair declare that the public hearing is closed.

Chairman Bechtold closed the public hearing at 9:24 p.m.

Attorney Bryan Graham said that obviously there's been a lot of information provided by the public and by the applicants tonight. It would be difficult if not impossible for the Commissioners to actually take detailed notes regarding all of that information, so my recommendation would be given the important information that's been presented and given the hour, you adjourn your deliberations to a specific time, date, and place, and that you do so after a draft set of Minutes have been provided. That would then give you opportunity to review the actual public comments and the comments made by the applicant and be able to simulate or digest that information before your deliberation process begins. The Recording Secretary was queried on the timeframe of draft minutes and ultimately it was determined that the draft minutes will be available to the Commissioners by 8:00 a.m. March 30<sup>th</sup>. Staff indicated that she would post the draft minutes online.

Commissioner Kuzma asked if McKellar would like to address any of the safety concerns that at least half of the public brought up about the concerns for Section 9.3.A.5 or 9.3.A.9 regarding road adequacy, pedestrian safety. I feel like that should be part of the record, especially for deliberations if that is something we're going to consider. Marc McKellar said I think we've addressed those issues throughout previous statements about the use of the road. People walking in the road is not necessarily permitted, it's a road right of way, it's meant for the traversing of vehicles. We addressed that issue in the report.

Attorney Bryan Graham said let me address some procedural issues. You have closed the public hearing portion of this matter. As part of the deliberations, Commissioners have the right to ask limited questions of both the applicant and the public. What is being addressed, is a question directly from Commissioner Kuzma. Whether we wait and ask this question during the deliberation in April or whether we ask the question today and get an answer, that to me is part of the deliberation process and he can answer. That's not opening up the issue for everyone else to have comments, this is strictly answering a question posed by a Commissioner, you take the answer and you consider it for what you believe is appropriate.

Marc McKellar then continued to address Kuzma's question and said it's not an intentional, trying to avoid their statements but, their statements we believe are conjecture, they don't have reports that they're relying upon. We have reports and conjecture is not something that is considered merit based or fact based so we're confident in what we have supplied. It's not a slight to avoid the fact that these are real concerns, but these are their personal concerns. We're stuck with a record that has to apply facts and reports and we want to rely on those. It's not meant to say it doesn't matter, I'm not saying it's not a serious concern, but we've already submitted factual statements that should support the position. There's



legal concepts related to the use and authority of the road and who can use it in that interplay that's consistent of any road. I get that a neighborhood might have impacts and interplay in the roads with pedestrians, but that's natural, I'm not saying people don't use it for that purpose but you can't really engineer for or design for that interplay, what you can do is try to do the best, we only have certain authority to change the road and improve the road, we can't just single handedly say we're going to move these houses and widen the road 26', we're going to pave it with these standards, we don't have that authority because it's a private road. We have to work in the confines we have. That's the limiting factor on some of the statements we're trying to make. I'm not a traffic Engineer and I shouldn't be and I shouldn't speak to it, so that's why we didn't really address it, we believe we addressed it previously.

**MOTION BY CHAIRMAN BECHTOLD, SECONDED BY COMMISSIONER APRILL TO ADJOURN THE CHARTER TOWNSHIP OF ELMWOOD PLANNING COMMISSION'S SPECIAL MEETING OF WEDNESDAY, MARCH 22, 2023 CONVENED AT 7:00 PM AT 10086 E. LINCOLN RD TRAVERSE CITY, MICHIGAN IN ORDER TO SCHEDULE A SPECIAL MEETING TO BE CONVENED ON APRILL 11<sup>TH</sup>, 2023 AT 6:30 PM AT 10086 E. LINCOLN RD TRAVERSE CITY, MICHIGAN COMMONLY KNOWN AS THE TOWNSHIP FIRE STATION IN THE FIRE BAY. THE DELIBERATIONS WILL RESUME AT THAT MEETING. MOTION PASSED BY A UNANIMOUS VOTE.**

Attorney Bryan Graham added the deliberations will be conducted at a public meeting of the Planning Commission. At the deliberations there will be no public comment, the public hearing has been closed. The Planning Commissioners may have questions that could be addressed to the applicant or to members of the public and to the extent that members of the public are here and can answer those specific questions, they'll obviously take those answers. Just because questions are asked and answers are received, that does not reopen the public hearing, it's only to gather specific information that may be necessary by the Commissioners in their deliberation process.

Chairman Bechtold noted the meeting is an open meeting. The public is encouraged and welcome to attend. There will be a public comment period at the beginning of the agenda specific to the agenda, but not including the deliberation or comments related to this development. Attorney Graham said he didn't want to have public comment divulged into reopening of the public hearing. If you want in public comment talk about other aspects of Zoning, that's allowed but we're not going to have public comment be equivalent to opening the public hearing.

**b. Planning Commission deliberations on 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. [postponed to April 11, 2023 at 6:30pm at 10086 E Lincoln Rd, see above].**

**H. Discussion of Zoning Ordinance: None**

**I. Comments from the Chair:** Thank you all for your interest, your passion. I appreciate the enthusiasm you demonstrated. I did not mean to offend or hurt anyone's feelings when I asked you directly, you're not recognized, sit down, don't talk, but this is how meetings run. We want to have an orderly meeting so every participant has the opportunity to benefit from what took place.

**J. Comments from Planning Commissioners:** Commissioner Aprill thanked Chairman Bechtold for running a great meeting, it's a challenge to keep this thing on track, I think he's done an excellent job. He also thanked the public for being there and being respectful of the meeting.

**K. Comments from Staff:** Clarren echoed those comments and also thanked the Fire Department; your efforts today are very appreciated.

**L. Public Comment:** Jeff Dorsch E. Timberwoods Dr.

**M. Adjournment: MOTION BY COMMISSIONER MCDONALD, SECONDED BY COMMISSIONER LUTA TO ADJOURN MEETING AT 9:57 PM. MOTION PASSED 5-0.**

Respectfully submitted,  
Carrie Schaub  
Recording Secretary