

**CHARTER TOWNSHIP OF ELMWOOD
PLANNING COMMISSION
SPECIAL MEETING
Tuesday, May 23, 2023 at 7:00PM
Location: Elmwood Township Hall
(10090 E. Lincoln Road, Traverse City, MI)**

**Commission
Members:**
Rick Bechtold, Chair
Jeff Aprill, Vice-
Chair
Jonah Kuzma,
Secretary
Doug Roberts
Kendra Luta
Nathan McDonald
Chris Mikowski

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call
- D. Limited Public Comment- **Only on Agenda Items with no Public Hearing Process-** See Rules on Agenda
- E. Agenda Modifications/Approval
- F. Declaration of Conflict of Interest
- G. Purpose of the Special Meeting
 - a. Consent Calendar: Approve/Receive and File. The purpose of the Consent calendar is to expedite business by grouping non-controversial items together to be dealt with in one Board motion without discussion. Any member of the Board, staff or the public may ask that any item on the Consent Calendar be removed there from and placed elsewhere on the Agenda for full discussion. Such requests will be automatically respected.
 - ZA Report (March and April)
 - PC Annual Report
 - Notice of Upcoming Training Opportunities
 - Minutes: 3/21/23, 3/22/23, 4/11/23, and 4/18/23
 - b. Site Plan Review. SPR 2023-03, Request by GM LLC regarding property at 10240 E Cherry Bend Rd (parcel 004-320-001-00) for Site Redevelopment Project (parking lot)
 - c. Introduction. PC 2017-04-17, a Zoning Ordinance Amendment Request submitted by John Gallagher Jr, to reintroduce Special Event Facilities as a Special Use within the A-R Zoning District.
- H. Discussion on Zoning Ordinance
- I. Comments from the Chair
- J. Comments from the Planning Commissioners
- K. Comments from the Staff
- L. Public Comment
- M. Adjourn

Public Comment Rules:

This is an input option. The Commission will not comment or respond to presenters. Silence or non-response from the board should not be interpreted as disinterest or disagreement by the board.

- Speakers are asked, but not required, to identify themselves by name and address
- Limit comments to 3 minutes for limited public comment and 2 minutes for public comment at the end of the agenda
- Comments shall be addressed to the chair, not individual board members or others in the audience

CHARTER TOWNSHIP OF ELMWOOD
NOTICE OF SPECIAL PLANNING COMMISSION MEETING

PLEASE TAKE NOTE that the Planning Commission of the Charter Township of Elmwood will hold a special meeting on Tuesday May 23, 2023 at 7:00pm at the Elmwood Township Hall at 10090 E Lincoln Rd, Traverse City, MI 49684.

The purpose of said meeting is:

- a. Consent Calendar: Approve/Receive and File. The purpose of the Consent calendar is to expedite business by grouping non-controversial items together to be dealt with in one Board motion without discussion. Any member of the Board, staff or the public may ask that any item on the Consent Calendar be removed there from and placed elsewhere on the Agenda for full discussion. Such requests will be automatically respected.
 - ZA Report (March and April)
 - PC Annual Report
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- b. Site Plan Review. SPR 2023-03, Request by GM LLC regarding property at 10240 E Cherry Bend Rd (parcel 004-320-001-00) for Site Redevelopment Project (parking lot)
- c. Introduction. PC 2017-04-17, a Zoning Ordinance Amendment Request submitted by John Gallagher Jr, to reintroduce Special Event Facilities as a Special Use within the A-R Zoning District.

The public is invited to attend this Special meeting.

Individuals with disabilities who are planning to attend and require reasonable auxiliary aids should contact the Township Clerk by calling 231-946-0921

Posted: May 17, 2023
 9:30 am
 Elmwood Township Hall
 Connie Preston, Clerk

To: Elmwood Township Board
From: Sarah Clarren, Planner/Zoning Administrator
RE: April 2023 Planning and Zoning Report

PERMITS:	4/2023	4/2022	YTD 2023	YTD 2022
Single Family Dwelling	1	1	1	6
Attached SFD	0	0	0	0
Accessory Building	1	1	2	2
AG Building	2	0	3	0
Residential Addition	0	0	1	2
Deck	1	1	5	2
Sign	0	1	0	1
Commercial	1	0	2	2
Misc.	2	4	2	7
Total Permits	8	8	16	20
Fees Collected	\$690.93	\$517.20	\$1,240.93	\$1,228.52

Zoning Board of Appeals:

April Meetings – 4/5 Requests by Hill for property at 0 S Briar Dr, 0 E Pico Dr, & 10651 E Grandview Rd, for a 250' foot front yard setback variance for seasonal outside storage of recreational vehicles, boats, snowmobiles on trailers, and empty cradles. A portion of these properties have been used for said use since before the Township adopted zoning, but the property owners would like to expand the use. The areas of the desired expanded use within the pre-existing fence are shown on the plan submitted with the application. Granted.

May Meeting – 1) Extension Request - Case #2022-02 - Erik Gruber and Chris Millward for a front yard variance request regarding property at 10238 and 10240 E Cherry Bend Rd. The applicants received a 30 foot front yard setback variance to allow parking within the 30' front yard setback. 2) Extension Request - Case #2022-03 - Erik Gruber and Chris Millward for a variance to reduce the required parking ratio, which is based on floor area, regarding property at 10238 and 10240 E Cherry Bend Rd. The applicants received a variance to reduce parking ratio for offices within the NC zoning district from 1 space per 200 sf to 1 space per 270 sf.

Planning Commission:

April Meetings

- April 11 – Commission deliberations at the Fire Station on the proposed resort at Timberlee. After deliberations and decisions on multiple standards, Commission adjourned deliberations and scheduled special meeting at fire station on 4/18 to continue deliberations.
- April 18 – Regular meeting canceled due to no new business; Special Meeting held at Fire Station for continued Commission deliberations on the proposed resort at Timberlee. Commission moved to have alternative findings of fact prepared and to adjourn deliberations and schedule a subsequent special meeting on 5/24 at the Fire Station to continue deliberations.

May Meeting(s)

- 5/16 is scheduled regular meeting which will be cancelled. Special Meeting for regular business will likely be scheduled for 5/23. Agenda is not yet set, but is expected to, at minimum, contain text amendment submitted by Gallaghers to reintroduce special event facilities. Clarren is working with pending applications; hopeful to have at least one complete application for this meeting.
- 5/24 – Special Meeting at Fire Station for continued Commission deliberations on proposed resort at Timberlee.

Office Updates:

STRs. Township has issued 93 of 93 licenses. No applications on waitlist.

Grants. No word yet on Waterways Grant for Marina Phase 3C. Last year we heard back early June. Second round of MI Spark Grant opens on 5/1 with deadline on 6/26; will look at eligible projects for an application.

Work load. This will be a busy spring and summer. Staff has reviewed 3 SPR/SUP applications (found incomplete), received 1 more (pending review), and is aware of 4 other 'imminent' SPR/SUP applications. Depending on timing of complete applications, it's possible some reviews will have to be sent out to a consultant. If the workload remains this constant, the Board may want to consider an assistant.

To: Elmwood Township Board
From: Sarah Clarren, Planner/Zoning Administrator
RE: March 2023 Planning and Zoning Report

PERMITS:	3/2023	3/2022	YTD 2023	YTD 2022
Single Family Dwelling	0	3	0	5
Attached SFD	0	0	0	0
Accessory Building	1	1	1	1
AG Building	1	0	1	0
Residential Addition	0	1	1	2
Deck	2	0	4	1
Sign	0	0	0	0
Commercial	1	2	1	2
Misc.	0	1	0	1
Total Permits	5	8	8	12
Fees Collected	\$350	\$369.68	\$550.00	\$711.32

Zoning Board of Appeals:

March Meetings – None, last met 2/1/23 – referenced in last report.

April Meetings – 4/5 Requests by Hill for property at 0 S Briar Dr, 0 E Pico Dr, and 10651 E Grandview Rd, for a 250’ foot front yard setback variance for seasonal outside storage of recreational vehicles, boats, snowmobiles on trailers, and empty cradles. A portion of these properties have been used for said use since before the Township adopted zoning, but the property owners would like to expand the use. The areas of the desired expanded use within the pre-existing fence are shown on the plan submitted with the application.

Planning Commission:

March Meetings

- March 21 - 1) Extension Request. SPR-02 Staples Mixed Use - granted, 2) Public Hearing on text amendment to amend Section 2.2 Definitions to modify the definitions of ‘Club,’ Building Height,’ ‘Campground,’ ‘Motel,’ and add ‘hotel;’ amend Section 5.4 to have the use ‘Routine Essential Services’ align with section 9.8.B.1-3; amend Section 8.3-8.6 to streamline Site Plan Review; amend Section 9.5 to correct clerical error and to align extensions for Site Plan Review and Special Use Permits – sent to County and TB, 3) Public Hearing on text amendment to amend Section 2.2 Definitions to modify the definition of ‘Basement;’ amend Section 3.7 to incorporate NFIP Requirements– sent to County and TB.
- March 22 – SPR/SUP for a Resort at Timberlee – Limited Reopening of Public Hearing and Commission deliberations at the Fire Station. Limited Public Hearing open/closed; Commission deliberations set to occur on 4/11.

April Meetings

- April 11 – Commission deliberations at the Fire Station on the proposed resort at Timberlee.
- April 18 – TBD – depends on responses to completeness reviews of applications.

Office Updates:

- Parks & Rec Plan – the State has approved the Plan. Please advise if anyone wants a hard copy. Plan is available online.
- STRs. Township has issued 93 of 93 licenses. Two applications on waitlist.
- Grants. Submitted a Waterways Grant for Marina Phase 3C. Last year we heard back early June.
- Work load. This has been a busy winter/spring and it is shaping up to be a busy summer. Staff is aware of multiple projects that have been filed or will be filed ‘shortly’ which will require Site Plan Review / Special Use Permit. It is possible some reviews will have to be sent out to consultant. If the workload remains this constant, Board may want to consider an assistant.

Charter Township of Elmwood Planning Commission 2022 Annual Report

1. Introduction

The Planning Commission is an administrative body of seven residents comprised of six appointed officials and one elected official. The Planning Commission (PC) holds regular monthly, typically, on the third Tuesday of each month. The Planning Commission is tasked with reviewing applications for site plan review, special land uses, planned developments, and zoning amendments (map and text). The PC also is required to hold the necessary public hearings for zoning text amendments.

2. Purpose of the Annual Report

The Michigan Planning Enabling Act contains language of the requirement of the Planning Commission to prepare an annual report to the Township Board. Further, by preparing an annual report, it increases information-sharing between staff, boards, commission, and the governing body. It is also an opportunity for Staff to thank the Planning Commission for their dedication to civic service, attention to detail, and thorough review of every application.

3. Membership

Planning Commission Member	Term Expiration
Rick Bechtold, Chair	May 31, 2025
Jeff Aprill, Vice-Chair	June 7, 2026
Jonah Kuzma, Secretary	May 31, 2024
Chris Mikowski – Township Board Rep.	November 19, 2024
Doug Roberts	June 7, 2026
Kendra Luta	June 21, 2025
Nathan McDonald	June 21, 2025

4. Meetings (Michigan Planning Enabling Act requires four meetings annually)

The Elmwood Township Planning Commission met 16 times in 2022; three of which were special meetings and one was a rescheduled regular meeting. This meets the requirements of MPEA.

Meetings 2022	Rick Bechtold Chair	Jeff Aprill Vice-Chair	Jonah Kuzma Secretary	Doug Roberts	Nate McDonald	Kendra Luta	Chris Mikowski Town Board
January 18	P	P	P	E	P	P	P
February 15	P	P	P	E	P	P	P
March 8	P	P	P	E	P	P	P
April 19	P	P	P	P	P	P	P
*May 5 (workshop)	P	P	P	P	P	P	P
May 17	P	P	P	P	P	P	P
June 21	P	P	P	E	E	P	P
*June 28	P	P	P	P	P	P	P
July 19	P	P	P	P	P	P	P
August 16	P	P	E	P	P	P	P
September 20	P	P	P	P	E	P	P
October 6	P	P	P	P	E	P	P
October 18	P	P	P	P	P	P	P
November 15	P	P	P	P	P	E	P
December 13	E	P	P	P	P	P	P
*December 20	P	P	P	E	E	E	P
Present / Total Meetings	15/16	16/16	15/16	11/16	12/16	14/16	15/16
Meeting Attendance: P=Present E=Excused A=Absent * Special Meeting							

5. Master Plan Review

In 2022, the Commission reviewed its Mater Plan. It was ultimately decided that the Plan needs to be updated. Over the next two years, the Township will work with an TBD consultant, residents, and other stakeholders on the Master Plan.

6. Development Reviews (Planning Commission) and Variance Requests (ZBA)

Project Type	Location	Brief Description	Status	Date of Action
SPR/SUP	13336 S West-Bay Shore Dr	Marina with parking lot on landward side of M22	Approved with conditions	1/18/2022
SPR	13356 S West-Bay Shore Dr	Kaiser Building Motel	Approved with conditions	3/8/2022
Variance	10238 E Cherry Bend Rd	Reduce 30' front yard setback for parking to 0'	Approved	5/4/2022
Variance	10238 E Cherry Bend Rd	Reduce parking ratio from 1 space per 200 sf to 1 space per 270 sf.	Approved	5/4/2022
SPR	12868 and 12848 S West-Bay Shore Drive and 10702 and 10700 E Cherry Bend Road	Mixed Use Development	Approved with conditions	5/17/2022
Variance	9320 E Cherry Bend Rd	Reduce 50' front yard setback to 33' to replace existing dwelling	Approved with conditions	5/18/2022
Variance	10321 S Endres Hill Ct	Reduce 30' front yard setback to allow solar panels to remain	Approved	5/18/2022
SPR/SUP	8109 and 7827 E Traverse Hwy	Heritage Solar Array Expansion	Approved with conditions	6/28/2022
Variance	10406 S West-Bay Shore Dr.	Reduce 30' front yard to 28' to reconstruct porch	Approved with conditions	8/3/2022
SPR/SUP	9440 and 9432 S. Center Hwy	TC Whiskey; expansion of previously permitted distillery tasting room, offices, and visitor center	Approved with conditions	9/20/2022
SPR/SUP	0 Timberlee Dr., 10901 and 10800 S. Cottonwood Dr., and 0 E. Timberwoods Dr.	Resort	Deliberations in 2023	TBD
SPR	9510 E Cherry Bend Rd	Parking Lot at DeYoung	Approved with conditions	12/13/2022

7. Zoning Ordinance Text and Map Amendments

- ZO 2017-04-16 Map Amendment Request by Jim Hill to rezone Briar Drive (004-260-018-00), E Pico Drive (004-280-019-00) and 10651 E Grandview Road (004-028-122-00) from R-1 to NC. **Action:** adopted by the Township Board, effective December 2022
- ZO 2017-04-18, a Zoning Ordinance Amendment to amend Section 5.7 Accessory Buildings; amend Section 2.2 Definitions; amend Section 3.5, 3.12, and 3.13 to clarify language regarding dwellings; amend Section 5.6, table of dimensional requirements and its footnotes; amend Section 6.5 Lighting. **Action:** Hearing held in December 2022, adopted by the Township Board in March 2023. Will be effective in April 2023.
- ZO 2017-04-19, a Zoning Ordinance Amendment to amend Section 3.17 Temporary/Seasonal Uses and Structures. **Action:** Introduced to PC in November 2022, Hearing held in January. Tabled.

8. In Closing & Looking Forward

The Commission and ZBA have had a busy year. Throughout 2023, in addition to reviewing applications as they are submitted, the Commission will also begin process for updating Master Plan, review existing CIP and update as necessary, as required by Michigan Planning Enabling Act, review Zoning Ordinance for any necessary updates, and will hold quarterly work session meetings for review policies and ordinance, if necessary. The Commission has no recommendations to the Township Board at this time.

Approved by Planning Commission: TBD
Submitted to Township Board: TBD



Spring 2023 Citizen Planner via Zoom

A Land Use Training and Certificate Course for Community Land Use Decision-Makers

Begins Tuesday,
May 23, 2023

6:00—9:00 PM

Classes held via Zoom
May 23, 30, June 6, 13, 20,
and 27.

Classes will be delivered remotely via Zoom video conference. This is the Citizen Planner classroom program simply offered in a video conference (i.e. live webinar) format. Participants will need an internet connection, computer or mobile device not smaller than an iPad or tablet, speakers/headset or phone for audio. Participant materials will be mailed. Registration deadline is May 9, 2023.

Citizen Planner is a time-tested educational program proven to be comprehensive without being overwhelming. The program is delivered "locally" to provide a convenient way for busy community leaders to obtain the latest technical knowledge and the proficiency they need to perform their duties more effectively and responsibly.



Spring 2023 Citizen Planner LIVE via Zoom

Citizen Planner instructors include MSU Faculty, MSU Extension educators, planners and attorneys. The classroom program consists of six sessions:

- **Understanding the Planning and Zoning Context** – Learn the legal sources and limitations of planning and zoning authority, and explore your understanding of ethical decision-making.
- **Planning for the Future of Your Community** – Recognize the function and importance of a master plan, know the process for developing one and its relationship to zoning.
- **Implementing the Plan with Zoning** – Discover the importance of zoning, learn how zoning is administered and gain confidence in your zoning reviews, including site plans.
- **Making Zoning Decisions** – Learn how to adopt and amend a zoning ordinance, understand the role of the zoning board of appeals and obtain skills in basic property development methods.
- **Using Innovative Planning and Zoning** – Strategize with placemaking and design-based solutions for local and regional success in the New Economy.
- **Successfully Fulfilling Your Role** – Strengthen your ethical decision-making skills, apply standards to your decision-making and know when to ask for help.



Contact

Kara Kelly - Citizen Planner Coordinator

Email: cplanner@msu.edu

Visit: <http://citizenplanner.msu.edu>



Spring 2023 Citizen Planner via Zoom

Classes start Tuesday, May 23, 2023

Understanding the Planning and Zoning Context

Tuesday, May 23, 2023
6 p.m. – 9 p.m.

Planning for the Future or Your Community

Tuesday, May 30, 2023
6 p.m. – 9 p.m.

Implementing the Plan with Zoning

Tuesday, June 6, 2023
6 p.m. – 9 p.m.

Making Zoning Decisions

Tuesday, June 13, 2023
6 p.m. – 9 p.m.

Using Innovative Planning and Zoning

Tuesday, June 20, 2023
6 p.m. – 9 p.m.

Successfully Fulfilling Your Role

Tuesday, June 27, 2023
6 p.m. – 9 p.m.

Course Location

Connection information to be provided upon registration.

Alternate Contact

Tyler Augst - MSU Extension
augsttyl@msu.edu

Course Fee

The course fee is \$250 per participant for the complete core program. Group discounts (\$225/person), are available for four (4) or more participants from the same organization or unit of government. The fee covers registration and course materials. Participants that complete all six sessions will receive a certificate of completion.

How to Register

Online registration is available at:

<https://events.anr.msu.edu/Spring23CPZoom/>.

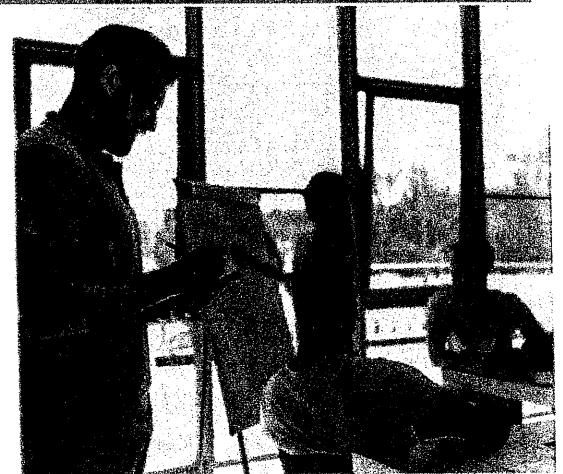
Payment can be made by credit card, check, or invoiced for payment. Group registration is also available online. **The registration deadline is May 9, 2023.** A \$45 cancellation fee is assessed if registration is canceled after the registration deadline.

Grants/Scholarships

A grant program, Risk Reduction Grant Program (RRGP), may be available from your community's liability insurance provider. Michigan Township Participating Plan offers to its municipal members one per community, which covers the complete registration cost for participation in the Michigan Citizen Planner Program. For more information, please visit us on the web at www.theparplan.com. For member governments of the Michigan Municipal Risk Management Authority (MMRMA), contact **Cara Ceci** at 800-243-1324 for more information regarding grants for education and training through the Risk Avoidance Program (RAP). For municipalities obtaining insurance through Nickel & Saph, Inc. Insurance Agency contact **Stephen R. Saph, Jr.** at 586-463-4573 or stephenjr@nickelsaph.com. Contact your local community liability risk insurance carrier to see if similar grants or scholarships are available.

Persons with Disabilities

Persons with disabilities may request accommodations by emailing Kara Kelly at cplanner@msu.edu two weeks prior to the event to ensure sufficient time to make arrangements. Request made less than two weeks prior to the event will be met if possible.



MSU is an affirmative action, equal-opportunity employer, committed to achieving excellence through a diverse workforce and inclusive culture that encourages all people to reach their full potential. Michigan State University Extension programs and materials are open to all without regard to race, color, national origin, gender, gender identity, religion, age, height, weight, disability, political beliefs, sexual orientation, marital status, family status or veteran status. Issued in fulfillment of MSU Extension work, acts of May 8 and June 30, 1912, in cooperation with the U.S. Department of Agriculture, under Title 16, Chapter 15, Section 1562a, this promotion is for educational purposes only. Reference to commercial products or trade names does not imply endorsement by MSU Extension or bias against those not mentioned.

ZBA ONLINE CERTIFICATE COURSE



A NEW MSU EXTENSION SELF-PACED TRAINING

The ZBA Online course is a unique and comprehensive Zoning Board of Appeals (ZBA) training designed to accommodate your schedule. The course includes six self-paced modules engaging the learner with videos, readings, and activities. Complete one module to meet a specific training need or take the full course to obtain a certificate. ZBA Online includes:

- Understanding Basic ZBA Roles & Responsibilities
- Effective Decisions and Ordinance Interpretations
- Hearing Appeals of Administrative Decisions
- Issuing Variances from Ordinance Standards
- Other Responsibilities of the ZBA: Nonconformities
- Circuit Court Review and Standards

Introductory Price: \$75 (Regularly \$125)

CRITICAL TRAINING FOR ZBA MEMBERS AND STAFF

The ZBA Online Certificate Course is designed for members of the local government ZBA, local government staff who work alongside the ZBA, and local government managers and attorneys.

The course is based in MSU's Desire to Learn (D2L) online learning platform and can be accessed 24/7 - individuals can do as much or as little at one time as fits their schedule. Connect with computer, tablet, or mobile.

The ZBA Online Certificate Course teaches the latest concepts on ZBA roles and responsibilities, effective decision-making, and protecting due process. The curriculum is based on the award-winning Citizen Planner Program and features ZBA-specific content, engaging activities, case studies, and the latest Michigan case law. Course completion includes an MSU Extension certificate.

To learn more or register, visit:

<http://www.extension.msu.edu/zbaonline>

Questions, contact the:
Citizen Planner Program

Email: cp@extension.msu.edu

Phone: 517-353-6472

MSU is an affirmative-action, equal-opportunity employer, committed to achieving excellence through a diverse workforce and inclusive culture that encourages all people to reach their full potential. Michigan State University Extension programs and materials are open to all without regard to race, color, national origin, gender, gender identity, religion, age, height, weight, disability, political beliefs, sexual orientation, marital status, family status or veteran status. Issued in furtherance of MSU Extension work, acts of May 8 and June 30, 1914, in cooperation with the U.S. Department of Agriculture, Quentin Tyler, Director, MSU Extension, East Lansing, MI 48824. This information is for educational purposes only. Reference to commercial products or trade names does not imply endorsement by MSU Extension or bias against those not mentioned.

2023 Master Citizen Planner Live Webinar Series

The 2023 Master Citizen Planner (MCP) Webinar Series is designed to offer participants the latest updates and information on current topics. Using [Zoom Webinar](#), MSU Extension educators will provide an overview of topics of interest to planning and zoning officials. Webinars fall on the third or fourth Thursday in April, May, June, September, October, and November. Webinars take place from 6:30-7:30 p.m. ET. Each session is available individually or participants can register for all six at once. All webinars will be recorded and sent to registrants.

2023 Topics include:

Michigan Demographic Trends, April 20 - *Tyler Augst and Dr. Jaclyn Butler, State Demographer*. Michigan has seen some drastic changes over recent decades that shape how local leaders plan for the future of their communities. Throughout our history, the state has seen periods of heavy in-migration, booms in births, recession driven outmigration, and more. The recent 2020 Census results showed that overall Michigan's population grew, but that growth is not equally distributed. This webinar will explore statewide trends, as well as regional variation within the state. Topics important to community planning like our aging population, racial-ethnic diversity, and sources of population growth will be discussed.

Zoning Conflict and the Public Meeting: the Who, Why, How and Best Practices for Next Time, May 25 - *Mary Reilly, AICP*. Most local governments are faced with a public meeting that becomes emotionally charged with conflicting viewpoints, we have all been there. Meetings like this can hinder a planning commission, zoning board of appeals, or other public body from doing their work and leave board members and staff feeling bewildered, wondering if anything could have been said or done to improve the tone of the meeting. While emotions and opinions are real and heartfelt, they don't fit neatly into our findings of fact. This interactive webinar will review the legal elements of required public participation as well as current trends and research on required public hearings versus other forms of engagement. Participants will learn best practices and tips for keeping meetings civil and productive.

Local Government Regulation of Mining in Michigan, June 22 - *Brad Neumann, AICP*. Current public policy in Michigan includes measures to fix the roads and electrify the economy. What both goals have in common is the need for additional natural resource extraction in the state. The Michigan Zoning Enabling Act details that local government can regulate but not prohibit the extraction of natural resources. Any such regulations must be "reasonable" in accommodating customary mining operations. Also, local governments cannot regulate anything pre-empted by Part 632 - Nonferrous Metallic Mining Regulations of the Natural Resources and Environmental Protection Act. This webinar will cover the extent to which local government can regulate mining activity and highlight related restrictions on zoning authority.

JULY – BREAK (no webinar)

AUGUST – BREAK (no webinar)

Local Hazard Mitigation Planning: Saving Lives One Plan at a Time, September 21 - *Harmony Gmazel, AICP*. Many but not all communities in Michigan have an adopted Hazard Mitigation Plan. We live in an era when hazardous weather, technological impacts and human activity increasingly cause losses of life and property. It is critical for today's planning officials to understand hazards and mitigate for their impacts. Join this interactive webinar for guidance and information regarding:

- Recent hazard trends in our state;
- Successful planning activities and partnerships;
- New planning trends related to increased resiliency;

Invitation to Engage: Interested attendees are invited to share their local hazard mitigation examples throughout the webinar.

Mending Communities through Reuse of Land and Storytelling, October 19 - *Kambriana Crank*. Communities across the country still experience the residual impact and trauma of historical events and those that still exist today. Segregation, poverty, racism, and violence just to name a few, continue on in communities with lack of resources for restoration. Through effective community engagement and substantial resources, local officials have the potential to implement change *with* community members in hopes to combat current day issues faced. One way we will explore this process of moving towards healing and mending harm between residents and local officials is through the reuse of vacant land or buildings.

2nd Annual Master Citizen Planner Showcase, November 16 - *Hosted by Harmony Gmazel, AICP*. Master Citizen Planner (MCP) is a status granted to people who complete the Citizen Planner Program and demonstrate commitment to continuing their own education each year. This showcase highlights the practical outcomes of that commitment. MCPs can be found doing incredible planning and zoning work for their communities across Michigan. Several MCPs from around the state will each give a short presentation on a unique project, topic, or case from their community. Join us to learn directly from your peers!

More information about becoming a Master Citizen Planner can be found [here](#). Current MCPs interested in presenting should reach out to the nearest land use educator.

Cost per webinar: \$10 for MCPs; \$20 for Regular Registrants

MCP Registration

Registration for The 2023 MCP Webinar Series - MCP Registration is **open**.

Registration closes at 11:59 p.m. on November 15, 2023.

MCP Registration

Regular Registration

If you are not a Master Citizen Planner (MCP) use this registration option.

Registration for The 2023 MCP Webinar Series - Regular Registration is **open**.

Registration closes at 11:59 p.m. on November 15, 2023.

Regular Registration

Accommodations

Michigan State University is committed to providing equal opportunity for participation in all programs, services and activities. Accommodations for persons with disabilities may be requested by contacting the event contact two weeks prior to the start of the event. Requests received after this date will be honored whenever possible.

Contact Information

For more information contact Kara Kelly, Citizen Planner Program Coordinator, at 517-353-6472 or cplanner@msu.edu.

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Alternate Contact

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augststyl@msu.edu

Course Fee

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Online registration is available at:

<https://events.anr.msu.edu/Spring23CPZoom/>.

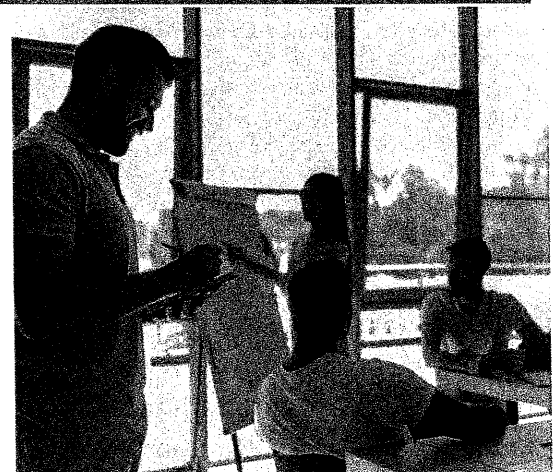
Payment can be made by credit card, check, or invoiced for payment. Group registration is also available online. **The registration deadline is May 9, 2023.** A \$45 cancellation fee is assessed if registration is canceled after the registration deadline.

Grants/Scholarships

A grant program, Risk Reduction Grant Program (RRGP), may be available from your community's liability insurance provider. Michigan Township Participating Plan offers to its municipal members one per community, which covers the complete registration cost for participation in the Michigan Citizen Planner Program. For more information, please visit us on the web at www.theparplan.com. For member governments of the Michigan Municipal Risk Management Authority (MMRMA), contact **Cara Ceci** at 800-243-1324 for more information regarding grants for education and training through the Risk Avoidance Program (RAP). For municipalities obtaining insurance through Nickel & Saph, Inc. Insurance Agency contact **Stephen R. Saph, Jr.** at 586-463-4573 or stephenjr@nickelsaph.com. Contact your local community liability risk insurance carrier to see if similar grants or scholarships are available.

Persons with Disabilities

Persons with disabilities may request accommodations by emailing Kara Kelly at cplanner@msu.edu two weeks prior to the event to ensure sufficient time to make arrangements. Request made less than two weeks prior to the event will be met if possible.



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Spring 2023 Citizen Planner via Zoom

A Land Use Training and Certificate Course for Community Land Use Decision-Makers

Begins Tuesday,

May 23, 2023

6:00—9:00 PM

Classes held via Zoom

May 23, 30, June 6, 13, 20, and 27.

Classes will be delivered remotely via Zoom video conference. This is the Citizen Planner classroom program simply offered in a video conference (i.e. live webinar) format. Participants will need an internet connection, computer or mobile device not smaller than an iPad or tablet, speakers/headset or phone for audio. Participant materials will be mailed. Registration deadline is May 9, 2023.

Citizen Planner is a time-tested educational program proven to be comprehensive without being overwhelming. The program is delivered "locally" to provide a convenient way for busy community leaders to obtain the latest technical knowledge and the proficiency they need to perform their duties more effectively and responsibly.



Spring 2023 Citizen Planner LIVE via Zoom

Citizen Planner instructors include MSU Faculty, MSU Extension educators, planners and attorneys. The classroom program consists of six sessions:

- **Understanding the Planning and Zoning Context** – Learn the legal sources and limitations of planning and zoning authority, and explore your understanding of ethical decision-making.
- **Planning for the Future of Your Community** – Recognize the function and importance of a master plan, know the process for developing one and its relationship to zoning.
- **Implementing the Plan with Zoning** – Discover the importance of zoning, learn how zoning is administered and gain confidence in your zoning reviews, including site plans.
- **Making Zoning Decisions** – Learn how to adopt and amend a zoning ordinance, understand the role of the zoning board of appeals and obtain skills in basic property development methods.
- **Using Innovative Planning and Zoning** – Strategize with placemaking and design-based solutions for local and regional success in the New Economy.
- **Successfully Fulfilling Your Role** – Strengthen your ethical decision-making skills, apply standards to your decision-making and know when to ask for help.

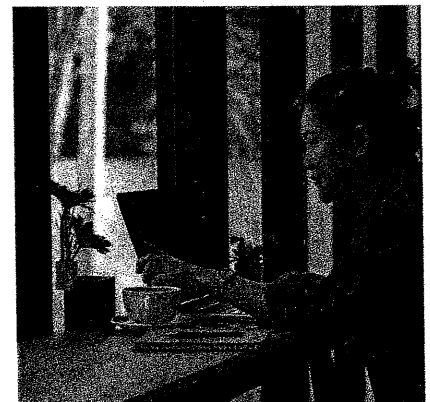


Contact

Kara Kelly - Citizen Planner Coordinator

Email: cplanner@msu.edu,

Visit: <http://citizenplanner.msu.edu>



2023 Master Citizen Planner Live Webinar Series

The 2023 Master Citizen Planner (MCP) Webinar Series is designed to offer participants the latest updates and information on current topics. Using [Zoom Webinar](#), MSU Extension educators will provide an overview of topics of interest to planning and zoning officials. Webinars fall on the third or fourth Thursday in April, May, June, September, October, and November. Webinars take place from 6:30-7:30 p.m. ET. Each session is available individually or participants can register for all six at once. All webinars will be recorded and sent to registrants.

2023 Topics include:

Michigan Demographic Trends, April 20 - *Tyler Augst and Dr. Jaclyn Butler, State Demographer*. Michigan has seen some drastic changes over recent decades that shape how local leaders plan for the future of their communities. Throughout our history, the state has seen periods of heavy in-migration, booms in births, recession driven outmigration, and more. The recent 2020 Census results showed that overall Michigan's population grew, but that growth is not equally distributed. This webinar will explore statewide trends, as well as regional variation within the state. Topics important to community planning like our aging population, racial-ethnic diversity, and sources of population growth will be discussed.

Zoning Conflict and the Public Meeting: the Who, Why, How and Best Practices for Next Time, May 25 - *Mary Reilly, AICP*. Most local governments are faced with a public meeting that becomes emotionally charged with conflicting viewpoints, we have all been there. Meetings like this can hinder a planning commission, zoning board of appeals, or other public body from doing their work and leave board members and staff feeling bewildered, wondering if anything could have been said or done to improve the tone of the meeting. While emotions and opinions are real and heartfelt, they don't fit neatly into our findings of fact. This interactive webinar will review the legal elements of required public participation as well as current trends and research on required public hearings versus other forms of engagement. Participants will learn best practices and tips for keeping meetings civil and productive.

Local Government Regulation of Mining in Michigan, June 22 - *Brad Neumann, AICP*. Current public policy in Michigan includes measures to fix the roads and electrify the economy. What both goals have in common is the need for additional natural resource extraction in the state. The Michigan Zoning Enabling Act details that local government can regulate but not prohibit the extraction of natural resources. Any such regulations must be "reasonable" in accommodating customary mining operations. Also, local governments cannot regulate anything pre-empted by Part 632 - Nonferrous Metallic Mining Regulations of the Natural Resources and Environmental Protection Act. This webinar will cover the extent to which local government can regulate mining activity and highlight related restrictions on zoning authority.

JULY – BREAK (no webinar)

AUGUST – BREAK (no webinar)

Local Hazard Mitigation Planning: Saving Lives One Plan at a Time, September 21 - *Harmony Gmazel, AICP*. Many but not all communities in Michigan have an adopted Hazard Mitigation Plan. We live in an era when hazardous weather, technological impacts and human activity increasingly cause losses of life and property. It is critical for today's planning officials to understand hazards and mitigate for their impacts. Join this interactive webinar for guidance and information regarding:

- Recent hazard trends in our state;
- Successful planning activities and partnerships;
- New planning trends related to increased resiliency;

Invitation to Engage: Interested attendees are invited to share their local hazard mitigation examples throughout the webinar.

Mending Communities through Reuse of Land and Storytelling, October 19 - *Kambriana Crank*. Communities across the country still experience the residual impact and trauma of historical events and those that still exist today. Segregation, poverty, racism, and violence just to name a few, continue on in communities with lack of resources for restoration. Through effective community engagement and substantial resources, local officials have the potential to implement change *with* community members in hopes to combat current day issues faced. One way we will explore this process of moving towards healing and mending harm between residents and local officials is through the reuse of vacant land or buildings.

2nd Annual Master Citizen Planner Showcase, November 16 - *Hosted by Harmony Gmazel, AICP*. Master Citizen Planner (MCP) is a status granted to people who complete the Citizen Planner Program and demonstrate commitment to continuing their own education each year. This showcase highlights the practical outcomes of that commitment. MCPs can be found doing incredible planning and zoning work for their communities across Michigan. Several MCPs from around the state will each give a short presentation on a unique project, topic, or case from their community. Join us to learn directly from your peers!

More information about becoming a Master Citizen Planner can be found [here](#). Current MCPs interested in presenting should reach out to the nearest land use educator.

Cost per webinar: \$10 for MCPs; \$20 for Regular Registrants

MCP Registration

Registration for The 2023 MCP Webinar Series - MCP Registration is **open**.
Registration closes at 11:59 p.m. on November 15, 2023.

MCP Registration

Regular Registration

If you are not a Master Citizen Planner (MCP) use this registration option.

Registration for The 2023 MCP Webinar Series - Regular Registration is **open**.

Registration closes at 11:59 p.m. on November 15, 2023.

Regular Registration

Accommodations

Michigan State University is committed to providing equal opportunity for participation in all programs, services and activities. Accommodations for persons with disabilities may be requested by contacting the event contact two weeks prior to the start of the event. Requests received after this date will be honored whenever possible.

Contact Information

For more information contact Kara Kelly, Citizen Planner Program Coordinator, at 517-353-6472 or cplanner@msu.edu.

**Charter Township of Elmwood
Planning Commission
Regular Meeting
March 21, 2023
7:00 PM**

A. Call to Order: Chairman Bechtold called the meeting to order at 7:00 PM.

B. Pledge of Allegiance: The Chair led the Pledge of Allegiance.

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

D. Limited Public Comment: None

E. Agenda Modifications/Approval: MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER LUTA TO APPROVE THE AGENDA AS PRINTED. MOTION PASSED 6-0.

F. Minutes- February 21, 2023: MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER MCDONALD TO APPROVE THE MINUTES OF FEBRUARY 21, 2023 AS PRESENTED. MOTION APPROVED UNANIMOUSLY.

Minutes: February 28, 2023: MOTION BY COMMISSIONER LUTA, SECONDED BY COMMISSIONER APRILL TO APPROVE THE MINUTES OF FEBRUARY 28, 2023 AS PRINTED. MOTION PASSED UNANIMOUSLY.

G. Consent Calendar: N/A

H. Declaration of Conflict of Interest: None

I. Old Business: None

J. New Business:

a. Extension Request SPR 2022-02 Staples Mixed Use: MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER LUTA TO GRANT A 1 YEAR EXTENSION TO SPR 2022-02 STAPLES MIXED USE. MOTION PASSED UNANIMOUSLY.

b. Public Hearing ZO 2017-04-20 - a Zoning Ordinance Amendment to amend Section 2.2 Definitions to modify the definitions of "Club", "Building Height", "Campground", "Motel", and add "hotel" amend Section 5.4 to have the use "Routine Essential Services" align with section 9.8.B. 1-3; amend Section 8.3-8.6 to streamline Site Plan

Review; amend Section 9.5 to correct clerical error and to align extensions for Site Plan Review and Special Use Permits.

The Chair read the statement to open the public hearings for J.a. and J.b. Public hearing opened at 7:22 p.m.

Public comment opened at 7:22 p.m.: None

Public comment closed at 7:23 p.m.

MOTION BY COMMISSIONER LUTA, SECONDED BY COMMISSIONER KUZMA TO CLOSE THE PUBLIC HEARING FOR ZO 2017-04-20. MOTION APPROVED UNANIMOUSLY.

Public hearing closed at 7:24 p.m.

Staff noted that when they have time, she likes to go through the Zoning Ordinance to keep track of proposed changes to align with other municipalities, state law, or correcting errors. She indicated that the proposed text was discussed at the last meeting during introduction, so she won't go through them item by item unless the Commission wants to. As previously discussed, the changes clarify the intent, correct an error, or align the Zoning Ordinance's definitions with state or federal definitions.

MOTION BY COMMISSIONER MCDONALD, SECONDED BY COMMISSIONER LUTA TO APPROVE ZO 2017-04-20 RECOMMEND TO THE TOWNSHIP BOARD AND FORWARD IT ONTO THE COUNTY WITH THE TEXT ADDED "TYPICALLY" WITHIN THE MOTEL DEFINITION. MOTION PASSED UNANIMOUSLY.

c. Public Hearing Zo 2017-04-21 – a Zoning Ordinance Amendment to amend Section 2.2 Definitions to modify the definition of "Basement", amend Section 3.7 to incorporate NFIP Requirements.

Public Hearing opened at 7:37 p.m.

Public comment opened at 7:37 p.m.: None

Public comment closed at 7:38 p.m.

MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER KUZMA TO CLOSE THE PUBLIC HEARING FOR ZO 2017-04-21. MOTION PASSED UNANIMOUSLY.

Public hearing closed at 7:39 p.m.

The Chair noted they are changing the definition of basement to conform with the preferred language in the National Flood Insurance Program.

Staff stated that the proposed changes are recommended by the Michigan State Floodplains Coordinator and are required if the Township may continue to participate in the National Flood Insurance Program.

The Commissioners discussed the definition of a basement. Staff again noted that the proposed text is from a federal definition and the proposed amendment would align the definition with that of the federal definition. She also mentioned the same text was before the Commission at the prior meeting and what is being proposed is from the State in order to conform with the Federal Program.

MOTION BY COMMISSIONER LUTA, SECONDED BY COMMISSIONER KUZMA TO APPROVE ZO 2017-04-21 RECOMMEND TO THE TOWNSHIP BOARD AND FORWARD TO THE COUNTY IN ACCORDANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM AND COMPLY WITH ALL APPLICABLE STATUTORY AND REGULATORY REQUIREMENTS.

DISCUSSION.

MOTION APPROVED BY A UNANIMOUS VOTE.

K. Discussion on Zoning Ordinance: Sarah Clarren noted one of the Commissioners recently asked her to review the Zoning Ordinance and how basement fits into the ZO. She said the word "basement" is stated 3 times in the ZO, twice in the definition of basement, and a third time in is in the definition of commercial use which states, the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wears, merchandise, or personal services or the maintenance of service offices, or recreation or amusement enterprise, or a garage/basement sales operating more than 12 times in a year.

L. Comments from the Chair: Chairman Bechtold thanked the Commissioners for their diligence and he's looking forward to seeing them tomorrow.

M. Comments from Planning Commissioners: Commissioner McDonald wanted to make sure they were going to have a quorum for tomorrow's meeting.

Commissioner Mikowski commented that she would not be there.

Sarah Clarren stated they would have a quorum.

The Chair said yes, they would have 5 out of 7.

N. Comments from Staff: Staff thanked Commissioners for their continued patience. Moving forward the office will be quite busy, they have quite a few applications in the pipeline.

O. Public Comment: Nate Griswold, Jen and Winter Viren

P. Adjourn: MOTION BY COMMISSIONER LUTA, SECONDED BY COMMISSIONER MCDONALD TO ADJOURN MEETING AT 8:07 PM. MOTION PASSED UNANIMOUSLY.

**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 3rd. 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 10th 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 3rd 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 18th 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. 8th 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 tinter 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 beholding 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 its 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 run off 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 30th. 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 11TH, 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

**Charter Township of Elmwood
Planning Commission
Special Meeting
Elmwood Township Fire Department Fire Bay
April 11, 2023
6:30 PM**

A. Call to Order: Chairman Bechtold called the meeting to order at 6:30 PM.

B. Pledge of Allegiance: The Chair led the Pledge of Allegiance.

C. Roll Call: Present: Chris Mikowski, Kendra Luta, Jeff Aprill, Jonah Kuzma, Rick Bechtold
Nate McDonald (6:33 p.m.) **Excused:** Doug Roberts

The Chair announced before I get into the limited public comment, I'm going to have Chief Tampa explain the exits and any safety concerns.

Chief Tampa gave a brief overview for safety.

D. Limited Public Comment: The Chair noted, the purpose of tonight's meeting is for the Commission to enter into its deliberations based on the applicant's information submitted, public comment, everything we've received in prior meetings. So, if you wish to make a public comment now, it cannot address Wellevity. You can address the agenda, but to bring up a point about Wellevity, that will be ruled out of order because that period of public comment has been closed.

Marc McKellar asked for a matter of clarification, I want to make sure as the applicant we'll have an opportunity outside of public comment to make our initial responses, it's our burden prior to deliberations, just a short reiteration from events before, it'll just be a recap.

Attorney Graham, responded, Mr. Chairman, the public hearing is over and so the only time the applicant or a member of the public can comment on Wellevity is in direct answers to questions posed by the Commissioners. There'll be no further presentations allowed tonight because the public hearing is closed.

Marc McKellar replied, we'll respond accordingly then.

Attorney Graham added, this is intended for discussion amongst the Commissioners.

E. Agenda Modifications/Approval: MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER LUTA TO MODIFY THE AGENDA REMOVING ITEM H. MOTION APPROVED 6-0.

MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER MIKOWSKI TO APPROVE THE AGENDA AS MODIFIED. MOTION PASSED UNANIMOUSLY.

F. Declaration of Conflict of Interest: None

G. Purpose of Special Meeting: 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.

Attorney Bryan Graham had a conversation with Commissioner Mikowski. He asked, Chris it's my understanding you were not here at the public hearing on March 22, is that correct?

Commissioner Mikowski responded, that's correct.

Attorney Graham asked, and since that time, have you reviewed the recordings and record that was made at that public hearing?

Commissioner Mikowski responded, yes, I did.

Attorney Graham asked, and you reviewed all the exhibits that were submitted?

Commissioner Mikowski responded, yes.

Attorney Graham asked, so you feel prepared to go forward in your deliberations?

Commissioner Mikowski responded, yes.

Chairman Bechtold said, we're at the point of deliberations. We have reviewed the application and the pertinent documents in support for the application. We have received a large volume of public comment both oral and written and I want to take this point to thank the public for providing public comment and thank you for your interest in this project. During deliberations, we will be starting with Section 8.4. I have asked the Zoning Administrator to prepare a draft Findings document for us to use as an outline as we go through. This will allow for an efficient use of our time and it will also make sure that we have all the items in the order that we need to consider them and we've not omitted anything.

Attorney Graham noted, it's important for not only the Commissioners to understand, but for the public to understand, that these draft Findings are only drafts. They are intended to provide assistance to the Commission when you're discussing the various standards and the various pieces of evidence that were submitted. You should feel free to change, modify, add to, subtract from, those proposed Findings. It's been my experience over the last 30 years, if you try to start with a blank sheet of paper in a meeting like this, to draft your

Findings, it's difficult, but it works to always start with a document and then modify that document as you believe is appropriate.

The draft Findings were distributed to Commissioners and the public.

Chairman Bechtold said to Commissioners, page 2 of 26 is a collection of the pertinent information regarding the property owner, the applicant, the Engineering group, the Surveyor, Hearing date, Case number, property descriptions, and there is an introduction regarding the application. Starting our deliberations, we will begin on page 3 of 26, Section 8.4, Requirements for Site Plan Approval.

Attorney Graham said Mr. Chair, before you go on to that, for page 2, I want to make sure that everyone on the Commission is comfortable with the way that language is provided in the document.

The Chair asked, is there anyone on the Commission who has a concern about the way this was organized or presented? As counsel said, there will most likely be modifications to this as we go through it, that's the purpose of our deliberations, to analyze the areas and to ascertain whether or not the Standard has been met.

Attorney Graham added, make sure the record is clear, no Commissioner wants changes on page 2 and on the top half of page 3?

Staff said, I would just propose a couple of modifications. The Hearing date is listed as February 28th. I would note that was adjourned to March 2nd due to capacity issues, and on page 3 of 26 adding adjourn to March 22nd at the Elmwood Township Fire Station due to exceeding capacity, and then a statement regarding the limited reopening of the public hearing, the hearing was opened and closed on March 22nd. At that meeting the Commission moved to adjourn deliberations to April 11th, 2023 at the Elmwood Township Fire Station.

The Chair continued, do any of the Commissioners have concerns or questions regarding the items in Section 8.4?

Commissioner Luta asked, Sarah, has the seal been provided for the engineering plans?

Sarah responded, the seal has not been provided, it can be conditioned, the Commission typically does condition that.

The Chair said, going back to page 3 of 26, any concerns with items 1-8? Hearing none, moving to page 4 of 26, items 9-27. Just to be clear, Sarah when you have in parentheses for example sheet L 4.0, that was the plate number for the large blue prints?

Sarah responded, that is correct.

Commissioner Kuzma said, 16 & 18, I know that it says provided, but wasn't there some discussion as to the adequacy of 16 & 18?

Sarah answered, the requirements in 8.4 are regarding the location, not whether or not they're adequate, that is essentially later on in the Ordinance.

The Chair said, another way to think about this particular section, it's like a checklist to make sure you have all of the elements recorded by some type of evidence one way or the other and then as we get further into the deliberation and into the process, we'll be addressing that in other Standards. Any concerns with items 9-27? Hearing none, moving to page 5 of 26 items 28-37 any concerns? Hearing none, are there any concerns with section 8.4 items 1-37? So, we're in agreement those have been met?

Commissioner Kuzma said, except for 6, right? That will be conditioned?

The Chair said, yes, that will be conditioned. Moving on to section 8.5 review and approval for Site Plan Review, item b1.

Commissioner Mikowski said, I'd say that's a yes.

The other Commissioners said yes.

The Chair said, that Standard has been met.
He moved on to section 8.5, b2.

Commissioner Luta asked, is this the one that shows up later that I mentioned? Do we address it now or wait until later?

The Chair responded we can defer it until we get into section 8.5 b4. Moving on to section 8.5 b3.

Staff noted, this is the same situation where the Standard is addressed later on, so the Commission could defer the Findings until later. I believe the first item there might be more discussion on b5, compliance with all non-zoning Ordinances adopted by the Township including but not limited to the private road Ordinance on the top of page 7 of 26.

The Chair said, we'll defer until section 9.8.a.4. 8.5 b4. This is typically one we come back to so we'll defer on this one. 8.5 b5.

Staff asked, does the Planning Commission have any questions or would like any modifications to this item?

Commissioner Luta asked, can I get some clarity on private road Ordinance and how that relates to this proposal being within a private road and the role of the Planning Commission and what we have jurisdiction over?

Attorney Graham stated, I have looked at the current language of your private road Ordinance and the way it is currently written, the Private Road Ordinance does not apply to this development, and the reason for that is that the development's going to be run as a single business entity, there's not multiple businesses, and so therefore you do not need to comply with the Private Road Ordinance the way it's written now.

Staff said, in other words the extension. It's more like a driveway, so they have access into the parcel using an existing private road, so any extension because it's all under one ownership, it's all going to be owned and operated under one ownership. The Private Road Ordinance reads the Planning Commission cannot require them to conform to the Private Road Ordinance for that extension. It's not an extension of a private road, it's essentially an extension of a driveway, it doesn't fall under a private road.

The Chair asked, how do the Commission find?

Commissioner Kuzma said, yes.

Commissioner Mikowski said, yes.

The Chair asked if there was agreement that it has been met?

Commissioner Luta said, yes.

Commissioner McDonald said, yes.

The Chair said, we'll mark this one as met.

The Chair moved to 8.5 b6

Commissioner Mikowski said, yes.

Commissioner Luta asked, do we know how much clearing there would be on top, I don't know if it would specifically pertain to this.

The Chair replied, a little bit later in our deliberations. Isn't there a reference to that? As I recall it's a 100- acre parcel.

Commissioner Kuzma interjected, doesn't (d) address that?

The Chair responded, yes.

Staff said, if you do want to modify it, this is also on sheet l 2.0, the proposed development on undisturbed land is 2.4 acres. Only 2.4 acres of the 100-acre site.

The Chair asked, you're suggesting that be inserted?

Staff replied, if the Commission wants to insert it.

Commissioner Luta said, I would like to insert that.

The Chair asked the Commissioners, would that help clarify that?

Commissioner Kuzma responded, yes, I think we should add that.

Commissioner Aprill said, it says all buildings and structures shall be designed, constructed, operated, and maintained so as to be harmonious and compatible. The roads back there are a neighborhood and I don't know how you could be harmonious and compatible with that neighborhood and have this type of structure.

The Chair said, I guess when I read this, I was looking at the buildings and structures and nothing else. The design would be appropriate or in good taste so it would not draw unnaturally from the area in appearance. I was thinking of the style and design of the buildings being compatible versus going to and from the project.

Commissioner Aprill responded, I have to read the words in the sentence and it says intended character of the general vicinity. The general vicinity is all residential and I don't know how this is compatible with that residential neighborhood.

Attorney Graham stated, what you have to understand though, the Zoning Ordinance authorizes a resort in that district, so to fulfill the requirements of the Zoning Ordinance, you have to look at the resort as being an allowed use. I think this is really intending to say if you're putting a development inside of a residential area, here we're putting it on top of a hill and the residential neighbors are neighbors of that and not within if you will.

Commissioner Aprill responded; I would disagree. The neighborhood, especially on the roads getting back there are residential, it's a residential neighborhood.

Attorney Graham said, I understand your issue with the roads is legitimate, but that's going to be coming up later.

Commissioner Aprill said, I'm not talking about the roads, I'm looking at the words in item 6.

Staff said, the Standard specifically starts off by saying all buildings and structures, so that is everything that is subsequent to that, it's important but it doesn't fall under this Standard. This is specifically, are the buildings and structures designed and constructed to be operated and maintained so as to be harmonious, compatible, and appropriate. These are the buildings and structures, not the roads, not the access.

Commissioner Aprill stated, I wasn't talking about the roads or the access, it's a residential neighborhood, how can the buildings of this nature be compatible with residential homes.

The Chair said, the way I looked at it, the area is zoned resort commercial. We have residences that are built in that area adjacent, so if we are using the identification of the zoned approval of that land, we look at the proposed buildings and structures being in harmony with the ruralness of the area.

Attorney Graham said, you must also recognize that you're dealing with 2 different zoning districts. You have a resort district where a resort is being proposed. The residential homes are in a residential district even though those districts are contiguous. The Planning Commission can make a Findings they feel is appropriate, but I'm going to tell you as the Township Attorney, I would have a difficult time defending that Finding in court if that's the Finding that you want to make. I would suggest that we hear from other Commissioners as to whether they agree or disagree with Commissioner Aprill.

Commissioner Kuzma responded to Commissioner Aprill, I understand what you're saying, I think from counsel and from what the Chair has said, I think they're looking at that in terms of the building envelope and not necessarily the character of the adjacent R1 district.

Commissioner Aprill replied, as was stated earlier, that we can't look at the roads as an issue. This one specifically says "of the general vicinity". Does it meet the character of the general vicinity? It's got to be no in my opinion.

The Chair asked, anymore discussion on this or do we want to vote whether we think this has been met or not?

Commissioner Kuzma asked, can we come back to this?

The Chair stated, we can return to this. Moving on to 8.5 b7.

Commissioner Luta said, I think this one is difficult because no matter what is up there, it's going to have an adverse effect upon the owners and occupants of the neighborhood regarding noise in particular. I know we don't have a noise Ordinance so there's not much we can do with that, but I'm just wondering how would you not have adverse effects on something that's going to have noise and events on top of the hill. I think this is a difficult one in general because you could argue either way. I think that's something to be considered when you look at adverse effects.

The Chair said, I struggle with that a little bit. It was hard for me to predict an adverse effect on something that has not yet happened. If that were to be rezoned to R1, that would support over 300 home sites.

Staff said, that is a Finding that is proposed on the bottom of 18 of 26, I know that's skipping ahead, but the Commission should note that the property owner by right could construct 19 homes, this is under current zoning, under rural resort, minimum lot size is 5 acres. If rezoned to match other adjacent parcels zoned R1 using the minimum lot size of

12,500 square feet, the property owner by right could construct 348 homes. If rezoned to match other adjacent parcels zoned R3, using the minimum lot size of 6,250 square feet, the property owner by right could construct 696 new homes. That doesn't take into consideration the access, but it would need to be an extension of a private road, it's just taking the minimum lot size, and dividing 100-acres by that minimum lot size.

Commissioner McDonald said, to me I think this is a no mainly because what it states, minimizing any adverse effects upon owners and occupants of adjacent properties. I don't see how during the construction of this or during its operational time that it wouldn't have adverse effects.

Attorney Graham responded, be more specific. Most of the comments I've heard so far, that are really opposed to this development are related to the roads and I understand that because there are good facts on the record that would support a Finding dealing with the roads. Here we are talking about buildings and structures. In the resort itself, remember you're focusing on the resort. Are the buildings and structures that are going to be built on top of the hill going to have an adverse impact on the general neighborhood. That's the real question. Not the traffic that's driving through the neighborhood. We're going to get to those issues, but not under this Standard.

Commissioner Aprill said, I think you missed out a key word in those first 3 words, it says building, structures, and entryway. I think that's probably what Commissioner McDonald was looking at. The buildings and structures, they're on top of a hill, they're beyond the neighborhood, it's the entryway that's the issue.

Commissioner McDonald added, it also does say design. So, the entryway thereto, me thinking design.

Attorney Graham said, and what facts do you want to then use to support that Finding?

Commissioner Aprill answered, the facts I would use is the entryway goes through a private neighborhood.

Attorney Graham replied, but entryway in that regard, I think you're talking about a curb cut. You're now going back to the adequacy of the roads.

Commissioner Aprill responded I think if it wanted to say curb cut, it should have said curb cut.

Commissioner Kuzma addressed counsel, the design portion of this, doesn't this speak to the people who spoke about concerns for the groundwater, the runoff, the septic, all that stuff? Aren't we at the point where we're looking at those things?

The Chair said, a little further on in our deliberations.

Commissioner Kuzma said, I just want to make sure we're not passing by something.

The Chair answered, I had this set up the way it was to look at everything very carefully and not omit anything.

Commissioner Aprill said, if you're just going to look at the buildings, structures, and entryway, then (a) shouldn't apply because that's talking about vegetation and screening.

The Chair responded, I guess I looked at entryway as the driveway up to the development.

Commissioner Kuzma said, I agree with that, I think that speaks to what we were going back and forth with on the prior one as the building envelope. Is it compatible, are the structures, buildings, and entryways situated in accordance to how they naturally fit and I think yes.

The Chair polled the Commissioners for #7.

Commissioner Mikowski-yes

Commissioner Kuzma-yes

Commissioner Luta-yes

Commissioner April-no

Commissioner McDonald-no

Chairman Bechtold-yes

Chairman Bechtold stated that Standard has been met.

The Chair moved on to #8 saying, I just want to draw your attention to Chief Tampa's subsequent letter of December 20, 2022.

Commissioner Aprill said, there was a Greg Thomas that submitted an in -depth letter and he had a pretty good list of credentials and proceeded to ask him questions.

Greg Thomas was allowed to speak and gave an overview of the letter he submitted in accordance with the timeframe for the limited reopening of the public hearing.

The Chair said, with respect to the Fire Chief's letter, it was submitted, there was ample time for the public to review it and during the public comment periods, the detail in which you spoke tonight could have been brought up earlier.

Commissioner Kuzma said, it sounds like there was a dispute on this, is this something that could be conditioned?

Attorney Graham responded; you cannot condition everything that deals with a Standard. In order for a development to be approved the applicant must establish that the Standard has been met. If you have difficulties with a Standard, you ultimately do have to make a decision yes or no whether the Standard has been met.

Commissioner Kuzma said, so if Chief Tampa said it's been met, that should be good enough.

The Chair stated, our Standard is all buildings and structures are accessible to emergency vehicles. The Chief took equipment out there and did a trial run and the .3% increase in grade over the Standard that was originally used, it was his professional opinion that he could get up there and address whatever concerns there might be. I think we have to focus on the Chief's report and his opinion based on his actually taking equipment up there.

Commissioner Kuzma responded; I agree.

Commissioner Aprill said, my only question is, more in the line of accessibility can you make that 11.3% grade in the winter time.

Commissioner McDonald asked, the water supply recommendations, are those requirements or recommendations?

Staff responded, water storage is ultimately reviewed by another agency, so we do not have detailed specs. There are fire hydrant locations shown on the plans. Location for wells are shown on the plans, but specific specs are by another outside agency.

The Chair asked the applicant to address the proposed on-site water availability for fire suppression.

Marc McKellar responded, that is correct, the application includes NFPA 22 tanks and fire suppression. That is a condition of approval. We would be obligated because we're saying we're going to do it, to do it. The amount of capacity and obligation in terms of the flow are determined by a third party, a review agency. However, having those sprinkler systems having the tank, has to be sufficient under the code and it is a condition we offered and we would be subject to getting approval. The test in January of the road, the travel, that's the current grade which is greater than the proposed grade and it's not an improved road at this point or maintained.

The Chair asked Commissioners, how do you find for #8?

Commissioner Kuzma-yes

Commissioner Mikowski-yes

Commissioner Luta wanted to hear from Chief Tampa.

Chief Tampa stated, at the time we did an on-site visit, prior to that, looking at what was submitted regarding the grade, it looked like an overall improvement, a lessening of the grade down from over 12% down to 11.3%. Having been up there a couple times with vehicles, the improvement looking at the maintenance of it, it's my belief we won't have an issue getting up there. The drive access is something I would require.

The Chair asked Chief, when you reviewed the site plan, the proposed roads and driveways, you felt were adequate based on the criteria you need to get equipment in and out and around?

Chief Tampa responded, yes, the distance out to that place is more of a concern like driving to anything far in the Township, there's going to be a delay, but what was proposed on the documents I received, the widths, the radius, our ability to get around the site, that all seemed adequate. Regarding our ambulance, we purchased a 4x4 because we know the grades and the roads in the Township aren't always perfect. I'm not too concerned about getting an ambulance up there, I'm not concerned about getting the fire truck up there provided they maintain the road.

The Chair asked Commissioner Luta, do you have any other questions or concerns with access?

Commissioner Luta responded, no and I would say it has been met.

The Chair asked Commissioner Aprill.

Commissioner Aprill said, that's a tough one, there's such mixed opinions there. I talked to other Townships, I've talked to Solon Township and they require 10% maximum grade, and you have to do that through a special use, so that's why I questioned it to start with because I know that's their standard, their standard is 7% but you can get a special permit that will allow it up to 10%, but not 11%. I have questions, I trust Chief Tampa, but I'm quite concerned because I know what those roads are and what those grades are, I know people get stuck on them everyday in the winter time. If Chief says it's good, I can't say any different, I just question.

The Chair asked, are you leaning towards it has been met based on the provided information?

Commissioner Aprill replied, yes.
Commissioner McDonald said, yes.
Chairman Bechtold said, yes.

The Chair said, we deem that Standard has been met.

The Chair moved onto #9. I'm not saying this as a statement of influence, the way I looked at that Standard addressed the site itself, the roadways, the driveways, and passageways on the proposed development.

Commissioner Aprill said, if you use that as a criterion, I would say yes.

Staff said, that's my understanding, the historical interpretation the Planning Commission has had regarding this Standard, it's about the parcel itself.

The Chair polled Commissioners.

Commissioner Mikowski-yes
Commissioner Kuzma-yes
Commissioner Luta-yes
Commissioner McDonald-yes
Chairman Bechtold-yes

The Chair said, #9 has been met.

The Chair moved onto #10.

Commissioner Aprill-yes
Commissioner Mikowski-yes
Commissioner Luta-yes
Commissioner Kuzma-yes
Commissioner McDonald-yes
Chairman Bechtold-yes

The Chair said #10 has been met.

The Chair moved onto #11.

Staff said, as you're deliberating, if there's any modifications to these Findings, please let me know and I will write those down.

Commissioner Aprill said, this particular one was addressed considerably in the stack of documents that we received, there were quite a few people concerned about the environment and its effect, and they supplied a wonderful report that gives a pretty picture of what they're hoping to do up there, but they wouldn't have submitted a report if it didn't provide that picture. Is this something we should look outside, have somebody else look at it and see if there's something there we should be concerned about?

Staff responded, if the Commission feels that what is provided is inadequate, the Commission has the ability to require a peer review however, I would not recommend it be a general review, I would not recommend it be a review on items outside the Commission's jurisdiction like well water or ground water, all of that is indeed important but all that falls under a different agency's purview.

The Chair asked, is the question what would be developed on the 18% grade? With respect to the slopes that are graded at 18% or greater, is the question by the Commission what development would take place on such a slope or is the question the proposed placement of the resort on top of the hill?

Commissioner Kuzma responded; I don't know if that's what we were getting at. I thought maybe Commissioner Aprill was trying to speak to the concerns that most of the Township had regarding some of the underground type structures; aquaphors, depletion of the well, that kind of stuff.

The Chair said, typically it's handled by another agency.

Commissioner Kuzma asked, that's not our purview?

The Chair replied, no. We rely on EGLE.

Staff said, EGLE is the agency that permits wells and septic.

Commissioner Luta asked, just to clarify, there's a wetlands setback in the Ordinance, that is something we could get more clarity on? Is that something we have extended past what EGLE has, is that the line as far as what we would have say over and what is not in our bucket?

Staff said, yes, in the Elmwood Township Zoning Ordinance we do have a 30' setback for all structures from the edge of wetlands. If there is a question on the proximity of a structure to a wetland and you want a third-party delineation, that would be appropriate. However, I do not believe there's a structure close to being within 30' of those wetlands as shown on the plans.

Commissioner Luta asked, that does not include roads? Roads are not part of that wetland's setback?

Staff explained, a road is not a structure, a sidewalk is not a structure, a patio is not a structure as defined by the Elmwood Township Zoning Ordinance.

The Chair said, I'm looking at the Tritera report dated October 3, 2022.

Commissioner Kuzma said, can I ask a direct question to their counsel? Why do you dispute, you think it is within our purview to discuss or bring up these points?

Lauren Teichner [Olson, Bzdok & Howard] said while I think it's true EGLE is going to be reviewing the application and approving permits, I submit to the Planning Commission that your job is to look at these Standards which many of them do refer to ground water, the natural environment, all of the issues that we've raised we've provided proposed Findings of Fact that we believe are based specifically on the Zoning Ordinance which is the purview of the Planning Commission. So, to the extent that these Standards address protection of the natural environment, I believe there's a Standard that says the application must protect the natural environment to the maximum extent possible. Those are all subjective questions that to my understanding, and Mr. Graham can weigh in on this, are subjective considerations the Planning Commission can take into account. You are not bound by

EGLE's later consideration, by other agencies, you as a Planning Commission have power to apply the Zoning Ordinance to the extent that the words are there, you can consider them. I believe that all of these environmental issues that we've raised in our expert report where we list out all the different environmental studies that have yet to be completed on this property. Those are all things that you have the power to order. If you don't believe the application is sufficient, you do not have to approve this Standard, just purely based on statements the applicant has made. You can demand more information. You can demand the developer pay for experts to study specific topics that you are worried about. Pumping tests, make sure there's adequate water to serve the residents of the community as well as the resort. Wetlands delineations, the Master Plan talks about and recommends a wetlands delineation be done to ensure those natural resources are not affected by developments. That has not been done here, that has to be done in warm, green weather. The third test is a geologic and surface water study, that has not been done. We need to know what natural resources exist underneath and around this propose development to make sure this development will not negatively impact those resources and you have the power to consider those details.

Attorney Graham said, you're now at the deliberation phase, and under the law, you must make Findings based on Facts presented at the public hearing. The applicant has made factual statements as to how the applicant believes these Standards are met. What the public has presented is not facts showing that the environment is being abused. What the public has raised, are questions, so if you believe that you need additional information, as you have already noted Mr. Chairman, you have the authority to request that additional information. But you must make Findings if you don't want to go through with additional studies then you must make your decision based on Facts presented, not on questions raised.

Commissioner McDonald asked, if we were to request more testing or further information, we would need to specify exactly what it is that we want further information on?

Attorney Graham responded; that is correct.

The Chair said, submitted earlier by the applicant was the Tritera report and there is a map containing the approximate wetland location and also an overlay of the national hydrology data sheet wetlands and some national hydrology water ways so based on their Findings and the positioning of the buildings on the site plan, it seemed the buildings were set back appropriately from any of the identified wetland areas.

Commissioner Kuzma said, we've talked about wetland delineations before in previous meetings and it seems like that was pretty well handled under EGLE if I'm not mistaken.

The Chair replied, that is my understanding that EGLE is the agency that would either approve or deny an application based on the wetlands and the positioning of any development or encroachments on wetlands.

The Chair said, so with respect to #11, any other questions or concerns?

Commissioner Kuzma said, I think we should at least entertain the idea or discuss if we think it's feasible to have an outside independent agency talk about a couple of the points that were the most contentious, the Aquaphor, septic runoff. I think at the very least some additional due diligence might be appropriate.

The Chair asked, what specifically?

Commissioner Kuzma said, I can refer back to their counsel's concern of septic field discharge and how it potentially impacts down the chain. Marc McKellar had a nice appendix that disputed some of these Findings. But, the aquifer, it sounds like it's a ground water area that services the neighborhood that could be impacted from such a big development that already seems stressed from that well.

Commissioner McDonald stated, overall is it to the greatest extent possible.

Commissioner Luta responded, that is a very subjective one. You could argue for or against it. Any development is going to impact the environment in some way.

The Chair said, if we are to consider an outside agency, we need to identify a very narrow scope of points we want them to look at. There was the concern about wetland delineation. We have a document from Tritera that has identified that came in December. As far as the draw down on the aquifer, I don't think there's a well at the top so I'm not sure how that would be conducted.

Commissioner Aprill stated, there is.

Marc McKellar said, my greatest concern is that there was an opportunity to present alternative reports for several, several months, and I think most importantly is the fact that the issues related to the ground water, storm water contamination, the draw down related to the well next door, that is the preempted exclusive jurisdiction of EGLE. So, typically, what you have is where there's areas where EGLE isn't the authorizing agency to determine whether or not it's sufficient, adequate, they can't approve by way of example, we couldn't approve this well if it were to have a detrimental impact to the existing wells around. You're supplanting authority of an agency that has preemption over this Board by getting another report to counter another report, it really, ultimately is the decision of EGLE. If it was outside of their authority then I could see the value in having competing reports but ultimately it really doesn't matter what our report says or what another report says, it's a third party is going to make the determination on whether adequacy under the law is the permitting agency. If they determine there's a well that can be permitted there, that is the final say. I think it's important to remember that if we were to get approved, our Land Use Permit would not be issued until all those agencies have signed off, submitted their science and fact-based determinations that we are in fact permitted to have, we can't go forward. This is just the land use portion; we don't even have those other approvals in hand yet and

we wouldn't be permitted to go forward without them. We believe there's satisfactory evidence we can meet that criteria knowing the condition of the approval is we would have to provide a final report, they do the review and analysis to issue the permitting.

Commissioner McDonald said, but we still have the authority to proceed with that before issuing a SUP for site plan, right?

Attorney Graham responded; you have the legal authority to request additional information if you believe that is appropriate. If you decide not to request additional information, then you must base your decision on the Facts presented as opposed to the questions raised.

Commissioner McDonald said, I think we should request further information as to the direct topics per request.

Attorney Graham stated, in order to proceed, you have to be specific as to what additional information you want, otherwise you're throwing up a can of worms that's going to go on forever.

The Chair said, the applicant submitted the Tritera report that contains a wetlands map of the property in question, and their site plan has the buildings placed outside of the wetlands area and as both the counsel for the applicant and the counsel for the Township have stated, there is another agency that makes the final determination. We are looking at the land use specifically, and in the event that the application was to proceed forward, before they could get all of the permits in place, EGLE could potentially come in and say they need more information, because that's what EGLE's job is.

Teichner said, I just want to remind the Commission that we did submit a very specific expert report listing 3 tests that Mike Wilczynski, hydrogeologist, does not believe has been sufficiently addressed by the Tritera report, and it specifically states that he is very concerned, that he believes Tritera has misidentified as an intermittent stream, a fragile vernal pond that must be considered and reviewed by an environmental expert. She does object to Mr. McKellar saying that you are preempted by EGLE. You are the first step, if you do not approve the application, EGLE will never consider it. You have the power to consider these questions.

The Chair stated, I'm aware of that and since EGLE is the regulating authority for ground water and related concerns, that is the agency that essentially has domain over the wetland's identification, ground water usage, sewage affluent dispersion, and sub surface soils and that is who we rely on. I appreciate those 3 points that were given.

Teichner said I do think the Zoning Ordinance says, specifically that if the Planning Commission would like a wetlands delineation done, that is one thing that is specifically talked about in the Zoning Ordinance is within the power of the Planning Commission.

The Chair responded; we are aware of that.

Commissioner Luta said, on that wetland's delineation, in the Tritera report it does say completed a limited scope sight recognizance to observe and record current property conditions. That isn't a legitimate wetlands delineation where you're putting the stakes in and you're doing core samples and soil samples to see where things are. I don't know if there's any water at the top of that hill, I've heard reports from people there are some springs or things like that up there, but that would directly relate to the plan if there is something that is found that there would be a 30' setback in our Zoning Ordinance. I would just hate to see it go that far and then find something and then have to come back with a new plan and start over.

Mark McKellar said, I think the applicant would be willing to agree to a full wetland's delineation report be provided to the Township Zoning Administrator to determine whether or not the delineation would impact the project. We do want to submit that as a condition of approval and have a full delineation done.

The Chair noted, just for clarification the applicant would stipulate to a wetland's delineation as a condition of approval.

Mark McKellar responded, correct.

The Chair asked, what is the Commission's thinking on the proposed condition? Can we talk about conditions as they come up?

Staff responded, I can make a note, and at the end we can go back, the ones verbally discussed we can flush out the verbiage.

Attorney Graham said, again, you have to make a Finding whether Standard #11 is met. You cannot get around making a Finding of whether the Standard is met based on a condition. What you could do is you could make a Finding based on the Facts presented as opposed to questions raised. If Standard #11 has been met based on what the applicant has provided and then condition final approval on that full delineation of the wetlands.

Commissioner McDonald said, if we're needing more information and we're going to get that, then I'd say that Standard has not been met until we get that.

The Chair polled Commissioners noting Commissioner McDonald indicated it has not been met.

Commissioner Aprill said, I would say it has not been met. The specific conditions say the natural environment. If you read #11 it says, efforts have been made to protect the natural environment. I think that's all the environment, that's not wells, that's the whole thing. It's the trees, it's the floral, the fauna, it's all of it, that's the natural environment. I'd say no.

Commissioner Kuzma asked, can I have counsel restate what you eloquently said before about how to proceed.

Attorney Graham stated, in order to approve a development, you must find that the approval Standards are met. If you find that one of the approval Standards is not met, you cannot legally approve the development, that's the law. You must base your decision on whether a Standard is met based on the Facts presented. The only facts before you, have been submitted by the applicant. What the public has submitted to you, are questions and not facts. They're raising issues that they say should be further investigated. If you want to get the delineation or any other additional information, then you will have to postpone a decision on whether to approve the development because you don't have the facts you think you want to make that determination. You can't approve the development and then condition the applicant to provide the information you need to determine whether a Standard is met, that's circular. You have the facts in front of you to show that this Standard has been met based on the information provided by the applicant, so you can make the Finding that the Standard was met as proposed in the Findings of Fact. If you do that and you find that all of the other Standards are met, you can approve the development with the various conditions that you'll be talking about at the end, including the environmental delineation.

Commissioner Luta said, based on what we have been given, I think it has been met, but I would like to have, based on the fact that we do have a wetland on the setback in Zoning, I just want to make sure that is addressed in a condition.

The Attorney responded, you can do that, in order to get to the condition, you have to approve the development. If you're not going to approve the development, then there will be no condition. In order to approve the development, you have to find that the Standard has been met.

Commissioner Kuzma said, I'd say it has been met although I think we need to discuss the conditions at the end that have to do with what we just brought up.

Commissioner Mikowski said, I believe the conditions have been met. The proposed development is only disturbing 2.4 acres of the total 100, and only developing 18 acres out of the 100 acres and they have gone to lengths to describe where they are going to be putting these buildings, and preserving wetlands, and using paths to not disturb certain areas, to preserve the beauty of that area, and trusting EGLE to do their job, I'm saying yes, this condition has been met.

The Chair said, yes based on the information that has been presented by the applicant, and I do share the opinion of a condition for a complete wetland's delineation.

Staff said, if I understand correctly, would the Commission like to add the additional Finding that according to sheet L 2.0 the proposed development on undisturbed land is 2.4 acres.

The Chair replied, yes.

Commissioner Kuzma said, yes.

Commissioner Mikowski said, yes.

Commissioner Aprill said, I don't know why it's that specific. It's the project. You're limiting it to 2.4 acres?

Staff responded; on sheet L 2.0 it shows the disturbed land. The proposed development and the previously disturbed land. The proposed development on undisturbed land is only 2.4 acres of the 99.9 acres. If you look in your packet, this plan was submitted to the Commission in November when it went for introduction.

Commissioner Aprill said, it doesn't mean that they're not going to disturb the other acreage.

Staff said, that is correct.

Commissioner Aprill said, so you can't just say we're just worried about this 2.4 acres, we're concerned about all of the top of the hill, it doesn't matter what the little plan says, we're concerned about what happens to that whole hill.

Staff said, that is correct, you just make Findings of Fact to support approval or support denial, they are statements of fact that are found in the information that you have been provided.

Commissioner Aprill said, I'm sorry, I thought I heard you say 2.4 acres, we're worried about 2.4 acres, we're worried about the whole project.

Sarah said, that is correct. I'm not saying we're only concerned about 2.4 acres; I'm reiterating previous found Findings, incorporating it into this, a Finding for #11.

The Chair said, I think what we're referring to is the applicant is proposing additional disturbance of 2.4 acres. There's already a development area that has identified as 18.1 acres, and Staff was just wondering if we wanted additional Finding that the 2.4 acres would be included as additional development undisturbed lands. From the various site plans we have reviewed, it appears that the 18.1 is mostly cleared or would have some minor tree work where the proposed 2.4 acres is vegetation that has yet to be disturbed, and that would have to be removed in order to have the requisite area for the development. Is that what we're referring to?

Staff stated, that is correct.

Commissioner Aprill said, it's the whole project we're concerned about, it's not 2.4 acres on new disturbed land, they're going to disturb 20 acres on top of the hill, we're concerned about all of that, not just the new 2.4 acres, so I don't want that as part of the motion.

The Chair said, so we'll just drop the 2.4 acres.

Commissioner Aprill said, maybe I'm missing the point.

The Chair said, I think what we were attempting to illustrate in this particular Standard, was the efforts that have been made to protect the natural environment in terms of deforestation. They're proposing 2.4 acres and the rest of the development is on land that was either a naturally occurring clear meadow or at some earlier point in time was timbered off for other projects. I think we just wanted to pin point that the additional disturbance is only 2.4 acres. I know we're concerned about the entire project, but I was understanding we were just addressing the additional area that would be cleared. If it's too confusing, we'll just proceed to #12.

Commissioner Aprill said, I have a question for Attorney Graham on this one. Item #12 says there exists within the site plan sufficient protection to accommodate storm water runoff on the site location. Why is that even in there if we're going to rely on our County Soil Erosion Officer for that information?

Attorney Graham explained, that is a Standard for your site plan. It's still a Standard you must consider.

Commissioner Aprill said, but in so many places we just say the Soil Erosion Officer within the County and we're going to rely on his expertise, why do we have it as a standard.

Attorney Graham answered, it's a provision in your Zoning Ordinance that was enacted by the Township Board, that's the legal answer to your question. Because it's in the Zoning Ordinance, you must use it.

Commissioner Aprill stated, I agree with that. I'm questioning necessity of having #12 in there.

Attorney Graham said, that's a policy choice that you'll have to have discussions at the Planning Commission level as to the Standards and ultimately an amendment.

Commissioner Aprill said to Attorney Graham, you're our Township Attorney and you're here and present and I'd like your opinion if we just skate over this and rely on...

Attorney Graham interjected; you cannot legally do that.

Commissioner Aprill said, so this one we have to approve because the Drain Commissioner looked at it and gave his blessings.

The Chair asked Commissioners.

The all responded, yes.

Commissioner Kuzma asked, do we need an extension because it's 8:30 and it's been 2 hours?

Staff said, I would note the Commission makes a motion to consider new business after a certain time. If you're currently discussing one matter, there doesn't need to be a motion to continue.

Commissioner Mikowski requested a recess.

The Chair called for a 10-minute recess from 8:34-8:44.

The Chair resumed the meeting at 8:45 p.m. and noted they are on #13.

Commissioner Aprill said, this one is pretty long and laborious, I would like to skip this one and come back around to this one. Maybe before we even start on this, I thought we were adjourning at 9:00 p.m., and I don't think we're going to do this section justice in 15 minutes.

The Chair said, yes, we have a lot to go over and just so the people here are clear, at 9:00 p.m. I was going to propose adjourning our deliberations to be resumed at another date, time, and place because there's been a lot we have covered tonight and there's a lot left to do.

Commissioner Luta said, I think that makes sense because I do think this one is going to take quite a bit longer and should take longer, I would love to give this one it's due diligence.

Commissioner McDonald asked, do we make a motion now to do that?

The Chair said, since we're technically not on new business, it's not necessary, but we would need a motion tonight to adjourn and reconvene at a specific date or dates, place, and time.

Attorney Graham suggested, given the pace of the Planning Commission so far, it would be my recommendation that you establish 2 nights that you could then wrap it up in 2 evenings. If everyone could get out their calendars, find out which weeks are available, you could put both dates in the motion.

The Chair said, for your consideration I propose we have 2 consecutive nights so we can roll on and keep the momentum up.

Staff proposed cancelling the regular scheduled meeting of April 18th, 2023 and scheduling a special meeting for that night.

MOTION BY COMMISSIONER MCDONALD, SECONDED BY COMMISSIONER LUTA TO ADJOURN DELIBERATIONS ON APRIL 11, 2023 AND TO RESUME ON APRIL 18TH, 2023 AT 6:30 PM IN THE ELMWOOD TOWNSHIP FIRE DEPARTMENT TRUCK BAY. MOTION APPROVED UNANIMOUSLY.

I. Comments from Chair: Thank you very much for your attendance and your interest and thank you Commissioners for the hours you put in reading and the good questions and really good discussion.

J. Comments from Commissioners: Commissioner McDonald thanked the Fire Department for allowing us to use the facility.

K. Comments from Staff: Staff thanked the Fire Department.

L. Public Comment: Jeff Dorsch, Jeff Dungan, Doug Cole

M. Adjourn: MOTION BY COMMISSIONER MCDONALD, SECONDED BY COMMISSIONER LUTA TO ADJOURN MEETING AT 8:59 PM. MOTION PASSED UNANIMOUSLY.

**Charter Township of Elmwood
Planning Commission
Special Meeting
ET Fire Department Truck Bay
(10086 E. Lincoln Rd.)
April 18, 2023
6:30 PM**

A. Call to Order: Chairman Bechtold called the meeting to order at 6:30 PM.

B. Pledge of Allegiance: The Chair led the Pledge of Allegiance.

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

Excused: Doug Roberts

Chief Tampa gave a brief informational and safety protocol overview.

Attorney Graham said, we are here at the special meeting to continue the deliberations on the Wellevity Special Use Permit process. When you go for your limited public comment which is required under the open meetings act, you can talk about any topic other than Wellevity because the public hearing portion is closed but yet we still want you to have the opportunity for public comment on other matters.

D. Limited Public Comment: Lauren Teichner attorney representing the Friends of Timberlee group, Rob Serrine 10555 S. Timberlee Dr., Beth Kott Timberlee Dr., Tim Wolf 7517 E. Timberwoods Dr., Duane Straubel Orchard Rd., Doug Cole Cottonwood

E. Agenda Modifications/Approval: The Chair offered for a motion to defer item H to a regular meeting.

MOTION BY COMMISSIONER MCDONALD, SECONDED BY COMMISSIONER KUZMA TO DEFER ITEM H TO A REGULAR MEETING. MOTION APPROVED 6-0.

MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER KUZMA TO APPROVE THE AGENDA AS MODIFIED. MOTION PASSED UNANIMOUSLY.

F. Declaration of Conflict of Interest: None

G. a) Continued Planning Commission Deliberations on SPR/SUP 2022-06 Request by Wellevity LLC Regarding Property at 0 S. Timberlee Dr., 10901 & 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.

The Chair noted, at our last meeting we left off on 13a on p. 9 of 26, 13 reads, the proposal furthers the goals and objectives of the Master Plan.

Commissioner Luta said, the Master Plan does talk about the environmental character of Elmwood Township and ensuring that is something that is thought about thoroughly on every step of the way. We talked about that earlier in other Standards, but that's one I feel with the concerns over groundwater and peoples drinking water right there and with runoff going into Lake Leelanau, I didn't know if that was something we need to discuss.

The Chair invited the representative for the applicant up to address the process they used to look at environmental impacts.

Marc McKellar attorney for Wellevity, we went through numerous processes and I'm going to have Andy Smits come up and speak to groundwater, and in his report, we discussed not only groundwater, but we discussed runoff and what the implications are with geophysical and geotechnical relationship that property has with the wetlands down below with the creek that runs through. I think overall, the alternative, residences and the impacts despite what the opposition believes or doesn't believe, there's been great detail given to try and make it the least impactful development and you can't have no impact, you can only engineer for so much, so they certainly through this group have mitigated the best they can.

Andrew Smits licensed professional engineer in Michigan, a geological engineer by education and an environmental engineer by practice for the last 30+ years here in our community. That practice involves my experience as a state certified waste water treatment plant operator and in permitting waste water facilities in our community and other communities, as well as water supplies in our community and our region, Leelanau County. I've got a tremendous amount of experience in Elmwood Township having hydrogeological studies at the former terminal, at the Speedway gas station, at Leelanau Fruit Company, all up and down through this glacial environment. The process that will unfold if this development moves forward will include extensive review by state agencies for the development of a water supply and for waste water application to the land for its treatment and discharge. Those processes include hydrogeological studies, the drilling of monitoring wells, the testing of wells, the testing of Aquaphor's, the evaluation of available literature in the area on water quality and the effect of water production on existing natural water courses, including Lake Leelanau, tributaries to it, and in Lake Michigan. My work so far has included evaluation of various literature that's available through the lens of my experience in this community and past experience in permitting water supplies and waste water treatment facilities. The literature suggests and discussions with state officials suggests that the community water supply that services Elmwood Township is robust, it's a prolific aquifer and my evaluation is affirmed by the state officials' evaluation. The licensed engineer in Cadillac that's responsible for the mechanical and water quality oversight of the community supplies suggests that there's no concern whatsoever for the effect of a water well development at this location on the existing supply. That's affirmed by my own studies from available literature and including the review from Mr. Wilczynski report which does not contain any meaningful evaluation of existing literature, it's mostly speculative. The literature that is available and the experienced opinion of licensed professionals that are servicing protection of our community indicate no adverse effect.

The Chair asked, with respect to the literature you mentioned a number of times, who are the authors or how was this literature created? Was this from other Engineers, or other agencies, or was it solely created by your firm?

Andrew Smits responded, it's from water well records that are available both from Leelanau County Environmental Health Department from the State of Michigan and the State Geologic Survey records and website called Wellogis, and the studies that have been prepared by the state for well head protection program. Mostly state sources of information but also from the Conservancy that sent studies and sampling of the tributaries in the area, and water quality in Lake Leelanau.

The Chair asked, with the literature, what span of time does it cover?

Andrew Smits replied, in some cases, it's quite old data, but I haven't looked specifically at the age or content or the ranges of dates of the data. But the publications information is generally readily available from public sources from the state of Michigan.

Commissioner Luta asked about runoff.

Andrew Smits replied, the evaluation of the soil survey for Leelanau County is quite old and has been renewed in the last couple decades indicate that the soil textures in this area are highly permeable. I would not expect any significant runoff in these types of soils. They would have quite a bit of capacity to absorb water. The infiltration rates that are cited in the Leelanau County soil survey are of soils capable of 10-20 inches per hour. There will be local areas where the soil types are different. Downhill from the proposed development quite some distance there's some seeps that exist that give rise to ephemeral and sometimes longer-term water courses that sourced and lead to Lake Leelanau, and those are the water courses that the Conservancy has been doing some sampling on periodically. That data is considerable and extensive in time. The water supply that is to be developed here is sourced from water that is below the elevation of which those seeps occur. Same thing with the water supply that serves this community currently, it's produced at considerable depth below the elevation of those seeps so there's no significant hydraulic communication or no source of water deprivation to those seeps and springs from those existing supplies, and those supplies that exist today, yield 3 or 4 times the volume of water per minute than the proposed development. So, the existing community demand is significantly greater and its more proximal to those springs.

Marc McKellar noted, to one of your questions, we have Cody by Zoom, he was doing Engineering Design related to the waste water treatment so in terms of saturation and potential ground water issues, he said he'd like to follow up on the particular question you have in addition to Andy's statement.

Cody said, we're an advising Civil Engineer working very closely with Gosling, the local Civil Engineer and the firm who will be the Civil Engineer of record. One of the reasons we were

selected to work on the project is for land and water stewardship. Completely in agreement with the previous comments about storm water runoff, the high infiltration capacity of the soils and the low probability that there's any runoff of significance on this property. In order to ensure that, we've taken the areas of highest concern for impacts to water quality which are typically around vehicular driveways and parking areas and built in low-impact development measures otherwise known as LID that are above and beyond the code requirements to mitigate the runoff. In terms of wastewater, what we're proposing for this project is an elective strategy above and beyond what is allowed there which would be a conventional ground disposal or a leach field system the client has as part of their water stewardship goals is to install and run an active treatment system which captures all of the sanitary sewer affluent and runs it through a membrane treatment system that treats water to the highest recognized standard currently nationally which is called tertiary treated waste water and that water is suitable for use in irrigation, even spray irrigation, drip irrigation, re-use in buildings for toilet flushing, and in some cases for laundry. This gives us the ability to overall reduce the water footprint of the project and ensure any of that water that does make it back into the soils is actually treated to a very high quality. They recognize the code requirements and tried to go above and beyond that as part of the identity of that project as being a good steward of water.

Commissioner Aprill said, I have a question of the applicant. Under 13a it specifies the objective, it states maintaining existing rural residential character, and it also says, meets the long-term needs of the community. Can you tell me how you fulfill both of those phrases?

Marc McKellar responded; in terms of meeting long term needs of the community, the Master Plan further states on the particular portion related to Timberlee, identifies the intent as to provide for rural resort at the Timberlee facility and the Zoning Ordinance provides what is encompassing of those types of uses. The Master Plan is stating that it sees fit that rural resort be at the Timberlee property, so we proposed a rural resort. That goal and objective under the Zoning Ordinance and the Master Plan is consistent with the implication that the Master Plan as a guide for the intended goals and needs of the community. We'd have a mix of uses, a mix of interacting land and activities, that's the over-arching concept of the Master Plan as a guide to construct Zoning Ordinances, the legislative act, in going forward. It would be my opinion it's an implication that if you're meeting the goals and objectives of the Master Plan through the development of your site plan, you are addressing the needs because the needs are inherent in the concept. Furthermore, there's no reason to not think that a rural resort has a need, to provide services. Every use essentially in a municipality needs to exist, that's why they have provisions in the Michigan Zoning Enabling Act that says you can't prohibit any particular use in the community if you provide a space for it. The concept is that there's a need at some level for a mix of uses. We believe that we meet the Master Plan because that's an intended goal, objective, long-term planning and implementation of that property, it provides needs in terms of lodging, provides needs in terms of safety to get people off the road by providing trails on the land so people can walk for free.

Commissioner Aprill said, let me re-state the question. You said it provides lodging, I can't believe that there's anybody in the community that's going to stay up there, at least the local community if they have a house anywhere in the community, the lodging is irrelevant as far as I'm concerned. You haven't really addressed the question at all on how it meets the needs of the community. The community's here saying, it doesn't.

Marc McKellar responded; there are members of the community here, but there are several of the community who are not here that aren't saying they would go and not use the resort. I think there's plenty of people that would, there's tons of lodging in this community. There are short term rentals in this community, there's short term rentals in this neighborhood. The reality is, people are using lodging and they're using all kinds of other things. We have the farm market, we have activities, it's a mix of uses, event center, there's no reason that people in this community might not use it to hold a retirement party in one of the small rooms or an anniversary for grandparents, and everyone comes up and utilizes the property. The mix of use serves some need and I understand the neighbors might object to what that need is, but they don't represent all of the community. Not everyone golfs so that doesn't mean everyone needs a golf course, not everyone fishes, so you don't necessarily need a marina with charter boats. I understand that, but it's a mix of uses that does appear serves a need in the community inherently in its concept. I appreciate the local concern, but I don't think that's a positive affect that there's a need there and again, I know I got some laughs about it, but the reality is the trails that would be implemented here are free and open to the public and they would alleviate some of the activity on the roads. We're trying to seriously address what we can on the property. I believe we provided the facts to get to the needs of the community. Furthermore, maintaining existing rural residential character. This is rural resort Zoning and inherently has to have some type of mechanism to make sure it doesn't look like Crystal Mountain or Grand Traverse Resort on top of the hill there. The function of the design of that resort as proposed is low level height of the buildings, impact areas on less than 20% of the property. Those are things that are contemplated in the alternative grander use of the property. The fact that people don't want to agree with me that you can't have a resort and still have rural residence characteristics, I disagree, they exist all over the place. The reality is The Homestead is a much more impactful area but that's surrounded by exclusively low density residential or agricultural use. You can step that down; this would be less impactful. The way it was designed, the actions taken by the Engineers and Architects was to mitigate those impacts to incorporate the best it could, to make it feasible for their uses in rural resort and also try not to impact the community on a grand scale in fact I tried to mitigate that in designs of water runoff and things like that that are engineered first standards. I think there's an attempt to do it, you can't make it not have an impact, but showing good faith and have the least impact and try to mitigate. I believe we have met it.

Sarah Keever added, as a resident of this community, when you ask the question, what is the need, it's one of those questions I kind of laugh because any community, could absolutely need everything, or it could need nothing, it could shut its doors. But as a resident of this community, Marc already mentioned, we're providing some outdoor amenities that this community doesn't have or is allowing an increased expansion of some

of these outdoor activities. You may not define that as a need, but what I find interesting is, again, as a resident of this community, about a year ago, and I hope most of you in the room got the flyer in the mail. It was from the Elmwood Township Parks and Recs committee who does a lot of work and they look at this hard and in there was a survey so me as a resident, what would I like to see in this community? Would I like to see more ball parks? Would I like to see more trails? All these questions in there, absolutely, we found that out, it was a demand, our TART trail has never gotten so much activity as when it did during Covid. But then there was a question on there that also said, who do you want to have pay for this and it made me think about some of my answers maybe not so much, but just put this into perspective, is this a need, is this a want? Is it something that I know the Township has looked into providing extra dollars, extra opportunities to increase their parks, their recreation, their trails, all these amenities that the developer is offering. So just think about that and again, wanting to mesh it with the goals of your own Parks & Rec Committee and again, I know they do a lot of hard work so I think we fit in pretty well with that. The other part, does it fit into the existing rural, and Marc touched on this but when you define rural, it is to show an area out in the countryside or a large expansive area. This is a 100-acre parcel that we are going to use a very minimal part, so to be able to continue that definition of how it meets the existing rural character of this community, I think that's absolutely true, there's no question about it. Because there's opposite, we all know what could be up there instead of, it wouldn't be rural. So there in itself, take a look at the plans, how does that meet, this "development" is really insignificant and by that I feel it meets the definition of rural absolutely.

Commissioner McDonald said, on p. 21 of our Master Plan, we did do a survey that reflects on a recurring theme throughout the survey results and the community's desire to protect natural resources in the Township including forests, lakes, wetlands, farms, hills, and streams. Many respondents were also adamant about limiting commercial development within the Township and satisfied with dependence on Traverse City for their shopping and dining and other commercial needs. Furthermore, it also says in anticipation of the 2018 updated Elmwood Township Master Plan, the Planning Commission prepared a survey in 13 that was sent to occupants, property owners, and business owners, to solicit opinions on various topics important to future development, a total of 494 surveys were returned and the survey results showed that respondents would like the Township to be focused on non-motorized trails, parks, and encourage residential uses in the commercial districts. Respondents were in support of an ordinance restricting blight and noise regulations.

The Chair asked for anymore questions regarding 13a, hearing none, he moved on to 13b, p. 10 of 26.

Commissioner Aprill said, I think b is an interesting one because they talk about this ski resort area, and traditionally it was a ski resort and with such a facility, the parking was at the bottom of the hill, not at the top of the hill, and I think our Master Plan, our Zoning Ordinance never envisioned somebody going to the top of that hill with a large resort.

Commissioner McDonald said, on p. 9 of the Master Plan under Timberlee Resort it says that Timberlee was developed as a ski resort in the 1970's and is now used as a snow tubing hill. The property has remained largely in tact and under single ownership. Timberlee area is serviced with public water making it desirable and a scenic location for residential development.

The Chair said, I believe that refers to, on our Township map, the area we've identified as Timberlee, and within the area identified as Timberlee we have several different land use designations. We have R1, which is developed single family homes, R3, apartments, condos, and the rural resort, part of which is developed and part of which is undeveloped. I think that we have to take into account that we have land in the Township that is zoned rural resort, we have a definition of what a resort is, and we have a process that we're undergoing right now to see if the application before us, if the proposed project meets the conditions that are set forth in our Zoning Ordinance for rural resort, resort, and, I just want us to keep in mind that there's already an existing resort that is adjacent to the property in question that's been in operation. At the time of this addition of the Master Plan was updated, we're trying to give a historical overview of the rural resort area and the Timberlee ski hill was the only thing at that time that was there. I just want to understand, you're questioning and the identification of that, you feel as though the existing land use is not being fulfilled by this proposal? We have to get through our deliberation, and we have property set aside, specifically identified for rural resort, so we have to look at the information in that context. Granted, this particular piece of property is immediately adjacent to R1 and R3, but one of the facts is on our land use map we have this area identified as rural resort. We're trying to address the utilization of that land in relation to the proposal that is before us. Continuing with 13b, are there other questions or concerns with respect to the application? Just looking ahead to 13 c and d, it talks about the setbacks, distances between the proposed development and other existing structures, and also the amount of land that would be developed. We have 100 acres, and about 18 % of that is going to be developed. Those are things we have to consider when looking at whether or not the proposal is in conformance with the requirements that we have to address.

Commissioner Kuzma said, I don't think there's anything to discuss, it's factual right?

The Chair replied, in order to identify that information as a Finding that was taken from a certified survey or plan the applicant submitted.

Staff said, as well as the Master Plan, letter b p.10, that's a quote from the Township Master Plan that's explicitly for the Timberlee area which does include the parcels where the resort is proposed. It's not just information that's on the plans that were provided by the applicant, it's text from our Master Plan.

The Chair said, the question we need to answer is, does this proposal further the goals and objectives of the Master Plan.

Attorney Graham said, if I might provide some guidance, I see the Commission struggling on this particular Standard. When you're dealing with a Master Plan, it is a planning document. The purpose of the Master Plan is to provide guidance for future development. It's not something that is rigid by its nature, it's general in its nature. On either side of the issue that you're discussing, you can point to specific paragraphs and language of the Master Plan that will support your various positions. What you have to do in my opinion is to look at the Master Plan as a whole because that's really what the Standards are. The Standard is whether it meets the goals and objectives of the Master Plan. It doesn't say that it has to meet every particular paragraph of the Master Plan. The proposed Findings that you have would support a Finding that those goals and objectives of the Master Plan are met by this proposed development. As Staff has indicated, you're free to accept, reject, or modify those proposed Findings. If you decide you want to reject and find that the proposed development does not meet the goals and objectives of your Master Plan, then you need to be specific as to what portions of the Master Plan you're looking at once you identify those portions of the Master Plan that you want to rely on as not being satisfied, then you have to specify the facts of the proposed development that shows that portion of the Master Plan as a whole is not being met. You've received lots and lots of information, now it's your responsibility to synthesize that information, analyze the Master Plan, and decide does this proposed development meet the goals and objectives of the Master Plan as a whole.

Lauren Teichner interjected and said it appears that the difficulty comes from the fact that these proposed Findings of Fact provide sections to support that this Standard has been met, but it does not provide proposed sections from the Master Plan to support a Finding that the Standard has not been met, and I see the Commission struggling with Findings in specific sections, Mr. McDonald has suggested a few, that support a Finding that a Standard has not been met. So perhaps, Mr. Graham or Miss Clarren could provide a proposal for a second option to the Commission so you can actually have a list of the sections that support a different finding. Right now, I fear that this proposed document is extremely biased, it presents one set of sample sections and they do not support an alternative Finding, so you would have to sit here for the next hour and dig through the Master Plan if you don't support a Finding to be able to site specific sections. I believe that is the role of the Planning Administrator and the Attorney for the Township to provide those sections if you wish to find that the Standard has not been met.

The Chair said, just so I understand you, it's your legal opinion that as a matter of basis and fact for our procedure, we have to strenuously look at elements that would support the proposal, as well as strenuously looking at elements that would not support the proposal and be able to document the facts, the information sources, and the rationale for that action. Am I understanding you correctly?

Lauren Teichner replied, that is correct, and as a Township Attorney in other Townships, I provide 2 options to my clients, one that supports, and one that does not support, so if the Planning Commission wish to go a different direction, they would have a sample set of facts on which to base an alternative Finding. Here you have been provided with only one set of

Facts, so it makes it very difficult for the Commission to consider other proposed Findings. You can tell your attorney you wish to find a different way and perhaps he can find a proposed Findings of Fact that goes the other direction.

Attorney Graham responded; if you look at other Standards that are proposed, that's exactly what Staff did. She actually provided options, one to support the Standard, and one not to support the Standard. That is actually included in the draft Findings that you have. If the Planning Commission would like Staff to work on alternate Findings for the Master Plan, you could make that request and look at that at the next meeting, that's up to the Planning Commission. You could also ask the attorneys to provide proposed Findings both from the applicant and from the opposition that would relate to this particular Standard, then that's an option. It's up to the Planning Commission if you want additional proposed Findings. If in fact a majority of the Planning Commission is comfortable with the proposed Findings as presented, you can make the decision now and move on.

The Chair asked for their thoughts saying, essentially, we would put a pin in this for a while and if the Commission so directed counsels for the applicant and the community would put forth recommended Findings and Fact to support those.

Attorney Graham said, that is one of the options you have.

The Chair added, the other option is to proceed with the Facts we have. We've had Commissioner McDonald, Commissioner Aprill, and Commissioner Luta raise a concern with respect to the environment, we did receive input with respect to the environmental concerns from the experts that the applicant has used. What direction would the Commission like to go? Do we want to basically identify any of the Standards that don't have choice a) and choice b) and have those be developed and come back at another meeting or proceed with what we have.

Commissioner Aprill stated, I think that's a fair idea, I think we're subject to a lawsuit with this document as it sits. There's only a few in the very back of this document that are proposed or show any opposition to this project and I think realistically if we're going through this document, there should be pluses and minuses all the way through it, everything that we've looked at to this point has been for the development. There's been nothing here that says maybe you shouldn't because of this verbiage. It all is pro the development, and I think we're setting ourselves up for trouble later down the road if we don't have a document in front of us that says both ways.

The Chair said, with respect to not only this application, but this would be a bit of a departure from our ordinary practice so this is something we would eventually be doing for all applications.

Commissioner Aprill replied, I would disagree with that also Mr. Chair and you know better, this is an extreme case, we have not seen a development this large in this

community ever, and if somebody wants to put in a 4- house project that requires an SUP, it doesn't mean we've got to go this extent, this is a very extreme case for our Township.

The Chair responded; I guess I was just looking at consistency in our process, I wasn't suggesting if somebody wants to build 2 houses that they're going to have to do an exhaustive groundwater engineering study.

Commissioner Aprill said, I think it would be precedence setting for another multi-million-dollar project, but not for smaller projects.

The Chair said, there's no motion to do anything yet. In anticipation of a motion to either have the pluses and minuses identified in a fact-based process or proceed, if we were to look at having the alternative concerns, how much time would that take?

Staff answered, I'm going to go on record by saying it's very difficult, the way some Commissioners are now interpreting the Ordinance is new. Since I've been here the last 2 years, I prepared the draft Findings of Fact based on my understanding of how the Commission has been consistently interpreting the Ordinance, that is why I prepared the document the way I did. I'm happy to go back through the documents again and prepare additional ones, but whatever I prepare is a draft, you can add to, modify, if you don't agree with something, you can come prepared with an item to change. The Commission has had this document since February and I understand we hadn't gone into deliberations yet, but at no time did any Commissioner come up and ask me to do these things. When we got into interpretations of the environment and groundwater, I can't think of a single other case where the Commission has made Findings. I understand it's in our Ordinance, there can't be adverse impacts on the natural environment, but the Commission has consistently relied on outside agencies for those reviews and that is the reason why the Findings were prepared the way they were. If we are changing that interpretation, that's fine, I will gladly prepare that document, I do work for the Commission, I work for the public, I'm happy to do that, but again, this document was prepared on my understanding on how the Commission has consistently interpreted the Ordinance.

Commissioner Mikowski said, I find that Sarah is absolutely correct. She has done above and beyond her research for this project, and she's worked with the applicant, she's worked with the public. I feel this project is zoned rural resort, it is in our future plans for rural resort, and this kind of development, it was presented to us on November 15th and all of us said it was an exciting project. They explained their waste water system, they explained how the wetlands were going to be looked at, and environmental engineers have been up there. I feel like we keep kicking this can down the road. I'm sorry for the public, I appreciate all of what you've done to come here, but we have a certain criteria that we have to meet. This is an applicant that is asking for rural resort, this is a resort.

The Chair said, I understand the interest, the anger, the emotion going on here, but we're trying to get through this. We're having an open, transparent discussion in front of you, I've allowed your counsel a number of opportunities to make points of order, we're

considering them, so I wish you would please allow us to do our job and show us the same amount of consideration that we're showing all of you by trying to do a detailed, thorough, open, and honest job of this process. Commissioners are we going to proceed with 13 or are their other facts you want introduced that would either support or not support the applicant's assertion that they meet this requirement? On the goal listed under a) to guide future growth and development in a manner that respects both the natural environment in the Township's rural atmosphere, promotes an efficient and well-ordered land use pattern, and economize community facilities. What portion of the applicant's plan does not do this?

Commissioner Aprill said, I would say efficient, well-ordered land use pattern. It doesn't meet that criteria.

Attorney Graham stated, be specific.

Commissioner Aprill said, we're putting a commercial development at the end of a private subdivision. I don't think that's efficient. If there was another way to get there, it wouldn't bother me.

Attorney Graham stated, I'm just trying to create the record.

Staff stated, they're not all subdivisions.

The Chair asked, what else?

Commissioner Aprill replied, I've said it before, objective #2, maintaining an existing rural/residential character. I don't know how a commercial development on top of the hill with lights and noises adds to the rural/residential character. Is that specific enough?

Attorney Graham responded; that's exactly what I'm looking for. I'm just trying to avoid conclusory comments, based on factual statements which is what you're doing now.

Commissioner McDonald said, to add to that, referring back to the Master Plan, on p. 22, residents were in support of Ordinances restricting noise. That's out of 494 surveys.

The Chair said, looking at the second goal, protect environmentally sensitive areas such as agricultural and orchard lands, wetlands, bodies of water, steep slopes, and groundwater recharge areas. In the applicant's proposal, did they identify how they would avoid impacting sensitive areas of the property?

Commissioner Luta said, they're not going to be developing directly on the slopes which we don't actually have anything in our Ordinance saying you can't do that. I think the fact they're not doing that is commendable. I've seen other proposals come through that were not commendable.

Attorney Graham said, if I might offer a suggestion, right now you have proposed Findings that Staff has prepared. I'm curious to know whether the Commissioners individually, you may want to do a poll, are willing to accept the proposed Findings that's in your document. If a majority of the Commissioners are willing to accept those Findings, then you can reach your ultimate conclusion by majority. If not, if a majority of the Commissioners are not satisfied with the proposed Findings as presented, then you can discuss what you need to do next to prepare other proposed Findings that will meet the majority of the Commissioners. If we're talking about lots of details now, and a majority of the Commissioners are willing to accept the proposed Findings that are in your documents, then talking about other possibilities is a moot point.

The Chair asked, is everyone clear on what counsel is suggesting?

Commissioner Kuzma asked, are you proposing moving past this to 9.3 because we haven't even got there yet. correct?

The Chair said, I think what counsel was suggesting, is do the individual Commissioners feel as though these Findings of Fact are adequate enough to proceed.

Attorney Graham said, correct, you're only talking about Standard #13. I'm trying to get you over the hump.

The Chair polled Commissioners.

Commissioner Kuzma-no, based on what Commissioner Aprill and Commissioner McDonald outlined and what you wrote down, those 3 points. I'd like to see more information, not less.

Commissioner Luta-no, I think there's been a lot offered, but I think because there are other areas on both sides of it, I think it would be helpful for everybody to see what's happening on both sides.

Commissioner Mikowski-yes, I think it's been met.

Commissioner Aprill-no, it's not been met. There are definitely things throughout that are not in there.

Commissioner McDonald-no.

Chairman Bechtold-yes.

The Chair stated, we have 4 no which means the information currently listed in 13 a-f is not sufficient and additional information is requested.

Attorney Graham said, it's clear you have a consensus of the Commission that wants to see draft Findings on the opposite side of that Standard. The question you need to then decide, is, do you want Staff to work on those alternative Findings, do you want to offer to the attorneys the abilities to draft proposed Findings then submit them within a time frame so you then can consider those from various perspectives how you want to proceed to get the additional proposed Findings the Commission has decided it wants to review.

Staff said, if we are requesting additional information, I would remind the Commission that the public hearing is closed.

Attorney Graham interjected, we're really not talking about information, we're talking about proposed Findings. We're talking about proposed Findings that would conclude that Standard was not met.

Staff said, those Findings would be based on the information we currently have, not new information.

Attorney Graham said, that is correct.

Commissioner Kuzma said, just to be clear Sarah, didn't you provide that? I think all of us have gone through this several times. Down past 9.3 there are several options like counsel said.

Attorney Graham said, there was not alternative Findings on this particular Standard, but later Standards Staff has provided you options that would go either way.

Staff noted, in the past the Commission has looked at the Master Plan and has not gone through page by page and itemized what has been met and what has not been met, so again, the Findings were based on my understanding of the Commission.

The Chair asked, what are the Commissioners thoughts on me requesting the counsel for the applicant and counsel for the community prepare Findings of Fact.

Commissioner Aprill said, I think that's a good idea to take the burden off from Staff. I think that we need to focus on getting the facts straight and keep them fairly brief. I don't want new Findings of Fact in there, I want just a consolidation of what's out there.

The Chair said, if I assign that to counsel, the community is going to base their Findings on the information in their possession, and the counsel for the applicant would be basing their recommended Findings based on the information in their possession.

Attorney Graham said, that's exactly right, and then the Commission will have both competing Facts in front of them, and then you choose which one you want to adopt.

MOTION BY COMMISSIONER MCDONALD TO AUTHORIZE THE CHAIR TO REQUEST BOTH COUNSELS DRAFT FINDINGS OF FACT FOR SECTION 13 A-F .

Attorney Graham asked, assuming you assign that to the attorneys, is there a desire to limit it strictly to Standard 13 on page 9 of 26, or would you like them to prepare proposed Findings on all the remaining Standards that you have not decided on yet?

The Chair said, the Standards we have not addressed are, Section 8.5 b2, b3, b4, and b6.

Commissioner McDonald said, I would re-do that motion.

MOTION BY COMMISSIONER MCDONALD, SECONDED BY COMMISSIONER KUZMA TO AUTHORIZE THE CHAIR TO REQUEST OF THE COUNSEL FOR THE APPLICANT AND THE COUNSEL FOR THE COMMUNITY TO PREPARE DRAFT FINDINGS BASED ON THE STANDARDS IDENTIFIED IN ADDITION TO STANDARD 13 THROUGH THE END OF THE DOCUMENT.

Staff pointed out, the counsel said around 100 residents of the neighboring area, they've already submitted Findings of Fact that have been provided to the Commission in the packet of information, so would they be revising those?

Commissioner Aprill said, no, they would just be on this document.

Attorney Graham added, they would submit their proposed Findings to Staff, and Staff would then incorporate them into a single document.

Commissioner Luta asked, would they be the ones they already submitted then?

The Chair said, yes. Just to make sure they're all clear, the motion would be a request to authorize the Chairperson to request of the counsel for the applicant and the counsel for the community to prepare draft Findings, the draft Findings would be submitted to Staff and be incorporated into the draft document we have been using, and the date on the draft document is February 24, 2023 and I would imagine on the heading there would be a date of the additional information.

Commissioner Luta asked, would they be able to add things to the ones they submitted, they have 3, but they don't have 2 and 4. Would they be able to submit information on that as well even if it wasn't something that wasn't already submitted?

The Chair said, if it is on this document, they could submit their draft Findings.

Commissioner Aprill said, I would say as long as a member of the community has submitted that information.

The Chair called the vote.

Commissioner Mikowski-no

Commissioner Kuzma-yes

Commissioner Luta-yes

Commissioner Aprill-yes

Commissioner McDonald-yes

Chairman Bechtold-no

The Chair stated, we have 4 in favor, 2 no, so **the motion is passed.**

Lauren Teichner asked, may I submit a new document? That was what I submitted on February 3rd, there was a subsequent public hearing, more information was enlisted by the public, I didn't address every single one of the Standards you've requested so, I would like the opportunity to submit a new document, layout the facts very clearly in the proposed Findings in a way that matches how the document is currently written.

The Chair answered, let me provide some guidance to both counsels. It is the request of the Commission that you take the draft document that was compiled by the Zoning Administrator, look at the sections that have NOT been approved, we don't need your opinion on the ones that have been approved, we need factual recommendations on the ones we have not addressed.

Lauren Teichner said, yes, I would like to submit a new proposed Findings of Fact.

Attorney Graham said, I think it's appropriate to give her the opportunity to do a new document because the applicant's attorney will be providing a new document as well.

The Chair said, what I would like to suggest in the format is take this document in the way that Sarah designed it and set it up and you make your Findings fit within those sections, and what I'm going to do is, all of your will be identified as community, and the applicant's will be identified as applicant.

Marc McKellar said, for purpose of the record, because I think this is going to get appealed one way or another, I'd be remiss if I didn't say this is an irregularity that probably violates equal protection related to some due process, I don't think this has ever been treated by a Special Use Permit has ever required this additional information. I'm just getting it out there because I want it on the record. I want some clarification, I'm happy to do a new Findings of Fact, I think it's appropriate that she has the opportunity to do a new Findings of Fact, that's exclusively her and I that are preparing those for our respective clients. I think given the fact we are going to be preparing these Findings of Fact for those 5 conditions, I'm going to request that the Township Attorney and Zoning Administrator review those Facts to determine if they're appropriately identified in the record that was presented and if they're Facts and not statements of conjecture, and that goes for both of us. The concern I have is we want to make sure the items are of the record. I don't think Lauren or I would be the appropriate gate keeper in a neutral position, I think at least to the Facts as presented that Sarah and the Township Attorney have the opportunity to say, ok well there's these 16 things that Marc has identified, we find 14 and 15 are outside of the record or they're not really Facts or vice versa. I think that adds some clarity so when you're looking at these documents you know that the identified numerated Facts are in fact appropriate record Facts. I don't have any reason to believe that Lauren would do anything other than be the utmost professional and the same here, but I want to make sure it gets bifurcated at that level of the Township, that they identify the appropriate record, I think that's fair for everybody.

Commissioner McDonald asked, would we need to amend our motion?

The Chair replied, no, I see that as a process handled by the Township counsel and the Zoning Administrator.

Attorney Graham said, obviously we're not going to proceed tonight any further so you have to look at a date for when the Planning Commission will come back to review the proposed Findings. Once you determine a date when the Commission can meet, then we need to provide some deadlines to the attorneys so that those proposed Findings can be provided to Sarah sufficiently in advance to give her the chance to put them in the document and also to review the record to determine whether the proposed Findings are supported by the evidence.

The Commission discussed a date to return for deliberations.

Staff noted, we might want to talk about deadlines for this information and to clarify it's just going to be the attorney for the community to provide Findings of Fact, not all members of the public to submit information.

Attorney Graham said, it's the attorney for the Timberlee organization and the applicant's attorney.

Staff added, and to confirm that both those parties will be able to be present May 24th.

Marc McKellar said the applicant can make the meeting date work. I propose Friday, May 12th for our submittal.

The Chair said, let's say the submittals will be received at the Township Office May 12th, 2023 no later than 5:00 p.m. Sarah, do you prefer electronic, paper, or both?

Sarah replied, both.

Commissioner Kuzma asked, when will we receive those documents?

Attorney Graham noted, she has to review the record to be sure the Findings are based on evidence that was presented at the public hearing.

Sarah said, I'll have to work over the weekend, but I can make that work.

The Chair clarified the meeting will be at 6:30 p.m.

MOTION BY COMMISSIONER MCDONALD, SECONDED BY COMMISSIONER KUZMA TO ADJOURN DELIBERATIONS FOR THE SPECIAL MEETING COVENED ON APRIL 18, 2023 AND TO RECONVENE ON MAY 24TH, 2023 AT 6:30 PM AT THE ELMWOOD TOWNSHIP

FIRE DEPARTMENT TRUCK BAY AT 10086 E LINCOLN RD. MOTION APPROVED UNANIMOUSLY.

H. Discussion on Zoning Ordinance: Deferred

I. Comments from the Chair: Chairman Bechtold said, thank you Commissioners for your research and thoroughness and good questioning and lively, respectful debate, and thank you to the community for showing up and presenting your interest to us and thank you to the applicant and to the community for your participation in this matter and your thoroughness.

J. Comments from Planning Commissioners: Commissioner Luta said, I would like to thank Chief Tampa and the Fire Department for lending us their place.

K. Comments from Staff: None

N. Public Comment: Jeff Dorsch

O. Adjourn: MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER LUTA TO ADJOURN MEETING AT 8:25 PM. MOTION PASSED UNANIMOUSLY.

DRAFT



CHARTER TOWNSHIP OF ELMWOOD

Planning and Zoning

10090 E. Lincoln Rd, Traverse City, MI 49684

(231) 946-0921 Fax (231) 946-9320

Email: planner@elmwoodtownship.net

Site Plan Review

Application

Applications will not be accepted unless containing all the following information:

- 1) Completed application form with owner's signature
- 2) A site plan with all required information
- 3) Escrow Policy with escrow amount as determined by Planner (any and all unused escrow funds will be returned per the escrow agreement)
- 4) Payment of an application fee (\$775)

Applications are to be submitted 30 days prior to the Planning Commission meeting. Regular meetings are the 3rd Tuesday of each month.

Charter Township of Elmwood
Application for Site Plan Review

Applicant

GM LLC

Name

10240 E Cherry Bend Rd

Street Address
Traverse City MI 49684

City State Zip

Phone Number

Email Address

Owner (if different)

Name

Street Address

City State Zip

Phone Number

Email Address

Engineer

Jozwiak Consulting, Scott Jozwiak

Name

13300 S. West Bayshore Dr

Street Address
Traverse City MI 49684

City State Zip

231-218-1201

Phone Number
scott@jozwiakconsulting.com

Email Address

Surveyor

Dontz

Name

5400 Gleaner Hall Road

Street Address
Kingsley MI 49649

City State Zip

231-329-1980

Phone Number
matt@dontzsurveying.com

Email Address

Contact Person (All communications from the Township will be sent to this individual regarding the submitted application) Applicant Owner Engineer Surveyor

Property Information:

Property Address: 10240 E. Cherry Bend Road

Parcel Number: 45-004-320 - 001 - 00 Current Master Plan Designation Greilickville Service Center

Zoning District: Neighborhood Commercial Current Use of Property: Office

Adjacent Property Zoning AND Use(s): North: Neighborhood Commercial

East: R-1 _____
South: R-1 _____
West: R-1 _____

Other Remarks: _____

As required by Section 8.5 of the Zoning Ordinance, all applications for site plan approval shall be reviewed against the standards and requirements of this Ordinance. Only when satisfied that the application meets all standards and requirements shall the Planning Commission approve, or approve with conditions, an application for site plan approval to ensure the health, safety, and welfare of the residents of Elmwood Township.

The Planning Commission must make a finding that specific standards are met prior to approving a site plan. To aid their determination, please detail (with additional pages as necessary) how the proposed project meets the following standards:

<u>Site Plan Review Standard</u>	<u>Applicant Review</u>	<u>Office Use Only</u>	
1. All required site plan and application information has been provided as specified in this Article.	See attached document for 1-13.		
2. All required permits and approvals from outside agencies have been secured, or have been made a condition of site plan approval.			
3. Adequate essential facilities and services including highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools are available, or the provision of such facilities and services has been assured.			
4. All applicable standards of agencies including, but not limited, to the Township Fire Department, Michigan Department of Transportation, Leelanau County Road Commission, Leelanau County Drain Commission, Health Department, and the Michigan Department of Environmental Quality (MDEQ) have been met.			
5. Compliance with all non-zoning ordinances adopted by the Township, including, but not limited to the private road ordinance.			
6. All buildings and structures shall be designed, constructed, operated, and maintained so as to be harmonious,			

compatible, and appropriate in appearance with the existing or intended character of the general vicinity.		
7. The buildings, structures, and entryway thereto proposed are situated, designed, and screened/buffered so as to minimize any adverse effects upon owners and occupants of adjacent properties and the neighborhood.		
8. All buildings and structures are accessible to emergency vehicles.		
9. Complete and safe pedestrian, non-motorized and vehicular circulation is provided.		
10. The percentage of impervious surface has been limited on the site to the extent practicable.		
11. Efforts have been made to protect the natural environment to the greatest extent possible.		
12. There exists within the site plan sufficient protection to accommodate storm water runoff on the site location.		
13. The proposal furthers the goals and objectives of the Master Plan.		

SECTION 8.4 REQUIREMENTS FOR SITE PLAN APPROVAL

The Ordinance requires specific information be included in each application for Site Plan Approval. Please use the following table to ensure that you have included the required information either on your plan (which must be drawn at a scale of one (1) inch equals one hundred feet (1"=100') or less) or included elsewhere in your application. Please use additional pages, as necessary.

<u>Site Plan Review Requirement</u>	<u>Applicant Review</u>	<u>Office Use Only</u>
1. Applicant's name, address, and telephone number.	On plans	
2. Property owner's name, address, telephone number, and signature.	On plans	
3. Proof of property ownership, and whether there are any options or liens on the property.	Provided as a separate document	
4. A signed and notarized statement from the owner of the property that the applicant has the right to act as the owner's agent.	Applicant is the owner	
5. The address and/or parcel number of the property, complete legal description and dimensions of the property, width, length, acreage, and frontage.	On plans	
6. Seal of the registered engineer, architect, and landscape architect who prepared the plan, as well as their names, addresses, and telephone numbers.	On plans	
7. Project title or name of the proposed development.	10240 E. Cherry Bend Site Redevelopment Project	
8. Statement of proposed use of land, project completion schedule, and any proposed development phasing.	On plans	
9. Statements regarding the project impacts on existing infrastructure, including traffic, schools, existing utilities, and the natural environment on and adjacent to the site.	On plans	
10. Total number of units, employees, bedrooms, offices, total and usable floor area, amount and type of recreation or	On plans	

open space proposed, and similar information required to evaluate compliance with the Ordinance.		
11. A vicinity map showing the area and road network surrounding the property.	On plans	
12. The gross and net acreage of the parcel.	On plans	
13. Land uses, zoning classification, and existing structures on the subject parcel and adjoining parcels.	On plans	
14. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines, and monument locations.	On plans	
15. Existing topographic elevations at two (2) foot intervals, except at five-foot intervals where slopes exceed 18%.	On plans	
16. The location and type of existing soils on the site, and any certifications of borings.	On plans	
17. Location and type of significant existing vegetation.	On plans	
18. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, floodplains, wetlands, and sand dunes.	On plans	
19. Location of existing and proposed buildings and intended uses thereof, as well as the length, width, and height of each building or building envelope.	On plans	
20. Proposed location of all proposed structures, buildings, equipment, and uses.	No new structures (N/A)	
21. Elevation drawings of typical proposed structures and accessory structures.	No new structures proposed (N/A)	
22. Location of existing public roads, rights-of-way, easements of record, and abutting streets.	On plans	
23. Location and dimensions of proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration, and passing lanes, including those within 100 feet of the property.	On plans	

24. Location, design, and dimensions of existing and/or proposed curbing, barrier-free access, carpools, parking areas (including indication of all spaces and method of surfacing), fire lanes, and all lighting thereof.	On plans	
25. Location, size, and characteristics of all loading and unloading areas.	Local deliveries.	
26. Location and design of all sidewalks, walkways, bicycle paths, and area for public use.	On plans	
27. Location of water supply lines and or wells, including fire hydrants and shut off valves; and the location and design of storm sewers, retention or detention ponds, waste water lines, and clean-out locations; and connection points and treatment systems (including septic system if applicable).	On plans	
28. Location of all other utilities on the site, including, but not limited to, natural gas, electric, cable TV, telephone, and steam.	On plans	
29. Proposed location, dimensions, and details of common open spaces, and common facilities such as community buildings or swimming pools, if applicable.	n/a	
30. Location, size, and specifications of all signs and advertising features, including cross-sections.	No changes proposed. Permit for current sign issued in 2022	
31. Exterior lighting locations, with area of illumination illustrated as well as the type of fixtures and shielding to be used.	No additional lighting proposed.	
32. Location and specifications for all fences, walls, and other screening features, with cross sections shown.	None proposed	
33. Location and specifications for all proposed perimeter and internal landscaping and other buffering features. The proposed sizes of landscape materials (not previously existing) must be indicated. All vegetation to be retained on	On plans	

site must also be indicated, as well as its typical size by general location, or range of sizes as appropriate.		
34. Location, size, and specifications for screening of all trash receptacles and other solid waste disposal facilities.	Trash is handled via totes which are stored inside	
35. Location and specifications for any existing or proposed (above or below ground) storage facilities for any chemicals, salts, flammable materials, or hazardous materials. Include any containment structures or clear zones required by county, state, or federal government authorities.	n/a	
36. Identification of any significant site amenities or unique natural features, and whether they will be preserved.	On plans (creek along west property line)	
37. North arrow, scale, and date of original submittal and last revision.	On plans	

CHARTER TOWNSHIP OF ELMWOOD

Planning and Zoning

10090 E. Lincoln Rd, Traverse City, MI 49684

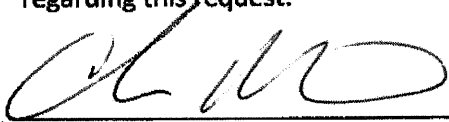
(231) 946-0921 Fax (231) 946-9320

Email: planner@elmwoodtownship.net

The applicant will forward copies of the site plan to the Leelanau County Road Commission, Leelanau County Drain Commissioner, Benzie-Leelanau District Health Department, the Elmwood Township Fire Department, Department of Public Works and Michigan Department of Transportation, as applicable, for their review and comments. Any review comments will be forwarded to the Zoning Administrator. Comment letters shall be provided to the Zoning Administrator prior to application being placed on the Planning Commission agenda for consideration.

Affidavit:

The undersigned affirms that he/she or they is (are) the owner, or authorized agent of the owner, and that the answers and statements herein contained and the information submitted are in all respects true and correct. In addition, the undersigned represents that he/she or they is authorized and does hereby grant a right of entry to Township officials for the purpose of inspecting the premises and uses thereon for the sole purpose of gathering information regarding this request.



Owner Signature

4-27-23

Date

Applicant Signature

Date

OFFICE USE ONLY:

Case Number: _____ Fee: _____ Paid: _____

PC Decision: _____ Date: _____

Charter Township of Elmwood Escrow Policy

Accordingly, the procedure for the handling and processing of escrow deposits henceforth shall be as follows:

- A. In connection with any application for a special land use, site plan approval, zoning amendment, cluster residential development review, site condominium review, planned unit development review, appeal, interpretation, variance, or other application as required by this Ordinance, the Township may require the applicant to pay in advance into an escrow fund established to cover the reasonable costs of reviewing the application. These costs may include staff costs or consultant fees covering planning, engineering, environmental analysis, wetland delineation, legal review, and other professional and technical services required for a proper and thorough review of the application. No application shall be reviewed further or considered complete, and no permit shall be issued, until all costs have been paid and/or the escrow fund has been replenished as outlined below. The Township shall account for the expenditure of all escrow funds, and the Township Clerk shall refund any unexpended funds within sixty (60) days of final action.


- B. Should the escrow fund ever dip below fifty (50%) of the original fund amount, the applicant shall be advised and required to replenish said escrow fund to the full original amount within five (5) business days of having been so notified by the Township Clerk.

- C. The applicant may seek an accounting from the Township Clerk of expenditures from the escrow fund when a request is made by the Township to replenish the fund and/or after a final decision on the application has been made. However, the applicant has no authority to approve or deny expenditures.

Amount of Escrow Deposit Required: _____

Amount of Escrow Deposit Received: _____

Date: _____

Signature:  _____

Name: Chris Millward Phone Number: 231-668-4147

Address: 10238 E Cherry Bend Rd
Traverse City MI 49684

April 25, 2023

Sarah Clarren
Planner / Zoning Administrator
Elmwood Township
10090 E Lincoln Rd
Traverse City, MI 49684

RE: Site Plan Review
Parcel ID 004-320-001-00
10240 E. Cherry Bend Rd.
Parcel Zoning: Neighborhood Commercial

Dear Sarah:

Article 8.5 - Standards for Site Plan Review

- 1. All required site plan and application information has been provided as specified in this Article.**

Yes, see Site Plans provided.

- 2. All required permits and approvals from outside agencies have been secured, or have been made a condition of site plan approval.**

All local and state agency reviews will be provided and shall be a condition of approval.

- 3. Adequate essential facilities and services including highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools are available, or the provision of such facilities and services has been assured.**

Water is provided by onsite well and sewer is served by Public Sewer system for the existing structure. Access is provided on both Cherry Bend Road and Sylvia Street. Proposed modifications to the site will provide management of stormwater and contained onsite.

Refuse is handled by private waste management company; owner utilizes totes that are kept indoors until day of service/pick up.

Fire and police service is handled by Elmwood Township Fire Department and Leelanau County Sheriff.

- 4. All applicable standards of agencies including, but not limited, to the Township Fire Department, Michigan Department of Transportation, Leelanau County Road Commission, Leelanau County Drain Commission, Health Department, and the Michigan Department of Environmental Quality (MDEQ) have been met.**

All local and state agency reviews will be provided and shall be a condition of approval.

5. **Compliance with all non- zoning ordinances adopted by the Township, including, but not limited to the private road ordinance.**

None applicable

6. **All buildings and structures shall be designed, constructed, operated, and maintained so as to be harmonious, compatible, and appropriate in appearance with the existing or intended character of the general vicinity.**

No changes to the building is proposed; existing structure is legal, conforming and provides commercial spaces for tenants.

7. **The buildings, structures, and entryway thereto proposed are situated, designed, and screened/buffered so as to minimize any adverse effects upon owners and occupants of adjacent properties and the neighborhood.**

No changes to the building is proposed. The existing buffer provides screening from adjacent properties. Further site landscaping around the modified parking lots will create additional natural aesthetic and provide even more benefit to the surrounding area.

8. **All buildings and structures are accessible to emergency vehicles.**

Yes, see attached Site Plan.

9. **Complete and safe pedestrian, non-motorized and vehicular circulation is provided.**

The intent of this project is to provide a better pedestrian and circulation pattern. By reducing to one entrance on Cherry Bend Road, this will significantly provide safer ingress/egress traffic. The existing gravel side yard parking that has no pedestrian or traffic management at all, is redesigned for safe ingress/egress, with additional sidewalks to move pedestrians from vehicles to building.

10. **The percentage of impervious surface has been limited on the site to the extent practicable.**

Yes; impervious surface has been reduced. See Site Plan C1.0 General Information for calculation of areas.

11. **Efforts have been made to protect the natural environment to the greatest extent possible.**

The intent of this project has been to provide safer pedestrian and vehicular management with a full desire to maintain the natural environment on this site. A creek that runs along the west property line has been protected by natural vegetation, well established in growth. This plan continues to protect both the creek and the majority of vegetation while providing safer traffic patterns.

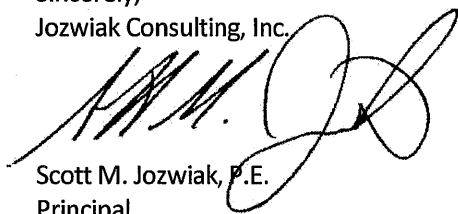
12. **There exists within the site plan sufficient protection to accommodate storm water runoff on the site location.**

Plans have been prepared to meet the Leelanau County Soil Erosion, Sedimentation and Stormwater Runoff Control (SESSRC) Ordinance and are subject to review and permitting by Leelanau Conservation District.

13. **The proposal furthers the goals and objectives of the Master Plan.**

Greilickville Service Center, Pg. 40 Commercial, office and industrial development is an important aspect of the livelihood of any community, in terms of offering services to residents, providing a reasonable tax base, and having increased employment opportunities. The Greilickville Service Area in the most southeast corner of the county has evolved into the commercial and retail center of the Township, offering a variety of shopping, non-profits, and service-oriented opportunities for local residents. Lands found in this classification are generally planned for more intense uses and densities than other locations. This is due in part to the availability of public water and sanitary sewer facilities, and the proximity to compatible land uses in the city of Traverse City.

Sincerely,
Jozwiak Consulting, Inc.

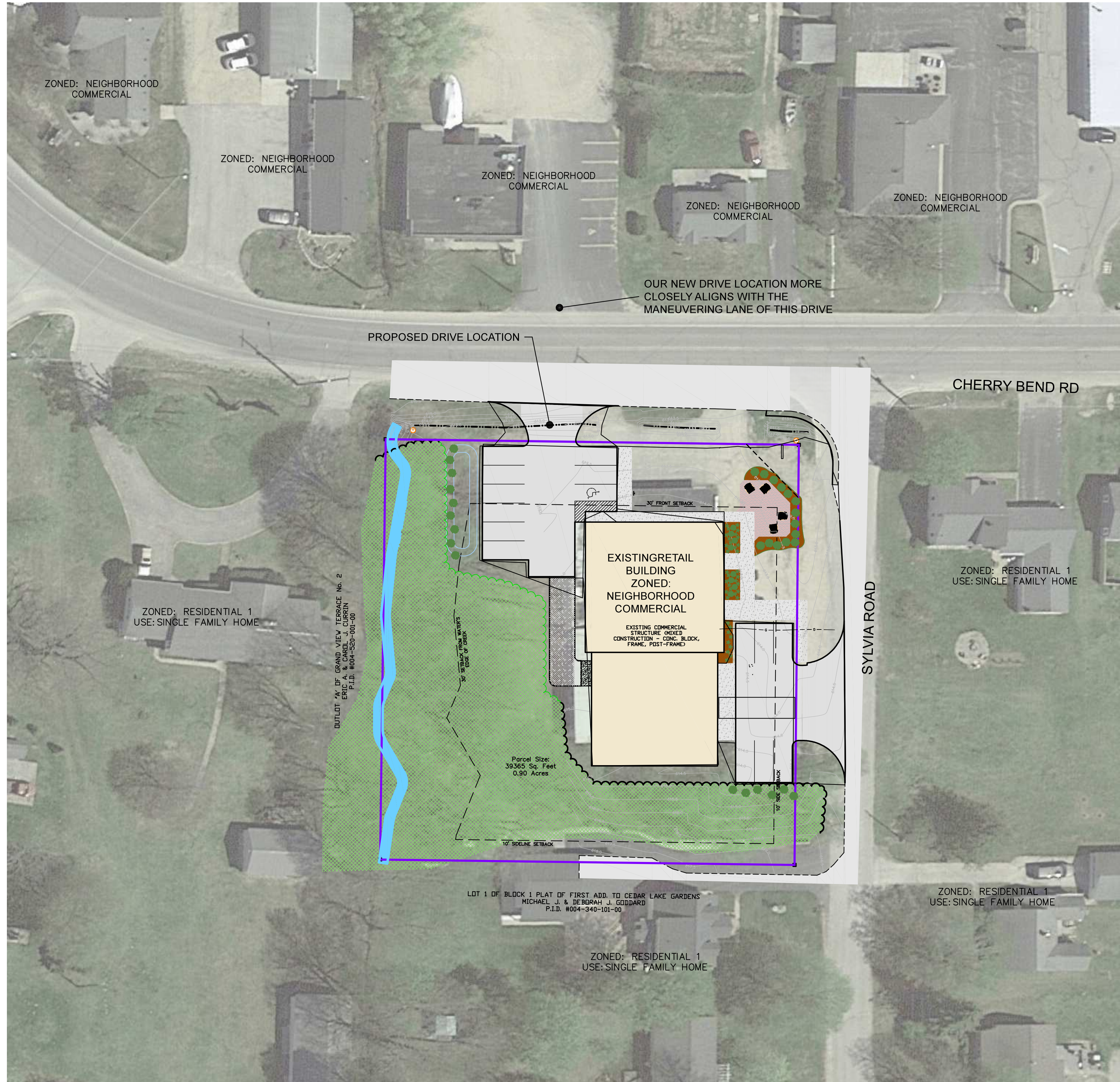
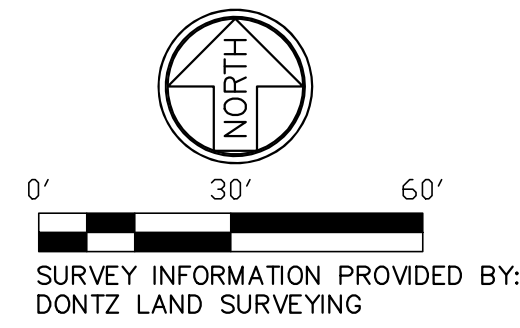
A handwritten signature in black ink, appearing to read 'S.M. Jozwiak', with a large, stylized flourish at the end.

Scott M. Jozwiak, P.E.
Principal

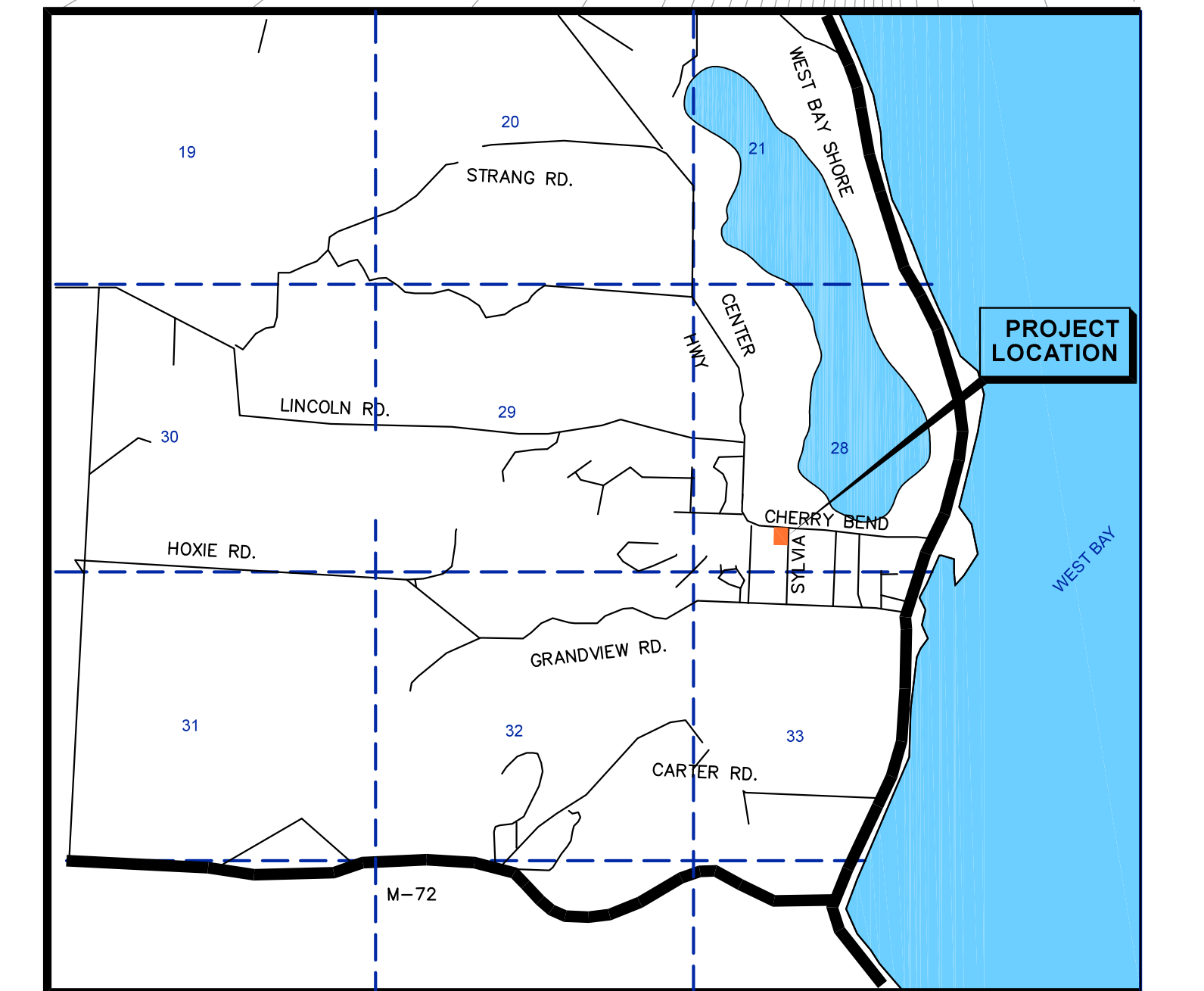
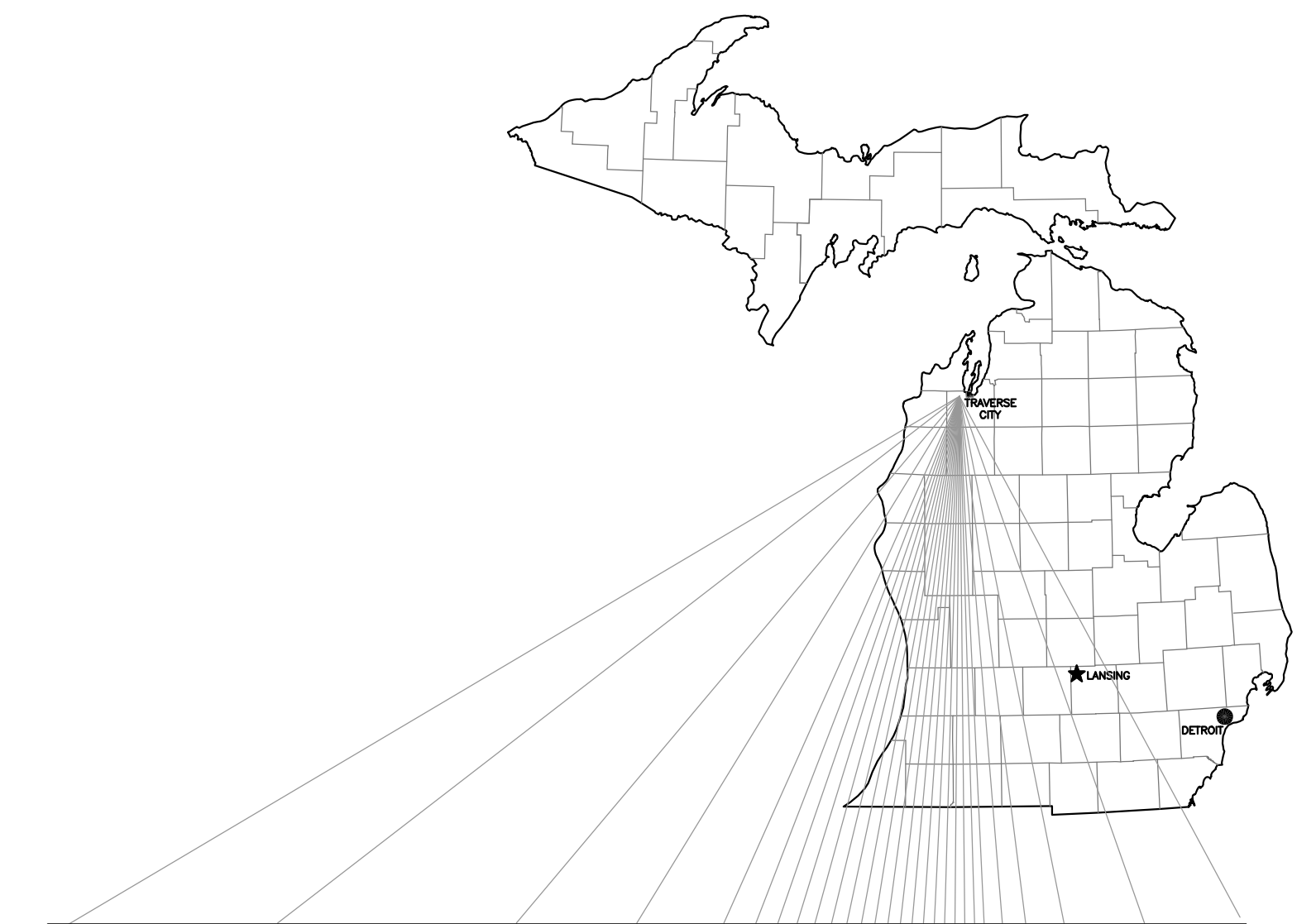
SITE REDEVELOPMENT PROJECT

10240 E. CHERRY BEND ROAD

ELMWOOD TOWNSHIP, LEELANAU COUNTY, MICHIGAN



OVERALL DEVELOPMENT MAP



PROJECT LOCATION MAP

APPLICANT / OWNER:
GM, LLC
10240 E. CHERRY BEND RD.
TRAVERSE CITY, MI 49684

SITE INFORMATION:
10240 E. CHERRY BEND ROAD

PARCEL ID:
004-320-001-00

USE:
ZONING: NEIGHBORHOOD COMMERCIAL
PREVIOUS USE: KITCHEN DESIGN CENTER
PROPOSED USE: KITCHEN DESIGN CENTER AND FINANCIAL ADVISOR FIRM

SETBACKS REQUIRED:
FRONT: 30 FT
SIDE: 10 FT
CREEK: 30 FT

THIS IS A CORNER LOT. PER PAGE 5-10 OF THE ELMWOOD TOWNSHIP ZONING ORDINANCE, NOTE B, CORNER LOTS IN THE NEIGHBORHOOD COMMERCIAL DISTRICT ARE DEFINED AS FOLLOWS:

Note B: Corner Lots. The following setbacks shall be observed on corner lots:
1. NC and GC Zoning Districts. The shortest side of the lot along the street right-of-way shall be considered the front lot line. Side yard setbacks shall apply to the exterior and interior side lot lines; if a rear yard exists, rear yard setbacks shall apply to the remaining lot line.

THE PROPERTY LINE ALONG CHERRY BEND IS SHORTER THAN THE LINE ALONG SYLVIA, THEREFORE CHERRY BEND IS CONSIDERED THE FRONT LOT LINE WITH A FRONT YARD SETBACK REQUIREMENT AND SYLVIA IS A SIDE LOT LINE WITH A SIDE YARD SETBACK REQUIREMENT.

SITE DATA

TOTAL BUILDING AREA = 7,332 SF
OFFICE = 3,990 SF
GARAGE = 3,342 SF

PARKING RATIO=1 PER 200 SF OF OFFICE AREA
PARKING REQUIRED
3,990/200=20 SPACES REQUIRED

SPACES PROVIDED = 15
(INCLUDES 1 A.D.A. ACCESSIBLE SPACE)
(VARIANCE RECEIVED IN 2022 FOR REDUCED PARKING)

PARKING INFORMATION

The building has most recently been used as a kitchen showroom with an attached garage/warehouse space. The new owners are moving their financial advisor offices to this location and will be occupying roughly 2/3 of the front area and the kitchen showroom is being reduced to about 1/3 of the front area. The garage space will remain unchanged and it will be used for personal storage as well as overflow area during showroom changeovers, business files and surplus office equipment.

It is anticipated that the most intense use from the parking requirements chart is for the front area to all be set for office space requiring parking at a ratio of 1 space per 200 sf of floor area.

The front area is 3,990 sf and by the ordinance requires 20 parking spaces. It is reasonable to fit in the 15 spaces that we show on the plan and we feel this is the maximum space available to put parking spaces without impacting the creek setback or having to remove the existing building.

- Per the owner, the parking needs are:
- Kitchen Showroom: 2 employees and 2 parking spaces for patrons.
 - Financial Advisors: 7 employees and 4 parking spaces for patrons.

ITEM 10 OF APPLICATION

THE PROPOSED PROJECT IS A REUSE OF AN EXISTING BUILDING WITH SIMILAR INTENSITIES AS HISTORICALLY PRESENT AT THIS SITE.

FURTHER, THE REDEVELOPMENT OF THE CAMPUS WILL PROVIDE MUCH NEEDED LANDSCAPING, ORDERLY MOVEMENT OF VEHICLES AND PROVIDE BEAUTIFICATION OF THE SITE FOR THE BENEFIT OF THE OWNER AND THE NEIGHBORHOOD.

THERE WILL BE NO ADDITIONAL IMPACT TO INFRASTRUCTURE, TRAFFIC, SCHOOLS AND EXISTING UTILITIES.

IMPACTS TO THE NATURAL ENVIRONMENT WILL BE REDUCED DUE TO REDUCTIONS IN IMPERVIOUS SURFACES, MORE GREEN AREA AND STORMWATER MANAGEMENT.

IMPACT STATEMENT

ALL WORK TO BE COMPLETED IN ONE PHASE AND ANTICIPATED TO BE COMPLETED SUMMER/FALL OF 2023 PENDING APPROVALS

PROJECT PHASING AND SCHEDULE

LOTS 1 & 2 AND THE WEST 9.0 FEET OF LOT 3 PLAT OF CEDAR LAKE GARDENS, SITUATED IN THE SE 1/4 OF THE SW 1/4 OF SECTION 28, T28N, R11W, ELMWOOD TOWNSHIP, LEELANAU COUNTY, MICHIGAN.

PARCEL DESCRIPTION

PARCEL SIZE = 39,365 SF (0.90 AC.)
CURRENT LOT COVERAGE = 13917 SF = 35%
PROPOSED LOT COVERAGE = 13552 SF = 34%

NET LOT AREA PER ZONING:
PARCEL SIZE = 39,365 SF (0.90 AC.)
CREEK AREA = 1,100 SF
NET LOT AREA = 38,265 SF

PARCEL SIZE AND LOT COVERAGE

SHEET	SHEET TITLE
C1.0	GENERAL INFORMATION
C1.1	EXISTING CONDITIONS/DEMOLITION PLAN
C1.2	SITE PLAN
C1.3	GRADING PLAN

SHEET INDEX



PLAN DATE:
4/21/2023
SPR. SUBMITTAL
4/26/2023
PAVING DETAIL MODIFICATION
5/4/2023
TWP. REVIEW COMMENTS

LOCATION:
10240 E. CHERRY BEND ROAD
TRAVERSE CITY, MI 49684

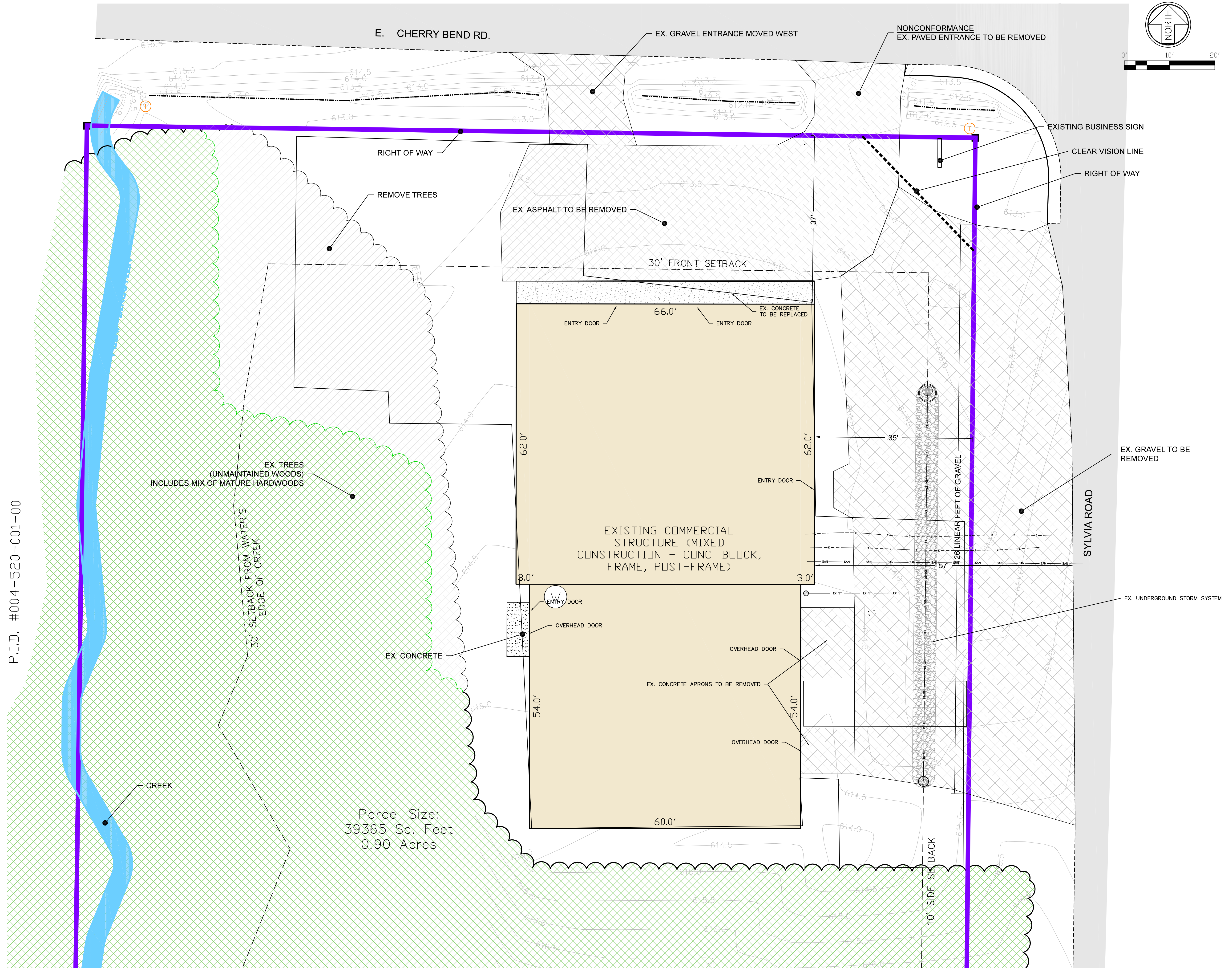
PROJECT:
SITE REDEVELOPMENT PROJECT
10240 E. CHERRY BEND ROAD
CLIENT:
GM, LLC
10240 E. CHERRY BEND RD.
TRAVERSE CITY, MI 49684

PROJECT NO.:
2021-112

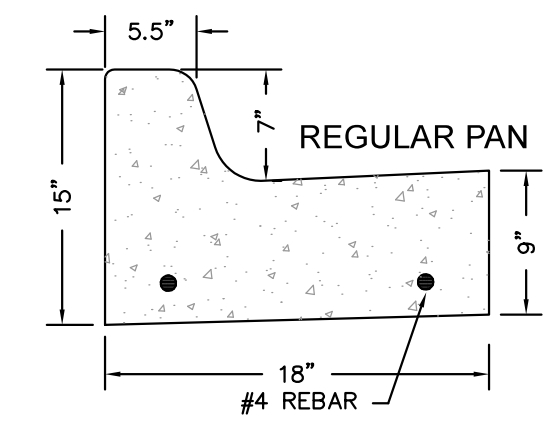
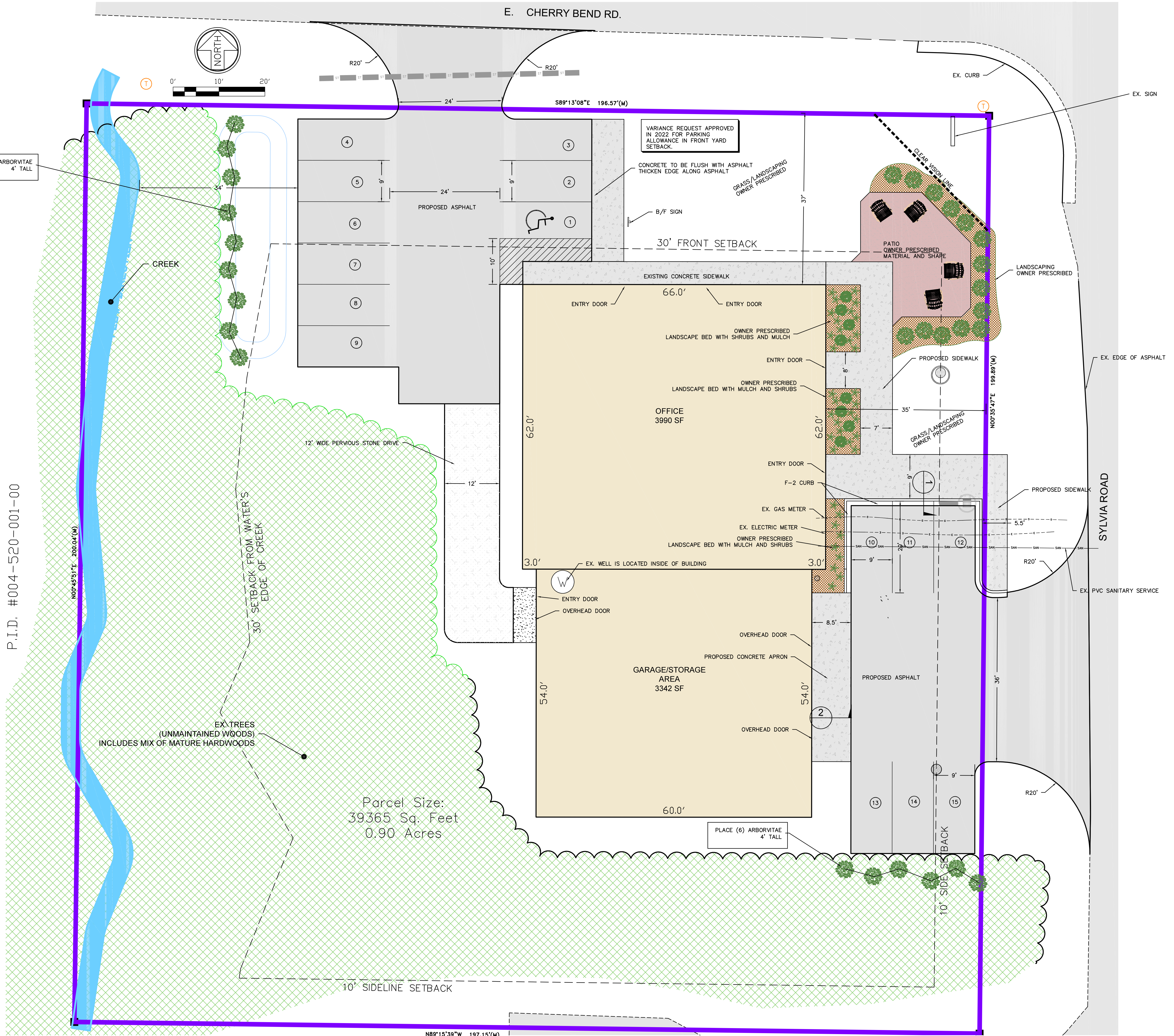
GENERAL INFORMATION

C1.0

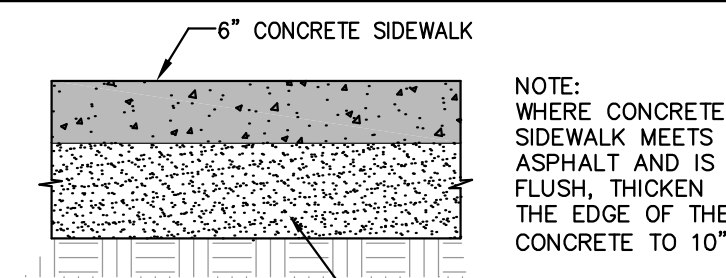
P.I.D. #004-520-001-00



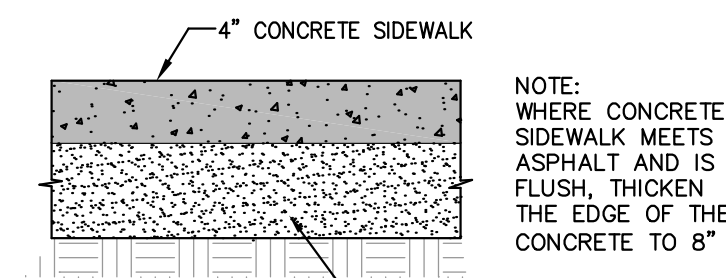
Parcel Size:
39365 Sq. Feet
0.90 Acres



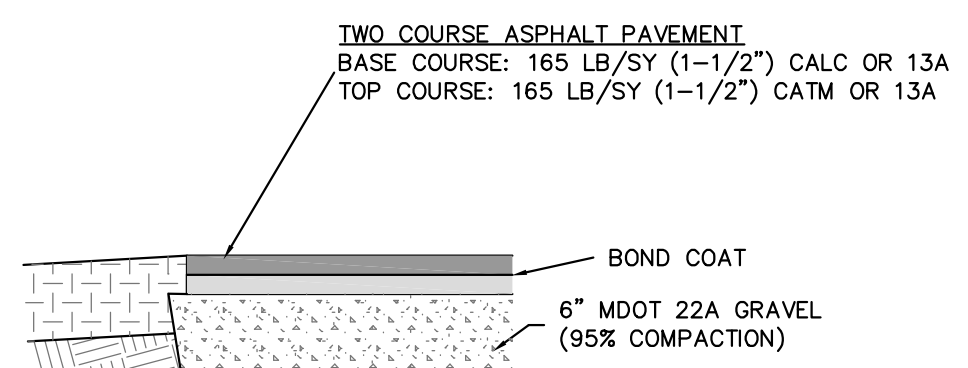
F-2 CURB (MODIFIED)



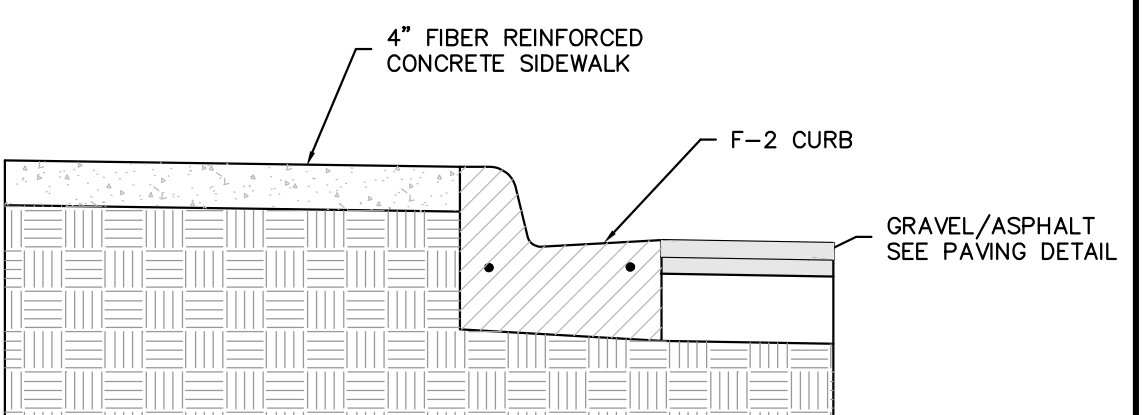
CONCRETE APRON DETAIL



CONCRETE SIDEWALK DETAIL



ON-SITE PAVING DETAIL



CURB AND SIDEWALK DETAIL

STORMWATER INFILTRATION BASIN #1

Inflow Area = 3,800 sf 100.00% Impervious, Inflow Depth > 4.47" for 25-Year event
 Inflow = 0.46 cfs @ 12.22 hrs, Volume= 1,414 cf
 Outflow = 0.15 cfs @ 12.53 hrs, Volume= 1,414 cf, Atten= 67%, Lag= 18.3 min
 Discarded = 0.15 cfs @ 12.53 hrs, Volume= 1,414 cf

Routing by Stor-Ind method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
 Peak Elev= 612.58' @ 12.53 hrs Surf.Area= 646 sf Storage= 334 cf

Plug-Flow detention time= (not calculated: outflow precedes inflow)
 Center-of-Mass det. time= 13.5 min (756.0 - 742.5)

Volume #1	Invert	Avail Storage	Storage Description
	612.00'	625 cf	Custom Stage Data (Prismatic) Listed below (Recalc)
Elevation (feet)	Surf. Area (sq-ft)	Inc Store (cubic-feet)	Cum. Store (cubic-feet)
612.00	500	0	0
613.00	750	625	625

Device Routing Invert Outlet Devices
 #1 Discarded 612.00' 10,000 in/hr Exfiltration over Surface area

Discarded OutFlow Max=0.15 cfs @ 12.53 hrs HW=612.58' (Free Discharge)
 1-Exfiltration (Exfiltration Controls 0.15 cfs)

EXISTING UNDERGROUND STORM SYSTEM

Inflow Area = 7,800 sf 100.00% Impervious, Inflow Depth > 4.46" for 25-Year event
 Inflow = 0.66 cfs @ 12.41 hrs, Volume= 2,900 cf
 Outflow = 0.28 cfs @ 12.15 hrs, Volume= 2,901 cf, Atten= 57%, Lag= 0.0 min
 Discarded = 0.28 cfs @ 12.15 hrs, Volume= 2,901 cf

Routing by Stor-Ind method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
 Peak Elev= 2.59' @ 12.81 hrs Surf.Area= 491 sf Storage= 540 cf

Plug-Flow detention time= (not calculated: outflow precedes inflow)
 Center-of-Mass det. time= 10.8 min (765.1 - 754.3)

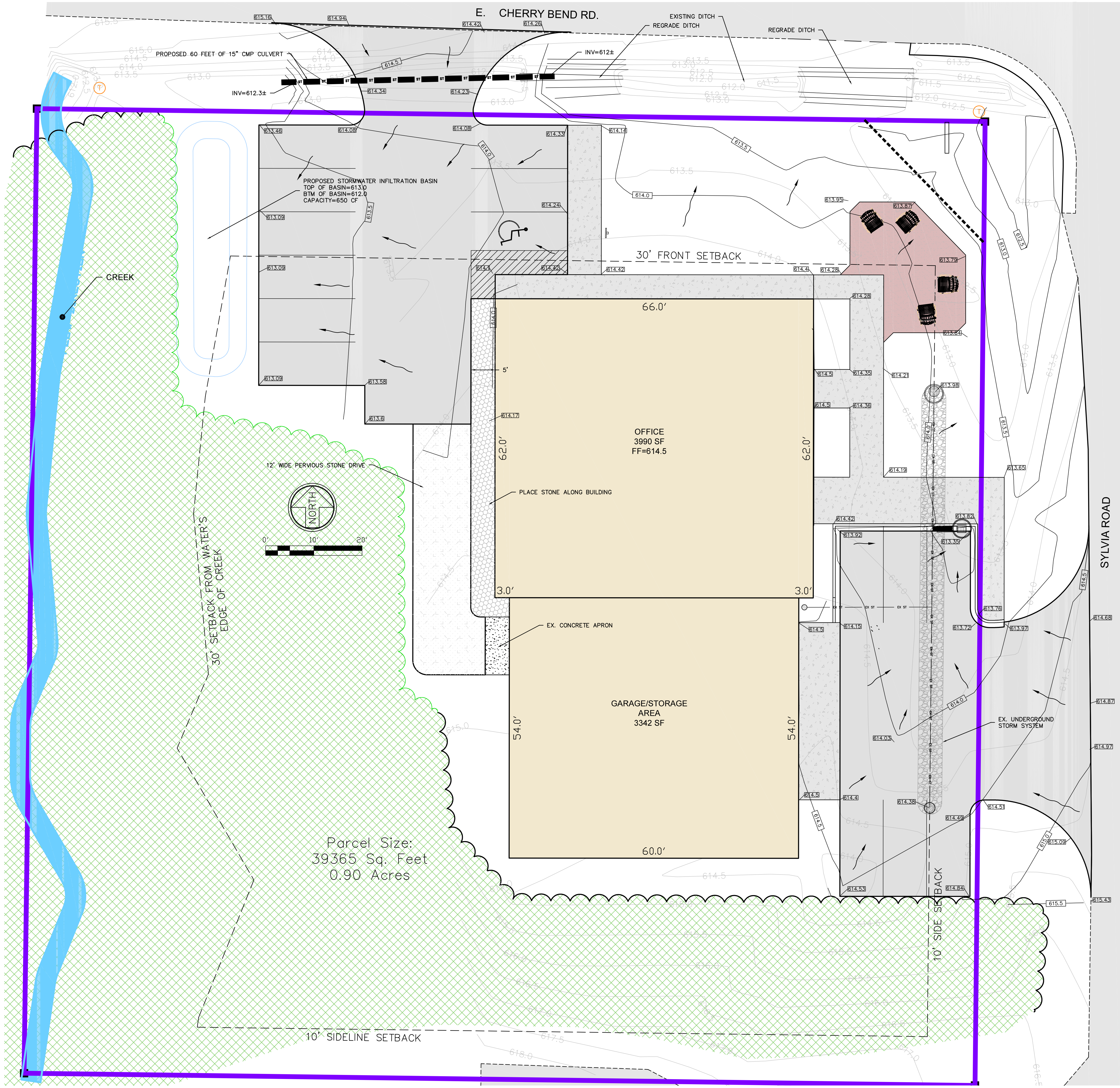
Volume #1A	Invert	Avail Storage	Storage Description
	0.00'	532 cf	6.04'W x 81.33'L x 2.88'H Field A 1,413 cf Overall - 84 cf Embedded = 1,329 cf x 40.0% Voids
Volume #2A	Invert	Avail Storage	Storage Description
	0.83'	65 cf	ADS N-12 12" x 4 Inside #1 Inside= 12.2'W x 12.2'H => 0.81 sf x 20.00'L = 16.2 cf Outside= 14.5'W x 14.5'H => 1.05 sf x 20.00'L = 20.9 cf
597 cf Total Available Storage			

Storage Group A created with Chamber Wizard

Device Routing Invert Outlet Devices
 #1 Discarded 0.00' 25,000 in/hr Exfiltration over Surface area

Discarded OutFlow Max=0.28 cfs @ 12.15 hrs HW=0.06' (Free Discharge)
 1-Exfiltration (Exfiltration Controls 0.28 cfs)

STORMWATER MANAGEMENT ANALYSIS



Parcel Size:
 39365 Sq. Feet
 0.90 Acres

**LEELANAU COUNTY ROAD COMMISSION
APPLICATION AND PERMIT**

to construct, operate, maintain use and/or remove within a
County Road Right-of-Way

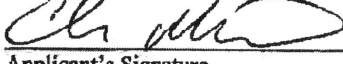
Board of County Road Commissioners of Leelanau County, Michigan
10550 E Eckerle Road Suttons Bay 49682 (231) 271-3993

Permit Number	11.23C
Issuance Date	5/10/2023
Final Approval	

FAXED COPIES OF THIS PERMIT ARE NOT ACCEPTABLE AS A FORMAL APPLICATION.
If applicant hires a contractor to perform the work, BOTH assume responsibility for the provisions of this Application and Permit.

Applicant	Contractor/Agent
Name: <u>Blueprint Partners</u>	Name: <u>tbd</u>
Mailing Address: <u>10238 E. Cherry Bend Rd.</u>	Mailing Address: _____
<u>Traverse City, MI 49684</u>	_____
Phone: <u>231-668-4147</u> Fax: _____	Phone: _____ Fax: _____

Applicant/Contractor agrees to the terms of the permit.

	_____
Applicant's Signature	Contractor's Signature
Title <u>Principal</u> Date <u>4-27-2023</u>	Title _____ Date _____

It is the responsibility of the applicant/agent to flag the proposed driveway location so the Inspector will be able to determine the exact proposed location. Failure to flag may result in considerable delay. Any construction performed before receipt of the original permit may not meet Road Commission standards and is subject to additional fees, revision, or removal at the Road Commission's request. Applicant and/or Contractor request a permit for the purpose indicated in the attached plans and specifications at the following location: **WHEN COMPLETED YOU MUST CALL FOR FINAL INSPECTION.** Page two of permit must be included and initialed at the bottom acknowledging applicant has read provisions of permit prior to submitting application.

Address 10238 E. Cherry Bend Rd Township Elmwood Sec 28 T 28 N, R 11 W
Other Removal ex. curb cuts and installation of a new curb cut on Cherry Bend Road
New Paving Use of Existing _____ Residential _____ Commercial Other _____

DO NOT WRITE BELOW THIS LINE

Land Division Approval No. _____ Approx. location of Drive _____ Feet _____ of the _____ Property Line
PERMIT

A permit is granted in accordance with the foregoing application for the period stated above, subject to following terms agreed to by the Permit Holder. When Applicant hires a Contractor the "Permit Holder" is the Applicant and the Contractor.

Terms of the Permit:

SEE ATTACHED PAGE FOR TERMS OF PERMIT.

RECOMMENDED FOR ISSUANCE:

STANDARDS AND SKETCH "_____" INCLUDED.

INSPECTOR: Craig M Brown, PE

TITLE: Engineer

DATE: 5/10/2023

See Back for Additional Requirements

Rev. May, 2008

1. **Specifications.** All work performed under this permit must be done in accordance with the plans, specifications, maps and statements filed with the Road Commission and must comply with the Commission's current requirements and specifications on file at its offices and M.D.O.T. specifications. The Commission may require a site plan showing proposed drainage and details of proposed construction. Consideration as to snow removal and snow storage shall be given as part of design on all drives.
2. **Fees and Costs.** Permit Holder shall be responsible for all fees incurred by the Commission in connection with this permit and shall deposit estimated fees and costs as determined by the Commission, at the time the permit is issued.
3. **Insurance.** Applicant or Contractor shall furnish proof of liability and property damage insurance of at least \$500,000.00, listing the Road Commission, its Board, Employees, and Agents as additional insured. Such insurance shall cover the entire time period of this permit and shall provide that it cannot be cancelled without ten (10) days advance written notice by certified mail (with return receipt required) to the Commission.
4. **Completion.** *Unless otherwise stated, this permit is valid for six (6) months. You are required to call the Road Commission for final inspection and approval.* Failure to obtain final approval may delay your occupancy permit.
5. **Maintenance.** It shall be the responsibility of the Property Owner to keep trees, brush, and vegetation cut and maintained in such a manner to preserve sight distance, as approved, for safe access to the County Road. Also, owner must maintain ditches and culverts and keep open and free of leaves and debris.
6. **Indemnification.** Permit Holder shall hold harmless and indemnify and keep indemnified the Commission, its officers and employees from all claims, suits and judgments to which the Commission, its officers, or employees may be subject and for all costs and actual attorney fees which may be incurred on account of injury to persons or damage to property, including property of the Commission, whether due to the negligence of the Permit Holder or the joint negligence of the Permit Holder and the Commission, arising out of the work under this permit, or in connection with work not authorized by this permit, or resulting from failure to comply with the terms of this permit, or arising out of the continued existence of the work product which is the subject of this permit.
7. **Miss Dig.** The Permit Holder must comply with the requirements of Act 53 of Public Acts of 1974, as amended. CALL MISS DIG AT (800) 482-7171 AT LEAST THREE (3) FULL WORKING DAYS, BUT NOT MORE THAN TWENTY-ONE (21) CALENDAR DAYS, BEFORE YOU START WORK. Permit Holder assumes all responsibility for damage to or interruption of underground utilities.
8. **Safety.** Permit Holder agrees to work under this permit in a safe manner and to keep the area affected by this permit in a safe condition until the work is completed. All work site conditions shall comply with Michigan Manual of Uniform Traffic Control Devices.
9. **Restoration and Repair of Road.** Permit Holder agrees to restore the road and right-of-way to a condition equal to or better than its condition before the work began; and to repair any damage to the road right-of-way which is the result of the facility whenever it occurs or appears.
10. **Limitation of Permit.** This permit does not relieve Permit Holder from meeting other applicable laws and regulations of other agencies. Permit Holder is responsible for obtaining additional permits or releases which may be required in connection with this work from other governmental agencies, public utilities, corporations and individuals, including property owners. Permission may be required from the adjoining property owners.
11. **Revocation of Permit.** The permit may be suspended or revoked at will, and the Permit Holder shall surrender this permit and alter, relocate or remove its facilities at its expense at the request of the Commission.
12. **Violation of Permit.** This permit shall become immediately null and void if Permit Holder violates the terms of this permit, and the Commission may require immediate removal of Permit Holders facilities, or the Commission may remove them without notice at Permit Holders expense.
13. **Assignability.** This permit may not be assigned without the prior approval of the Commission. If approval is granted, the assignor shall remain liable and the assignee shall be bound by all the terms of this permit.
14. **Supplemental Specifications.** This permit is subject to supplemental specifications on file with the Road Commission and Act 200 of Public Acts of 1969.
15. **Road Right-of-Way.** The Road Commission **does not allow** sprinklers, tree planting, landscaping, etc. in the Road right-of-way. Unauthorized items placed in the right-of-way are at the sole risk of the landowner. Damage to same shall be at no cost to the Road Commission. No objects will be allowed which may obstruct the sight distance of neighboring property.

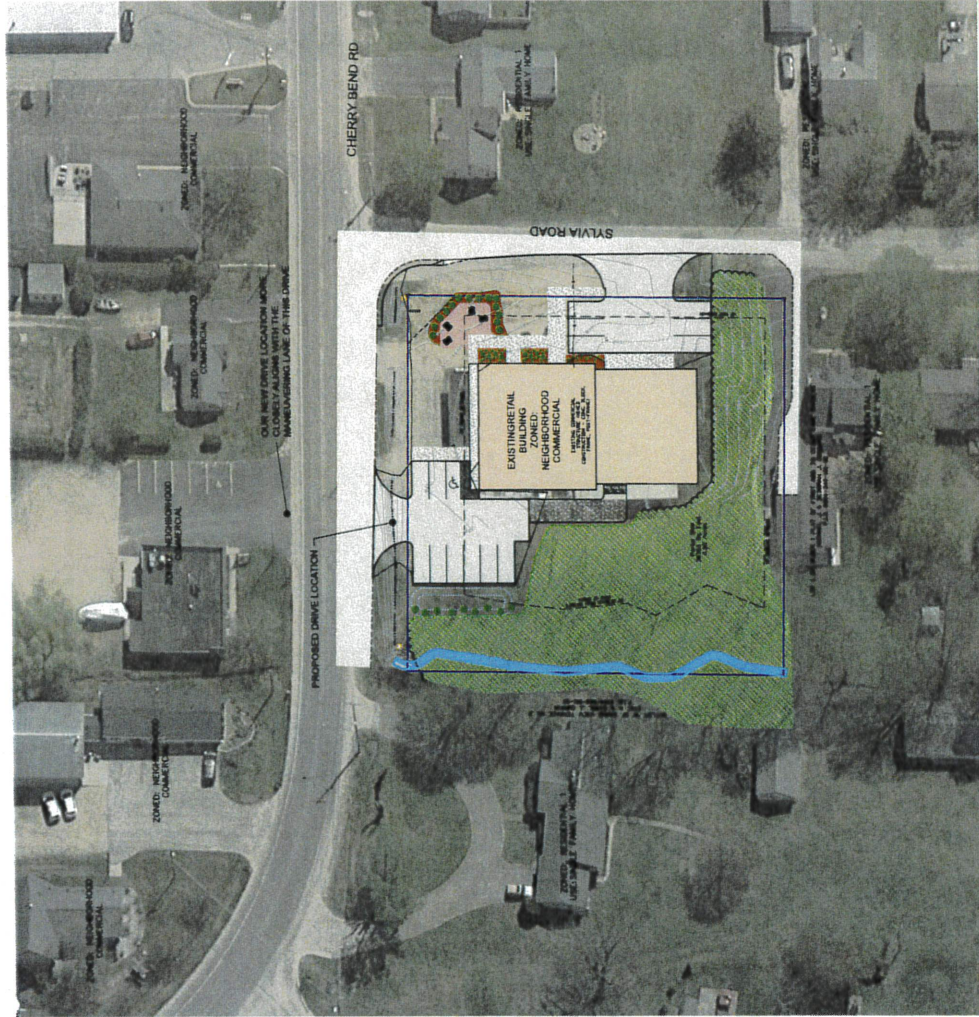
Terms of the Permit:

- Permit to construct a new drive along Cherry Bend Road, a Small Business drive at 10240 East Cherry Bend Road, Section 28, T28N, R11W, Elmwood Township, Leelanau County, MI.
- The approach shall be constructed per the plans submitted by Jozwiak Consulting dated 04/28/23 Project Number. 2021-112.
- Driveway construction:
 - Grade shall slope away from the edge of the paved lane to the center-line of the ditch at 2-4%.
 - At a minimum, 35-foot tapers with a 6-foot offset from the edge of the paved lane to the radii.
 - Minimum 25-foot radii.
 - Driveway shall be 24' wide at the throat. (*Throat opening is measured at the point of tangency to the driveway, not at the point where the radius crosses the right-of-way line.*)
 - Driveway shall have a 70° to 110° skew angle from the centerline of the road.
- Driveway shall be graded to effectively drain storm water runoff, from the driveway and adjacent land, away from the roadway and road right of way. Any driveway that does not drain properly shall be removed or re-graded by the applicant to provide proper drainage. Storm water runoff from lawns, roofs and other areas must be handled on-site and not be drained toward the road. Stormwater runoff from driveway must be collected on-site and not enter into roadway.
- HMA (asphalt) paving shall be at least 3" thick and concrete pavement must be at least 6" thick within the portion of the driveway approach covering the road shoulder 6 foot from edge of lane).
- A culvert is required per the engineered plans.
- Keep construction equipment off existing pavement or road shoulder to prevent damage.
- Place topsoil, seed and mulch on disturbed areas to prevent erosion.
- Traffic along E Cherry Bend Road shall be maintained in both directions at all times, any work at or near the edge of pavement shall be signed for a shoulder closure per MDOT – Maintaining Traffic Typical.
- Applicant or Contractor shall furnish proof of liability and property damage insurance of at least \$500,000.00, listing the Road Commission, its Board, Employees, and Agents as additional insured. Such insurance shall cover the entire time period of this permit and shall provide that it cannot be cancelled without ten (10) days advance written notice by certified mail (with return receipt required) to the Commission.
- For commercial and multi-residential driveways where hot mix asphalt (HMA) paved surface and/or concrete curb & gutter (or alternates) are required by the Road Commission, a \$6,000 financial guarantee is required to guarantee completion of HMA surface paving. The financial guarantee may be provided in one of three ways, cash escrow payment, a bond (from an insurance company) or a bank irrevocable letter of credit. Please refer to the Road Commission website <https://static1.squarespace.com/static/514cbc76e4b0d2e6d865d63b/t/5c9a1f6df9619a93fea99bf1/1553604462089/Permit+fee+schedule+rev+3-19-19.pdf> for examples of acceptable formats for each of these three methods.
- **Final Inspection is required, permit applicant MUST contact LCRC for final inspection.** LCRC will provide an initial inspection prior to paving. Escrow payment will be held by road commission until drive approach is completed including paving. Please call for final inspection upon completion.

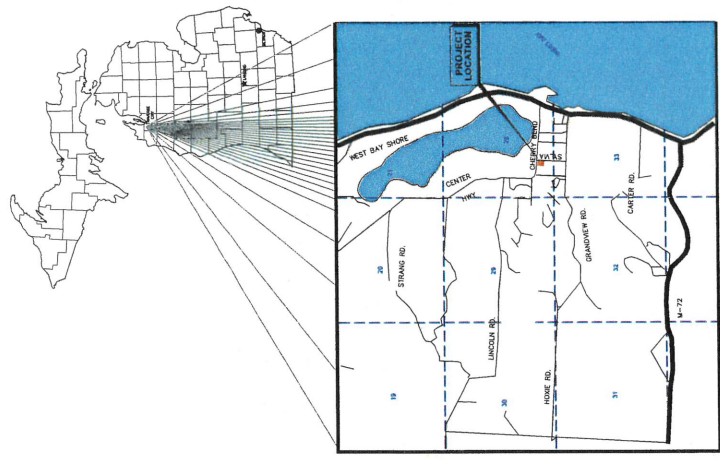




SITE REDEVELOPMENT PROJECT
10238 E. CHERRY BEND ROAD
 ELMWOOD TOWNSHIP,
 LEELENAU COUNTY, MICHIGAN



OVERALL DEVELOPMENT MAP



PROJECT LOCATION MAP

OWNER / OWNER OF LOT
 GM, LLC
 10240 E. CHERRY BEND ROAD
 TRAVERSE CITY, MI 49884

SITE INFORMATION
 SITE ADDRESS: 10240 E. CHERRY BEND ROAD
 PARCEL ID: 084-32-001-00

LOCAL OFFICIALS
 ZONING: NEIGHBORHOOD COMMERCIAL
 PREPARED BY: MICHAEL DESSA CENTER AND FINANCIAL
 ADVISOR: FRANK
 PROJECT NO: 2021-112

DATE
 4/27/2023

PROJECT DESCRIPTION
 LOTS 1, 6, 2 AND THE WEST 9.0 FEET OF LOT 3 PLAT OF CEDAR SECTION 26, T19N, L19E, LAMARCO TOWNSHIP, ILEENAU COUNTY, MICHIGAN.

PARCEL DATA
 PARCEL SIZE = 38,363 SF (0.88 AC)
 CORNER LOT COVERAGE = 131.77 SF = 33%

SHEET TITLE	
C1.0	GENERAL INFORMATION
C1.1	EXISTING CONDITIONS/DEMOLITION PLAN
C1.2	SITE PLAN
C1.3	GRADING PLAN

SHEET INDEX	
C1.0	GENERAL INFORMATION
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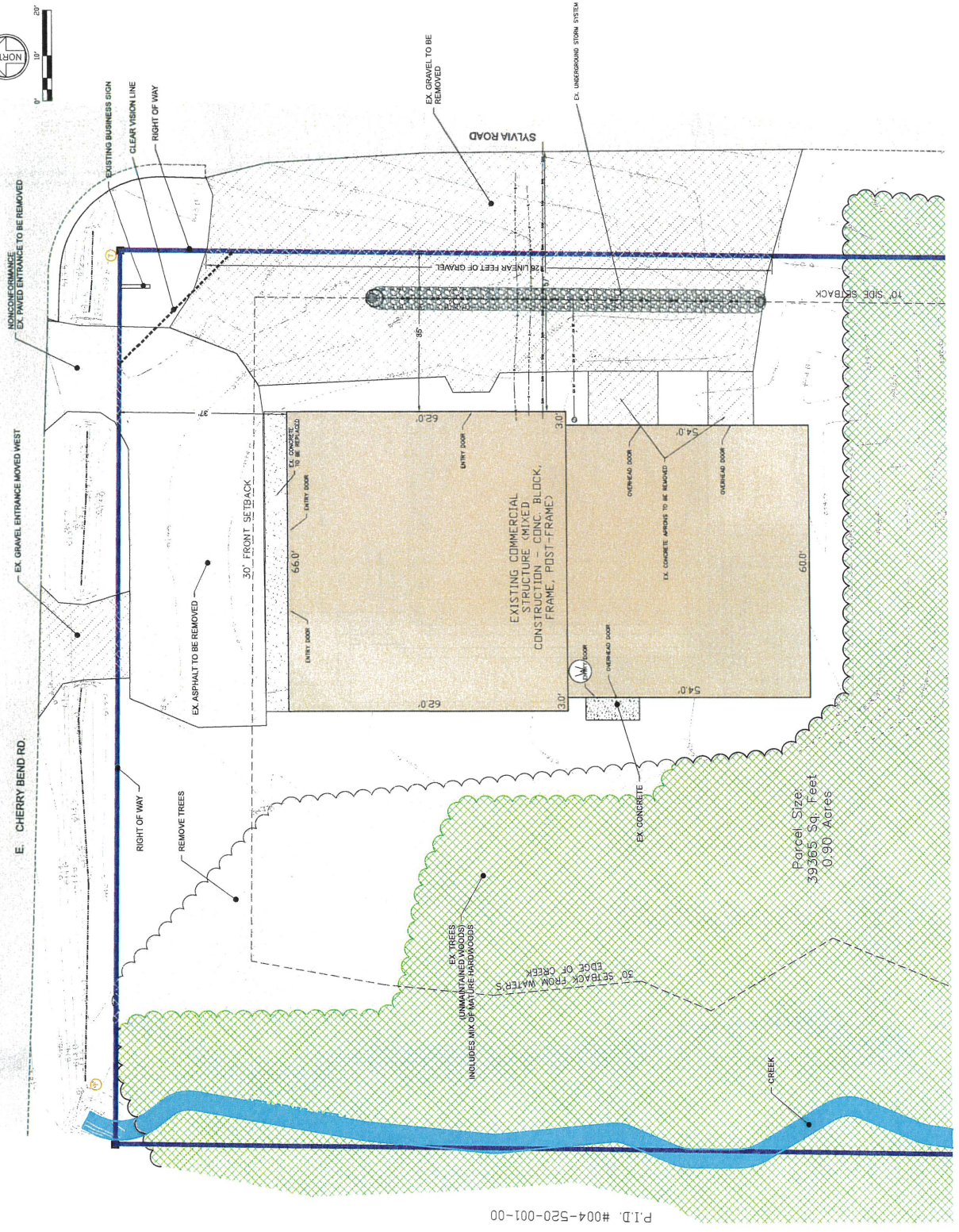


DATE: 4/27/2023
 SHEET TITLE: SITE PLAN

PROJECT: 10240 E. CHERRY BEND ROAD
 CLIENT: GM, LLC
 10240 E. CHERRY BEND RD.
 TRAVERSE CITY, MI 49884

PROJECT NO: 2021-112

DATE: 4/27/2023



P.I.D. #004-520-001-00

Parcel Size:
 39,365 Sq. Feet
 0.90 Acres

PROJECT: SITE REDEVELOPMENT PROJECT
 10240 E. CHERRY BEND ROAD
 TRAVERSE CITY, MI 49884
 CLIENT: GM, LLC
 10240 E. CHERRY BEND ROAD
 TRAVERSE CITY, MI 49884
 PREPARED BY: 2021-112
 EXISTING CONDITIONS/
 DEMOLITION
 PLAN
 C1.1



INFILTRATION BASIN #1

Flow Area =	3,800 sq. ft. (100,000 Impervious, Inflow Depth = 4.37" for 25-Year Event)
Time of Concentration =	1.41 hr. (1.41 hr. x 60 min = 84.6 min)
Outflow =	615 cfs @ 12.53 hrs. Volume = 1,414 cfs
Detention =	615 cfs @ 12.53 hrs. Volume = 1,414 cfs
Routing by Storage Method, Time Spans 5.00 to 60.00 hrs. at 0.05 hrs	
Peak Flow = 912.58 cfs @ 12.53 hrs. Surface Area = 546 SF Storage 134 cfs	
Center of Mass of Basin = 13.33 hrs. (100 ft x 742.5 ft)	
Volume = 615 cfs	
Flow Rate = 615 cfs	
Flow Area = 546 SF	
Flow Depth = 1.11 ft	
Flow Velocity = 0.48 ft/s	
Flow Time = 1.41 hr.	
Flow Distance = 13.33 hrs	
Flow Volume = 1,414 cfs	
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Flow Area = 546 SF	
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Flow Time = 1.41 hr.	
Flow Distance = 13.33 hrs	
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EXISTING UNDERGROUND STORM SYSTEM

Flow Area =	3,800 sq. ft. (100,000 Impervious, Inflow Depth = 4.37" for 25-Year Event)
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STORMWATER MANAGEMENT ANALYSIS

Flow Area =	3,800 sq. ft. (100,000 Impervious, Inflow Depth = 4.37" for 25-Year Event)
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Flow Volume = 1,414 cfs	

STORMWATER INFILTRATION BASIN #1

EXISTING UNDERGROUND STORM SYSTEM

LEELANAU COUNTY ROAD COMMISSION APPLICATION AND PERMIT

to construct, operate, maintain use and/or remove within a
County Road Right-of-Way

Board of County Road Commissioners of Leelanau County, Michigan
10550 E Eckerle Road Suttons Bay 49682 (231) 271-3993

Permit Number 05.23C
Issuance Date <u>5-10-2023</u>
Final Approval

FAXED COPIES OF THIS PERMIT ARE NOT ACCEPTABLE AS A FORMAL APPLICATION.

If applicant hires a contractor to perform the work, BOTH assume responsibility for the provisions of this Application and Permit.

Applicant	Contractor/Agent
Name: <u>Blueprint Partners</u>	Name: <u>tbd</u>
Mailing Address: <u>10238 E. Cherry Bend Rd.</u> <u>Traverse City, MI 49684</u>	Mailing Address: _____
Phone: <u>231-668-4147</u> Fax: _____	Phone: _____ Fax: _____

Applicant/Contractor agrees to the terms of the permit.

Applicant's Signature Title <u>Principal</u> Date <u>2-24-2023</u>	Contractor's Signature Title _____ Date _____
---	--

It is the responsibility of the applicant/agent to flag the proposed driveway location so the Inspector will be able to determine the exact proposed location. Failure to flag may result in considerable delay. Any construction performed before receipt of the original permit may not meet Road Commission standards and is subject to additional fees, revision, or removal at the Road Commission's request. Applicant and/or Contractor request a permit for the purpose indicated in the attached plans and specifications at the following location: **WHEN COMPLETED YOU MUST CALL FOR FINAL INSPECTION.** Page two of permit must be included and initialed at the bottom acknowledging applicant has read provisions of permit prior to submitting application.

Address 10238 E. Cherry Bend Rd (Sylvia Street entrance) Township Elmwood Sec 28 T 28 N, R 11 W

Other _____

New _____ Paving Use of Existing Residential _____ Commercial Other _____

DO NOT WRITE BELOW THIS LINE

Land Division Approval No. _____ Approx. location of Drive _____ Feet _____ of the _____ Property Line

PERMIT

A permit is granted in accordance with the foregoing application for the period stated above, subject to following terms agreed to by the Permit Holder. When Applicant hires a Contractor the "Permit Holder" is the Applicant and the Contractor.

Terms of the Permit:

SEE ATTACHED PAGE FOR TERMS OF PERMIT.

RECOMMENDED FOR ISSUANCE:

INSPECTOR: Craig M. Brown, PE TITLE: Engineer DATE: 5/10/2023

STANDARDS AND SKETCH " _____ " INCLUDED.

— See Back for Additional Requirements

Rev. May, 2008

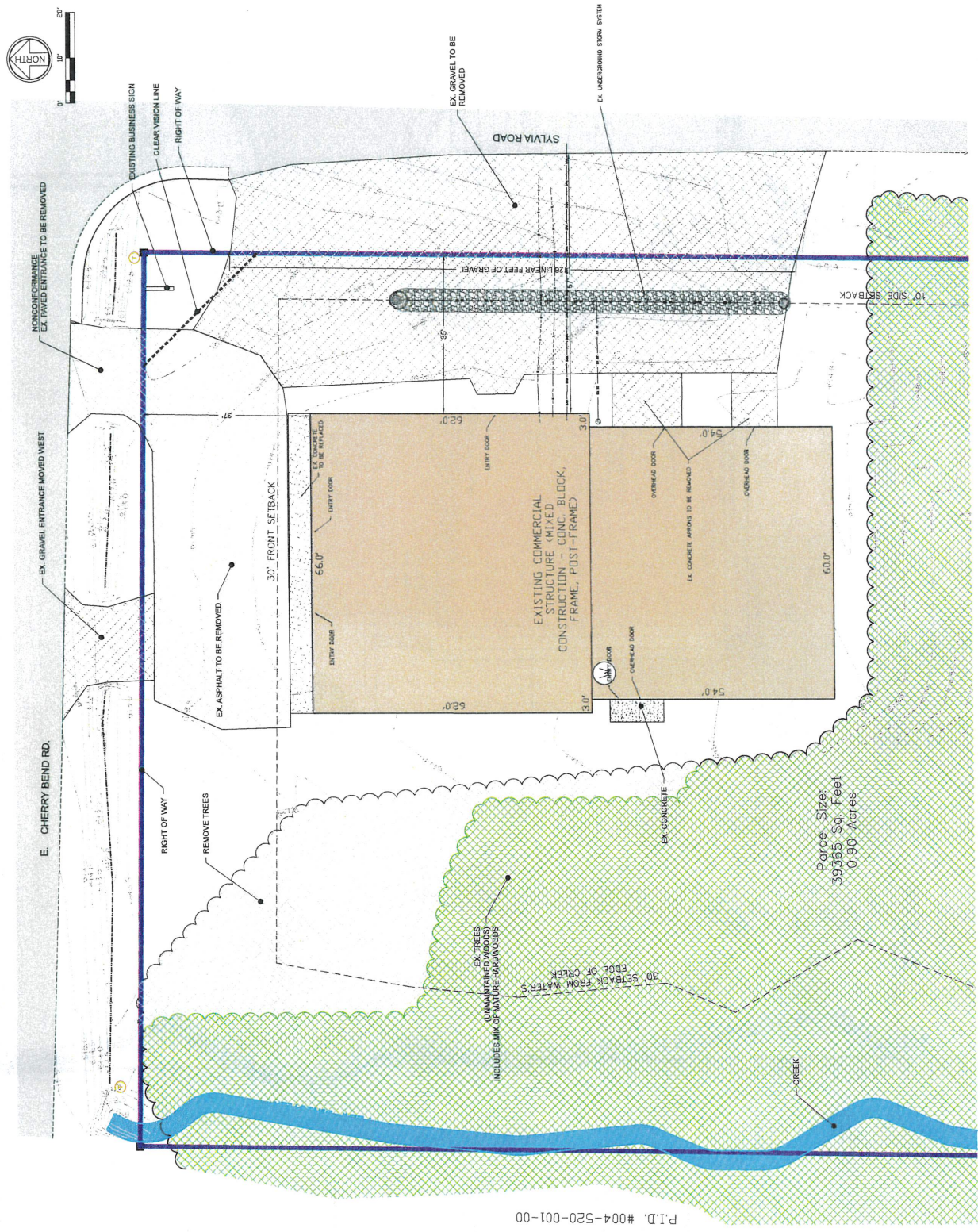
1. **Specifications.** All work performed under this permit must be done in accordance with the plans, specifications, maps and statements filed with the Road Commission and must comply with the Commission's current requirements and specifications on file at its offices and M.D.O.T. specifications. The Commission may require a site plan showing proposed drainage and details of proposed construction. Consideration as to snow removal and snow storage shall be given as part of design on all drives.
2. **Fees and Costs.** Permit Holder shall be responsible for all fees incurred by the Commission in connection with this permit and shall deposit estimated fees and costs as determined by the Commission, at the time the permit is issued.
3. **Insurance.** Applicant or Contractor shall furnish proof of liability and property damage insurance of at least \$500,000.00, listing the Road Commission, its Board, Employees, and Agents as additional insured. Such insurance shall cover the entire time period of this permit and shall provide that it cannot be cancelled without ten (10) days advance written notice by certified mail (with return receipt required) to the Commission.
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7. **Miss Dig.** The Permit Holder must comply with the requirements of Act 53 of Public Acts of 1974, as amended. CALL MISS DIG AT (800) 482-7171 AT LEAST THREE (3) FULL WORKING DAYS, BUT NOT MORE THAN TWENTY-ONE (21) CALENDAR DAYS, BEFORE YOU START WORK. Permit Holder assumes all responsibility for damage to or interruption of underground utilities.
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15. **Road Right-of-Way.** The Road Commission **does not allow** sprinklers, tree planting, landscaping, etc. in the Road right-of-way. Unauthorized items placed in the right-of-way are at the sole risk of the landowner. Damage to same shall be at no cost to the Road Commission. No objects will be allowed which may obstruct the sight distance of neighboring property.

Terms of the Permit:

- Permit to re-construct along Sylvia Street, a Small Business drive at 10240 East Cherry Bend Road, Section 28, T28N, R11W, Elmwood Township, Leelanau County, MI.
- The approach shall be constructed per the plans submitted by Jozwiak Consulting dated 04/28/23 Project Number. 2021-112.
- Driveway construction:
 - Grade shall slope away from the edge of the paved lane to the center-line of the ditch at 2-4%.
 - At a minimum, 35-foot tapers with a 6-foot offset from the edge of the paved lane to the radii.
 - Minimum 25-foot radii.
 - Driveway shall be 36' wide at the throat. *(Throat opening is measured at the point of tangency to the driveway, not at the point where the radius crosses the right-of-way line.)*
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- HMA (asphalt) paving shall be at least 3" thick and concrete pavement must be at least 6" thick within the portion of the driveway approach covering the road shoulder 6 foot from edge of lane).
- A culvert is not required.
- Keep construction equipment off existing pavement or road shoulder to prevent damage.
- Place topsoil, seed and mulch on disturbed areas to prevent erosion.
- Traffic along S Sylvia Street shall be maintained in both directions at all times, any work at or near the edge of pavement shall be signed for a shoulder closure per MDOT – Maintaining Traffic Typical.
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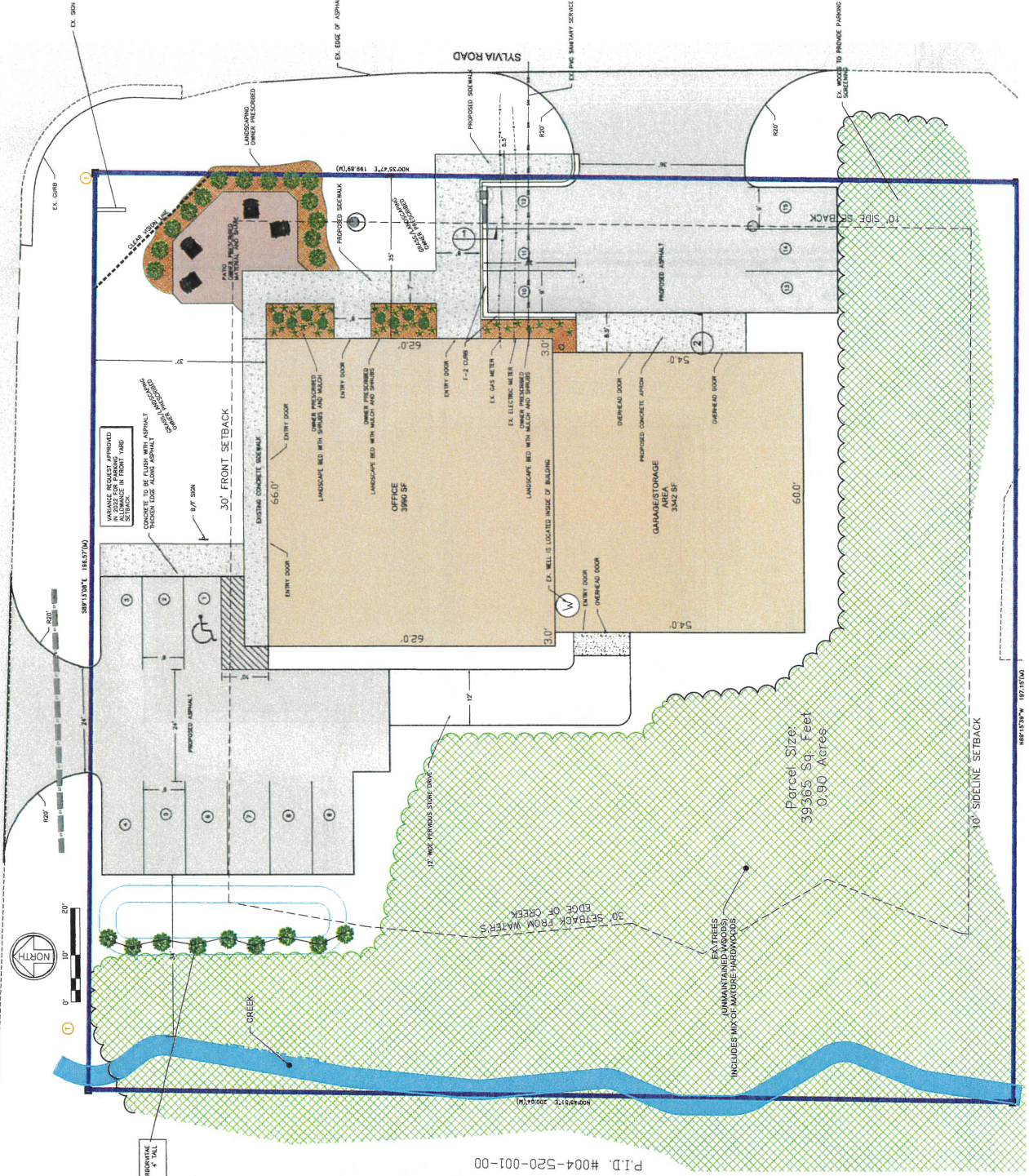


P.I.D. #004-520-001-00



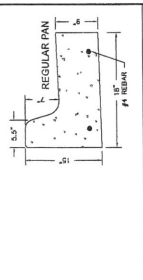
Know what's below.
 Call before you dig.

E. CHERRY BEND RD.

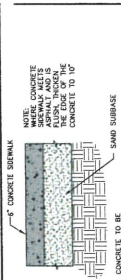


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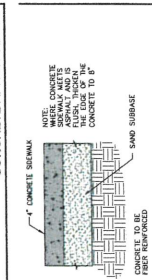
PLACE (9) ANCHORS AT 4' TAIL



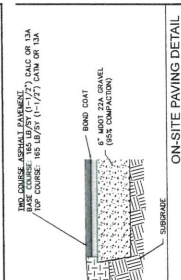
F-2 CURB (MODIFIED)



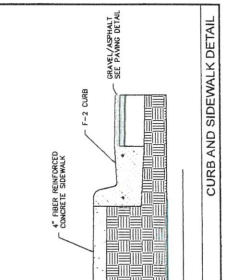
CONCRETE APRON DETAIL



CONCRETE SIDEWALK DETAIL



ON-SITE PAVING DETAIL



CURB AND SIDEWALK DETAIL

SOIL EROSION CONTROL PERMIT

Leelanau Conservation District
Leelanau County Erosion Control Office
8527 E. Government Center Dr., Suite 205
Suttons Bay, MI 49682
Phone: 231-256-9783 Fax: 231-256-7851

PERMIT NUMBER: 22-558

Fee Paid: \$218.00 MC
Site Visit Date: 12/2/22
Date Issued: 12/12/22
Expiration Date: 12/12/23
Extension Date: Fee:

Under the provisions of Soil Erosion and Sedimentation Control, Part 91 of Act 451, authority is hereby granted to:

OWNER /PERMITTEE

Name: GM,LLC

Address: 10238 E Cherry Bend Rd

City: Traverse City

State/Zip: MI 49684

Phone: 231-688-4147

CONTRACTOR

Name: LRM Concrete and Excavation Services

Address: 12488 S Newman Rd

City: Maple City

State/Zip: MI 49664

Phone: 231-228-5005

LOCATION OF PROJECT

No. & Street: 10238 E Cherry Bend Rd

Township: Elmwood

Property Tax #: 004-320-001-00

Section/Range:

Subdivision: N/A

ON-SITE RESPONSIBLE PERSON: LRM LLC

EGLE PERMIT NUMBER: N/A

DESCRIPTION OF EARTH CHANGE:


Install stone underdrain system to alleviate ponding in the parking lot and to intercept roof drains. ADD: Additional parking and basin (5/3/23).

PERMIT CONDITIONS (SPECIFIC):

NO SEDIMENT OR ADDITIONAL STORM WATER IS ALLOWED TO FLOW ONTO NEIGHBORING PROPERTY.

FOLLOW THE PLAN SUBMITTED BY JOZWIAK CONSULTING AND DATED 4/27/23 EXACTLY, CONSTRUCTING THE BASIN FIRST.

INSTALL SILT FENCE AS NEEDED TO KEEP SEDIMENT ON SITE.


Erosion Control Officer

THIS PERMIT MUST BE POSTED AT THE PROJECT SITE

YOU MUST NOTIFY THE CONSERVATION DISTRICT UPON COMPLETION OF YOUR PROJECT.

ADDITIONAL CONDITIONS WILL BE FOUND ON THE REVERSE SIDE

“Below are photos of the creek. Very defined banks and no evidence of wetland vegetation” – Scott Jozwiak – 5/11/23



Soil Map—Leelanau County, Michigan
(10240 E Cherry Bend Rd)



85° 39' 32" W

44° 47' 55" N

606100 606200 606300 606400 606500 606600 606700 606800 606900 607000 607100 607200 607300 607400 607500 607600 607700 607800

85° 38' 9" W

44° 47' 55" N

85° 39' 32" W

44° 47' 16" N

4960300 4960400 4960500 4960600 4960700 4960800 4960900 4961000 4961100 4961200 4961300 4961400

44° 47' 16" N

Map Scale: 1:8,330 if printed on A landscape (11" x 8.5") sheet.

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 16N WGS84

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

















































Soil Survey Area: Leelanau County, Michigan
Survey Area Data: Version 16, Aug 26, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 2, 2020—Nov 12, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

MAP LEGEND

 Area of Interest (AOI)	 Area of Interest (AOI)	 Spoil Area
Soils	 Soil Map Unit Polygons	 Stony Spot
 Soil Map Unit Lines	 Soil Map Unit Polygons	 Very Stony Spot
 Soil Map Unit Points	 Soil Map Unit Lines	 Wet Spot
Special Point Features	 Soil Map Unit Points	 Other
 Blowout	 Special Line Features	 Streams and Canals
 Borrow Pit	Water Features	 Streams and Canals
 Clay Spot	 Streams and Canals	Transportation
 Closed Depression	 Rills	 Interstate Highways
 Gravel Pit	 Rills	 US Routes
 Gravelly Spot	 Interstate Highways	 Major Roads
 Landfill	 US Routes	 Local Roads
 Lava Flow	 Major Roads	Background
 Marsh or swamp	 Local Roads	 Aerial Photography
 Mine or Quarry	Background	
 Miscellaneous Water	 Aerial Photography	
 Perennial Water		
 Rock Outcrop		
 Saline Spot		
 Sandy Spot		
 Severely Eroded Spot		
 Sinkhole		
 Slide or Slip		
 Sodic Spot		

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
AuA	Au Gres-Kalkaska sands, 0 to 4 percent slopes	17.5	6.5%
EaB	East Lake loamy sand, 0 to 6 percent slopes, lake moderated	15.8	5.9%
EaC	East Lake loamy sand, 6 to 12 percent slopes	0.6	0.2%
Em	Edwards muck-Marl beds complex	15.1	5.7%
KaC	Kaleva sand, 6 to 12 percent slopes	4.4	1.6%
KaE	Kaleva sand, 18 to 35 percent slopes	1.5	0.6%
KeB	Kalkaska-East Lake loamy sands, 0 to 6 percent slopes, lake moderated	43.2	16.1%
LIB	Leelanau-East Lake loamy sands, 0 to 6 percent slopes	11.0	4.1%
LIC	Leelanau-East Lake loamy sands, 6 to 12 percent slopes	20.2	7.6%
LIE	Leelanau-East Lake loamy sands, 18 to 25 percent slopes, lake moderated	16.8	6.3%
LIF	Leelanau-East Lake loamy sands, 25 to 45 percent slopes	21.6	8.1%
Lm	Lupton-Markey mucks	7.9	2.9%
MIB	Mancelona-East Lake loamy sands, 0 to 6 percent slopes, lake moderated	21.1	7.9%
MrB	Mancelona-Richter gravelly sandy loams, 0 to 6 percent slopes	10.3	3.9%
Rm	Roscommon sand-Markey muck	41.0	15.3%
W	Water	19.1	7.2%
WIC	Wind eroded land, sloping	0.1	0.0%
Totals for Area of Interest		267.2	100.0%

**ELMWOOD CHARTER TOWNSHIP
PLANNING COMMISSION**

FINDINGS OF FACT, DECISION AND ORDER
SPR 2023-03, 10240 E Cherry Bend Site Redevelopment Project

Property Owner/
Applicant: GM LLC
10240 E Cherry Bend Rd
Traverse City, MI 49684

Engineer/
Surveyor: Jozwiak Consulting
13300 S West-Bay Shore Dr
Traverse City, MI 49684

Surveyor: Dontz
5400 Gleaner Hall Road
Kingsley, MI 49649

Hearing Date: N/A – Site Plan Review

Case Number: SPR 2023-03, 10240 E Cherry Bend Site Redevelopment Project

PROPERTY DESCRIPTION

Parcel ID # 004-320-001-00 (10240 E Cherry Bend Rd, 0.87 acres)

The above referenced parcels are located in a Neighborhood Commercial (NC) Zoning District. The parcel is located in Section 28 of Elmwood Township.

APPLICATION

The application submitted by GM LLC is for a new parking lot at 10240 E Cherry Bend Road. The parcel is zoned Neighborhood Commercial (NC). The property already has a parking lot, but significant modifications are proposed; therefore, the new parking lot must be approved by the Planning Commission through the Site Plan Review process. It is worth nothing that although the property owners are not changing the use or size of the building, the pre-existing parking lot is pre-existing nonconforming. Multiple nonconformities will be resolved with the proposed plans. However, the property owners needed to apply for and obtain a variance from the Zoning Board of Appeals for parking within a front setback (30') and to reduce the parking ratio for the use onsite. The ZBA granted both variances on April 18, 2022 and received a one-year extension for the variances on April 5, 2023. Although the plan has been revised since the ZBA approval, the number of parking spaces has not been modified, nor has the proposed parking are within the front setback. This is noted on the plan. Note that as this parcel is zoned NC, there is only one front lot line per note B of Section 5.6; it notes that for corner lots in the NC and General Commercial (GC) Zoning Districts, the following setbacks shall be observed "The shortest side of the lot along the street right-of-way shall be considered the front lot line. Side yard setbacks shall apply to the exterior and interior side lot lines; if a rear yard exists, rear yard setbacks shall apply to the remaining lot line."

After having held a public meeting to review the project, with due notice as required by law, the Planning Commission having heard the statements of the applicant and agents, the Planning Commission having considered documents and testimony submitted by members of the public, the Planning Commission having considered all exhibits and the Planning Commission having reached a decision on this matter, state that the below Findings are based on the entire record regardless of whether a specific exhibit is not listed under a specific Finding or Standard. In addition, the Planning Commission recognizes that, pursuant to law, the applicant has the burden of establishing that applicable standards and requirements have been met.

SECTION 8.4 REQUIREMENTS FOR SITE PLAN APPROVAL

1. Applicant's name, address, and telephone number. **Provided (Application).**
2. Property owner's name, address, telephone number, and signature. **Provided (Application).**
3. Proof of property ownership, and whether there are any options or liens on the property. **Provided (Application).**
4. A signed and notarized statement from the owner of the property that the applicant has the right to act as the owner's agent. **N/A; applicant is owner.**
5. The address and/or parcel number of the property, complete legal description and dimensions of the property, width, length, acreage, and frontage. **Provided (Deed, application, plan)**
6. Seal of the registered engineer, architect, and landscape architect who prepared the plan, as well as their names, addresses, and telephone numbers. **No seal provided, can be conditioned.**
7. Project title or name of the proposed development. **Provided (application).**
8. Statement of proposed use of land, project completion schedule, and any proposed development phasing. **Provided (C1.0)**
9. Statements regarding the project impacts on existing infrastructure, including traffic, schools, existing utilities, and the natural environment on and adjacent to the site. **Provided (C1.0)**
10. Total number of units, employees, bedrooms, offices, total and usable floor area, amount and type of recreation or open space proposed, and similar information required to evaluate compliance with the Ordinance. **Not provided, but not applicable to the application at hand.**
11. A vicinity map showing the area and road network surrounding the property. **Provided (Sheet C1.0)**
12. The gross and net acreage of the parcel. **Provided (C1.0)**
13. Land uses, zoning classification, and existing structures on the subject parcel and adjoining parcels. **Provided (Sheet C1.0).**
14. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines, and monument locations. **Provided, but note that southern lot line is actually a rear lot line.**
15. Existing topographic elevations at two (2) foot intervals, except at five-foot intervals where slopes exceed 18%. **Provided, in work area.**
16. The location and type of existing soils on the site, and any certifications of borings. **Provided (USGS)**
17. Location and type of significant existing vegetation. **Provided; note that type is general (mix of mature hardwoods) (Sheet C1.2).**
18. Location and elevations of existing water courses and water bodies, including county drains and

man-made surface drainage ways, floodplains, wetlands, and sand dunes. **Provided. The EGLE Wetlands Map Viewer indicates that there are wetlands soils onsite. Applicant's representative has submitted pictures of the Creek and does not believe there are further wetlands onsite.**

19. Location of existing and proposed buildings and intended uses thereof, as well as the length, width, and height of each building or building envelope. **Partially provided, but not applicable to the application.**
20. Proposed location of all proposed structures, buildings, equipment, and uses. **Provided (various sheets)**
21. Elevation drawings of typical proposed structures and accessory structures. **Not provided, but not applicable to application.**
22. Location of existing public roads, rights-of-way, easements of record, and abutting streets. **Provided (various sheets)**
23. Location and dimensions of proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration, and passing lanes, including those within 100 feet of the property. **Provided (various sheets).**
24. Location, design, and dimensions of existing and/or proposed curbing, barrier-free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes, and all lighting thereof. **Provided (various sheets; no additional lighting).**
25. Location, size, and characteristics of all loading and unloading areas. **Location and size shown on various sheets. Per representative: the deliveries are mostly fedex, ups, etc with an occasional semi every few months to deliver showroom cabinets."**
26. Location and design of all sidewalks, walkways, bicycle paths, and area for public use. **Provided (various sheets)**
27. Location of water supply lines and or wells, including fire hydrants and shut off valves; and the location and design of storm sewers, retention or detention ponds, waste water lines, and clean-out locations; and connection points and treatment systems (including septic system if applicable). **Provided (Sheet C1.2)**
28. Location of all other utilities on the site, including, but not limited to, natural gas, electric, cable TV, telephone, and steam. **Provided (Sheet C1.2)**
29. Proposed location, dimensions, and details of common open spaces, and common facilities such as community buildings or swimming pools, if applicable. **Not applicable.**
30. Location, size, and specifications of all signs and advertising features, including cross- sections. **Not applicable**
31. Exterior lighting locations, with area of illumination illustrated as well as the type of fixtures and shielding to be used. **Not provided, but application notes that no additional lighting is proposed.**
32. Location and specifications for all fences, walls, and other screening features, with cross sections

shown. **Provided C1.0 and C1.2.**

33. Location and specifications for all proposed perimeter and internal landscaping and other buffering features. The proposed sizes of landscape materials (not previously existing) must be indicated. All vegetation to be retained on site must also be indicated, as well as its typical size by general location, or range of sizes as appropriate. **Provided**
34. Location, size, and specifications for screening of all trash receptacles and other solid waste disposal facilities. **None proposed.**
35. Location and specifications for any existing or proposed (above or below ground) storage facilities for any chemicals, salts, flammable materials, or hazardous materials. Include any containment structures or clear zones required by county, state, or federal government authorities. **None proposed.**
36. Identification of any significant site amenities or unique natural features, and whether they will be preserved. **Provided**
37. North arrow, scale, and date of original submittal and last revision. **Provided (various sheets)**

SECTION 8.5 REVIEW AND APPROVAL (For Site Plan Review)

B. Standards for Site Plan Approval. The Planning Commission shall make a finding that the following standards are met prior to approving a site plan:

1. All required site plan and application information has been provided as specified in this Article.
2. All required permits and approvals from outside agencies have been secured, or have been made a condition of site plan approval.
3. Adequate essential facilities and services including highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools are available, or the provision of such facilities and services has been assured.
4. All applicable standards of agencies including, but not limited, to the Township Fire Department, Michigan Department of Transportation, Leelanau County Road Commission, Leelanau County Drain Commission, Health Department, and the Michigan Department of Environmental Quality (MDEQ) have been met.
5. Compliance with all non- zoning ordinances adopted by the Township, including, but not limited to the private road ordinance.
6. All buildings and structures shall be designed, constructed, operated, and maintained so as to be harmonious, compatible, and appropriate in appearance with the existing or intended character of the general vicinity.
7. The buildings, structures, and entryway thereto proposed are situated, designed, and screened/buffered so as to minimize any adverse effects upon owners and occupants of adjacent properties and the neighborhood.
8. All buildings and structures are accessible to emergency vehicles.
9. Complete and safe pedestrian, non-motorized and vehicular circulation is provided.

10. The percentage of impervious surface has been limited on the site to the extent practicable.
11. Efforts have been made to protect the natural environment to the greatest extent possible.
12. There exists within the site plan sufficient protection to accommodate storm water runoff on the site location.
13. The proposal furthers the goals and objectives of the Master Plan.

To: Elmwood Township Planning Commission

From: Sarah Clarren, Planner/Zoning Administrator

RE: ZO 2017-04-17 - Special Event Facilities Ordinance - Gallagher

Date: May 16, 2023

Attached is an application for a Zoning Ordinance amendment submitted by John Gallagher Jr.

The Gallaghers currently have a Special Use Permit /Site Plan Review for a Special Event Facility (Bayview Weddings) on a parcel zoned Agricultural Rural (A-R).

It is worth noting that ZO 2017-04-02 (Adopted: May 14, 2018, Effective: June 28) was a Zoning Ordinance Amendment to allow special event facilities in certain zoning districts. However, ZO 2017-04-06 (Published: December 26, 2019, Effective: January 3, 2020) was a Zoning Ordinance Amendment that to remove special events and special event facilities from the ordinance.

Any parcel that obtained a Special Use Permit for a Special Event Facility while it was an allowed use, may continue to operate, but as it is a nonconforming use, it cannot be expanded under our current Zoning Ordinance. As the Gallaghers would like to expand their facility, they are proposing to reintroduce special events as an allowed use within the A-R Zoning District. It is important to remember that any changes made regarding the use would be for all properties zoned A-R in the Township.

When I first received the application and text, I was concerned given past matters regarding this use within the Township and relayed to the Gallaghers that I would not recommend the Commission move forward with any text unless ultimately approved by the Township Attorney. I have been back and forth with Township Attorneys and the Gallaghers regarding various renditions of proposed text. When the application was deemed complete, the original proposed Gallagher text was sent to Attorney Wierda to determine if the proposed text amendment could expose the Township to potential litigation similar to earlier litigation filed against the Township regarding the use. As the original text proposed by Gallagher did not resolve numerous matters raised in a Complaint, the text was then further revised on multiple occasions. Further revised text was then reviewed by Attorney Graham, who prepared a memo in February (enclosed) which was provided to the Gallaghers. On April 4, 2023, the Township received another text revision and the Gallaghers indicated they were ready to move forward with the Planning Commission. I have since reviewed the proposed text and have prepared a document showing how the proposed text differs from the text that was in the Ordinance (enclosed). I then provided the Gallagher's April 4 text to Graham who prepared a memo dated 5/12 (enclosed).

As you'll read, Attorney Graham indicates that he recommends that the Commission not move forward with the text as presented. Instead, he recommends that the Commission should discuss and decide if they believe text regarding special event facilities in the A-R district should move forward.

- IF you want some text to move forward, he advises the Commission to indicate what regulations you desire to include. As Graham recommends, the language presented, along with what was in our previous Zoning Ordinance can be a source of new regulations, but it should not be the sole source.

- IF you do not believe the use should be a permitted use in the A-R District, then you should indicate that.

Even though the Township Attorney does not recommend moving forward with text as presented, the applicant has submitted a complete application and it is therefore coming before the Commission for review.

As you are deciding how to move forward, it may be helpful to note that per Section 11.12.D, the following guidelines shall be used by the Planning Commission in consideration of amendments to the Zoning Ordinance.

1. Text Amendment.

- a. The proposed text amendment would clarify the intent of the Ordinance.
- b. The proposed text amendment would correct an error in the Ordinance.
- c. The proposed text amendment would address changes to State legislation, recent case law or opinions from the Attorney General of the State of Michigan.
- d. The proposed text amendment would promote compliance with changes in other county, state or federal regulations.
- e. The proposed text amendment would be consistent with the goals, policies, and future land use map of the Elmwood Township Master Plan, or if conditions have changed significantly since the Master Plan was adopted, consistent with recent development trends in the area.
- f. In the event the amendment will add a use to a district, that use shall be consistent with the character of the range of uses provided within the district.
- g. The amendment shall not create incompatible land uses within a zoning district, or between adjacent districts.
- h. The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements, and similar technical items.
- i. As applicable, the proposed text amendment shall be consistent with the Township's ability to provide adequate public facilities and services.
- j. The proposed text amendment shall be consistent with the Township's desire to protect the public health, safety, and welfare of the community.

Enclosed:

Gallagher Application for Text Amendment
Proposed Gallagher Text Receive April 4, 2023
Copy of ZO 2017-04-02 Text (Original Language re: Special Event Facilities in Zoning Ordinance
Proposed Text vs Original Text (comparison)
February 7, 2023 Graham Memo
May 12, 2023 Graham Memo

CHARTER TOWNSHIP OF ELMWOOD

Planning and Zoning

10090 E. Lincoln Rd, Traverse City, MI 49684

(231) 946-0921 Fax (231) 946-9320

Email: planner@elmwoodtownship.net

Amendment to Zoning Ordinance

Application

Applications will not be accepted unless containing all the following information:

- 1) Completed application form with owner's signature
- 2) A scaled drawing, if applicable, and/or supporting documents.
- 3) Cover Letter describing the request
- 4) Signed Escrow Policy with escrow amount as determined by Planner (any and all unused escrow funds will be returned per the escrow agreement)
- 5) Payment of an application fee (\$1000 for text amendment, \$875 for map amendment);
Additional meetings may require additional fees.

Applications are to be submitted 30 days prior to the Planning Commission meeting. Regular meetings are the 3rd Tuesday of each month.

Charter Township of Elmwood
Application to Amend Zoning Ordinance

Applicant Owner (if applying for map amendment)

John Gallagher Jr.

Name

9300 E. Breithaupt Road

Street Address

Traverse City, MI 49684

City State Zip City State Zip

(231) 342-1351

Phone Number

Email Address

Contact Person (All communications from the Township will be sent to this individual regarding the submitted application) Applicant Owner

Type of Request: Map Amendment Text Amendment Other

Zoning Map Change

Property Information:

Property Address:

Parcel Number: 45-004- _____ - _____ - _____ Current Master Plan Designation _____

Current Zoning District: _____ Proposed Zoning District _____

Current Use of Property: _____

Adjacent Property Zoning AND Use(s): North: _____

East: _____

South: _____

West: _____

Are any conditions being voluntarily offered as part of this zoning amendment application? (See Section 11.13 (Conditional Rezoning) yes no.

Other Remarks: _____

Map Amendment (Rezoning) Review Criteria. Per Section 11.12 of the Ordinance, the following criteria shall be used by the Planning Commission and may be used by the Township Board in consideration of map amendments to the Zoning Ordinance. Therefore, if you are applying for a text amendment, please answer, in detail, how your proposed text addresses the following (use additional paper if needed):

a) Is the proposed map amendment consistent with the goals, policies, and future land use map of the Elmwood Township Master Plan? If so, how?

Not applicable as this is a text amendment request. Thank you.

b) Is the proposed district and the uses allowed compatible with the site's physical, geological, hydrological and other environmental features? If so, how?

Not applicable as this is a text amendment request. Thank you.

c) Are the potential uses allowed in the proposed zoning district compatible with surrounding uses in terms of land suitability, impacts on the community, density, and potential influence on property values and traffic impacts? If so, how?

Not applicable as this is a text amendment request. Thank you.

d) If rezoned, would the site be capable of accommodating the uses allowed, considering existing or planned infrastructure including roads, sanitary sewers, storm sewers, water, sidewalks, and road lighting? If so, how?

Not applicable as this is a text amendment request. Thank you.

e) Are there other factors authorized by law that should be taken into consideration? If so, how?

Not applicable as this is a text amendment request. Thank you.

Zoning Text Change

Section(s) of Existing Zoning Ordinance Proposing to Change: **Special Event Facilities**

1. Special Event Facility Requirements: a. The Agriculture-Rural (A-R) zoning district
2. Operational Limitations: b. The Special Event Duration
3. Operational Limitations: e. Maximum Number of Events

Summary of intent of proposed Text, including all necessary additions to or deletions from current Zoning Ordinance. Attach proposed text to application.

1. Special Event Facility Requirements: Section a. The Agriculture-Rural (A-R) zoning district
 - a. In the Agriculture-Rural (A-R) zoning district, special event facilities and structures utilized for special event facilities, shall be accessory and subordinate to the agricultural use. An agricultural use must be:
 - (i) in existence on the property before a Special Land Use application for a Special Events Facility can be filed;
 - (ii) in existence on the property as a pre-condition for approval of the Special Land Use application; and
 - (iii) continue on the property as a condition of an approved Special Land Use for a Special Event Facility.

In addition, it shall be a condition of an approved Special Land Use permit for a Special Event Facility that the Special Event Facility be accessory and subordinate to an agriculture use. An agricultural use may change to another agricultural use. However, a Special Land Use for a Special Event Facility shall always be accessory and subordinate to the agricultural use.

~~As used in this section of the Ordinance, "accessory and subordinate" shall mean that a Special Event Facility is financially and spatially incidental or secondary to the agricultural use of the property. All agricultural uses shall generate more gross income than the Special Event Facility and shall cover more land area than the Special Event Facility, including outdoor space used for the Special Event Facility. The applicant shall provide documentation to the Planning Commission to determine a baseline for future comparison. Examples of acceptable documentation include, but not limited to, IRS Schedule F (Profit and Loss from Farming), USDA Crop Acreage Report (FSA-578), or Property Tax Qualified Agricultural Exemption. While this use exists on the property, the Township may request additional documentation to verify compliance with this section.~~

2. Operational Limitations: b. The Special Event Duration
 - i. On Sunday through Thursday, event-related operations (including set up and take down) may occur only between 9:00 am and 11:00 pm ~~10:00 pm, but tear-down shall not occur after 8:00 pm.~~teardown shall end no later than midnight.

- ii. On Friday, Saturday, and federal holidays, event-related operations (including set up and take down) may occur only between **8:00 am 9:00 am and 12:00 am-11:00 pm, but tear down shall not occur after 8:00 pm-teardown shall end no later than midnight.**
- iii. Event set-up and tear down may occur ~~the day~~ before and/or after **the day of the event.**

3. Operational Limitations: e. Maximum Number of Events

e. The Planning Commission shall determine the maximum number of events for each proposed special events facility after consideration of its location, whether there is a reasonable likelihood of an adverse impact on neighbors, traffic, access, and nearby land uses as well as the standards in Section 9.3. At no time shall the Planning Commission allow more than the following in the Agricultural-Rural (A-R) zoning district:

- 1. Maximum of ~~78~~ **52** events in a calendar year.
- 2. Maximum of ~~3~~ **2**-paid events in a week unless there is a federal holiday in the week than up to ~~4~~ **3** paid events may be held in that week. For this section of the Ordinance, a week shall be a calendar week, Sunday to Saturday.

Explain why the Text Amendment is being requested:

1. Special Event Facility Requirements: a. The Agriculture-Rural (A-R) zoning district

Text Amendment is being requested: The section regarding financial subordination violates the rights of individuals due to the intrusive nature of the document requirements subject to the Freedom of Information Act. The request to remove this section would support and protect the rights and privacy of citizens of Elmwood Township.

2. Operational Limitations: b. The Special Event Duration

Text Amendment is being requested: Due to the seasonal nature of the special event business and demands of other special event vendor professionals, increasing the flexibility in implementation of set up and teardown times is critical in ensuring the success of an event. Operations and management of these hours will always work to yield outcomes with the least impact that support the health, safety, and welfare of Elmwood Township.

3. Operational Limitations: e. Maximum Number of Events

Text Amendment is being requested: Northern Michigan has become a wedding and event destination. Due to the demand of events, it is requested to have the opportunity to increase the ability to host an additional paid event per week if the special event facility determines this to be feasible, sustainable, in the best interest of the local community.

Text Amendment Review Criteria. Per Section 11.12 of the Ordinance, the following criteria shall be used by the Planning Commission and may be used by the Township Board in consideration of amendments to the Zoning Ordinance. Therefore, if you are applying for a text amendment, please answer, in detail, how your proposed text addresses the following (use additional paper if needed):

a) Would the proposed text amendment clarify the intent of the Ordinance? If so, how?

Yes, it would support the Special Events Facility in the Agriculture-Rural zoning district and maintain open space, preserving our agricultural district.

b) Would the proposed text amendment correct an error in the Ordinance? If so, how?

Yes, this proposed text amendment would address non-conforming uses within Elmwood Township's Zoning Ordinances.

c) Would the proposed text amendment address changes to State legislation, recent case law or opinions from the Attorney General of the State of Michigan? If so, how?

Yes, this text amendment would support the current ordinance of our Township.

d) Would the proposed text amendment promote compliance with changes in other county, state or federal regulations? If so, how?

Yes, it promotes the health, safety, and welfare of citizens.

e) Would the proposed text amendment be consistent with the goals, policies, and future land use map of the Elmwood Township Master Plan, or if conditions have changed significantly since the Master Plan was adopted, consistent with recent development trends in the area? If so, how?

Yes, local zoning ordinances that recognize the benefits and allow for the operation of farm markets, roadside stands, agritourism destinations and farmers markets that allow for the placement of these activities on agricultural zoned land. Zoning Ordinances can help make farming more economically viable while preserving agricultural land.

f) In the event the amendment will add a use to a district, will that use be consistent with the character of the range of uses provided within the district? If so, how?

Yes, defining agritourism as activities on the farm that may or may not be directly related to the farm operation, conducted for the purpose of increasing income through diversification for the farm business including educational or special event related experiences, while maintaining the integrity of farming, the natural beauty of our area, and the general intent of the farm operation.

-
- g) Will the amendment not create incompatible land uses within a zoning district, or between adjacent districts? If so, how?

Yes, it meets the appropriate zoning land uses.

- h) Is the proposed text amendment supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements, and similar technical items? If so, how?

Yes, the text amendment supports each of these areas.

- i) Will the proposed text amendment be consistent with the Township's ability to provide adequate public facilities and services? If so, how?

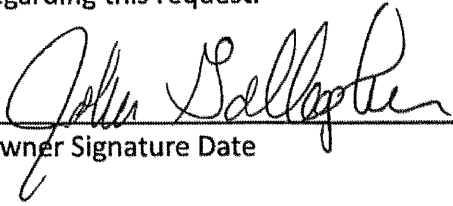
Yes, the roads and points of access support the township emergency services.

- j) Will the proposed text amendment be consistent with the Township's desire to protect the public health, safety, and welfare of the community? If so, how?

Yes, benefits of agricultural tourism include: keeping the family farm intact to continue generational heritage of farming and regional community history associated with farming, allowing for continued farming; keeping a farm viable, generating additional income or offseason income, capitalizing on a hobby or special interest, increasing and diversifying a market, responding to a need or opportunity in the market (specialty product), and interacting with and educating customers/visitors about farming and the natural beauty of our local community.

Affidavit:

The undersigned affirms that he/she or they is (are) the owner, or authorized agent of the owner, and that the answers and statements herein contained and the information submitted are in all respects true and correct. In addition, the undersigned represents that he/she or they is authorized and does hereby grant a right of entry to Township officials for the purpose of inspecting the premises and uses thereon for the sole purpose of gathering information regarding this request.



Owner Signature Date

10-11-22

Applicant Signature Date

OFFICE USE ONLY:

Case Number: _____ Fee: _____ Paid: _____

_____ Publication Date: _____

_____ PC Decision: _____

_____ Date: _____ LCPC _____

Decision: _____ Date: _____ TB _____

Decision: _____ Date: _____

Charter Township of Elmwood Escrow Policy

Accordingly, the procedure for the handling and processing of escrow deposits henceforth shall be as follows:

- A. In connection with any application for a special land use, site plan approval, zoning amendment, cluster residential development review, site condominium review, planned unit development review, appeal, interpretation, variance, or other application as required by this Ordinance, the Township may require the applicant to pay in advance into an escrow fund established to cover the reasonable costs of reviewing the application. These costs may include staff costs or consultant fees covering planning, engineering, environmental analysis, wetland delineation, legal review, and other professional and technical services required for a proper and thorough review of the application. No application shall be reviewed further or considered complete, and no permit shall be issued, until all costs have been paid and/or the escrow fund has been replenished as outlined below. The Township shall account for the expenditure of all escrow funds, and the Township Clerk shall refund any unexpended funds within sixty (60) days of final action.

- B. Should the escrow fund ever dip below fifty (50%) of the original fund amount, the applicant shall be advised and required to replenish said escrow fund to the full original amount within five (5) business days of having been so notified by the Township Clerk.

- C. The applicant may seek an accounting from the Township Clerk of expenditures from the escrow fund when a request is made by the Township to replenish the fund and/or after a final decision on the application has been made. However, the applicant has no authority to approve or deny expenditures.

Amount of Escrow Deposit Required: _____

Amount of Escrow Deposit Received: _____ Date: _____

Signature: _____

Name: _____ Phone Number: _____ Address: _____

CHARTER TOWNSHIP OF ELMWOOD
Leelanau County, Michigan

Ordinance No. 2018-01
ZO 2017-04-02

AN ORDINANCE TO AMEND THE TOWNSHIP ZONING ORDINANCE, IN ACCORDANCE WITH THE PROVISIONS OF THE MICHIGAN ZONING ENABLING ACT, ACT 110 OF THE PUBLIC ACTS OF 2006, AS AMENDED [MCL 125.3101 ET SEQ.], TO ALLOW SPECIAL EVENT FACILITIES IN AGRICULTURAL-RURAL (A-R) ZONING DISTRICTS IN ELMWOOD TOWNSHIP.

The Charter Township of Elmwood Ordains:

Commercial Related Uses	A-R	R-1	R-2	R-3	MHP	MC	NC	GC	LI	SC	RR
72. Special Event Facility	SUP										
P=Zoning Administrator approval, Psp=Site Plan Review with Planning Commission approval, SUP=Special Use Permit											

SECTION 9.8 ADDITIONAL REQUIREMENTS FOR AGRICULTURAL-RURAL (A-R) SPECIAL LAND USES

H. Special Event Facilities

SPECIAL LAND USE PERMIT IN THE AGRICULTURAL-RURAL (A-R) DISTRICT

SPECIAL EVENT FACILITY IN THE A-R DISTRICT INTENT

Elmwood Township recognizes that Special Event Facilities, when conducted properly, can enhance and add value to an existing agricultural use such as a winery, vineyard, or commercial farm. Allowing Special Event Facilities can also help preserve historic structures, farmland, and scenic vistas. Elmwood Township has experienced an increased desire to locate event facilities in the Agricultural-Rural (A-R) Zoning District.

Special Event Facilities, however, have the potential to disrupt residential areas and also neighboring farming operations by virtue of noise, traffic, trespassing, and proximity to active farming operations if not buffered properly. The township recognizes that not every property in the Agricultural-Rural (A-R) Zoning District of Elmwood Township is conducive for a Special Event Facility.

It is the intent of Elmwood Township to limit the potential impacts of Special Events in the Agricultural District by considering noise, traffic, topography, proximity to farming operations, etc., during the review of each Application. Among other factors, the township will consider the location and parcel size of the proposed facility, surrounding land uses, proximity of other Special Event Facilities, and whether the Private Events will be conducted inside a building or outside.

The Township recognizes that Special Events Facilities may be a valuable land use in the Township and that Special Events Facilities may seek to be located in Agricultural-Rural (A-R) Zoning Districts due to the scenic character of the area. The primary goal for the agricultural district is to encourage and maintain agriculture as part of a balanced and diversified economy. The Township would like to encourage active agriculture and agriculturally related uses, while preserving neighboring property owners' enjoyment of their land. It is also an opportunity to allow additional property in Elmwood Township to be visited and enjoyed by our citizens and guests from other areas which also supports our local economy.

The Township recognizes that agricultural land, where Special Event Facilities are requested, may abut or be near residential areas and that noise, traffic and other impacts related to Special Events must be regulated to minimize adverse impacts. It is also critical to recognize that farming and agricultural properties experience uncontrollable hardships and weather-related factors due to their outdoor nature, thus, Special Event Facilities in the agricultural district allows for diversification on agricultural property while honoring the historical preservation of our agricultural foundation through promotion of the continued pastoral care of our local farms and agricultural businesses in Elmwood Township.

I. INTRODUCTION

Anyone who wishes to conduct or host Special Events in the Agricultural-Rural Zoning District in Elmwood Township on a commercial basis by renting, leasing, or by charging a fee of any kind to host a Special Event shall first obtain a Special Land Use Permit from Elmwood Township for a Special Event Facility.

Special Event Facility Definition: A site, land, structure and/or facility approved by Elmwood Township with a Special Land Use Permit to conduct Private or Public Events by renting or leasing to private parties on a commercial basis for events that consists of fifty guests or more.

II. SPECIAL LAND USE PERMIT

SPECIAL EVENTS REQUIRING SPECIAL LAND USE PERMITS IN THE A-R ZONING DISTRICT:

Special Events Definition Requiring a Special Use Permit: An event held in the Agricultural-Rural (A-R) Zoning District that is periodic or special in nature that is held on agricultural premises on a commercial basis by renting, leasing, or by charging a fee of any kind to host a Special Event. Examples include, but are not limited to a banquet, reception, ceremony, service, or open house. A special event in the Agricultural-Rural Zoning District of Elmwood Township is defined as a pre-planned event, whether publicly and/or privately sponsored, conducted, and/or hosted and expected to draw fifty or more people at any one time as participants or guests, which is proposed to be held on private agricultural property that requires a Special Land Use Permit from Elmwood Township to operate as a Special Event Facility.

SPECIAL EVENTS NOT NEEDING SPECIAL LAND USE PERMITS IN THE A-R ZONING DISTRICT:

Special Events Events Not Requiring a Special Use Permit: Events such as, but not limited to, auctions, estate sales, yard sales, or garage sales being held by a family on their property to dispose of family-owned goods or assets appurtenant to the lot. The purpose of this ordinance is not to regulate gatherings of persons at family or personal events for which no fee is charged and which take place on the private property of the person(s) hosting such event; nor is it the purpose to regulate the use of township owned property under the jurisdiction and supervision of the Township Board. It is intended to clarify expectations related to special events being held in Elmwood Township in the Agricultural-Rural (A-R) District.

III. SPECIAL EVENTS FACILITY REQUIREMENTS:

Special Events Facilities, which have been approved as a Special Land Use, shall also comply with the following requirements:

SPECIAL EVENT REQUIREMENTS. The following requirements shall be met:

- a. **Special Event Facility Structures.** In the Agriculture zoning district, special event facilities and structures utilized for special event facilities, shall be accessory and subordinate to the agricultural use. Special Event Facility Structures shall include:
 - (i) Structures in existence on the property before a Special Land Use application for a Special Events Facility can be filed;
 - (ii) Structures in existence on the property as a precondition for approval of the Special Land Use application; and
 - (iii) continue on the property as a condition of an approved Special Land Use for a Special Event Facility.
 - (iv) Farm Buildings located on the parcel of the Special Events Facility may require a special land use permit if the intent is to utilize the Farm Building as a primary structure with the intent to hold 50 guests or more guests throughout any given Special Event.
 - (v) New construction and/or physical improvement of special event facilities and structures will be permitted to support the diversification of the preservation of farmland, which aligns with our communities historical agricultural practices. Any new construction shall support the agricultural priority of the site while ensuring the health, safety, and welfare of Elmwood Township's agricultural-rural zoning district which maintains agriculture as the primary use. Township permitting for new construction will apply.
 - (vi) Historical agricultural spaces, structures, farm buildings, and agricultural components that serve the intrigue of visitors and honor Elmwood's agricultural background shall be encouraged to be an educational experience and integrated in events, as deemed appropriate or applicable for accessibility, and the safety, health, and welfare of visitors to the agricultural property for which the Special Events facility is located.
 - (vii) Seasonal tents larger than 20 x 20 feet in length and width shall be considered structures and will need to be inspected annually by the building codes department. Tents that are temporary and/or 20 x 20

in feet or smaller shall be considered accessory to the Special Events Facility and do not require approval for use from the building codes department.

- (viii) **Farm Building** - Any and all buildings, structures, or land uses required for the operation of a farm, including dwelling units used exclusively for residential purposes, barns, poultry houses, silos, storage structures for hay, grains, vegetables, dairy products, fruit and other products produced, machinery, tools, and other accessory structures not specifically mentioned but needed for the proper and efficient operation of the farm.
- (ix) **Accessory Building** – A detached building whose purpose is customarily found in connection with the permitted principal use, but subordinate to that of the principal use on a given lot or parcel of land. Detached garages, tool sheds and barns are all examples of accessory buildings.

b. **Special Events Facility Secondary to Agriculture Use.** In addition, it shall be a condition of an approved Special Land Use permit for a Special Event Facility that the Special Event Facility be accessory and subordinate to an agriculture use. An agricultural use may change to another agricultural use. However, a Special Land Use for a Special Event Facility shall always be accessory and subordinate to the agricultural use.

- (i.) As used in this section of the Ordinance, “accessory and subordinate” shall mean that a Special Event Facility is financially and spatially, incidental, or secondary to the agricultural use of the property. All agricultural uses shall generate more gross income than the Special Event Facility and shall cover more land area than the Special Event Facility, including outdoor space used for the Special Event Facility. The applicant shall provide documentation to the Planning Commission to determine a baseline for future comparison. Recognizing that farm production may vary from year to year and special circumstances may exist, such as frost, drought, or any other unusual conditions which may be deemed appropriate for a waiver by the Zoning Administrator if farm income falls below the gross income of the Special Event Facility. Examples of acceptable documentation include, but are not limited to, IRS Schedule F (Profit and Loss from Farming), USDA Crop Acreage Report (FSA-578), Property Tax Qualified Agricultural Exemption, or a Farm Service Agency Map will be provided as evidence that a greater percentage of the farm is being actively farmed with crops than the farmland that the special events facility is placed upon. While this use exists on the property, the Township may request additional documentation to verify compliance with this section.
- (ii.) In the Agricultural-Rural (A-R) Zoning District, a minimum of a forty acre farm shall be considered for an agricultural special events facility of which the acreage determined for the special events lot parcel will be identified in a site plan that will require approval from the planning commission and township board. The total footprint of

all structures, which are used in whole or in part for the Special Event Facility shall not exceed 2.5% of the lot area. Considerations by the Planning Commission will be made regarding acres size for Special Event Facilities in the Agricultural-Rural (A-R) Zoning District that have been previously approved under an alternate special events ordinance and grandfathered into continuing operations under different lot area requirements within Elmwood Township.

- (iii.) The Agricultural land that the Special Events facility is placed upon will ensure that at least 50% of the tillable land is being actively farmed. A Farm Service Agency Map and/or site visit may be requested or required annually, post harvest and/or growing season, by the Zoning Administrator with the Special Events facility and/or property owner.

d. **Special Events Management Plan.** Owner/operator shall maintain an event management plan that includes but is not limited to all applicable conditions of approval, site plan, traffic management plan, arrangements for emergency (fire, police, medical) services, arrangements for waste disposal services, name and contact information for the property owner and the event operator, and other information as may be required by the Planning Commission to ensure events are operated safely and with minimal impact on nearby property owners and uses. A current version of the Event Management Plan shall be submitted annually to the Township Zoning Administrator and shall be a public document. If the Event Management Plan is unchanged, a written certification of the continuation of the existing Event Management Plan shall be submitted. A Special Events Management Plan shall include:

- (i.) A general description of the Special Event Facility, including whether the facility will be seasonal.
- (ii.) Types of events anticipated & total number and frequency of events requested.
- (iii.) Specific details of where events will be conducted (building, tent, outdoors, etc.)
- (iv.) Type and number of restroom facilities.
- (v.) Provisions for septic disposal.
- (vi.) Provisions for power supply.
- (vii.) Provisions for potable water supply.
- (viii.) Provisions for refuse management, including schedule for removal.
- (ix.) Provisions for catering facilities – permanent or temporary. Permanent catering tents larger than 20x20 will require a permit from building codes.
- (x.) Contact information for on-site event manager and owner.
- (xi.) Alcohol management, including the parties responsible for proper licenses.
- (xii.) Emergency Plans.
- (xiii.) The established maximum occupancy for each building.

e. **Traffic and Circulation.** The Special Use Permit shall include a traffic management plan. The traffic management plan shall be approved for traffic safety

by the Township Planning Commission. The traffic management plan shall be approved by the agency or department, which has jurisdiction over any road, street, highway or public right of way that abuts the land for which the Special Land Use application has been filed. A current version of the Traffic Management Plan shall be submitted annually to the Township Zoning Administrator and shall be a public document. If the traffic management plan is unchanged, a written certification of the continuation of the existing traffic management plan shall be submitted.

The traffic management plan shall include the following requirements and standards:

- (i.) Approved access conforming to County or MDOT improvement standards as determined by the Leelanau County Road Commission or Michigan Department of Transportation.
 - (ii.) Adequate ingress and egress shall be provided for all emergency vehicles to the satisfaction of the Elmwood Township Fire Department. The adequacy of the ingress and egress shall be determined by the Elmwood Township Fire Department using national standards, such as, but not limited to the International Fire Code
 - (iii.) A traffic control plan to ensure an orderly and safe arrival, parking, and departure of all vehicles and to ensure that traffic will not back-up or block private easements, county roads, intersections, or private driveways.
 - (iv.) All parking shall be off-street and shall comply with the requirements of Article 6.
 - (v.) The location of all temporary direction signs on driveway entrance and within parking lots to ensure orderly flow of traffic. Temporary directional signs shall be placed prior to all events and promptly removed at the conclusion of the event.
 - (vi.) Any other information required by the Planning Commission to minimize adverse impacts to public roads and nearby parcels.
- f. **Sound Management Plan.** Events can create noise levels much higher than normal. It is important to monitor the level of noise produced by the event to minimize disruption to local residents and businesses. The sound at any property line of the Special Events facility parcel during an event shall be no greater than normal conversation levels. The dBA expectation at the property lines owned by the Special Events facility owner would not apply due to proximity and/or due to the pastoral care of the farm, stewardship, and monitoring of the agricultural property. Factors such as weather, wind direction, rain, land elevations, direction that the sound is being directed, whether the event is held inside a tented facility or physical building and/or constructed facility, and decibel level and sound documentation will all be factors the Township Zoning Administrator will take into account to review in determining any disputes or concerns related to sound. Amplified sound would be required to end at 11:00 p.m. The Special Events facility will work dutifully and diligently to eliminate sound concerns to the best of their ability to help promote the health, safety, and welfare of the citizens of Elmwood Township.

III. OPERATIONAL LIMITATIONS

The following operational limitations apply to all Special Event Facilities:

- a. No Special Event Facility shall exceed an occupancy load as determined by the International Fire Code or Michigan Building Code, whichever is less.
- b. In the Agricultural-Rural (A-R) zone, the special event duration shall not last longer than 1 day and shall not exceed 12 hours per day, excluding set-up and teardown time, during the hours set forth below. The Planning Commission may reduce the event duration to less than 12 hours per day based on the location of the property, adjoining land uses, terrain features, noise dissemination and the avoidance of adverse impacts on other land.
 - (i.) On Sunday through Thursday, event-related operations may occur only between 9:00 am and 10:00 pm, teardown shall end no later than 8:00 pm.
 - (ii.) On Friday, Saturday, and federal holidays, event-related operations may occur only between 8:00 am and 11:00 pm, teardown shall end no later than midnight (12:00 am) on Fridays and Saturdays.
 - (iii.) Event set-up and tear down may occur before and/or after the day of the event.
 - (iv.) The Planning Commission may extend hours of operation if they determine that different hours are more appropriate under the standards in Section 9.3 and, additionally, if the location of the events will not negatively affect other parcels with the extended hours.
- c. In the Agricultural-Rural (A-R) zoning district, all guests at the Special Events Facility must exit the facility no later than 1 hour after the event is required to end as stated above. The person or entity to whom the Special Land Use is issued shall be responsible for compliance with this requirement.
- d. All activities relating to the special event shall be moved inside a building or tent by 9:00 pm, Sunday through Thursday and by 10:00 pm, on Friday, Saturday, and federal holidays, unless the Planning Commission determines that different hours are more appropriate to meet the standards in Section 9.3.
- e. The Planning Commission shall determine the maximum number of events for each proposed special events facility after consideration of its location, whether there is a reasonable likelihood of an adverse impact on neighbors, traffic, access, and nearby land uses as well as the standards in Section 9.3. At no time shall the Planning Commission allow more than the following in the Agricultural-Rural (A-R) zoning district:
 - 1. Maximum of 52 events in a calendar year.
 - 2. Maximum of 2 paid events in a week unless there is a federal holiday in the week then up to 3 paid events may be held in that week. For this section of the Ordinance, a week shall be a calendar week, Sunday to Saturday.
- f. Music or entertainment shall not be the primary purpose of the Special Event and always shall be secondary and customary to the primary purpose of the Special Event. For example, music and dancing may be secondary to a wedding reception, agricultural product event, or tasting agricultural products events, but a concert,

play or stage performance is not permitted. Sounds caused by music or entertainment shall not be heard or objectively measurable at any decibel level greater than a normal conversation on any property that is not described in the zoning permit at any time during the event. This decibel level expectation does not apply to the property and/or facility owner's residence and/or property of ownership. Any sounds or decibel level caused by the Special Event which are greater than a normal conversation, shall be in excess of the typical background or ambient noise levels that are present on any property that is not described in the zoning permit.

IV. PUBLIC HEALTH

Special Event Facilities shall provide a potable domestic water supply and an onsite sewage disposal or sewer service connection necessary to accommodate all special events, which comply with the requirements or standards of the Health Department.

V. SETBACKS

The following setbacks shall be maintained at all times:

- a. If an adjoining parcel has a residence, then all structures or activities associated with the Special Event shall be located at least 200 feet from the property line that adjoins a residence. The 200 feet setback does not apply to the residence of the property and/or facility owner(s). The Planning Commission may reduce this requirement if it finds that the topography of the area or other physical features makes this requirement unnecessary and the standards in Section 9.3 can still be met.
- b. If an adjoining parcel has a residence and the residence is within 500 feet of any Special Event Facility structure or activity associated with the Special Event, there shall be a fence adjacent to the property boundary line. The fence shall be of a height and composition to prevent trespass. The Planning Commission may reduce this requirement if it finds that the topography of the area makes this requirement unnecessary and the standards in Section 9.3 can still be met.
- c. All temporary structures such as tents, stages and dance floors shall maintain setbacks listed above and shall be identified on the site plan.

VI. LIGHTING

In addition to the requirements of Article 6, all lighting shall comply with the following requirements:

- a. All outdoor lighting associated with the Special Event shall be turned off within 1 hour after the Special Event ends.
- b. Outdoor lighting shall be located, shielded and directed such that no direct light falls outside the property line or into the public right-of-way.

VII. SEVERABILITY

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The

Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

VIII. EFFECTIVE DATE

This Ordinance shall become effective eight (8) days after publication.

Public Hearing:

Adopted:

Effective:

CHARTER TOWNSHIP OF ELMWOOD
Leelanau County, Michigan

Ordinance No. 2018-01
ZO 2017-04-02

AN ORDINANCE TO AMEND THE TOWNSHIP ZONING ORDINANCE, IN ACCORDANCE WITH THE PROVISIONS OF THE MICHIGAN ZONING ENABLING ACT, ACT 110 OF THE PUBLIC ACTS OF 2006, AS AMENDED [MCL 125.3101 ET SEQ.], TO ALLOW SPECIAL EVENT FACILITIES IN CERTAIN ZONING DISTRICTS.

The Charter Township of Elmwood Ordains:

Section 1: Amendment.

Amend Article 2:

Accessory Use. A use incidental and subordinate to the principal use of the lot or principal building such as a home occupation or a barn, garage, or tool shed.

Special Event Facility. Any structure or land where special events are permitted to occur.

Add to Section 5.4

Commercial Related Uses	A-R	R-1	R-2	R-3	MHP	MC	NC	GC	LI	SC	RR
72. Special Event Facility	SUP							SUP		SUP	
P=Zoning Administrator approval, Psp=Site Plan Review with Planning Commission approval, SUP=Special Use Permit											

Add to SECTION 9.8 ADDITIONAL REQUIREMENTS FOR CERTAIN SPECIAL LAND USES

H. Special Event Facilities

The Township recognizes that Special Events Facilities may be a valuable land use in the Township and that Special Events Facilities may seek to be located in agricultural, as well as commercial zoning districts due to the scenic character of the area. The primary goal for the agricultural district is to encourage and maintain agriculture as part of a balanced and diversified economy. The Township would like to encourage active agriculture and agriculturally related uses, while preserving neighboring property owners' enjoyment of their land. The Township recognizes that agricultural land, where Special Event Facilities are requested, may abut or be near residential areas and that noise, traffic and other impacts related to Special Events must be regulated to minimize adverse impacts. Special Events Facilities, which have been approved as a Special Land Use, shall also comply with the following requirements:

1. **Special Event Facility Requirements.** The following requirements shall be met:

and, additionally, if the location of the events will not negatively affect other parcels with the extended hours.

- c. In the Agricultural-Rural (A-R) zoning district, all guests at the Special Events Facility must exit the facility no later than 1 hour after the event is required to end as stated above. The person or entity to whom the Special Land Use is issued shall be responsible for compliance with this requirement.
 - d. All activities relating to the special event shall be moved inside a building or tent by 9 PM, Sunday through Thursday and by 10 PM, on Friday, Saturday, and federal holidays, unless the Planning Commission determines that different hours are more appropriate to meet the standards in Section 9.3.
 - e. The Planning Commission shall determine the maximum number of events for each proposed special events facility after consideration of its location, whether there is a reasonable likelihood of an adverse impact on neighbors, traffic, access, and nearby land uses as well as the standards in Section 9.3. At no time shall the Planning Commission allow more than the following in the Agricultural-Rural (A-R) zoning district:
 - 1. Maximum of 52 events in a calendar year.
 - 2. Maximum of 2 events in a week unless there is a federal holiday in the week than up to 3 events may be held in that week. For this section of the Ordinance, a week shall be a calendar week, Sunday to Saturday.
 - f. Music or entertainment shall not be the primary purpose of the Special Event and always shall be secondary and customary to the primary purpose of the Special Event. For example, music and dancing may be secondary to a wedding reception, but a concert, play or stage performance is not permitted. Sounds caused by music or entertainment shall not be heard or objectively measurable at any decibel level greater than a normal conversation on any property that is not described in the zoning permit at any time during the event. Any sounds or decibel level caused by the Special Even which are greater than a normal conversation, shall be in excess of the typical background or ambient noise levels that are present on any property that is not described in the zoning permit.
3. **Public Health.** Special Event Facilities shall provide a potable domestic water supply and an onsite sewage disposal or sewer service connection necessary to accommodate all special events, which comply with the requirements or standards of the Health Department.
4. **Setbacks.** The following setbacks shall be maintained at all times:
- a. If an adjoining parcel has a residence, then all structures or activities associated with the Special Event shall be located at least 100 feet from the property line that adjoins a residence. The Planning Commission may reduce this requirement if it finds that the topography of the area or other physical features makes this requirement unnecessary and the standards in Section 9.3 can still be met.
 - b. If an adjoining parcel has a residence and the residence is within 500 feet of any Special Event Facility structure or activity associated with the Special Event, there

shall be a fence adjacent to the property boundary line. The fence shall be of a height and composition to prevent trespass. The Planning Commission may reduce this requirement if it finds that the topography of the area makes this requirement unnecessary and the standards in Section 9.3 can still be met.

- c. All temporary structures such as tents, stages and dance floors shall maintain setbacks listed above and shall be identified on the site plan.
5. **Lighting.** In addition to the requirements of Article 6, all lighting shall comply with the following requirements:
- a. All outdoor lighting associated with the Special Event shall be turned off within 1 hour after the Special Event ends.
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Section 2: Severability.

If any sections, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 3: Effective Date.

This Ordinance shall become effective eight (8) days after publication.

Public Hearing: May 14, 2018

Adopted: May 14, 2018

Effective: June 28, 2018- Referendum Letter of Intent Received, required signatures not submitted.

CHARTER TOWNSHIP OF ELMWOOD
Leelanau County, Michigan

Ordinance No. _____
ZO 2017-04-17

AN ORDINANCE TO AMEND THE TOWNSHIP ZONING ORDINANCE, IN ACCORDANCE WITH THE PROVISIONS OF THE MICHIGAN ZONING ENABLING ACT, ACT 110 OF THE PUBLIC ACTS OF 2006, AS AMENDED [MCL 125.3101 ET SEQ.], TO ALLOW SPECIAL EVENT FACILITIES IN CERTAIN AGRICULTURAL-RURAL (A-R) ZONING DISTRICTS IN ELMWOOD TOWNSHIP.

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72. Special Event Facility	SUP							SUP		SUP	

P=Zoning Administrator approval, Psp=Site Plan Review with Planning Commission approval, SUP=Special Use Permit

~~Add to SECTION 9.8 ADDITIONAL REQUIREMENTS FOR CERTAIN AGRICULTURAL-RURAL (A-R) SPECIAL LAND USES~~

H. Special Event Facilities

SPECIAL LAND USE PERMIT IN THE AGRICULTURAL-RURAL (A-R) DISTRICT

SPECIAL EVENT FACILITY IN THE A-R DISTRICT INTENT

The Elmwood Township recognizes that Special Events Facilities, when conducted properly, can enhance and add value to an existing agricultural use such as a winery, vineyard, or commercial farm. Allowing Special Event Facilities can also help preserve historic structures, farmland, and scenic vistas. Elmwood Township has experienced an increased desire to locate event facilities in the Agricultural-Rural (A-R) Zoning District.

Special Event Facilities, however, have the potential to disrupt residential areas and also neighboring farming operations by virtue of noise, traffic, trespassing, and proximity to active farming operations if not buffered properly. The township recognizes that not every property in

the Agricultural-Rural Zoning District of Elmwood Township is conducive for a Special Event Facility.

It is the intent of Elmwood Township to limit the potential impacts of Special Events in the Agricultural District by considering noise, traffic, topography, proximity to farming operations, etc., during the review of each Application. Among other factors, the township will consider the location and parcel size of the proposed facility, surrounding land uses, proximity of other Special Event Facilities, and whether the Private Events will be conducted inside a building or outside.

The Township recognizes that Special Events Facilities may be a valuable land use in the Township and that Special Events Facilities may seek to be located in Agricultural-Rural (A-R) Zoning Districts ~~agricultural, as well as commercial zoning districts~~ due to the scenic character of the area. The primary goal for the agricultural district is to encourage and maintain agriculture as part of a balanced and diversified economy. The Township would like to encourage active agriculture and agriculturally related uses, while preserving neighboring property owners' enjoyment of their land. It is also an opportunity to allow additional property in Elmwood Township to be visited and enjoyed by our citizens and guests from other areas which also supports our local economy.

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I. INTRODUCTION

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Special Events Definition Requiring a Special Use Permit: An event held in the Agricultural-Rural (A-R) Zoning District that is periodic or special in nature that is held on agricultural premises on a commercial basis by renting, leasing, or by charging a fee of any kind to host a Special Event. Examples include, but are not limited to a banquet, reception, ceremony, service, or open house. A special event in the Agricultural-Rural Zoning District of Elmwood Township is defined as a pre-planned event, whether publicly and/or privately sponsored, conducted, and/or hosted and expected to draw fift or more people at any one time as participants or guests, which is

proposed to be held on private agricultural property that requires a Special Land Use Permit from Elmwood Township to operate as a Special Event Facility.

SPECIAL EVENTS NOT NEEDING SPECIAL LAND USE PERMITS IN THE A-R ZONING DISTRICT:

Special Events Events Not Requiring a Special Use Permit: Events such as, but not limited to, auctions, estate sales, yard sales, or garage sales being held by a family on their property to dispose of family-owned goods or assets appurtenant to the lot. The purpose of this ordinance is not to regulate gatherings of persons at family or personal events for which no fee is charged and which take place on the private property of the person(s) hosting such event; nor is it the purpose to regulate the use of township owned property under the jurisdiction and supervision of the Township Board. It is intended to clarify expectations related to special events being held in Elmwood Township in the Agricultural-Rural (A-R) District.

III. SPECIAL EVENTS FACILITY REQUIREMENTS:

Special Events Facilities, which have been approved as a Special Land Use, shall also comply with the following requirements:

1. Special Event Facility Requirements. The following requirements shall be met:

- a. **a. Special Event Facility Structures.** In the Agriculture ~~Rural (A-R)~~ zoning district, special event facilities and structures utilized for special event facilities, shall be accessory and subordinate to the agricultural use. Special Event Facility Structures shall include: An agricultural use must be:
 - (i) Structures in existence on the property before a Special Land Use application for a Special Events Facility can be filed;
 - (ii) Structures in existence on the property as a pre-condition for approval of the Special Land Use application; and
 - (iii) continue on the property as a condition of an approved Special Land Use for a Special Event Facility.
 - (iv) Farm Buildings located on the parcel of the Special Events Facility may require a special land use permit if the intent is to utilize the Farm Building as a primary structure with the intent to hold 50 guests or more guests throughout any given Special Event.
 - (v) New construction and/or physical improvement of special event facilities and structures will be permitted to support the diversification of the preservation of farmland, which aligns with our communities historical agricultural practices. Any new construction shall support the agricultural priority of the site while ensuring the health, safety, and welfare of Elmwood Township's agricultural-rural zoning district which maintains agriculture as the primary use. Township permitting for new construction will apply.
 - (vi) Historical agricultural spaces, structures, farm buildings, and agricultural components that serve the intrigue of visitors and honor Elmwood's agricultural background shall be encouraged to be an educational experience and integrated in events, as deemed appropriate or applicable for accessibility, and the safety, health, and welfare of visitors to the agricultural property for which the Special Events facility is located.

- (vii) Seasonal tents larger than 20 x 20 feet in length and width shall be considered structures and will need to be inspected annually by the building codes department. Tents that are temporary and/or 20 x 20 in feet or smaller shall be considered accessory to the Special Events Facility and do not require approval for use from the building codes department.
- (viii) Farm Building – Any and all buildings, structures, or land uses required for the operation of a farm, including dwelling units used exclusively for residential purposes, barns, poultry houses, silos, storage structures for hay, grains, vegetables, dairy products, fruit and other products produced, machinery, tools, and other accessory structures not specifically mentioned but needed for the proper and efficient operation of the farm.
- (ix) Accessory Building – A detached building whose purpose is customarily found in connection with the permitted principal use, but subordinate to that of the principal use on a given lot or parcel of land. Detached garages, tool sheds and barns are all examples of accessory buildings.

b. Special Events Facility Secondary to Agriculture Use. In addition, it shall be a condition of an approved Special Land Use permit for a Special Event Facility that the Special Event Facility be accessory and subordinate to an agriculture use. An agricultural use may change to another agricultural use. However, a Special Land Use for a Special Event Facility shall always be accessory and subordinate to the agricultural use.

(i) As used in this section of the Ordinance, “accessory and subordinate” shall mean that a Special Event Facility is financially and spatially incidental or secondary to the agricultural use of the property. All agricultural uses shall generate more gross income than the Special Event Facility and shall cover more land area than the Special Event Facility, including outdoor space used for the Special Event Facility. The applicant shall provide documentation to the Planning Commission to determine a baseline for future comparison. Recognizing that farm production may vary from year to year and special circumstances may exist, such as frost, drought, or any other unusual conditions which may be deemed appropriate for a waiver by the Zoning Administrator if farm income falls below the gross income of the Special Event Facility. Examples of acceptable documentation include, but are not limited to, IRS Schedule F (Profit and Loss from Farming), USDA Crop Acreage Report (FSA-578), ~~or~~ Property Tax Qualified Agricultural Exemption, or a Farm Service Agency Map will be provided as evidence that a greater percentage of the farm is being actively farmed with crops than the farmland that the special events facility is placed upon. While this use exists on the property, the Township may request additional documentation to verify compliance with this section.

(ii) In the Agricultural Rural (A-R) Zoning District, a minimum of a forty acre farm shall be considered for an agricultural special events facility of which the acreage determined for the special events lot parcel will be

identified in a site plan that will require approval from the planning commission and township board. The

~~(i)~~

i. b. In the Agricultural Rural (A-R) zoning district, the total footprint of all structures, which are used in whole or in part for the Special Event Facility shall not exceed 2.5% of the lot area. Considerations by the Planning Commission will be made regarding acres size for Special Event Facilities in the Agricultural-Rural (A-R) Zoning District that have been previously approved under an alternate special events ordinance and grandfathered into continuing operations under different lot area requirements within Elmwood Township.

~~(ii)~~(iii) The Agricultural land that the Special Events facility is placed upon will ensure that at least 50% of the tillable land is being actively farmed on the parcel where the Special Event Facility is located. A Farm Service Agency Map and/or site visit may be requested or required annually, post harvest and/or growing season, by the Zoning Administrator with the Special Events facility and/or property owner.

d. e.—Special Event Management Plan. Owner/operator shall maintain an event management plan that includes but is not limited to all applicable conditions of approval, site plan, traffic management plan, arrangements for emergency (fire, police, medical) services, arrangements for waste disposal services, name and contact information for the property owner and the event operator, and other information as may be required by the Planning Commission to ensure events are operated safely and with minimal impact on nearby property owners and uses. A current version of the Event Management Plan shall be submitted annually to the Township Zoning Administrator and shall be a public document. If the Event Management Plan is unchanged, a written certification of the continuation of the existing Event Management Plan shall be submitted. A Special Events Management Plan shall include:

- i. A general description of the Special Event Facility, including whether the facility will be seasonal.
- ii. Types of events anticipated & total number and frequency of events requested.
- iii. Specific details of where events will be conducted (building, tent, outdoors, etc.).
- iv. Type and number of restroom facilities.
- v. Provisions for septic disposal.
- vi. Provisions for power supply.
- vii. Provisions for potable water supply.
- viii. Provisions for refuse management, including schedule for removal.
- ix. Provisions for catering facilities – permanent or temporary. Permanent catering tents larger than 20x20 will require a permit from building codes.
- x. Contact information for on-site event manager and owner.
- xi. Alcohol management, including the parties responsible for proper licenses.
- xii. Emergency plans.
- xiii. The established maximum occupancy for each building.

de. Traffic and Circulation. The Special Use Permit shall include a traffic management plan. The traffic management plan shall be approved for traffic safety by the Township Planning Commission. The traffic management plan shall be

approved by the agency or department, which has jurisdiction over any road, street, highway or public right of way that abuts the land for which the Special Land Use application has been filed. A current version of the Traffic Management Plan shall be submitted annually to the Township Zoning Administrator and shall be a public document. If the traffic management plan is unchanged, a written certification of the continuation of the existing traffic management plan shall be submitted.

The traffic management plan shall include the following requirements and standards:

- i. Approved access conforming to County or MDOT improvement standards as determined by the Leelanau County Road Commission or Michigan Department of Transportation.
- ii. Adequate ingress and egress shall be provided for all emergency vehicles to the satisfaction of the Elmwood Township Fire Department. The adequacy of the ingress and egress shall be determined by the Elmwood Township Fire Department using national standards, such as, but not limited to the International Fire Code
- iii. A traffic control plan to ensure an orderly and safe arrival, parking, and departure of all vehicles and to ensure that traffic will not back-up or block private easements, county roads, intersections, or private driveways.
- iv. All parking shall be off-street and shall comply with the requirements of Article 6.
- v. The location of all temporary direction signs on driveway entrance and within parking lots to ensure orderly flow of traffic. Temporary directional signs shall be placed prior to all events and promptly removed at the conclusion of the event.
- vi. Any other information required by the Planning Commission to minimize adverse impacts to public roads and nearby parcels.

f. Sound Management Plan. Events can create noise levels much higher than normal. It is important to monitor the level of noise produced by the event to minimize disruption to local residents and businesses. The sound at any property line of the Special Events facility parcel during an event shall be no greater than normal conversation levels. The dBA expectation at the property lines owned by the Special Events facility owner would not apply due to proximity and/or due to the pastoral care of the farm, stewardship, and monitoring of the agricultural property. Factors such as weather, wind direction, rain, land elevations, direction that the sound is being directed, whether the event is held inside a tented facility or physical building and/or constructed facility, and decibel level and sound documentation will all be factors the Township Zoning Administrator will take into account to review in determining any disputes or concerns related to sound. Amplified sound would be required to end at 11:00 p.m. The Special Events facility will work dutifully and diligently to eliminate sound concerns to the best of their ability to help promote the health, safety, and welfare of the citizens of Elmwood Township.

III. 2.—Operational Limitations. The following operational limitations apply to all Special Event Facilities:

- a. No Special Event Facility shall exceed an occupancy load as determined by the International Fire Code or Michigan Building Code, whichever is less.

- b. In the Agricultural-Rural (A-R) zone, the special event duration shall not last longer than 1 day and shall not exceed 12 hours per day, excluding set-up and teardown time, during the hours set forth below. The Planning Commission may reduce the event duration to less than 12 hours per day based on the location of the property, adjoining land uses, terrain features, noise dissemination and the avoidance of adverse impacts on other land.
- i. On Sunday through Thursday, event-related operations (including set up and take down) may occur only between 9:00 am and 10:00 pm, ~~but~~ tear down shall end no later than not occur after 8:00 pm.
 - ii. On Friday, Saturday, and federal holidays, event-related operations ~~(including set up and take down)~~ may occur only between ~~8~~9:00 am and 11:00 pm, but tear down shall end no later than not occur after 8:00 pm-midnight (12:00 am) on Fridays and Saturdays.
 - iii. Event set-up and tear down may occur the day before and/or after the day of the event.
 - iv. The Planning Commission may extend hours of operation if they determine that different hours are more appropriate under the standards in Section 9.3 and, additionally, if the location of the events will not negatively affect other parcels with the extended hours.
- c. In the Agricultural-Rural (A-R) zoning district, all guests at the Special Events Facility must exit the facility no later than 1 hour after the event is required to end as stated above. The person or entity to whom the Special Land Use is issued shall be responsible for compliance with this requirement.
- d. All activities relating to the special event shall be moved inside a building or tent by 9:00 pm-PM, Sunday through Thursday and by 10:00-PM pm, on Friday, Saturday, and federal holidays, unless the Planning Commission determines that different hours are more appropriate to meet the standards in Section 9.3.
- e. The Planning Commission shall determine the maximum number of events for each proposed special events facility after consideration of its location, whether there is a reasonable likelihood of an adverse impact on neighbors, traffic, access, and nearby land uses as well as the standards in Section 9.3. At no time shall the Planning Commission allow more than the following in the Agricultural-Rural (A-R) zoning district:
1. Maximum of 52 events in a calendar year.
 2. Maximum of 2 paid events in a week unless there is a federal holiday in the week ~~than~~then up to 3 paid events may be held in that week. For this section of the Ordinance, a week shall be a calendar week, Sunday to Saturday.
- f. Music or entertainment shall not be the primary purpose of the Special Event and always shall be secondary and customary to the primary purpose of the Special Event. For example, music and dancing may be secondary to a wedding reception, agricultural product event, or tasting agricultural products events, but a concert, play or stage performance is not permitted. Sounds caused by music or entertainment shall not be heard or objectively measurable at any decibel level

greater than a normal conversation on any property that is not described in the zoning permit at any time during the event. This decibel level expectation does not apply to the property and/or facility owner's residence and/or property of ownership. Any sounds or decibel level caused by the Special Event which are greater than a normal conversation, shall be in excess of the typical background or ambient noise levels that are present on any property that is not described in the zoning permit.

IV. 3.—Public Health.

Special Event Facilities shall provide a potable domestic water supply and an onsite sewage disposal or sewer service connection necessary to accommodate all special events, which comply with the requirements or standards of the Health Department.

V. 4.—Setbacks.

The following setbacks shall be maintained at all times:

- a. If an adjoining parcel has a residence, then all structures or activities associated with the Special Event shall be located at least ~~100~~ 200 feet from the property line that adjoins a residence. The 200 feet setback does not apply to the residence of the property and/or facility owner(s). The Planning Commission may reduce this requirement if it finds that the topography of the area or other physical features makes this requirement unnecessary and the standards in Section 9.3 can still be met.
- b. If an adjoining parcel has a residence and the residence is within 500 feet of any Special Event Facility structure or activity associated with the Special Event, there shall be a fence adjacent to the property boundary line. The fence shall be of a height and composition to prevent trespass. The Planning Commission may reduce this requirement if it finds that the topography of the area makes this requirement unnecessary and the standards in Section 9.3 can still be met.
- c. All temporary structures such as tents, stages and dance floors shall maintain setbacks listed above and shall be identified on the site plan.

VI. 5.—Lighting.

-In addition to the requirements of Article 6, all lighting shall comply with the following requirements:

- a. All outdoor lighting associated with the Special Event shall be turned off within 1 hour after the Special Event ends.
- b. Outdoor lighting shall be located, shielded and directed such that no direct light falls outside the property line or into the public right-of-way.

Section 2:VII. Severability.

If any sections, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section,

subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 3: ~~VIII.~~ Effective Date.

This Ordinance shall become effective eight (8) days after publication.

Public Hearing:

Adopted:

Effective:

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Bryan E. Graham

Peter R. Wendling

M E M O R A N D U M

TO: Sarah Clarren, Planner/Zoning Administrator **VIA EMAIL**
Elmwood Charter Township

FROM: Bryan E. Graham *BEG*

DATE: February 7, 2023

SUBJECT: Review of revised language concerning the events regulations for the township zoning ordinance

I have now had the opportunity to review the revised language you provided concerning the events regulations for the township zoning ordinance. It is my understanding that language was originally proposed by a property owner and that this original language was reviewed by Brad Wierda, the attorney for the township that handled the litigation filed by Frank Noverr in 2018. I have also reviewed the memo prepared by Mr. Wierda concerning his review of the original proposed language.

I agree with Mr. Wierda's analysis that many of the problems raised in the prior Noverr litigation were not addressed in the original language proposed by the property owner. As a result, it is my advice that the original language not be enacted.

Concerning my review of the revised language you provided, while the revised language has eliminated most of the legal challenges raised in the prior litigation, it is again my advice that the revised language not to be enacted without significant changes to the language and organizational structure of the regulations. Let me now summarize the language and organizational structure I would recommend for any proposed zoning ordinance amendment.

1. The two definitions provided should be combined into a single definition.
2. Concerning the proposed Section 9.8.1, this intent section should be simplified. As I understand it the overall intent of allowing events within the A-R District is to allow farmers with active farm operations to supplement their income with these events, while at the same time protecting adjacent property owners from any potential nuisance factors related to these events.

3. The concept of these events being “accessory and subordinate” to the active farm operations should be eliminated. Under traditional zoning concepts of accessory and subordinate, the events would not fall within this zoning concept. In reality the township would be allowing the events as an additional use of the property. These events can, as a factual matter, be made secondary to the active farm operations by limiting the area of the farm property that can be devoted to the event use and by limiting the number of events in a calendar year and within each week.

4. Because the events will be authorized by a special use permit, the regulations within Section 9.8 should be written in the form of supplemental application requirements, eligibility requirements, and approval standards. Under the zoning enabling act, if the applicant establishes that all of the standards are met, then the township is required to approve that special use permit. I will leave it to you to determine the appropriate labels, but the general organizational structure of the new Section 9.8 would be something like the following:

Section 9.8 Events

1. Intent.

2. Supplemental Application Requirements.
 - a. General description of events.
 - b. Types of events.
 - c. Details of where events will be held –building or outdoors
 - d. ADD OTHER INFORMATIONAL ITEMS FROM PAGE 4 OF 8

3. Eligibility Requirements. To be eligible for an event use, the property must comply with both of the following;
 - a. The lot shall be no less than _____ acres in lot area.
 - b. There shall be active farm operations on the lot at any time an event is held on the property. For purposes of this section “active farm operations” means . . . (See discussion below.)

4. Approval Standards
 - a. General site standards

- i. Maximum area of farm property devoted to event use.
 - ii. Setback requirements
 - b. Event management/operational standards
 - i. Maximum number of individuals for event (based on the maximum area devoted to the event use)
 - ii. Maximum number of events each year and maximum number of events each week.
 - iii. FOR THE SUPPLEMENTAL APPLICATION REQUIREMENTS, DEVELOP STANDARDS THAT MUST BE MET. OTHERWISE, WHY REQUIRE THE SUPPLEMENTAL INFORMATION?
 - iv. ADD APPROPRIATE STANDARDS FROM PAGE 6 OF 8
 - C. Traffic and circulation standards
 - D. Sound standards
 - E. Lighting standards
5. Continuing Compliance with Standards

The applicant and/or property owner shall operate the event in full compliance with the standards specified in Section 9.8.4 of this Ordinance. Any violation of these standards shall constitute a violation of this Ordinance and shall subject the applicant and/or property owner or other person violating the standards to the enforcement provisions of this Ordinance.

The concept of “active agricultural use” or “active farm operations” must be defined. If these terms will be used in other portions of the zoning ordinance, then the definition should be added to the definition section of the ordinance. On the other hand, if the term is only going to be used in Section 9.8, then the definition can be included in the section. I have provided suggested language above for the formatting of this definition.

Concerning the merits of the definition, the former language used an economic approach when determining the relationship between an active agricultural use and an event use. Because I have suggested that the event use be made secondary to the agricultural use based on the function of the event use (limited land area and limited

number of events per year), I also suggest that the definition of active farm operations be based on function and not on economics.

As you know, a farmer may perform the same tasks year after year, but because of various economic and weather-related events may or may not earn farm income in a particular year. It is for this reason that economic or income-generating criteria are not the best indicators of whether an active farm operations is occurring on the property.

A function approach, in my opinion, is a better indicator of whether active farm operations are occurring on the property. Under a functions approach, active farm operations would be generally defined as follows:

Active farm operations means any of the following: (1) for crops such as fruits, vegetables, hay, corn, soybeans, wheat, etc., the crops are grown, harvested, and commercially marketed; (2) for dairy farms, the cows are raised, regularly milked, and the milk commercially sold; (3) for beef cattle farms, the cows are raised and either commercially sold or slaughtered, and (4) for other types of specialty farms, such as deer, elk, and pheasant farms, the animals are raised and commercially harvested by private hunting or other means.

After you have presented the planning commission with this topic, the planning commission will need to decide whether it desires to proceed with the development of events regulations. If the planning commission would like to proceed with this project further, I would be happy to assist you in developing these regulations.

If you or the planning commission have questions, please do not hesitate to contact me.

BEG

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Peter R. Wendling

M E M O R A N D U M

TO: Sarah Clarren, Planner/Zoning Administrator **VIA EMAIL**
Elmwood Charter Township

FROM: Bryan E. Graham *BEG*

DATE: May 12, 2023

SUBJECT: Review of revised language concerning the events regulations for the township zoning ordinance

I have now had the opportunity to review the most recent revised language you provided concerning the events regulations for the township zoning ordinance. The following are my comments concerning this revised language.

1. Because the regulations propose to add a new subsection H to Section 9.8 concerning special events facilities, there must be a definition for what constitutes a special event facility. The draft that was provided has eliminated that definition.
2. In my February 7, 2023 memo I indicated a general organizational structure for the proposed amendment. It appears that none of my general organizational structure recommendations have been implemented. Again, it continues to be my advice that if the township desires to include regulations for special event facilities, then the organizational structure I recommended it should be followed.
3. I also indicated in my previous memo that the intent provisions of the proposed regulations should be simplified. Again, this advice was not implemented.
4. I have now quickly review the balance of this proposed amendment. It is not economical to the township for me to provide details concerning the changes needed in this amendment. Therefore, it is my recommendation that the planning commission make a fundamental decision concerning whether it desires to amend the zoning ordinance to include regulations for special event facilities. If the planning commission does not desire to include these type regulations, then the matter should be over. On the other hand, if the planning commission does want to include regulations in the zoning ordinance for special

event facilities, then the planning commission should work with Sarah to decide what regulations it desires to include. The draft language it has been provided can be a source of those regulations, but should not be the sole source.

The bottom line is that the proposed amendment being presented to the planning commission should not be enacted as written.

If there are any questions for me, please do not hesitate to contact me.

BEG