

**Charter Township of Elmwood
Planning Commission Regular Meeting
Elmwood Township Hall (10090 E. Lincoln Rd.)
July 18, 2023 at 7:00 PM**

A. Call to Order: Chairman Bechtold called the meeting to order at 7:03 PM.

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

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

D. Limited Public Comment: None

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

F. Minutes: June 20, 2023 and June 22, 2023

MOTION BY COMMISSIONER ROBERTS, SECONDED BY COMMISSIONER KUZMA TO APPROVE THE MINUTES OF JUNE 20, 2023 AS PRESENTED. MOTION APPROVED UNANIMOUSLY.

MOTION BY COMMISSIONER KUZMA, SECONDED BY COMMISSIONER APRILL TO APPROVE THE MINUTES OF JUNE 22, 2023 AS PRESENTED. MOTION APPROVED UNANIMOUSLY.

G. Consent Calendar: Approve/Receive and File:

MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER MIKOWSKI TO ACCEPT THE CONSENT CALENDAR AS RECEIVED AND FILED. MOTION PASSED 5-0.

H. Declaration of Conflict of Interest: None

I. Old Business: None

J. New Business:

a. Public Hearing and Deliberations for SPR/SUP 2023-05. Request by Inhabitect LLC regarding property at 8850 E. Lincoln Rd., parcel #004-030-014-01 for Taproot Farmstead (Uses: Winery, Wine Tasting Room, Agricultural Commercial Enterprise (Farm Market)).

Chairman Bechtold read the statement to open a public hearing. Public hearing opened at 7:12 p.m.

Nate Griswald with Inhabitect, representative for Jen and Andy Viren, owners of Taproot Farmstead gave an overview of the project. He said it's an innovative use of the property. They do live on the property and are currently starting to farm it. It's a 32.6- acre parcel which would have a production facility, tasting room, and farm market. It would be a boutique farm focused on an ecological approach to regenerating and preserving wild lands while also encouraging agritourism. They are supporting other farms and farmers which is a critical part of the property. They want to craft hard ciders, baked goods, and fresh produce from this property. It would be 100% GMO free including apples, stone fruits, maple syrup, herbs, and produce. They would also be supplying directly to Taproot Cider House which is owned by Jen, and is an extension of that. It would be a Community Supported Ag or CSA, the agritourism experience will have farm tours and different educational opportunities for visitors and community members. There would be multiple phases of building it out, it's not going to be immediate. They want to get started with the production facility. Once the tasting room is open, it's going to be invite only up to 30 guests. They'd also be planting more apple trees, more fruit bearing trees, lavender, and other products to help flavor their cider, and there will be a sugar shack for maple syrup production. They'd also begin and complete the construction of the farm market. In the spring of 2025, the farm market and tasting room would be open to the public with some exceptions. Spring and summer hours between Memorial Day and Labor Day would be Friday-Monday 11-7, and the winter hours would be 3 days a week 11-7. The Commissioners discussed the project and asked questions.

Staff noted, what is being shown on the plan is what would be approved, if the Commission approves the project; a winery, wine tasting, and a farm market.

Jen Viren noted, we have planted 294 trees which we've had to break off the buds of apples that are already starting to grow so the roots can focus on bringing in more nutrients to help the growth of the tree rather than stunting the growth of the tree. We also have naturally already occurring fruits on our property. We have mulberries, wild black raspberries, a yellow transparent tree that has enough juice we were able to press off the fruit last year, there's sumac, we've planted elderberries, there's stone fruits, and there's lavender ready to go for this fall. We just moved in last November and I feel like we've already made a great push for keeping agriculture alive in this Township which is the reason we purchased the property, to be able to work with the ground up as an organic land. Research has shown that 5-7% of farms are selling to developers, they want to create a sustainable family farm and community.

Public comment opened at 7:49 p.m.

Prior to members of the public speaking, Staff reiterated that Public Comment is 3 minutes per individual and although not required, members of the public are encouraged to give their name and address.

Jon Sutton 8778 E. Lincoln Rd. The Viren's and I share the border that runs east and west. I have a copy of their application and they have 1 ½ acres of sugar bush, but it appears to him they have about 10 maple trees. It says they need a Site Plan Review; I'd like you to monitor that very carefully. It also says they're concerned with the environment, the mouth of their driveway had one major erosion and it washed away a good portion of Lincoln Rd. If they have wine tasting, they're going to need a sign out by the road, one of his neighbors has a venue and when they have an event, I have people stop at my house to get directions. If they have wine tasting, I'm going to get that almost daily I'm guessing. I don't believe their current road is intended for commercial traffic.

Public comment closed at 7:54 p.m.

MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER KUZMA TO CLOSE THE PUBLIC HEARING AND ENTER INTO DELIBERATIONS. MOTION PASSED 5-0.

Staff noted per counsel and the Chair's past request, she drafted proposed Findings and has copies available for anyone who would like one. She said that these are Drafts and as the Commission knows, and so the public knows what that means, is that things can be added to or subtracted from and modified until a motion is made for a decision.

The Chair led the Commission through the Findings noting these are the additional requirements for certain special land uses. Ultimately, the Commission found each standard met based on facts presented within the application and associated documents.

MOTION BY COMMISSIONER KUZMA, SECONDED BY COMMISSIONER MIKOWSKI TO ACCEPT THE FINDINGS OF FACT AS MODIFIED. MOTION PASSED 5-0.

The Commission discussed conditions for the project and modified the suggested conditions. Ultimately, the following conditions were made for the project:

1. The Planning Commission is only approving two buildings at this time. The first will house the wine production and wine tasting room and the other is the Farm Market. Any other future additions or modifications must be reviewed by the Township to determine if any further permitting is required.
2. As defined by the Zoning Ordinance, Agricultural Commercial Enterprises are "**Uses dependent upon on site farm operation** and agriculture related products, such as: community-supported agriculture, "u-pick" or pick-your-own operation, farm market, agri-tourism, and similar uses" (emphasis added). The permitted use must meet and continue to meet this definition.
3. Prior to issuance of a Land Use Permit one of the following must be done: 1) A performance guarantee, as deemed sufficient by the Township Attorney, be provided to ensure the 5 acres of fruit be planted for the wine tasting room. 2) Evidence that the required 5 acres of fruit for the wine tasting room has been planted.
4. Recommendations proposed by the Fire Chief in his 7/18/2023 letter will be made a condition of approval. These recommendations include:

- a. Parking should not be allowed along the FAAL except in designated spaces. Signage should be posted along the drive indicating it as a Fire Lane (503.3 IFC).
 - b. “*Approved* fire apparatus access roads shall be provided for every facility, building, or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 750 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an *approved* route around the building or facility...**Exception:** The *fire code official* is authorized to increase the dimension of 150 feet (45 750 mm) [in certain situations]...”
 - c. “**Fire** apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for *approved* security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).”
 - d. “The grade of the fire apparatus access road shall be within the limits established by the fire code official based on the fire department’s apparatus.”
 - e. “Where required by the *fire code official*, *approved* signs or other *approved* notices or markings that include the words NO PARKING-FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which *fire lanes* are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.”
 - f. “Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times...(Note: Maintenance of the FAALs will require management of snow removal and storage.)”
 - g. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an *approved* area for turning around fire apparatus.”
5. All requirements for Wine Tasting Rooms and Agricultural Commercial Enterprises (Farm Markets) at the time of permitting are incorporated as conditions of approval. This includes, in part, the following:
- a. The winery is licensed or will be licensed prior to occupancy by the appropriate Federal, State, and Local agencies. *Evidence of this must be provided to the Zoning Administrator prior to operation.*
 - b. The winery is operated according to generally accepted agricultural management principles and the parcel shall have a minimum of five (5) planted acres of fruit that is used for the on-site production of wine. *Evidence of this must be provided to the Zoning Administrator prior to issuance of a Land Use Permit.*
 - c. The maximum size of wine tasting room shall be 2000 sq ft. *Evidence of this must be provided to the Zoning Administrator prior to issuance of a Land Use Permit.*
 - d. The hours of operation shall be between the hours of 10 am and 10 pm
 - e. Amplified sound (including amplified music) shall be contained indoors and shall not exceed reasonable volumes, so as to avoid disturbance to any neighboring residents.
 - f. 50% of the retail space and gross sales of a wine tasting room must be from product produced and grown on site as described in the Department of Agricultural Generally Accepted Agricultural Practices for Farm Markets.
 - g. The use [Agricultural Commercial Enterprise] must be associated with a farm operation, operated according to the Generally Accepted Agricultural and Management Practices for Farm Markets (GAAMPS) for the State of Michigan and any additional GAAMPS that may apply for the proposed use.
 - h. Sales shall be limited to farm products in compliance with GAAMPS for Farm Markets, such as fruit, vegetables, or baked goods; plant and nursery stock; or farm-related products such as milk, cheeses, honey, preserves, or butter. A bakery may exist as part of a farm market.
 - i. Sales of the following are prohibited unless otherwise authorized by the Ordinance: Fuel or related products; Tobacco products; Lottery tickets; Vehicles or related products; New & Used household goods; Alcohol production and sales.

6. Prior to issuance of a Land Use Permit, Parking lot screening shall be installed and maintained to create a visual screen at least six feet in height along all adjoining boundaries between a residentially zoned property and either a conflicting nonresidential land use or a conflicting residential land use.
7. Prior to issuance of a Land Use Permit, the required fence shall be installed.
8. The Farm Market and all eaves / overhangs shall not extend into the required 30' wetlands setback.
9. At the time of permitting, all uses are on one parcel and are owned and operated by one entity. If this changes in the future, the Township shall be notified and the change will be reviewed to determine if the Private Road Ordinance is applicable.
10. The property owner is responsible for obtaining all other applicable permits. This shall be done prior to obtaining a Land Use Permit.
11. The Planning Commission is not approving any signage under this Site Plan Review. Any proposed signage will need to comply with the Zoning Ordinance and the property owner shall obtain a sign permit from the Zoning Administrator.
12. Landscaping shall be maintained in a healthy, growing condition. Diseased or dead materials shall be replaced within the current or next planting season.
13. Prior to issuance of a Land Use Permit, a stamped copy of the plans shall be provided.
14. Once the project has been completed, the property owner or their representative shall submit As-Built plans in accordance with Section 8.6 of the Zoning Ordinance.
15. The project shall comply with all requirements of the Zoning Ordinance in effect at the time of approval.

MOTION BY COMMISSIONER KUZMA, SECONDED BY COMMISSIONER MIKOWSKI TO APPROVE SPR/SUP 2023-05 TAPROOT FARMSTEAD WITH THE CONDITIONS SET FORTH. MOTION APPROVED BY A UNANIMOUS VOTE.

b. Introduction SPR/SUP 2023-07 Request by Jim and Melissa Hill regarding property at S. Briar Dr., E. Pico Dr., and 10651 E. Grandview Rd., parcels 004-260-018-00, 004-280-019-00, and 004-028-122-00 for Hill Storage (Use: Seasonal outdoor storage of boats and recreation vehicles).

Staff noted the Commission has seen them before when they came for a map amendment, this property was re-zoned in the last year from R1 to NC. In her Staff intro report, she did go into quite a bit of detail, but one thing she wanted to add was the Fire Chief's review was a superseded document; there is one error in that. This is an introduction so the Commission shouldn't discuss whether or not the Standards have been met, just whether the application is complete.

MOTION BY CHAIRMAN BECHTOLD, SECONDED BY COMMISSIONER ROBERTS TO SCHEDULE A PUBLIC HEARING FOR HILL STORAGE AT THEIR NEXT REGULARLY SCHEDULED MEETING. MOTION APPROVED UNANIMOUSLY.

c. SPR 2023-08 (no public hearing required). Request by Elmwood Township regarding property at Fisherman Cove, parcel 004-033-042-00, for Brewery Creek Parking Area.

Staff noted that in the packets there is a brief memo indicating this is before you because the Michigan Planning Enabling Act requires improvements made to Township property be reviewed by the Planning Commission to make sure they are in line with approved plans;

the condensed version is, it is. We recently re-did our Parks and Recs Plan, it is clearly identified within our Parks and Recs Plan and our Parks and Recs Plan is incorporated into our Master Plan. The Planning Commission and Township Board approved our Capital Improvement Plan which also includes it. This is a proposed parking area for overflow parking for the Marina. It has been approved by EGLE.

MOTION BY COMMISSIONER MIKOWSKI, SECONDED BY COMMISSIONER ROBERTS TO APPROVE THE PROPOSED PLAN BY ELMWOOD TOWNSHIP TO INCREASE THE PARKING AT BREWERY CREEK PROPERTY FOR THE MARINA USE. MOTION PASSED BY A UNANIMOUS VOTE.

K. Discussion on Zoning Ordinance: Commissioner Aprill indicated that they should revisit [wineries]. Staff said they are working on language for that. Aprill then said he would like to look at Rural Resort because that didn't get put in the new Ordinance as it should have where we leave ourselves exposed to some major development that wasn't necessarily supposed to happen. Chairman Bechtold asked staff if staff had notes underway, to which Staff said that she has been working on text regarding wineries, wine tasting rooms, micro-breweries, etc., but reminded the Commission that there are numerous applications that have been filed and cannot promise they will have text for their next meeting.

L. Comments from the Chair: Chairman Bechtold said, thank you for your thoughts and comments tonight.

M. Comments from Planning Commissioners: Commissioner Kuzma asked, where did they are with food trucks.

N. Comments from Staff: Staff noted food trucks have been tabled indefinitely because the Township doesn't have an international fire code and the Chief felt he should be reviewing those. Also, the Commission had talked about going down the route of a Licensing Ordinance so there would be no review before the Planning Commission, it would just be Staff reviewing. She also thanked the Commission noting they have a lot to review.

O. Public Comment: None

P. Adjourn: MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER KUZMA TO ADJOURN AT 8:55 PM. MOTION PASSED.