

**Charter Township of Elmwood
Planning Commission Regular Meeting
Elmwood Township Hall (10090 E. Lincoln Rd.)
September 26, 2023 at 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: Kendra Luta, Rick Bechtold, Jeff Aprill, Jonah Kuzma
Excused: Nate McDonald, Doug Roberts, Chris Mikowski

D. Limited Public Comment: None

E. Agenda Modifications/Approval: MOTION BY COMMISSIONER LUTA, SECONDED BY COMMISSIONER APRILL TO APPROVE THE AGENDA AS PRINTED. MOTION APPROVED 4-0.

F. Minutes- September 5, 2023: MOTION BY COMMISSIONER LUTA, SECONDED BY COMMISSIONER APRILL TO APPROVE THE MINUTES OF SEPTEMBER 5, 2023 AS PRINTED. MOTION PASSED BY A UNANIMOUS VOTE.

Minutes-August 15, 2023: MOTION BY COMMISSIONER APRILL, SECONDED BY CHAIRMAN BECHTOLD TO APPROVE THE MINUTES OF AUGUST 15, 2023 AS PRINTED. MOTION APPROVED UNANIMOUSLY.

G. Consent Calendar: MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER KUZMA TO FILE THE CONSENT CALENDAR AS PRESENTED. MOTION PASSED BY A UNANIMOUS VOTE.

H. Declaration of Conflict of Interest: None

I. Old Business: None

J. New Business: (-1:39:20) a. Extension Request. SPR/SUP 2022-05. Request by TC Whiskey for Distillery Tasting Room, visitor's center, and offices at 9432 S. Center Hwy. (Parcel #45-004-008-009-20) [previously known as 9432 and 9440 S Center Hwy., 45-004-008-009-00 & 004-008-010-40].

Chairman Bechtold noted in the Commissioners packets was a memorandum from Staff with an attached letter from the TC Whiskey representative seeking the request. They had run into a problem receiving bids, so they had to re-do those.

MOTION BY COMMISSIONER LUTA, SECONDED BY COMMISSIONER APRILL TO GRANT A 1-YEAR EXTENSION FROM DATE APPROVED. MOTION APPROVED UNANIMOUSLY.

b. SPR 2023-09 (no public hearing required). (-1:37:34) Request by JML Design Group, Ltd., regarding property at 0 Lincoln Rd. (Parcel 45-004-030-001-00) for Gallagher Farms Distillery (Use: Distillery).

Staff said that copies of materials received on Thursday have been provided and has copies for anyone who would like a copy. She relayed that draft findings have also been prepared.

Fred Campbell 225 E. 16th St. presented the Site Plan Review for the proposed distillery for Gallagher Farms. What they're trying to do is take an 80-acre parcel of the existing farm and take the far west 20 acres of that 80-acre parcel and put a distillery on it. They are using the existing entrance off Lincoln Rd. that was put in for the event center, and this property is on the way to the event center. The building is approximately a 7,000 sq. ft., 1-story building. The renderings were provided so the Commission could see how they're giving it a barn feel to fit the surroundings of the area. They are seeking approval for the distillery for production of the whiskey without the tasting room because the tasting room is required to have a special use which will be applied for at a later date. They'll have a gravel parking lot with 12 spaces, the required number of spaces at this time is 8 spaces which is based on employee count. One of the items in the Staff report is, they need approval for the extra 12, he made the contention that the area for the parking is gravel so they're not technically marking out the parking spaces other than the handicap space will be concrete. The distillery is surrounded by the existing cherry trees. The cherry and fruit production of the Gallagher Farms is what will be used for the production of the product. The agency review letters came back. They already have the soil erosion permit. They went to the Health Department, did a perk test, and they're a week away from getting the septic and well permit. The facility will be serviced with a propane tank and well. The Road Commission sent a letter 2 days ago saying to submit for a curb cut and they would approve the existing entrance.

Chairman Bechtold asked if the parking is gravel and it's not going to be lined, will there be concrete barriers in front to designate parking? Campbell responded, no at this point it's simply for employees.

Staff asked what the area designated as the future tasting room will be used for at this time. Campbell responded by stating that the tasting room will be separated from the production facility so the building will be constructed, fire wall will be installed, on that side of the wall will be toilet rooms for the tasting room and a furnace room. The furnace room will be constructed because one of the furnaces feeds the office area on the other side of the fire wall, but the intent would be to put the underground plumbing in at this point and that's about it because they will apply for a building permit for everything but the tasting room.

The Planning Commission reviewed the draft findings. Staff noted the text on the first page is, generally speaking, the same as what was in the staff report with some modifications; one being detail on the size of the parcel. When the Planning Commission permits something, it's based on what's currently on site. It's currently 80-acres. The Planning Commission does not approve splits and she does have a recommended condition the Planning

Commission is not approving any split, it needs to conform to the land division ordinance, land division act, as well as the zoning ordinance. She also went into detail about the parking spaces, she does understand Campbell's point, but there should not be 12 cars on site unless the PC wants to give approval for 12 cars, otherwise, that should be a condition; there are 12 spaces, but only 8 can be used.

The Commissioners went through Standards and Draft Findings and found that facts support that each standard of approval has been met. The Commission then reviewed conditions and concluded that 11 conditions were necessary.

1. The Recommendations proposed by the Fire Chief in his 09/19/2023 letter will be made a condition of approval. These include, but may not be limited to:
 - a. Applicant shall comply with IFC standards for clear widths and the maintenance of all fire apparatus access lanes. *Reference: IFC 503.2.1 & 503.4.*
 - b. Applicant shall provide address identification visible from the public right-of-way and at other approved locations to facilitate emergency response. Address identification and approved locations will comply, at a minimum, with IFC standards. *Reference: IFC 505.1*
 - c. Applicant shall provide an alternative source of water for fire suppression meeting the minimum standards addressed in the above narrative. The alternative source shall be reviewed by the fire department prior to implementation and may consist of one method or a combination of solutions. All options will require coordination with EFD for compliance with the style, type, and location of fittings and compliance with EFD operational standards.
 - d. Applicant shall meet any additional requirements for hazard notification and mitigation, including fire suppression, imposed by other authorities. This may include the increasing of the minimum amount of water available for fire suppression needs.
2. The Planning Commission is not approving any proposed land divisions by approving the proposed Distillery use. Any land division must comply with the Zoning Ordinance in effect at the time of land division approval.
3. Although shown on the plan, the Planning Commission is not approving the Tasting Room. If the property owner wishes to pursue that additional use, they must apply for and obtain a Special Use Permit. Any subsequent application must comply with the Zoning Ordinance in effect at the time of approval. This goes to say that although the Soil Erosion permit submitted states that the structure is "multiuse." The Planning Commission is not approving a multiuse building at this time.
4. Although 12 parking spaces are shown on the plan, only 8 parking spaces are permitted under this SPR.
5. The property owner is responsible for obtaining all other applicable permits. This shall be done prior to obtaining a Land Use Permit.
6. 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.
7. Snow storage is proposed within the front setback. Snow storage areas shall be located so they do not interfere with clear visibility of traffic on internal roads or drives, adjacent streets, and highways. Snow storage areas shall not interfere with emergency vehicle access.
8. Landscaping shall be maintained in a healthy, growing condition. Diseased or dead materials shall be replaced within the current or next planting season. This includes, but is not limited to the vegetation proposed to meet the required buffering in the area designated as 'snow storage.'
9. 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.
10. The project shall comply with all requirements of the Zoning Ordinance in effect at the time of approval.
11. Easement for fire and rescue access and use of water source be granted.

MOTION BY CHAIRMAN BECHTOLD, SECONDED BY COMMISSIONER LUTA TO APPROVE THE APPLICATION [with 11 conditions]. MOTION PASSED UNANIMOUSLY.

c. Introduction. SPR/SUP 2023-10. Request by Field La Femme Properties, LLC, regarding property at 10051 S. Lake Leelanau Dr. (Parcel 45-004-018-004-25) for Farm Club (Uses: Agricultural Commercial Enterprise (Farm Market), Microbrewery).

Dusty Christensen with Mansfield Land Use Consultants presented on behalf of the applicant. Gary Jonas and Nick Thiesen with Farm Club were also there to answer questions. Dusty introduced the proposed project for expansion on the Farm Club property and hoped at the end of their discussion, have a public hearing scheduled for the next meeting. Originally when they talked to Staff about the expansion project, they talked about the satellite beverage service station and some parking expansion. As they discussed how that fit in with the changes of the Zoning Ordinance from the original Farm Club approval, the owner decided to take the opportunity to revisit the plans and submit for a new market building with a bakery in it. That use itself requires a Special Use Permit application which is why they were introducing the project and need a public hearing.

He said the uses for the project were a little bit confusing, so he went through those before going over the plans. The existing Farm Club building is about 5,000 sq. ft. and was originally approved through the Site Plan Review process as an agricultural commercial enterprise. After that approval, the Township Zoning Ordinance changed and redefined what ag commercial enterprises are and the types of activities that can take place within ag commercial enterprises. There is about a 220 sq. ft. satellite beverage service station proposed as a part of the application along with some expansion of the parking lot to handle additional vehicular traffic on site for the existing building. Those are actually submitted as a microbrewery use or the expansion of the existing building and parking lot and then the use of the satellite beverage service station are a use by right microbrewery site plan review application, and the proposed new farm market building with a bakery in it is a new ag/commercial enterprise of the property in compliance with the new ag/commercial enterprise standard in the Ordinance and it requires a Special Use Permit with that process. After opening the existing Farm Club facility, traffic started off strong and just grew so part of what they've done is expand the existing parking lot. They are in excess of the required number of parking spaces in the Ordinance. They have 94 spaces on the proposed plan which is up from 36 which they are currently approved for. He included in the narrative in their packets a photo and vehicle count from a Wednesday evening in August, and the parking lot had overflowed and folks had parked along the driveway and that's something they're trying to avoid in the future. In order to comply with the Ordinance, they need to have parking in a parking lot. The main building will remain unchanged, they have a fire tank out front to provide for water access, the proposed building reflects the architectural style of the existing building, then the satellite service station. The intent of the satellite service station is for when the building and patio are full, and there are more people, instead of standing at the bar and getting in the way of servers and patrons, that gives them space to stand and wait for a table and have a drink while they wait. The project has been designed to comply with all the standards of the Zoning Ordinance and they have plans into all of the reviewing agencies and have comments back from most.

Staff noted the report she prepared spends a lot of time going through what was approved in the past as there are multiple aspects that are now considered pre-existing nonconforming (restaurant) which cannot be expanded. Staff noted that they provided the site plan of what was previously approved as well as the Fire Chief's comments from 2019 as well as the past project's narrative.

Commissioner Luta asked if they would have 2 market spaces, keeping the existing plus the new one. Christensen replied, yes, they would have 2 market spaces.

Gary Jonas said the existing market space is about 110 sq. ft. so they'll put grab and go items in there. The main market will have all the cooled items and frozen products because they do a lot of food processing so they are selling frozen vegetables, vinegar pickled vegetables, and sauerkraut, so all those products will be featured in the larger market.

Chairman Bechtold asked about the beverage service station wondering if that was currently there or proposed to go with the lawn seating. Christensen said it was constructed last summer and they're there requesting approval for it. Chairman Bechtold asked if that was on the original plan, to which Staff said no—the entire area designated as outdoor seating area was not approved.

Chairman Bechtold asked if the microbrewery would go in the existing building. Staff said the production of beer is within the existing structure that was permitted by the Planning Commission in 2018 along with the designated tasting room. They are seeking after the fact approval for the expansion of that use into the outdoor area with the structure as well as the tasting room. Our Ordinance, shockingly, does not define microbrewery; instead it lists 'distilleries/microbreweries as regulated by Michigan Liquor Control Commission,' as the use so they have to utilize the State's definition. The State defines 'Microbrewer' but staff has been unable to locate a definition of a 'Microbrewery.' Christensen said that the license from the MLCC already exists; they are using it to operate. Christensen said that the question is essentially "does what is proposed change anything or not" it's their understanding that it does not, but it sounds like they need to get some sort of formal documentation. Gary Jonas said that he has dug into the differences between a microbrewer and a brewpub and what the requirements are for them. A microbrewer cannot serve other beer or liquor—it has to be something they produce onsite. They are allowed to distribute their beer. A brewpub can bring in other beers and liquors, but they can't distribute. Jonas said he's spoken to the Inspector to find out if this is allowed, they said that the State has no control over how many outputs there are onsite, how many people can come to consume onsite—they don't regulate that at all. Jonas asked if this could be provided in writing, but the Inspector said they don't do that. He said that the Licensing Department confirmed this.

Chairman Bechtold questioned if wine could be served onsite. Christensen said they have a winemakers license and this was approved by the Commission in the past. Staff added that yes, the Commission approved that, but only in the building and patio. They added that IF

the Commission approves the proposed project, the only thing that could be served at the satellite station would be beer. This is because the definition of ag commercial enterprise no longer includes wineries; they could apply for an expansion of a wine tasting room, but all current regulations would apply, including the size limitation.

MOTION BY COMMISSIONER KUZMA, SECONDED BY COMMISSIONER APRILL TO MOVE TO A PUBLIC HEARING AT THE NEXT REGULARY SCHEDULED MEETING. MOTION APPROVED UNANIMOUSLY.

d. Review Capital Improvement Plan. Chairman Bechtold noted they're required to review the plan every year. If a project is going to exceed \$10,000 expenditure it needs to be included in the Capital Improvement Plan.

MOTION BY CHAIRMAN BECHTOLD, SECONDED BY COMMISSIONER KUZMA TO SCHEDULE A PUBLIC HEARING FOR THE CAPITAL IMPROVEMENT PLAN AT THE NEXT REGULARLY SCHEDULED MEETING. MOTION PASSED BY A UNANIMOUS VOTE.

K. Discussion on Zoning Ordinance: Commissioner Aprill said there are so many loopholes they need to work at closing and strongly recommended they see where the problems were and try to close the loopholes so they don't get things they really don't want in the Township.

Chairman Bechtold asked Staff if she had been keeping a list. Staff said yes, when time permits. Chairman Bechtold said he and Staff have talked about having a workshop meeting in the first quarter of the year.

L. Comments from the Chair: Chairman Bechtold thanked the Commissioners and noted they're dealing with some sizable projects and they'll contend with changing some language in the Ordinance as they move on.

M. Comments from Planning Commissioners: None

N. Comments from Staff: Staff reminded Commissioners the October meeting date will be on the 24th. She also noted next week is the Michigan Planning Conference which she will be attending so she will be out of the office Wednesday-Friday.

O. Public Comment: Elizabeth Clark, Kathy Johnson

P. Adjourn: MOTION BY COMMISSIONER APRILL, SECOND BY COMMISSIONER KUZMA TO ADJOURN MEETING AT 8:44 PM. MOTION PASSED UNANIMOUSLY.