

**Charter Township of Elmwood
Planning Commission Regular Meeting
Elmwood Township Hall (10090 E. Lincoln Rd)
January 16, 2024 at 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, Doug Roberts, Kendra Luta, Rick Bechtold, Jeff Aprill, Jonah Kuzma. **Excused:** Nate McDonald

D. Limited Public Comment: Rose Gallagher

E. Agenda Modifications/Approval: Staff noted last week after the packet was mailed out, she received a written extension request for West Shore Marina that was incomplete. They revised the extension request and submitted that this afternoon. They're not planning on being there tonight, but are requesting to be added to the agenda. Their permit will expire before the next meeting.

MOTION BY COMMISSIONER KUZMA, SECONDED BY COMMISSIONER APRILL TO ADD THE EXTENSION REQUEST FROM WEST SHORE PARTNERS AS J(F) TO THE AGENDA. MOTION PASSED 6-0.

MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER KUZMA TO APPROVE THE AGENDA WITH MODIFICATION. MOTION APPROVED UNANIMOUSLY.

F. Minutes-December 19, 2023.

MOTION BY COMMISSIONER ROBERTS, SECONDED BY COMMISSIONER LUTA TO APPROVE THE MINUTES OF DECEMBER 19, 2023. MOTION PASSED BY A UNANIMOUS VOTE.

G. Consent Calendar:

MOTION BY COMMISSIONER LUTA, SECONDED BY COMMISSIONER KUZMA TO APPROVE THE CONSENT CALENDAR AS PRESENTED. MOTION APPROVED UNANIMOUSLY.

H. Declaration of Conflict of Interest: None

I. Old Business: None

J. New Business:

a. Site Plan Review SPR 2024-01-Request by Elmwood Township, regarding property at 13051 S. West-Bay Shore Dr., parcel 004-033-082-00 for Phase III a-c of the Elmwood Township Marina project.

Commissioner Aprill asked if the old bath house was being removed. Harbormaster Pete Moon, replied yes, as well as the bath house, the garage, the old office, and storage area.

Commissioner Aprill asked when that work would take place. Moon responded, they don't have a start date yet as it hasn't gone out to bid. Commissioner Aprill asked if they would tear it down next fall and start. Moon replied, that would be the goal—get the demolition done late season and get the ground work done hopefully before the snow flies.

Chair Bechtold asked if he anticipated the 2025 M-22 revamping impacting the project or the right-of-way. Moon noted the shoulder is quite broad and said that the biggest challenge will be if the two projects are going on simultaneously. There's no way around what's going to happen, it's going to be a challenge for traffic. The good news is that the Brewery Creek renovation is underway which gives them a head start on construction which should be finished in the spring. That will give them room for overflow parking across the street. The Commissioners discussed the plans further.

MOTION BY COMMISSIONER KUZMA, SECONDED BY COMMISSIONER ROBERTS TO APPROVE PHASE III OF THE ELMWOOD TOWNSHIP MARINA PROJECT BASED ON COMPLIANCE WITH ADOPTED TOWNSHIP PLANS, PROVIDED ALL OUTSIDE AGENCY PERMITS ARE OBTAINED. MOTION APPROVED UNANIMOUSLY.

b. Continued Discussion. ZO 2017-04-17- a Zoning Ordinance Amendment to amend Section 2.2 Definitions to add definitions for "Active Farm Operation," "Festival," and "Special Event Facilities," amend Section 5.4 to allow for Special Event Facilities within the Agricultural-Rural Zoning district, with a Special Use Permit and to renumber the subsequent uses within the Land Use and Zoning District Table; amend Section 9.8 H to include standards and regulations specific to Special Event Facilities.

The Chair noted that as requested, Sara Kopriva from Beckett and Raeder, prepared a graph with the parcels that are 40 acres and over.

Kopriva stated anything 40 acres or more show the slope. At the last meeting they had talked a little about topography in the Township and what that looked like in the parcels and what impact that might have. She showed that on the graph and gave an overview.

The Commissioners discussed sound, percent of acreage allowed for a special event facility based on the amount of acreage being used for active farming and removing access as part of the calculation. Ultimately the Commission agreed that by including access in the

calculation, it would penalize a property owner if the facility is located in further in the lot, which allows for more buffering; access was removed from the calculation.

The Commission reviewed the prepared calculations showing different scenarios of the size of the facility based on the size of active farm operation. Kopriva asked if the Commissioners were comfortable with 5%. The Commissioner's discussed the percentage further and determined that 7.5% of the acreage being used for active farm operation would be a better balance.

The Commissioner's further discussed the requirement of sound; Staff indicated that the requirement was provided by the township attorney; it's been indicated that such language is in noise ordinances and is defensible.

Staff indicated that the Commission should incorporate a parking requirement for the use; they relayed that 1 parking space per 3 people is used for other uses that are relatively similar. The Commission agreed.

Kopriva said the next step would be to hold another public hearing since changes have been made to the proposed text amendment.

MOTION BY COMMISSIONER KUZMA, SECONDED BY COMMISSIONER MIKOWSKI TO SCHEDULE A PUBLIC HEARING FOR ZO 2017-04-17 A ZONING ORDINANCE AMENDMENT TO AMEND SECTION 2.2 BASED ON MODIFICATIONS. MOTION APPROVED UNANIMOUSLY.

c. Introduction ZO 2017-04-00-a Zoning Ordinance Amendment to amend Section 2.2 to add a definition for Dwelling, Multi and Lot Area, Gross and to modify the existing definitions for Parcel, Lot Area and Net Lot Area; create Section 3.14 to include development requirements for Multi-Dwelling developments; add Note "I" to Section 5.6 to reference residential density requirements to Section 3.14; modify Section 7.1.2 so residential base density is determined using net acreage; modify Section 7.2.2 so residential density is based off of net lot area; modify Section 8.4.12 to have Site Plan Review applicants submit the gross lot area and net lot area.

Staff said the Commission has talked about this in the past and talked about having residential density based off net lot area. Their attorney originally did not believe they presented a clear enough argument, but has recently agreed there is a valid planning purpose for it. The intent is to ensure that lots are being developed in-line with the underlying zoning. Staff gave the example of a 100acre parcel theoretically zoned A-R, putting [permitted] uses aside; if 90 acres were wetlands and undevelopable, should 100 dwelling units be allowed in the developable 10acres or should you calculate your development rights off of what you can actually develop.

The Chair said a case where that would have been handy, is when they had the 80+ acre development on Grandview Rd. A lot of that was pretty wet and their plan was based on the area they had versus the area they could use so the net lot size was really the usable area when you account for wetlands.

Commissioner Aprill commented, in his mind, if you take that factor out of it, it's almost like the property takings because you can't do anything with it. Staff disagreed; one could do a cluster development, you can seek a variance, and there are options to develop the property. It's not saying you have 100 acres you can't do anything with it, no, you can still develop it, but you develop it based on the zoning of that parcel. The intent is to not overburden the developable portions of property, which impacts the surrounding lots. Aprill suggested that is a strike against cluster developments, which are encouraged. Staff relayed that the prepared text does allow for the Commission to consider density bonuses within Planned Developments as allowed and defined within Section 7.1.2 of the Ordinance, but it also states that in no instance shall density be permitted to exceed twelve dwelling units per acre as that is from the Township's Master Plan.

Staff asked if there were other thoughts from other Commissioners. Commissioner Kuzma said it makes sense the way it is described. Chair Bechtold asked if the Commission would like more time with the prepared text. Commissioner Roberts said he is comfortable with the language as it stands. Commissioner Luta said it makes sense; if you can't build on something, should it be included in the calculation on how much you can build? Commissioner Luta said the text also clarifies what's already in the Ordinance. Commissioner Aprill said unbuildable area also includes setbacks; staff disagreed as setbacks are not included in the definition of net lot area.

The Commissioners determined that they would like more time to review the proposed text and article 7 and would discuss the text amendment at the next meeting.

d. Introduction. ZO 2017-04-23- a Zoning Ordinance Amendment to amend Section 2.2 to add definitions for alcohol, Beer, Brewer, Brewery, Distiller, Micro Brewer, Small Distiller, Small Wine Maker, Spirits, Tasting Room, Wine Maker, revise definitions for Distillery, Wine, Winery, and eliminate definitions for Distillery Tasting Room, Wine, Brandy, Wine Drink Mixed, Wine Related Beverages, and Wine Tasting Room; amend Section 5.4 to eliminate Distillery Tasting Rooms, Microbreweries/Distilleries, and Wine Tasting Room, Add "Distillery and/or Brewery" and "Tasting Room" as permitted uses under Site Plan Review or Special Use Permit in certain zoning districts, allow Winery as a use within the General Commercial and Light Industrial districts under Site Plan Review, renumber uses; amend Section 5.5 K to eliminate two requirements for Temporary Produce Stands and renumber subsequent requirements; add Section 5.5 to contain requirements for Wineries, Distilleries, and Breweries; eliminate Section 9.8 L Distillery Tasting Room and its requirements and reserve Section 9.8 L for future use.

The Chair said as he understands, this was to have like language in all of the definitions like wineries, brew pubs, cideries, distilleries, etc.

Staff stated the intent is to align the Zoning Ordinance with the definitions within the state regulations and to make further effort to make sure the ag district does not become industrialized. The proposed text follows what they believe the Commission has desired; regulations and standards to tie the uses to active agriculture. It was pointed out that currently there are no specific standards for distilleries and microbreweries other than meeting basic requirements of the Ordinance.

Commissioner Aprill asked if this was in all districts. Staff noted on p. 3 of 7 there's a change proposed to Section 5.4 which is the table of allowed uses which shows all uses allowed in the Township and what district they are allowed in.

Commissioner Aprill recommended taking breweries out of ag because it takes away from the land; commercial uses should stay in a commercial district. The Commissioners had a lengthy discussion about breweries and the amendment.

The Commissioners decided to come back to this item at the next meeting.

e. Selection of Officers: MOTION BY COMMISSIONER KUZMA, SECONDED BY COMMISSIONER APRILL TO ELECT RICK BECHTOLD AS CHAIR. MOTION CARRIED.

MOTION BY CHAIRMAN BECHTOLD, SECONDED BY COMMISSIONER KUZMA TO ELECT JEFF APRILL AS VICE-CHAIR. MOTION CARRIED.

MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER LUTA TO ELECT JONAH KUZMA AS SECRETARY. MOTION CARRIED.

MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER ROBERTS TO FINISH WITH THE AGENDA. MOTION APPROVED UNANIMOUSLY.

f. West Shore extension request: No one was present on behalf of the request. Staff reported that last week on January 10th, she received an email from Shari Johnson, widow of Pat Johnson, requesting an extension. The extension request received last week Wednesday did not meet the minimum requirements of an extension request. Staff provided the original letter, Staff's response email, the revised letter, the letter from the previous extension request for the project, and a memo on the request. The Commissioners discussed the request.

MOTION BY COMMISSIONER ROBERTS TO GRANT THE REQUEST FOR A 1-YEAR EXTENSION. NO SECOND WAS GIVEN. MOTION DIED. REQUEST DENIED.

K. Discussion on Zoning Ordinance: None

L. Comments from the Chair: Commissioner Bechtold thanked the Commissioners for their diligence in reviewing the materials and the good discussion.

M. Comments from Planning Commissioners: Commissioner Luta thanked the other Commissioners and thanked Staff for her annual review. She also gave kudos to The Chair and Commissioner Aprill for making every meeting in 2023.

Commissioner Aprill apologized if they felt like he was a stick in the mud, he just wants everybody to think about the items on the agenda saying just because it's on paper, doesn't mean it's the only way. He asked them to think it through and make sure. They made past decisions by somebody else's recommendation, and they're regretting them and he doesn't want them to regret any future decisions.

N. Comments from Staff: Staff said it was a good discussion and thanked the Commissioners for letting her overburden them with agenda items. She also relayed that last year contained a lot of special meetings.

O. Public Comment: None

O. Adjourn: MOTION BY COMMISSIONER APRILL, SECOND BY COMMISSIONER LUTA TO ADJOURN THE MEETING AT 8:58 PM. MOTION PASSED UNANIMOUSLY.