

**Charter Township of Elmwood
Planning Commission Regular Meeting
Elmwood Township Hall (10090 E. Lincoln Rd)
March 19, 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, Rick Bechtold, Jeff Aprill, Jonah Kuzma
Excused: Nate McDonald, Doug Roberts, Kendra Luta

D. Limited Public Comment: None

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

F. Minutes-February 20, 2024: *MOTION BY COMMISSIONER KUZMA SECONDED BY COMMISSIONER APRILL TO APPROVE THE MINUTES OF FEBRUARY 20, 2024. MOTION PASSED BY A UNANIMOUS VOTE.*

Minutes-March 5, 2024: *MOTION BY COMMISSIONER MIKOWSKI, SECONDED BY COMMISSIONER KUZMA TO APPROVE THE MINUTES OF MARCH 5, 2024. MOTION APPROVED UNANIMOUSLY.*

G. Consent Calendar: *MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER KUZMA TO FILE 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 2024-03-Request by Discovery Center and Pier regarding property a 0, 13223, 13240, 13272, 13271, and 13170 S. West-Bay Shore Dr., for Discovery Pier Phase II and III (Elements from previously approved Planned Development; parking lot landward of M22)

Matt McDonough with Discovery Center said a lot of what was on the site plan has been approved, but the features that have not been approved are: 1) the completion of the parking lot which they thought was approved in a previous site plan 2) to be able to put a 20x30 temporary tent out on the pavilion to serve as a catering tent that would be taken down once the building is up 3) the jib crane, there's actually 2. He thinks the first one was already approved when they had it proposed to be on the N/E corner of the pier, that's

been moved to the N/W corner of the basin; there's a smaller crane that is going to be located on the S/W corner of the pier itself which is for launching smaller remote operated vehicles, that way the classroom within that building will be able to operate from their desks. 4) the fixed access platforms-one is in the N/W portion of the marina basin 5) the landing platform to provide more space for people to use the kayak launch. All of these changes have been approved by EGLE, but they're waiting on the Army Corps permit who told them it's all good, they're just waiting on the permit.

Staff noted one of the additional pieces of information from the Chief was his review and he has a couple recommended conditions. This is an SPR so there's no public hearing and she has draft Findings, but those do not include the Fire Chief's recommended conditions.

The Commissioners went through Standards for Approval and found that all standards were met based on the Findings of Fact. The Commission agreed with the Findings of Fact as presented, with adding the email from the Fire Chief within 8.5.B.2, 8.5.B.7 and the conditions. The Planning Commission set the conditions on the project as follows:

- 1) Prior to issuance of a Land Use Permit, a sealed and signed set of plans shall be provided to the Township.
- 2) Prior to issuance of a Land Use Permit, permits from all applicable outside agencies shall be provided.
- 3) Temporary tents used during special events (permitted under a different decision) shall be tightly secured during their use and taken down at the end of each event.
- 4) Pursuant to Section 6.1.3.B of the Zoning Ordinance, "All parking areas shall conform to the requirements of the Americans with Disabilities Act and any other accessibility requirements in effect at the time. These spaces shall be included in the calculations for meeting the parking requirements of this Article." Prior to issuance of a Land Use Permit, compliance with this requirement shall be provided.
- 5) Prior to issuance of a Land Use Permit for the parking lot, the parcels must be combined.
- 6) Recommendations proposed by the Fire Chief in his 3/19/24 email will be made a condition of approval. These recommendations include:
 1. The installation of the Jib Crane in the northwest corner of the harbor may obstruct the Fire Apparatus Access Lane (FAAL) to the causeway. Any boom, feature or vehicle that may impinge on or obstruct the FAAL clear width requirement of 20 feet wide by 13.5 feet in height shall be temporary with time limited to that necessary for the safe operation, loading and unloading of the crane. The crane operator shall also be in attendance of the controls during the time the crane may obstruct the FAAL.
 2. The Fire Department Connection (FDC) for the south dock standpipe system is shown located on the south dock at the end of the gangway ramp and kayak chute. The FDC shall be located on land and within a maximum of 100 feet of the shoulder of S. West-Bay Shore Drive (SWBS).
 - a. *NOTE: Approved locations have been discussed with Matt McDonough and includes areas near the Ticket Booth and parking lot turn-around.*
 3. The parking lot on the west side of SWBS appears to have dimensions acceptable for fire department access.
 - a. The north access to the parking lot must maintain with a clear width of 20 feet wide by 13.5 feet tall from SWBS.
 - b. Emergency or alternative access is recommended from the drive located on SWBS. This access may be secured by chain or other means agreed upon with the fire department.

MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER MIKOWSKI TO ADOPT FINDINGS OF FACT AS MODIFIED. MOTION APPROVED UNANIMOUSLY.

MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER MIKOWSKI TO APPROVE SPR 2024-03 REQUEST BY DISCOVERY CENTER AND PIER FOR DISCOVERY PIER PHASE II AND III. MOTION PASSED BY A UNANIMOUS VOTE.

b. Introduction SPR/SUP 2024-02-Request by John Gallagher III regarding property at 8525 E. Lincoln Rd. (Parcel 004-030-001-00) for Bay View Distillery Tasting Room

John Gallagher III 8855 E. Strang Rd. on behalf of the application, there were some notes made by the Planner regarding the narrative on both the maximum size of the tasting room and the size of the parcel. For clarity, he thinks the notes from the Planner do address the concerns of the Commissioners. He wanted to make the notation to make them aware that there is an intended split they're looking to do, he just filed the paperwork with the Assessor to have that 80 split into 2-20's and a 40, so, moving forward as an item of transparency. The size of the tasting room with regards to the current and proposed, he knows he can't speak to the proposed text amendment until that session is open, but he's looking for the opportunity to speak at that time.

Staff added, that this is an introduction, this is Site Plan Review and a Special Use Permit so the Planning Commission would be reviewing the application and determine if they agree it is a complete application. If so, a motion should be made to schedule a public hearing for the next regularly scheduled PC meeting.

Commissioner Aprill asked how this would affect their other business that evening. Staff explained the proposed text amendment is not what's currently in their Ordinance, so it has no weight on the application. If the applicant wanted the PC to hold off on a decision until the text amendment has been discussed, it could be a few months and they don't want to do that, they want to proceed under the current regulations. If the proposed text amendment is adopted at a later date, the applicant would have every ability to apply for an amendment to come back before the Commission. Commissioner Aprill asked, so they are looking at this under their current Ordinance. Staff responded, exactly. That's part of the reason why the Staff report is a little more detailed; just to be clear. She asked if there were any questions regarding the application or whether or not the requirements for section 8.4 have been met or if it's a complete application.

Commissioner Kuzma questioned section 9.8.L.4 regarding the use of the patio for a tasting room. Staff said the text was drafted the way it was as the PC needs to be clear, the applicant is clear, on what can be approved. Commissioner Kuzma asked about 9.8.L.6 and the 2500 sq. ft. tasting room. Staff responded the Commission cannot approve that at this time. Commissioner Kuzma asked if that was a typo because the two numbers are the same. Staff said what the applicant essentially wants to do could be allowed under the proposed text, however that proposed text is not their current regulation. The Commission cannot render a decision on proposed regulations. Commissioner Kuzma asked about 9.8.L.12 and the additional 2 parking spaces; can that be conditioned? Staff said the Commission can grant the additional 2 parking spaces.

The Chair questioned 8.4.17 as the staff report indicates the plan doesn't contain an accurate treeline. Staff said that the Commission has received a new sheet showing an aerial, with the site plan layered on top; she will revise the report for the next meeting.

The Commissioners went the rest of the report and determined that the required elements have been provided.

MOTION BY COMMISSIONER KUZMA, SECONDED BY COMMISSIONER MIKOWSKI TO SCHEDULE A PUBLIC HEARING FOR SPR/SUP 2024-02 AT THE NEXT REGULARLY SCHEDULED MEETING. MOTION APPROVED UNANIMOUSLY.

c. Public Hearing and Deliberations-Planning Commission Discussion on ZO 2017-04-22- 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 for 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 Sit Plan Review applicants submit the gross lot area and net lot area.

The Chair read the statement to open the public hearings for items Jc & Jd.

The public hearing opened at 7:17 p.m.

Public comment opened at 7:19 p.m. No comment given. Public comment closed at 7:19 p.m.

The Commissioners reviewed the text amendment.

Staff handed out draft findings. She said as the Commission knows, section 11.12 of the Ordinance which talks about how the PC renders their decision on whether or not to recommend approval or recommend to not approve text amendment to the Township Board, the Commission has to review it on guidelines. She that moving forward with all text amendments, it would be good to have formal findings drafted and prepared as they do for SPR/SUP.

Staff noted it might be helpful if the Commission went through the guidelines one by one. The Commission did, unanimously agreeing that all guidelines have been met. During discussion, the Chair suggested that findings for guideline d are also relevant for guideline h; the Commission agree to add the following sentence to the draft findings for guideline h: "The Commission finds that statements made under findings for guideline d are also applicable to this standard."

MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER KUZMA TO ACCEPT THE FINDINGS OF FACT AS MODIFIED. MOTION PASSED UNANIMOUSLY.

MOTION BY COMMISSIONER KUZMA, SECONDED BY COMMISSIONER MIKOWSKI TO RECOMMEND APPROVAL OF ZO 2017-04-22 TO THE TOWNSHIP BOARD AND TO FORWARD

ON TO THE COUNTY AS IT MEETS SECTION 11.12 OF THE ZONING ORDINANCE. MOTION APPROVED UNANIMOUSLY.

d. Public Hearing and Deliberations-Planning Commission Discussion on 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 Drin, Mixed, Wine Related Beverages, and 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 K to eliminate two requirements for Temporary Produce Stands and renumber subsequent requirements; add Section 5.5 N to contain requirements for Wineries, Distilleries, and Breweries; amend Section 6.1.3 to list parking requirements for Wineries, Distilleries, and Breweries; amend Section 9.8 J to contain requirements for Tasting Rooms for Wineries, Distilleries, and Breweries; eliminate Section 9.8 L Distillery Tasting Room and its requirements and reserve Section 9.8L for future use.

Public comment opened at 7:33 p.m. No comment given. Public comment closed at 7:33 p.m.

Staff noted the Commission has seen this text a few times before; the only modification since their last meeting was the addition of one word, it reads “monthly” sale of food for one of the proposed requirements.

The Commissioners went through draft Findings of Fact.

The Chair asked about if the proposed language was specific about harvestable crops being in the AG district [not others]. Staff said that the way the text amendment was drafted, is it stated in the intent, and then one of the conditions for production facilities calls out conditions that would be specific to facilities within the AR zoning district. She noted that the text also shifts use requirements to the production facility versus the tasting room.

Under guideline “g”, options 1 or 2, Commissioner Mikowski asked for clarification. Staff stated she wanted to give options for all members of the Commission. The Commission as a whole will need to make a Finding on whether or not they believe the amendment creates incompatible uses or does not create incompatible uses. In other words, with the proposed text, are those uses compatible with other uses in the zoning districts. Commissioner Mikowski said yes.

The Chair said with the proposed changes for breweries, wineries, distilleries in AG, they’ve increased the area of land they have to have and they’ve also put in the stipulation they have to have producible, harvestable crops they’ll be putting into their product.

Staff added that the text also sets requirements for microbreweries as under the current Ordinance, as long as it meets the state’s definition, it’s approved under site plan review. Commissioner Kuzma said they put in the most restrictive, palatable wording and conditions for those sites.

The Chair asked what if somebody has either a crop failure or through really poor agricultural practices, the subsequent crops they have growing, don’t grow. Staff replied, if they were to destroy their entire crop, she would say that’s clear cut, they have no intention of complying with that requirement of the use and they would be in violation and would not be able to, if conditioned appropriately, be able to continue to operate their production facility.

The Chair asked what if there was a late season frost and a lot of orchard was lost, if it’s effecting other agricultural production, would that be singled out for not having fruit growing on their parcel. Staff answered, she would look at it as the text says, 5 planted acres of mature crops, 10 acres for wholesale, at the time of permitting for purposes of this section, mature crops shall mean crops that are of an age where they can be harvested and used in the production of alcohol. If there was a failed crop and they were replanted within a certain time frame, she would imagine that would be in compliance. Before enforcement, she’d get the attorney involved. They are imposing reasonable conditions to ensure people continue to comply with what the PC is approving. The Chair clarified with Commissioner Mikowski that she was saying yes to the first option. She replied with confirmation. All Commissioners agreed with option 1 for guideline g, making no other modifications to the draft findings.

MOTION BY COMMISSIONER KUZMA, SECONDED BY COMMISSIONER MIKOWSKI TO APPROVE FINDINGS OF FACT AS MODIFIED. MOTION APPROVED BY A UNANIMOUS VOTE.

MOTION BY COMMISSIONER MIKOWSKI, SECONDED BY COMMISSIONER KUZMA TO RECOMMEND APPROVAL OF ZO 2017-04-23 TO THE TOWNSHIP BOARD AND TO FORWARD ON TO THE COUNTY AS IT MEETS SECTION 11.12 OF THE ZONING ORDINANCE. MOTION PASSED UNANIMOUSLY.

K. Discussion on Zoning Ordinance: Staff said at their next meeting, if they don’t have a lot going on, she’ll print out a table of all the uses that are allowed in the Ordinance but have no requirements other than it obtains a land use permit or Article 8 or Article 9 to see if the Commission wants to create standards for any of those uses.

L. Comments from the Chair: Commissioner Bechtold noted in the Ticker there was a mention of a meeting on Agri-tourism and he found it interesting that they’re featuring Jacob’s Corn Maze, 9 Bean Rows, Farm Club, Leelanau Cheese, and Tandem Cider, so a couple in Elmwood Township and he’s sensing this is another focus on potential value-added activities that occur on AG land. He doesn’t know what that means for their future, but it’s going to be interesting to see what the off shoot will be. He thanked the Commissioners for their diligence in reviewing the materials and the good discussion.

M. Comments from Planning Commissioners: None

N. Comments from Staff: Staff relayed that the Agri-tourism summit will be May 8 and provided a print out of the agenda. She likely will be going and if anybody else wants to attend let her know, if there is a fee, the Township does have some funds available to send the Commissioners. She also let the Commissioners know there will be a training called Connecting Entrepreneurial Communities in Cadillac, and then a webinar on understanding approvals with conditions, basics and best practices, which will be tomorrow. Also, the RFP for the Comprehensive Plan was approved by the Township Board with a couple modifications. At a future meeting she'll be looking for one of the Commissioners to serve on a sub-committee for that.

O. Public Comment: None

O. Adjourn: *MOTION BY COMMISSIONER KUZMA, SECOND BY COMMISSIONER MIKOWSKI TO ADJOURN THE MEETING AT 8:00 PM. MOTION PASSED UNANIMOUSLY.*