



**ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
7:00 p.m. Monday, April 3, 2006**

Meeting called to Order with the Pledge of Allegiance at 7:00 p.m.

Members present: O. Sherberneau (Chair), B. Carstens, C. David, R. Hardin, D. Krause, J. Pulcifer, E. Takayama (7:30 p.m.), M. Vermetten

Members excused: D. Morgan

Staff present: S. Corpe, Township Manager/Recording Secretary
J. Hull, Zoning Administrator

1. Consent Calendar:

Motion by David, support by Carstens to approve the Consent Calendar as presented, including:

Receive and File:

- a) Draft Unapproved Minutes of
 - 1. **03/07/06 Regular and 03/20/06 Special** Board of Trustees meetings
 - 2. **03/06/06 Farmland Preservation Advisory** meeting
 - 3. **03/21/06 YCNA Steering Committee** meeting
 - 4. **03/23/06 Infrastructure Advisory** meeting
- b) **Planning & Zoning News February 2006**

Action:

- e) Approve minutes of the **02/27/06 regular** meeting
- f) Review and approve agenda, inquiry as to conflicts of interest: Pulcifer abstained from discussion about the LochenHeath proposal, as his property neighbors theirs.

Motion carried unanimously.

2. Limited Public Comment: None.

3. Preliminary Hearings:

- a) **Preliminary Hearing – SUP/Site Plan Application #2006-2P by the Grand Traverse Resort & Spa for a Sporting Clay Facility and Clubhouse on land commonly known as “The Hoxsie Property” on the north side of M-72 approximately 600’ west of Bates Road and currently zoned A-1, Agricultural (note: this property appears not to be part of the Grand Traverse Resort PUD):** Andrew Bateman, General Manager of the resort stated that the parcel in question is 168 acres 2 miles east of the main Resort PUD property. The Resort would like to develop a sporting clays facility open to club members and the general public alike. He stated that there are 193 sporting clays clubs in the United States and the sport is gaining popularity. Mr. Bateman believes the activity will complement the existing amenities and diversify the recreational opportunities, currently largely consisting of golfing. He introduced Steven Feringa, Corporate Architect to present the project.

Mr. Feringa displayed a site plan. There would be 11 shooting stations on what is now partly grassland and partly orchard. Shooting would be towards the orchard, which would be removed. Noting that the land is zoned A-1, he quoted from the ordinance the statement that noise and agricultural spraying are to be expected in this district; therefore the potential noise from the shooting should not be an issue.

Questions have also been raised about the use of lead shot; Mr. Feringa stated that from time to time the shot will be reclaimed from the site. Additional environmental studies will be performed by Andy Knott from the Tribal Environmental department and will respect national standards. The biggest issue is not the leaching of lead into water but poisoning of waterfowl that ingest the shot directly. Visitors will be shuttled from the main Resort property, so the Resort is seeking a reduction from the number of parking spaces required by the ordinance. Vegetation would supply visual and auditory screening, and a sound impact study has been performed and results provided this evening. There would be some berms with evergreen screening primarily for visual rather than auditory screening. The sound impact study indicated that the noise from M-72 is generally greater than that from the shooting.

Turning to the sound impact study, it includes a map showing decibel level readings at the shotgun discharge (highlighted yellow) and at the approximate locations of nearby houses or structures (highlighted green). Decibel readings for M-72 traffic were also taken at each of the latter sites. At some positions the shotgun discharge could not be heard due to the site topography and/or background traffic noise. Mr. Feringa also provided a chart demonstrating the common decibel levels of common sounds. Hardin asked if sound levels on the north side were measured, expressing concern about echoes bouncing off of hillsides. Pulcifer asked if the shot is high- or low-brass; it is high-brass. Mr. Feringa further noted that the test was performed in March when the trees are bare; in the summer season the fuller foliage will dampen sound further and higher, noisier traffic levels can be expected. The report concluded with a ballistics report mentioning a recommended 300 yard “danger zone” from shooting stations.

Hardin asked if the range would be expanding into handguns, which would affect the danger zone size and the noise levels; the Resort does not plan this at this time. Shot will be restricted to the 7 ½ size. Hardin asked how firearms safety will be managed while shuttling guests to and from the site; Mr. Feringa stated that the firearms will be kept under secure circumstances at the main Resort facility. Hardin concluded by noting that the plan calls for the range to be open year-round, and that for many years people have cross-country skied and snowmobiled across the site despite “no trespassing” signs. A way to manage the potential conflicts should be identified.

Brian Bilinski from Fieldsport in Traverse City spoke a little about the sport. He asked how many commissioners have participated; Hardin and Vermetten have. The sport has been in the U.S. for about 20 years and is a growing segment of the firearm sports industry. Many people who like to hunt waterfowl also enjoy sporting clays. Mr. Bilinski mentioned five or six clubs in the general region. One thing people enjoy about the sport is that even at the same venue the experience is usually never the same from time to time. There are over 25 courses total in Michigan, and a competitive event can draw 150 entrants. Course design is managed so as to make it fun for beginners and challenging for the more experienced. Anyone old enough to shoot can participate, and they make a point of reaching out to youth. Sporting clays can be enjoyed year-round. There is a national governing body with over 30,000 registered members.

Dan Wolf, Dewar Sloan Management Consultants, spoke regarding the market for and economic impact from sporting clays. Mr. Wolf classified the sport as consistent with business resort uses. It can balance summer sports such as golf because of its year-round nature. There is double-digit growth in participation by girls and women, both for fun and competition. Participants are generally very avid, committing whole days rather than just hours to the sport. Mr. Wolf expects the market will be both

local and multi-regional. Sporting Clay enthusiasts will tend to bring their families with them to stay, shop and dine.

The members of the Dave Kopkau Family are avid skeet shooters who participate in Elk Rapids. Mr. Kopkau first shot at the age of 11. He began competing in 1990 both in America, Southeast Asia and Australia. His daughter, who plays softball, soccer and other sports, took up the sport with him when she was 11, which enhanced their relationship. She has become nationally-recognized for her achievements in the sport. He feels the course will be a family-oriented project that will be good for the community. Mr. Kopkau characterized it as a safe sport.

Bailey Kopkau, Mr. Kopkau's daughter also spoke. She has been to the Junior World championships, and shot downstate due to a lack of availability of venues and events in Northern Michigan. She recalled that after she began shooting her teachers commented that her focus and grades had improved.

Sherberneau asked about the difference between skeet, sporting clays, and trap shooting. Mr. Bilinski stated that all involve clay targets; skeet and trap represent different types of games. There are a wide variety of different types of targets. Sporting clays is the overall discipline.

David understood that the facility would be primarily for Resort guests, but would host special events, which Mr. Bateman confirmed. Events would accommodate up to 150 people. David has heard of up to 1,500 people showing up for an event; Mr. Bateman does not feel prepared to host that many at a time. David also understood that a shuttle service from the core Resort property would operate, and that if the standard ordinance requirements are applied over 40 parking spaces would be required where the application seeks 28 spaces. Mr. Bateman stated that the Resort seeks to minimize the amount of impervious surface and is committed to maximizing the shuttle service. David is concerned that 20 spaces might not be adequate for a 150-entrant special event. Mr. Bateman stated that the west end of the parking at Turtle Creek Casino would also be available. David again noted that many people can be very resistant to using shared transportation; Mr. Bateman feels it should be possible to deter them by making it inconvenient.

David asked if the Resort would primarily be providing the firearms; for the large part this will be true. David asked if police departments near other facilities have experienced difficulties due to people being attracted to the stored firearms for inappropriate purposes. Mr. Bateman noted that there are gun shops everywhere, that they will need to be licensed to have the firearms and that the Resort will take all recommended precautions. David asked if the need for emergency services has been addressed as well as environmental protection; Mr. Bateman stated that Mr. Knott will address environmental protection and that local emergency services will be utilized as they currently are for golf-related and other on-site injuries. The Resort also has trained EMTs on staff.

Pulcifer asked about proposed hours of operation. Mr. Bateman stated that they have not been finalized but that the Resort will seek to maximize use of the long summer daylight hours. Vermetten asked about the Resort's experience with the shuttle service to the Casino and if their patrons use it. Mr. Bateman stated that 58% of Resort guests visit the Casino and the shuttles run 24 hours a day.

Takayama is aware that the Elk Rapids Gun Club is dealing with lead contamination issues; Sherberneau stated that this has been discussed and a reclamation plan will be

in place. Hull observed that the key issue with lead shot deals with waterfowl hunting and birds eating the shot out of the water. He spoke with Treasurer Bill Boltres this morning; Boltres used to be an Ohio DNR officer who worked with this issue when it was newly recognized. Boltres confirmed that the primary issue involves migratory fowl in a water setting rather than other environmental issues.

Hardin asked if there will be a system in place to redirect cars when all provided paved parking spaces are full at the sporting clays club. Mr. Bateman stated that some overflow parking will be permitted on the grass, and beyond that cars will be redirected to the Resort or the Casino where patrons can catch the shuttle.

Chuck Walter, 6584 Bates Road asked that the issue of providing a fence around the site be addressed at the public hearing. He would also like to learn about the economic impact on surrounding properties. He has a herd of cattle on a nearby property and is concerned about the impact on his operation. Mr. Walter does not believe there are standards for landscaping at a shooting range in the Zoning Ordinance; he hopes there will be significant landscaping around each shooting station.

Bob Garvey, Deepwater Point Rd. asked about sound impact studies. He will be provided with a copy of the evening's handouts.

Virginia Tegel, 4810 Bartlett Rd. asked about the sound impact study and whether decibel level checks were done from the VASA trail area. Mr. Bateman stated that all of the studies were performed on the site.

Ann Rundhaug, Bunker Hill Road, noted that background checks are required for individuals purchasing firearms; are checks required for those renting one? Mr. Bilinski stated that when a gun is purchased an FBI check must be performed. Because in a rental situation the individual is not taking permanent possession of the firearm, this is not currently required.

Rachelle Babcock, Bartlett Road, feels that the proposal has gone from being a family-oriented, small operation to being one that may compete with larger operations. She asked if there will be any outdoor lighting. Mr. Feringa stated that the only lighting planned will be security lighting on the clubhouse building.

Bob Binsfield owns the RV resort adjacent to the proposed site. He generally is a fan of the Resort, and he understands that the gun club in Elk Rapids may be closing soon. Decibel levels from the road are constant; decibel levels from a firearm are sudden. You don't immediately know where they shooter is and in what direction they are shooting. Has the sound impact been assessed from the direction of his development? Mr. Bateman believes the RV park is about 1,200' from the shooting stations and that the sound impact would be minimized by the heavy foresting. Mr. Binsfield also worries about devaluation of surrounding properties.

Motion by Vermetten, support by Hardin to set a Public Hearing for SUP/Site Plan Application #2006-2P, commending the applicant for performing preliminary sound impact studies and asking that additional testing be done prior to the public hearing and that provision of fencing to prevent people from wandering onto the site be made.

Carstens believes that if there is any wind at all it affects how sound carries, and that additional decibel-level testing should be done. It would be helpful if the tests can be

carried out when neighboring property owners can be present to make their own observations. David suggested that the applicant notify the neighbors so they can participate.

Motion carried unanimously.

- b) **Preliminary Hearing – Site Plan Review Application #2006-3P by LochenHeath LLC for approval of Phase II of the LochenHeath Open Space Development located west of US 31 N and north of Dock Road pursuant to SUP #2004-6P:** Russ Clark, R. Clark Associates and representatives of Gourdie Fraser Associates provided the presentation. A master development plan has been approved for LochenHeath, one part pursuant to a former PUD ordinance and one part pursuant to the Open Space Development (OSD) ordinance. This application is the second brought regarding the OSD portion, the first having been for construction of a main entranceway and provision of a sales office and temporary members' clubhouse. The proposed site plan approved on April 29, 2005 has been amended somewhat, with the current request being unchanged and for the eastern portion of the OSD. A minimum of 50% of the property must be kept in open space, a requirement which has been respected. There is a series of water features proposed for future development on part of the open space. The overall site slopes downwards from east to west. A future recreation facility was also originally proposed but is not part of this Site Plan phase.

Some remaining orchard trees on the site are slated for removal. Brian Rowley, Gourdie Fraser reviewed existing conditions and demolition plans. There is an existing sanitary sewer easement on the west side of the parcel. Mr. Rowley displayed current drainage patterns, which are divided up into 6 functional areas. The proposed watershed plan would capture water so that the amount leaving the site post-development will be less than or equal to that leaving the site now. Water flows will be collected into a drainage structure which will ultimately feed into a lined man-made lake. The applicant is required to store a 25-year storm water volume, and will actually store a 100-year storm water volume. Carstens asked if there will be vegetation associated with the man-made lake that can support wildlife. Mr. Rowley stated that the goal is to have the lake support fish and other aquatic wildlife in a natural way rather than being simply a large retention pond. Water will be slowly released over time. A small lake will be created along with one large lake.

Sanitary flows will be directed to the west side of the site and the existing sanitary easement, at which point a connection to the regional sewer system will be made. A soil erosion plan was provided and conceptual approval of the overall stormwater management plan has been received from the County Drain Commissioner after review by an independent consultant.

Roads will be private with underground utilities. Final language for an agreement between LochenHeath and the Tribe for water service is being drafted. The roads will be 22' wide and curbed, with a 15' wide utility easement.

Mr. Clark displayed the landscaping plan, noting that the OSD ordinance requires a certain number of trees per lot/linear foot of road frontage. The applicant plans to use native species and cultivars, and is seeking the ability to cluster trees, providing the correct overall number but not always a minimum number of trees per lot. He reiterated that the road, lot and water feature layout has remained as originally approved. Grading in a future "cottage" area is requested, but no cottage lots would be developed at this time. Open space will be maintained by the neighborhood association. Lots will be sold on a site condominium basis. There will be a master

association with sub-area associations.

Krause noted a requirement for 1-2 trees per lot frontage, and that Mr. Clark would like to cluster trees. Mr. Clark stated that each lot will have at least 1 street tree, but others might be re-arranged. His calculations for required trees have been provided in the application book, and he states that more trees than the minimum required will be provided. Krause also noted that significant excavation will be required for the lakes, and asked if removed materials will be removed from the site or graded into the site. The spoils from the lakes in the currently-proposed phase will be graded into the site elsewhere. Krause expressed incredulity that this phase would be built, but then heavy equipment would have to come back to dig the rest of the lake system and do the grading farther to the west. Mr. Clark observed that there is site access farther west on Dock Road that can be used to avoid impact to developed units.

Takayama asked about excavation and grading, and whether the houses on the eastern portion of the site are planned to be at a significantly higher than current/natural grade. Mr. Clark noted that the eastern part of the site has already had significant additional soils deposited from grading from the first phase, and that the elevation of those sites currently is their final elevation. Takayama observed that some of the private roads will have a significant slope and he asked if they meet Metro Fire standards. Mr. Rowley stated that Metro Fire has approved the roads as planned, and that they have requested a secondary emergency access site on the northwest portion of the property.

Carstens recalled some internal pathways in the master development plan. Mr. Clark stated that there will be some internal asphalt pathways from the developed area to the sales office and clubhouse.

Hardin expressed concern about the relation of the proposed lake in this phase to the topography. This lake will be at a higher elevation than existing houses along the shoreline to the west, and he asked how water release will be controlled in the case of a severe storm. Mr. Rowley noted that the lake is being constructed to a 100-year storm capacity rather than the required 25-year capacity so that it will provide for slow release. The lake will be dug into the ground; there will be no berm that might serve as a dam of sorts. State permitting is required due to the size of the lake. Carstens observed that there will be homes within the development west below the lake, and it seems unlikely the applicant would risk their own development sites along with Deepwater Point Road.

Motion by Krause, support by Carstens to set a Public Hearing for Application #2006-3P, commending the LochenHeath ownership and development team for “doing it right.”

Takayama asked for confirmation that all outstanding agency approvals will be available prior to the public hearing.

Motion carried unanimously.

4. **Public Hearings:** None

5. **New Business:**

a) **Discuss treatment of potential expiration of SUP #2004-14P, Engle Ridge Farm Winery and potential reapplication for approval:** Corpe summarized her staff memo for the Commission. She noted that at this point it is likely that Mr. Engle will

provide a letter of credit by the April 5, 2006 deadline and receive a Land Use Permit on that date, so the question raised may be moot. Krause feels that the request to skip the preliminary hearing in this instance would be consistent with the Commission's stated feeling that preliminary hearings should be shortened or eliminated where practicable, giving staff the scope to deal with preliminary application reviews administratively. David noted that there is a second phase to the question – whether any change to the application would be entertained without preliminary hearing or not. Krause feels that the Commission can rely on staff to make the determination as to whether a potential change in an application requires a more thorough review. Hull noted that the ordinance vests the authority for classifying a change request in the Zoning Administrator, with the potential for appeal of the decision to the ZBA.

Mr. Engle stated that he has been discussing the situation extensively with Corpe and he senses that there is consensus on how to proceed. He appreciated having the question raised to the Commission and he believes at this point that he can meet the requirements of the SUP already granted without need to apply for a new one. No action was taken by the Commission.

6. Old Business

- a) **Update regarding status of Proposed Zoning Ordinance Amendment #136 for Cherries R Us for approval to rezone 11.00 acres located at 9018 US 31 North (opposite Bay Ridge Subdivision and surrounded by land that is part of the Yuba Creek Natural Area) from A-1, Agricultural to R-2, Single Family Urban Residential:** Hull recapped the discussion at the last meeting regarding this application, and the Commission's direction to seek other alternatives that would permit development of the subject property to proceed without rezoning, which constitutes a zoning ordinance amendment. Hull and Nels Veliquette have determined that Cherries R Us can pursue an Open Space Development and transfer development rights from other properties to achieve the desired density. Hull believes that the downslope portion of the site is developable, a belief with which the Drain Commissioner concurs. Some believed the slope would be too steep, but it is an engineering problem that can be solved given enough time and funding. The zoning ordinance amendment application is being discontinued, and the development plan has been resubmitted as an OSD application. Concerns regarding placement and visibility of the proposed housing units are being addressed. Because the layout of the project was discussed at the last Commission meeting, Hull is asking whether the Commission would be willing to forgo a preliminary hearing and move straight to public hearing. Krause believes that the Commission was seeking a compromise that would reduce the proposed number of house sites from five.

Mr. Veliquette is preparing the elements of the OSD application. He also expects to soon receive approval from the Health Department and Drain Commission/Soil Erosion Department for two home sites, each on a five acre parcel with the current property divided in half with one property to the west and one to the east. He is seeking approval of a variance needed that would enable a land division into the two properties. This is not his preferred solution to the situation; he would still prefer to place the eastern half of the site (the down slope into the Yuba Creek Natural Area) under a permanent conservation easement with increased density on smaller parcels on the western uplands. Mr. Veliquette invited everyone to visit the site and stated he has marked the corners in orange.

Hull noted that a preliminary hearing on the situation as an OSD application has not been held, but a site plan identical to the one that will be brought forward has been discussed as Ordinance Amendment #136. He is asking the Commission if it is

willing to forgo a preliminary hearing because the proposed site plan has already been viewed and has received commentary.

Mr. Garvey asked how the conservation easement occurs. Mr. Veliquette stated that the landowner provides a permanent conservation easement. The land can remain in private ownership according to the ordinance.

Takayama asked if the corner posts of the lot are 4' high cedar posts that have been present for a long time; Mr. Veliquette confirmed that they are and they now also have orange flags. Carstens expressed reservations about the situation because the YCNA is a special area and he feels five homes nearby is an excessive amount. Sherberneau asked if he would prefer to see one home on the eastern half of the site; Carstens stated that someone might build a "monstrous" home there or might be more conservation-minded. He does believe that with some screening plantings between the houses and the YCNA it could be more palatable. Mr. Veliquette stated that he has talked to New Designs for Growth to learn about good strategies for managing ridgeline developments and he is committed to good design. For years he has been on record as opposing minimum 5-acre land divisions in the agricultural zones of the township because they "gobble up" land. He sees this as a good opportunity to combat the negative, sprawling development pattern that currently exists. David asked if the houses will be very visible from the YCNA; Mr. Veliquette stated they will be somewhat visible but he will do his best with design guidelines to minimize the impact. He is committed to doing what he can to prevent development of a very large home on the eastern half of the site.

Carstens believes that he has been taught that conditional rezonings should not be used to maximize profits for a land developer. He is concerned with the special character of the YCNA and determining an appropriate level of profit.

David wondered if an application that does not yet technically exist can be forwarded to public hearing. Hull noted that the application page itself has not been submitted, but the site plan has and it has been considered.

Motion by Vermetten, support by David to have proposed Zoning Ordinance Amendment #136 reviewed administratively as an Open Space Development application and to set a public hearing on the application for the next available Commission meeting.

Krause stated that like Mr. Veliquette he strongly opposes the 5-acre minimum lot split in the agricultural district. This particular piece of property is unique. Vermetten asked if the additional application materials can be ready by the next meeting at the end of April.; Mr. Veliquette will try but it is uncertain.

Motion carried by a vote of 7 in favor (David, Hardin, Krause, Pulcifer, Sherberneau, Takayama, Vermetten) and 1 opposed (Carstens).

7. Public Comment/Any other business that may come before the Commission:

Mr. Garvey expressed appreciation for Diana Morgan's service on the Commission. Corpe noted that she has submitted her resignation because she is moving to Peninsula Township. Her last meeting will be at the end of April.

Meeting adjourned at 9:00 p.m.