



**ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
7:00 p.m. Monday, September 27, 2004**

Meeting called to Order at 7:00 p.m.

Members present: H. Smith (Chair), B. Carstens, D. Hoxsie, D. Krause, P. Salathiel, O. Sherberneau, M. Vermetten

Members excused: None

Staff present: S. Corpe, Office & Planning Coordinator/Recording Secretary

1. Consent Calendar

**Motion by Hoxsie, support by Vermetten to approve the Consent Calendar as presented, including:
Receive and File:**

Action:

- a) **Approve minutes of August 30, 2004 meeting** (Attachment A included and incorporated by reference)
- b) **Review and approve agenda, inquiry as to conflicts of interest:** approved with none noted.

Motion carried unanimously.

2. Public Hearings:

- a) **Public Hearing regarding Application #2004-14P by Kenneth L. & Janet C. Engle for Special Use Permit/Site Plan Approval for creation of Engle Ridge Farm Winery on property located at 8114 Sayler Road and currently zoned A-1, Agricultural** (Attachment B included and incorporated by reference): Mr. and Mrs. Engle, Jon Walters and Garth Greenan were present in support of the application. Mr. Engle began with some introductory comments regarding the proposed project and its location. Their goal is to keep their land in agricultural production, and they feel that a winery is one ideal way to promote this for their property and the area in general.

The proposed location on the corner of Bennett and Sayler Roads contains the equivalent of a quarter-quarter section. The site is hilly with excellent views of East Bay and the Leelanau Peninsula, as well as sunrise views over Kalkaska County. The property is surrounded by other lands owned and farmed by the Engles and by land owned and farmed by Rick Sayler.

Mr. Engle stated that most of the questions raised during the preliminary hearing have been addressed, primarily through letters from various approval agencies. Metro Fire is requiring widening of the proposed driveways from 18' to 20' with 35' minimum radii for turns. Due to new fire codes, the buildings will all be fitted with sprinkler systems.

42 Afton stone surfaced parking spaces had been contemplated, but questions arose

as to where all of the cars would be parked during large special events. One response to this concern is that all improvements will be 400' minimum from any property line. The Engles plan to provide reinforced grass shoulder parking along the road leading to the winery. A soils map provided for this evening shows that most of the property is a well-drained soil type. Mr. Engle proposes to use grass overflow parking on a gentle slope on the southeast side of the proposed parking lot, to be paved only if the grass shows signs of wear.

Mr. Engle was asked to provide information about expected traffic generation, which proved difficult because most of the national statistics are based on California wineries. He surveyed local wineries and found that people arrive in various ways: by twos in cars, through carpools and through tour busses. He expects that if he could generate 500 visitors to the property during the fall harvest season per day, he would be extremely happy. He said that on average, wineries in this area generate an estimated 30,000 visits per year.

Mr. Engle noted that Mary Lajko, Road Commission stated that site distances and driveway separations are adequate, and that it is likely that a section with a third lane or a passing flare should be added to Sayler Road. Mr. Engle also provided detail for the proposed location of a single 16 sq. ft. unlit sign near the main entrance. He feels that it would be important for safety and way finding to have some sort of a streetlight meeting dark sky requirements at the intersection of Sayler Road and the driveway. He would also like to place lights where the driveway divides near the buildings and at the top of the drive. He is still working to identify freestanding lighting for the property which will be in keeping with the Northern Michigan farm theme, but has provided updated information for a fully down-shielded bollard light for footpaths. Refuse will either be stored within a pole barn or off site, so there will be no Dumpster pad or need for attendant screening.

Mr. Engle asked Mr. Walters and Mr. Greenan to discuss specifics of the plan. Mr. Walters spoke to the architectural design of the proposed buildings, beginning with the three-part bed and breakfast facility. He stressed again that all design has been done with the look and feel of a traditional area farm in mind. The main B&B building would contain 6 rental rooms and be characteristic of a main farmhouse, as would the surrounding plantings. Additionally, there would be two outbuildings containing two additional rental rooms each; one designed to look like a garden cottage and one designed to look like a granary. The tasting room and winery would resemble a barn with milking parlor and silo. The milking parlor-type portion would be the tasting room location, which will have access to the bay views.

Mr. Greenan addressed utilities and drainage. Regarding drainage, all of the improvements will be near the top of the ridgeline. Most of the water would naturally run down to the east, where a pond meeting Drain Commission standards would be constructed. All improvements would remain well away from a wetlands area in the northeast corner of the property. All runoff will be encouraged to follow its natural pathways to storage points. A septic tank and drainfield will take care of sewage needs; the Health Department has agreed with the proposed placement and size. A single well will serve the site; the well has been tested for flow and water quality and found satisfactory.

Mr. Engle pointed out the existing five structures on the property; a barn, a pole barn, a chicken coop/shed (which may be removed) a garage and a house. He committed to maintain all of them in good repair and is planning to use the house as the vintner's

residence. The existing structure may or may not be salvageable; if necessary it would be replaced in the same style.

Public Hearing opened at 7:27 p.m.

Joe Kuncaitis lives diagonally from the proposed property. He asked about the planned multiple structures for the B&B, noting that our B&B requirements state that such a facility must be occupied by the operator. How can one operator inhabit three buildings? Also, what traffic studies have been done? He is concerned that the current condition of Sayler Road would not seem to be the best for heavy traffic such as busses. Mr. Engle stated that the three B&B structures would operate as one, and a kitchen and breakfast service would only be in the main building. He has an individual in mind to serve as the full-time B&B operator; he will not be doing this himself. Mr. Greenan addressed the traffic question. He has spoken with Mary Lajko and Mark Lewis at the Road Commission, who both feel that Sayler Road has sufficient capacity to carry the additional traffic load. They suggested that a passing lane or flare be added so traffic doesn't back up. Mr. Kuncaitis stated that a school bus turns around in this area every day, and is concerned as to how this would fit with traffic to a winery. Mr. Engle stated that he expects the school system would ask their bus to turn in a different location if they feel it will become unsafe. Perhaps one of the winery driveways can be used as a bus turnaround to enhance safety. Mr. Engle has also heard concerns about people missing the winery entrance and turning around in neighboring private drives. He noted that much of the area near the road will be planted in grapevines – one sure clue for those trying to find the facility. There will also be the sign at the winery entrance, and an opportunity to turn around in an ample service drive will improved apron. He noted that the property sits near the Elk Rapids/Traverse City school district dividing line.

Public Hearing closed at 7:35 p.m.

Krause stated that he feels the proposed project is a terrific use for farmland and that the proposed site plan and architecture is very suitable. He asked what types of grapes will be grown; Mr. Engle is still consulting with experts at this time. He is also looking for a winemaker in the near future. The vineyard will be planted so it can become established. At the same time, the B&B will be developed and opened to begin generating revenue prior to construction of the full winery building. For a while, he may end up sharing the services of a vintner with another winery. Smith noted that the cherry trees on site will remain for their natural lifetime, probably being replaced by wine grapes as the trees wear out. Mr. Engle hopes that there will be other people planting grapes if there is suitable land nearby. Vermetten asked if he has considered using someone else's grapes to get the winery itself in operation sooner; Mr. Engle stated that it is a fairly common practice to buy and sell grapes between wineries.

Hoxsie responded to Kuncaitis' concerns about traffic, noting that he raised the question and asked for as much information as possible at the preliminary hearing. He has given more thought to the issue since the meeting and has come to feel that people who live in the country have to get used to the idea that if agriculture is going to be preserved in the township, they will have to experience additional traffic. Salathiel echoed the sentiment, stating that in Corpe's report she posed the question of whether we would prefer to see the same traffic for a winery or for subdivisions.

Corpe summarized the remaining key concern regarding the application, which is

outlined in her report. Wineries are allowed to include space for special events, with the amount of space being limited to a percentage of the space allocated for wine production and storage. B&Bs may also exist on a winery parcel, but must share the limited amount of special event space. Mr. Engle plans no special event space at this time, so all of that space could be allocated to a B&B. The proposed B&B size exceeds the calculated allowable amount by about 2,000 sq. ft. Sherberneau stated that he was a member of the Winery Ordinance Subcommittee and does not recall that a B&B was meant to be treated as a special event. B&Bs were a relatively late addition to the winery ordinance mix. Smith concurred. Hoxsie agreed, but also wanted to think through the process. A separate freestanding B&B ordinance was created before consideration of the winery ordinance. For this reason he views them as separate issues as well. Carstens asked why the extra square footage for a B&B might be a negative thing. Mr. Engle stated that with three different types of activities occurring on one agricultural parcel, there might be a desire to limit the total amount of activity that might occur. He believes that the intent was to keep control over special event space. Vermetten agreed that special event and B&Bs are two entirely different activities that should not be lumped together in any way.

Salathiel's first reaction is to remove the final sentence of the winery ordinance, but she wonder if there is a reason to leave it in. What if everyone creates a winery with all three types of uses? Hoxsie agreed. There is a purpose to be served in limiting the overall amount of these types of uses in the agricultural district and the traffic generated on rural roads. He still believes that it is important to recognize that preserving agriculture means some increased traffic, but it is important to maintain scale and perspective.

Carstens asked how much of the expected new traffic would be generated by the 2,000 sq. ft. of "extra" B&B space. Mr. Engle brought the question back to the minimum size for a B&B to be economically viable, and stated his belief that what he proposed is at that minimum. Sherberneau asked if the winery ordinance limits the amount of people who can attend special events. Mr. Engle noted that as part of his SUP approval process, he is required to provide an Activity Plan describing the maximum number of events to be hosted per year. Each year a specific calendar must be filed with the Planning Commission and may be subject to public hearing review and calendar limitation if nuisance complaints have been generated.

Hoxsie asked if a special event space is being constructed to house the events listed on the Activity Plan. Mr. Engle pointed out an area designated for potential future special events space. He noted that tents can be employed for outdoor events. In his application, he has committed to not using portable toilets and is planning to construct toilet facilities for up to 400 people within the permanent structures. He also noted that a sit-down dinner affair requires 15 sq. ft. per person. Weddings could be held on the winery property, with receptions held at a banquet facility elsewhere. Hoxsie's point is that the issue is not just extra space for a B&B; a change also implies an increase in the amount of space available for special events as well.

Carstens asked if the allowable space for the special event uses was created in reference to the minimum winery parcel size. Mr. Engle noted the section of the ordinance that discusses ways to obtain additional special event space may also need additional attention. For instance, is the space bonus for providing additional setbacks available for increased setbacks from one lot line, or from each lot line?

Mr. Engle also asked how to address the question of a group of people that rent out

the entire B&B for a gathering amongst themselves. For instance, a group of quilters comes to stay and quilt. Is their quilting gathering a special event? He did not include them as events on his calendar, so if we viewed them as special events he would have to amend his Activity Plan.

Motion by Vermetten, support by Sherberneau to continue the Public Hearing regarding Application #2004-14P to the October meeting to allow the Commission time to review Section 8.27 of the Zoning Ordinance. The Chair cast an unanimous ballot, there being no objection.

- b) **Public Hearing regarding Application #2004-16P by East Bay Medical Properties LLC for Special Use Permit/Site Plan Approval for redevelopment of former Beaversmith Tools building as a doctor's office on property located at 6231 US 31 North and currently zoned B-1P, Professional Office District** (Attachment C included and incorporated by reference): John Kerridge, representing Dr. Mark Saunders, was present in support of the application. He briefly recapped the plans to remodel the existing Beaversmith building and relocate the parking to the west side of the structure, also moving access to Shore Road from US 31 North.

Mr. Kerridge stated that many of the questions raised at the preliminary hearing have been addressed. Proof of property ownership and right to apply has been provided, and the ZBA has given approval for changes to the non-conforming structure in light of decreased setback nonconformances. Soil Erosion has approved the plan, requesting the addition of an overflow area for one retention basin, and Metro Fire has expressed no concerns. The Road Commission has yet to respond.

There is one significant issue outstanding which was raised late last week: total impervious lot coverage on the site. There was also a question about the proposed removal of two trees to make room for the new driveway. Mr. Kerridge states that one of the trees to be removed is nearly dead and they desire to remove it for safety and aesthetic reasons.

Public Hearing opened at 8:08 p.m.

Lewis Griffith, 5181 Lautner Road, asked if the sidewalk will be continued. Mr. Kerridge stated that a sidewalk is planned the full width of the property along US 31.

Public Hearing closed at 8:09 p.m.

Carstens expressed a concern about the proposed 20' high light poles. He measured the light poles at nearby Christ the King Church and found them to be 12' high. He feels that 20' high lights would be intrusive to the adjacent residential neighbors. Mr. Kerridge asked if there is a lighting height restriction in the Ordinance. Both he and Carstens believe 20' is the maximum allowable height, but Carstens feels that being adjacent to residential properties a height reduction is warranted. Mr. Kerridge responded that a basic amount of lighting must be provided for safety. The shorter the light pole, the less light is spread on the parking lot. Salathiel stated that she had a conversation with Jerry Dobek, NMC Astronomy Professor and local expert on dark sky lighting. Mr. Dobek stated that it is preferable to place lighting around the perimeter of a parking lot, as the lot surface itself tends to be reflective. As far as security lighting, a soft interior light is better for protection of the structure, with the area outside of the building remaining dark so light doesn't reflect off the windows. With proper placement, she believes that shorter lights do not always necessitate

more lights. She concurred with Carstens concern, noting that at 20' tall, even downlighting will affect neighbors. Mr. Kerridge stated that two lights on the perimeter are planned. Vermetten recalled a comment regarding this issue from a property owner to the west of the subject site. He also recalled a comment that the lights might be lit continuously, and suggested that this would not be appropriate. A timer unit could be employed to ensure that the lot is lit only when property users are supposed to be present. Carstens stated that the 12' tall lights in the church parking lot are fairly widely spaced.

Krause stated that after examining the "trash" vegetation on the site, he feels that only two trees of any "substance" are present on the site. He feels that the Norway Maple proposed to be removed to make room for the driveway is the best tree on the site, and would prefer to see the driveway moved further to the east to align with the proposed parking lot landscaping islands. Traffic should still be able to flow well, and a significant tree would be saved. Carstens noted that the Road Commission may have a say in the ultimate driveway location; Mr. Kerridge stated that the driveway may be far enough from the US 31 intersection that moving it a bit either way should pose no problem. They did study Krause's idea and found that it is workable, if somewhat less convenient.

Krause also stated that the landscaping elements on the west side of the property need to be enhanced to truly meet the visual screening requirement between the business and residential uses. This improvement has been made on the proposed plans. Krause also noted that the plant species list must be fully defined. Mr. Kerridge stated that it would be provided.

Discussion turned to the recently-discovered concern regarding overall impervious surface coverage on the property. Current lot coverage according to calculations set forth in the ordinance exceeds the allowable 30% for lots in the B-1P district. The applicant would prefer to retain all 30 parking spaces rather than reducing the number to 26 as suggested in the staff report. They would be willing to have the Planning Commission recommend approval of the plan with 26 spaces for the Board's action on October 5. Subsequently, the applicant will seek a variance of the maximum lot coverage requirement to permit retention of all 30 spaces. If approved, the SUP can be amended through an administrative process.

Discussion returned to the exterior lighting and whether or not the applicant would be willing to accept a reduction in pole heights and hours during which the lights would be off. Dr. Saunders expressed concerns about liability, noting that he is occasionally at his office during odd hours with patients. Mr. Kerridge noted that it is possible to put timers on the lights, but that the industry is moving away from this practice. Especially in Northern Michigan, it can be bright at 10:00 p.m. in the summer and dark at 5:30 in the winter. The Commission strongly urged the applicant to use light poles shorter than 20'

Motion by Krause, support by Salathiel to recommend approval of Application #2004-16P with the following conditions: that the applicant review the exterior lighting plans in an attempt to reduce the pole height below 20'; to explore placement of timing devices on the exterior light poles, to explore relocating the driveway from Shore Road to align with the proposed interior parking islands to preserve a significant maple tree; to enhance the landscaping buffer along Shore Road, to reduce the number of permitted parking spaces to 26 and to provide a detailed list of species for the landscaping plan. Motion carried by

unanimous roll call vote.

3. Preliminary Hearings:

- a) **Preliminary Hearing regarding Application #2004-17P by Creekside Village, LLC for Special Use Permit/Site Plan Approval for development of 35 single family site condominium units on property located on Mt. Hope Road in the Acme Village Mixed Use Development** (Attachment D included and incorporated by reference): Mr. Chris DeGood, Gourdie Fraser Associates was present in support of the application. Mr. DeGood began by distributing new copies of the proposed plan, which accurately reflect that the application is for 33 units, rather than 35 (the plan was previously misnumbered.) He stated that normally an applicant would be seeking full approval at this stage; however, in this case the applicant has elected to seek approval of the basic layout in one phase and all of the condominium requirements and documents in a second phase to defer the engineering costs to a later phase.

The proposed development would have a 24-wide access road meeting County private road standards. The proposed new road ends would also match up with existing driveways and roads on other portions of the Acme Village development.

Hoxsie asked for clarification on what precisely the request involves. Corpe summarized her report and drew parallels with the process used to approve other projects within Acme Village. Normally, an entity such as the Sleep Inn would request full approval for their site plan and project in one step, providing all of the detailed information that would be required. In this case, the applicant wishes to employ two SUP processes instead of one. During this first process, they seek the Planning Commission's general agreement that their proposed neighborhood layout will be acceptable provided that at a second SUP process they provide all of the documentation necessary to meet the requirements of the township's condominium ordinances. While most people would not wish to experience two SUP processes if their goal can be achieved in one step, in this instance the applicant feels it will be more time and cost effective to do so.

Motion by Vermetten, support by Krause to schedule application #2004-17P for public hearing on October 25. The Chair cast an unanimous ballot, there being no objection.

Re: recommendation for grading plan. Mr. DeGood feels that this should be deferred to the second SUP process. Krause concurred, feeling that as a qualified engineer Mr. DeGood would not propose a layout that would not work. Mr. DeGood stated that the applicant plans to leave the land intact as much as possible to preserve the views of the water and surrounding areas that bring the bulk of the value to the land. It was agreed that a grading plan would not be required at this phase, having received Mr. DeGood's assurances that the layout was created to work with the land.

Mr. DeGood asked about a statement that non-motorized pathways be considered for the project during the condominium review process. The applicant is not planning a pathway at this time. Hoxsie and Salathiel both feel that some consideration should be given to sidewalks. Corpe quoted from the Acme Village SUP, item 5 B, which states that non-motorized pathways are required. Mr. DeGood stated that he would provide for an asphalt pathway on the revised site plan.

Regarding Corpe's question as to whether or not an inventory of mature vegetation

should be required, and if so when, Krause stated that he believes there is little mature vegetation worth saving on the subject property and that the development will be dense enough that it will be difficult to preserve much existing vegetation. Mr. DeGood agrees that most of the existing vegetation is scrub pine, and requests that the tree inventory requirement be waived. Salathiel asked if there are any significant trees; Mr. DeGood stated that those that do exist are within the area that will serve as a buffer between the proposed development and the homes in Crest Haven and will be maintained for both parties' benefit.

b) Preliminary Hearing regarding Application #2004-18P by Ed Graft for Site Plan approval and amendment to Special Use Permit #2001-5P to allow for the reconfiguration of lots on property located on a private road extension on the north end of Deepwater Point Road, west of the Deepwater Pointe

Condominiums (Attachment E included and incorporated by reference): Corpe began by providing a history of the parcel of land, which is outlined in her report. The property in question was originally part of the Grand Traverse Resort PUD and subject to a special use permit allowing construction of up to 92 condominium units. It was subsequently purchased by Mr. Graft, who received an amendment to the SUP to permit construction of a maximum of five single-family residences. Originally, this area was to be accessed from Clearwater Drive, but during the previous SUP process in 2001, Metro Fire stated that it would not be possible to provide safe access for emergency vehicles along this route due to the topography of the land. Although there was significant concern raised by Deepwater Point residents, the township felt that the safety issues were strong enough to warrant permission to access this land from a private road extension of Deepwater Point Road.

The 2001 SUP allows a maximum of five single-family lots to be developed. Two lots have already been sold; one now contains a home. Mr. Graft still owns land that is currently in two parcel numbers but may be divided in to three lots. He has been offering the lots for sale and now believes they would be more marketable if he could divide them into 4 smaller lots, for a total of six along the private road extension. His proposed new lot configuration meets ordinance standards for the R-2 zoning district in which the land is located, and Corpe is looking into whether state and local Land Division Act requirements would permit the proposed additional lot to be created.

The private road configuration has generated significant concern from Bud and Anna Fromholtz. The road runs next to their house, and was paved in a way that appears to provide insufficient sight distance for southbound traffic. Mrs. Fromholtz is particularly afraid that someone driving southbound will hit her car as she backs out of her driveway. It also appears to Corpe that the road should have been constructed at least 50' from the common property line, but it comes to within 33' of the Fromholtz house itself. She is sympathetic to Mr. Graft because he constructed his road as required by Sherrin Hood, the township's former Planner, the Road Commission and Metro Fire. It now appears that the required road alignment was not the best solution for all parties involved. The Road Commission indicates that the alignment is not safe, and the Fromholtzes are uncomfortable. She feels that a reasonable compromise to realign at least a portion of the private road is key to any final resolution to the application.

Anna Fromholtz, Deepwater Point Road, read a statement into the record. She stated that she has sought assistance for over two years regarding the safety of the private portion the road. She believes there is a lack of full understanding by the public that the road extension is probate, stating that many general service trucks use the private

road as a turnaround area. She feels unsafe backing out of her driveway with cars traveling south rapidly with little sight distance. She stated that the private road comes to within 30' of the side of her house, when it should be 50' away from the property line. Mrs. Fromholtz opposes the request for an additional parcel to be split. She stated recognition that tonight's meeting is a preliminary hearing. She stated that various individuals, including Corpe and Mark Makowski from the Road Commission have agreed that safety concerns exist that should be addressed. One of her primary concerns relates to the second island along the private drive, which is next to her home. She recognizes that every individual deserves to enjoy their private property rights, but every individual must eventually use a public road to leave their private property and should be assured that it will be safe to do so.

Smith observed that the question of whether the request must conform to Land Division requirements or not, and some reconfiguration of the private road to enhance safety should be considered. Krause asked if the difficulties are worse regarding northbound or southbound traffic. Mrs. Fromholtz stated the problem exists in both directions. Mr. Graft feels that the only change regarding traffic headed north is that sometimes it now continues past her driveway when it never did before, so the southbound traffic is the key concern. Mr. Graft is proposing to pave the area that runs to the north of the first vegetative island in the private road and possibly abandoning the paved area that runs along the shared property line.

Krause suggested that the northern side of the private road should be brought as far north within the access easement as possible, with a large turning radius before it connects to the public portion of the road headed southbound. Everyone agreed that the new signage stating that the county road ends and a stop sign for the southbound traffic leaving the private portion should be helpful as well. Mrs. Fromholtz agreed that removing the sharp curve at the connection between the public and private portions of the road will be of great help as well.

Motion by Sherberneau, support by Hoxsie to set a public hearing regarding Application #2004-18P for the October 25 meeting. The Chair cast an unanimous ballot, there being no objection.

4. New Business:

- a) **Discuss possible amendment to Section 8.27, Wineries, of the Acme Township Zoning Ordinance:** Smith asked if revisions for the ordinance should be discussed by the original winery ordinance subcommittee or by a committee of the whole. Carstens proposed that the work be done by a committee of the whole, but is also sensitive to wanting to do the work on the shortest prudent timeline so as not to delay. The balance of the Commission felt comfortable relying on the winery ordinance committee to meet and make a recommendation to the full Commission.

Motion by Krause, support by Vermetten to have the original Winery Ordinance subcommittee meet and present recommendations to the full Commission at the October 25 meeting. Motion carried by a vote of 6 in favor (Hoxsie, Krause, Salathiel, Sherberneau, Smith, Vermetten) and 1 opposed (Carstens).

5. Old Business:

6. Any other business that may come before the Commission:

- a. Corpe stated that today she spoke with the gentleman who constructed and maintains

the windmills in the wind farm near the Mackinac Bridge. He feels that wind farms would be an excellent agri-business for the area and has offered to make a presentation if the township would like to learn more.

- b.** Salathiel stated that Jerry Dobek is eager to meet with the Commission to discuss creation of a dark sky ordinance. Salathiel will get in touch with him to arrange to have him work with the township to jump-start our dark sky initiative, which has been planned but dormant for several years.

Meeting adjourned at 10:03 p.m.