



**ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
November 10, 2014, 7:00 pm.**

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE

ROLL CALL: Wentzloff X Feringa X Timmins X Finch Excused
White X Rosa X Forgette: Excused DeMarsh X Binkley X
Staff Present: Lennox, Iacoangeli, Jocks
Recording Secretary: Timmins

A. LIMITED PUBLIC COMMENT: Opened: 7:03 Closed 7:21

Jim Hefner 4050 Bay Berry Lane- Made a correction to information he gave to the planning committee at the last meeting concerning the definition of a Forb.

Also talked about not seeing Redwood on the agenda, would love to see them be at the VGT, but also wants to make sure that there is affordable housing for those that work at places like Meijer.

Brian Kelley Ridge Crest Rd. - He was out at Acme Creek the last 5 days, noticed clay run off water. Talks about Acme Creek discharging into Acme Park and how with the ten million spent on parks the township should be concerned about the amount of clay entering the Bay and effecting the Townships investment.

Mentioned rain events in September, he doesn't think the Township is doing enough about the run off from the VGT or that the Township is enforcing our 75 page storm water control ordinance. Also doesn't believe that the County is particularly enforcing their county storm water and erosion control either. All projects that come before the P.C have storm water and erosion control components. People need to know that the laws are enforced and when they are not, it under minds the whole planning process. If the problems at the VGT aren't enforced how does the Township enforce the other small projects in the future? Doesn't believe it sets a good precedent.

In his opinion the reasons given at past board meetings for the cause of the runoff water are not correct, he believes that there were obligations to control erosion and waste water, by the township. Mr. Kelley believes that didn't happen. Feels the board has bent over backwards for the developers, by passing many minor amendments. If there were concerns about opening the whole site that should have been disclosed before passing any amendments. Feels the township allowed the Developers to shift focus from the infrastructure to the Meijer's store. Compared the developers to kids that get a shiny new toy and would rather play with the new toy (Meijer's store) than do their chores (infrastructure). No one wants to build infrastructure when they can build a new store, he says. What's happening on the VGT property isn't the P.C's fault, but it should have had the inspection component that is missing in the ordinance enforcement. In the future would like the P.C to send a letter to the board asking where the township stands on storm water control and erosion enforcement and how they will address enforcement?

Rachelle Babcock 4261 Bartlett Rd. – See attached letter

John Iacoangeli- (Beckett and Raeder) . - Felt it appropriate to respond to comments that were made (above). Every inspection report from Gosling Czubak and Chris Grobbel are immediately posted on AcmeFuture.org website. To date 14 on- site inspection reports completed on the VGT property from Oct. and Nov. have been posted, John had just received a new report tonight from Chris Grobbel, it will be posted on the website Tuesday (11/11/14).

Violations have been cited, 1 each from the DEQ and the County. The township's responsibility is to report the inspections to the appropriate authorities. The storm water and soil erosion are monitored by the DEQ and County so it's not correct to say the township has not been responsive, as the township has responded. The township doesn't have the authority to go out and cite violations they have to count on the County and DEQ to do this, as is part of the process that the township has been involved in.

Developers have brought in Horizon Environmental out of Grand Rapids, they have done a remediation plan in addition to what has been done, brought in a mobile treatment unit to filter the water before it's discharged. Chris Grobbel noted that the discharged on November 7th, 8th, and 9th, were running clear into the wet lands.

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Meeting scheduled in the next couple weeks with all the different environment authorities plus consultants to work through the final long term storm water management plan. Assured the planning commission that the township has done everything within its purview correctly to manage this. The developer has taken every suggestion to mend the situation from the DEQ, county and township engineers. There were 2 special use permits for this project first 2004 second 2011. The one in 2004 was for the overall conceptual plan, this was the one subject to litigation by CCAT, township and developer. The SUP said all internal infrastructure had to be put in at one time. Not normal, no party wanted to reopen it, reopen the SUP and go back to court. The contentious atmosphere in the township has led to the problem we have. Trying to move away from that and work with the developer for a solution and the 2011 one. The county is the enforcer of soil erosion. Wanted to make sure everyone knows what the township is responsible for.

Wentzloff clarified that Rockford Construction is the company responsible for the Meijer store while Elmer's is responsible for the infrastructure. There was no trade off from one project to another, and is not the reason we are having the run off problem, she doesn't believe that to be factual.

Steve Smith VGT- Rockford Construction builds every Meijer store, and all dirt had to be moved at one time to put in the infrastructure.

Motion to approve agenda as written.

B. **APPROVAL OF AGENDA:** Motion by: Binkley 2nd: White
Vote: Motion carries

C. **INQUIRY AS TO CONFLICTS OF INTEREST:** None

D. **CONSENT CALENDAR:** The purpose is to expedite business by grouping non-controversial items together for one Board motion without discussion. A request to remove any item for discussion later in the agenda from any member of the Board, staff or public shall be granted.

a) **RECEIVE AND FILE:**

1. **Draft Unapproved Minutes of:**

1. **Township Board minutes 10/07/14 and Special meeting 10/02/14 and 10/15/14**
2. **Parks & Recreation Advisory 09/25/14**
3. **Zoning Board of Appeals 10/09/14**
4. **Planning, Zoning & Administrative report**

b

1. **Draft Unapproved Minutes of:**

1. **Planning Commission minutes 10/13/14**

Motion to receive and file all above minutes and reports.

Motion By: Feringa 2nd: Timmins

Vote: Motion carries

E. **ITEMS REMOVED FROM THE CONSENT CALENDAR:**

1. _____

F. **CORRESPONDENCE:**

1. **Letter dated 9/10/14 from Acme resident, Chris Darlaston, 5201 Arrowhead Circle, Williamsburg**

G. **PUBLIC HEARINGS:** None

H. **NEW BUSINESS:**

a) **Advance Auto Site Plan Review at 3939 M 72, Williamsburg**
Is a presentation as their application is not yet complete.

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John I – Bill Crain from Anderson & Crain submitted site plan for review. They have already made many of the recommended changes in the staff review. Plan to demolish and rebuild at the site of old medical building. Located in zone C- commercial, in the new US-31/M-72 Business District. Went over recommended changes to make it fit township zoning. Looked at storm water requiring a couple different elevations to be added.

Bill Crain- We made changes that John Iacoangeli requested, gave us all a new site plan tonight. Went over modifications.

- 1) Location of parking set back- eliminated one parking space to accommodate this. Now have 23 spaces instead of 24.**
- 2) Side walk- added a side walk along M-72. Will continue sidewalk along east side of right away.**
- 3) Sidewalk from the store to the sidewalk, new sidewalk runs south side of the parking lot to meet at 72.**
- 4) Free standing sign was 10ft. Tall, Now it only 6 ft. to meet code.**
- 5) Parking light poles reduced from 27'6" to 20'8".**
- 6) Bike rack, will be installed in the northwest corner of the building**
- 7) They have obtained a well permit for a new type 2 well system in northwest corner of property.**
- 8) Going through appeal process at Metro Fire for a fire detection system within the building**
- 9) Location of loading area for drop offs at north of building, truck traffic comes from the North and backs in to the northeast corner of the building**
- 10) Storm water review from Gosling Czubak, they are asking for soil borings, will be done by the end of the week and will get the info back to Nikki to pass back to Gosling Czubak**

Rosa- is there an issue with size of building on the street as oppose to frontage?

John I. - said they couldn't exceed the 85%, they fit the form based code well. Advance auto did a good job meeting form based code.

Added more shrubs to meet additional landscaping, John I. will review to make sure they are not invasive. Discussed locations of landscaping in front to ensure not to block front façade.

Existing site has existing storm water control and they will be building more. They have measures to keep storm water on site during construction.

Rosa asked about the road the trucks come in on and if there would be problems with it being a county road with traffic.

John I. said he would check up on it.

Wentzloff noted that the sign back ground changed to get rid of the red back ground and it is now a more muted color.

Feringa would like to see the building a little more dressed up.

Rosa asked about servicing things in the parking lot.

Crain verified that advanced auto is more of a self-serve, they don't do more than change batteries and wiper blades.

Nikki comments- thinks the building is plain, agrees with S. Feringa, what if the lights on front facade were changed from wall packs to more of a goose neck lamp.

Anderson- addressed.

John I will take pictures of the Petoskey store.

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Discussed a little more about changing the front so it wasn't so plain
Builders were a bit concerned with visibility of the store with the amount of setback, berm and landscaping.

Brian Kelley-

Wondered how close the store was to Acme creek, any storm water sewers on or near site?
Any ordinance on Auto parts stores and working on things in the parking lot.

Wentzloff – they are permitted by use.

Kelley- talked about other communities that post signs in auto parts stores that tell people that an ordinance keeps them from working on their car in the lot, Does Acme have anything like that?

I. OLD BUSINESS:

a) Native Plantings Ordinance Amendment Draft

John I- breaks down the guidelines. Went by the recommended planting guidelines for municipalities, published by Northwest Michigan invasive species network.
Referenced guidelines so that the township wouldn't always have to update their ordinance.

When reviewing site plans we will now look to make sure the plants match the non-invasive species.

John recommends that we send it for a December public hearing.

Motion to have a December public hearing for the Native Planting Ordinance.

Motion by: Feringa 2nd: White

Vote: Motion carries

J. COMMENT & OTHER PC BUSINESS

1. Zoning Administrator update on projects- regularly getting inquiries on commercial properties nothing official.

2. Planning Consultant, John Iacoangli; Redwood is in the process of finalizing site plan, will come back to the P.C in Dec. or Jan.

Motion to support sending the Planning Commissioner Wentzloff's letter to Mr. Schooler as official correspondence of the planning commission.

Motion by Timmins Second: Rosa

Motion Carries

Township was awarded an award by Grand Traverse Co. planning commission for the Acme Township Place-Making Plan.

3. P C Education etc.

4. Public Comment open 8:13 closed at 8:34

Brian Kelley Ridge Crest – Oct. 14th. Had a hard rain he emailed county but they didn't come until the 16th. DEQ came on the 15th. Steve Stinson took photos on Sept. 22nd. That started this whole process.

Feels like there are things that haven't been addressed.

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County gave only a citation not a violation, discrepancy regarding definition of citation and violation.

Talked about surety bonds based on cost of development, used in case of a violation to bring in a third party.

Jim Hefner Bay Berry Lane

Talked about Acme's need for public water in order to be a welcoming community to different businesses. Feels Acme will only be successful if we have public water for business.

White-talked about the board looking into public water and the cost involved.

All agree that public water is needed in the business community.

Rachelle Babcock- storm water review procedures from the watershed draft ordinance. Talked about using surety's to make sure money is available in case of problems with a projects storm water or other erosion problems.

John I . - Talked about the developers working with the Township with everything that has happened at the VGT site, and how a surety bond wouldn't even cover everything the developers have done at the VGT site to re-mediate the site. The Developers have responded to all request from all the different parties involved and even brought in a machine to filter water before it's discharged.

Steve Smith- talked about the cost to open up all the land and the cost involved in fixing the run off.

Feringa- addressed the issues with surety bonding, and how it can be a night mare to get and how it's not always an effective measure.

John I asked why there is a feeling to penalize a developer that is working with the township to make things right.

Brian Kelley- is of the opinion that plantings should have taken place on the VGT site in June, July and August. He feels that a lot of the site grading was delayed and not completed in a timely manner.

Wentzloff talks about the average person's lack of understanding on what order things need to occur on the project site.

Two things the Planning Commission can now do.

1) Review storm water ordinance

2) Right now the developers are working with us and their penalty is being paid right now in the people and machines that are working out there to clean up the problem.

Wentzloff has made it clear that no more can be done on the site until we figure out the storm water problems

Steve Smith- clarifies that you can't plant when you have to drive large pieces of equipment over the land you just planted.

Closed at 8:34

ADJOURN: Motion By: Timmins 2nd: Rosa

Vote: Motion Carries

November 10, 2014

To the Planning Commission,

I wish tonight I had something more positive to bring to the Planning Commission, but, right now I feel strongly that this Stormwater issue occurring at the Development of the VGT/Meijer property is a devastating environmental disaster for Acme. Clay discharge was documented last week on the 6th, 8th, and 9th of this Nov. The Township has been notified -AGAIN!

What we are witnessing coming off the VGT development property, and the subsequent lack of Township response to the soil discharge into Acme Creek, and on into the bay is irresponsible on the part of the Townships Governing body, and the developers. I do realize that the State acting on Federal Environment Impact Standards are watching this development closely, and though they are listing violations, we may never see any penalty for these violations. It could all fizzle out and no one will be penalized for this mess. The citizens of Acme deserve more then lip service on the part of their governing body. There has been a “wait and see” attitude from the head of our governing body sense it all began back in July. Many in the area are outraged. Township inaction is unacceptable.

For this reason I urge the Planning Commission to take up the business of drafting a new Stormwater – Soil Erosion Management Ordinance. Jay did not think we even had an ordinance when it was first brought to his attention. I'd like to see an Ordinance that will take the “wait and see” ability out, and, write in stronger enforcement language. One with teeth this time!

Rachelle Babcock

Acme



November 11, 2014

Mr. Steve Schooler
JEFFREY R. ANDERSON REAL ESTATE
Agent for the Village at Grand Traverse, LLC
3805 Edwards Road
Cincinnati, OH 45209

Re: The Grand Traverse Town Center Development

Dear Mr. Schooler,

At the November 10, 2014 Acme Township Planning Commission meeting the Planning Commission instructed me to send this letter regarding the Grand Traverse Town Center development and the status of the current conceptual plan that was approved in Special Land Use permit SUP 2004-11P.

Since approval of the SUP and more recently since the implementation of the Phase 1 project, SUP 2009-1P, there have been three minor amendments to the original conceptual plan which include:

- Minor Amendment #1 – remove on-street parking from the main internal road and install a four foot bike path as a temporary measure until curbs and sidewalks are installed along the main road.
- Minor Amendment #2 – revise the conceptual plan to reflect the new storm water design and require the reallocation of land uses to reflect a ratio of 58% retail to 42% residential.
- Minor Amendment #3 – reduce the number of multiple family dwellings in the southeast corner from 430 to 130 and partially waive the requirements for a New Urbanism design on this specific project area.

The Planning Commission is cognizant of changes in both the retail and residential real estate markets since the project was initially proposed over ten years ago. We are also at a juncture, as the advisory commission to the Board of Trustees, that further amendments to the plan will not be considered until the overall plan is updated to reflect the minor amendments, changes that have occurred as result of project implementation, and modifications to the broader regional real estate market. Several examples include the location and size of the storm water management system which significantly departs from the original conceptual plan and the Redwood Homes project and the reallocation of land uses affecting residential and retail acreages.

We realize the contentious atmosphere that surrounds this project but on the other hand recognize that our recently adopted community master plan acknowledges the build-out of the GTTC development as a cornerstone for our future business district. As a result, we encourage you to work with the Planning Commission on a revised plan for the overall project to reflect the changes that have been requested, approved and instituted.

If you have any questions please feel free to contact me.

Regards,

Karly Wentzloff, Chairperson
Acme Township Planning Commission