

**ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
7:00 p.m. Monday, January 26, 2004**

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

Members present: B. Carstens, D. Hoxsie, D. Krause, P. Salathiel, O. Sherberneau, M. Vermetten
Members excused: H. Smith
Staff present: S. Corpe, Recording Secretary
R. Clark, Planning Consultant

Due to Smith's absence, Vice Chairman Sherberneau chaired the meeting.

1. Consent Calendar:

Motion by Carstens, support by Hoxsie to approve the Consent Calendar as printed, including:

Receive and File:

- a) **Articles of interest re: Agriculture and Farmland and Open Space Protection (courtesy of Chuck Walter)**
 - 1) **"Farmland and Community Alliance Sails to its Five-Year Anniversary," *Michigan Farm News*, November 30, 2003** (Attachment A included and incorporated by reference)
 - 2) **"Public Input Will Ruin Animal Ag, Panel Says," *Michigan Farm News*, December 2003** (Attachment B included and incorporated by reference)
 - 3) **"The Highest Bidder," *FarmJournal's Beef Today*, December 2003** (Attachment C included and incorporated by reference)

Action:

- a) **Approve minutes of December 22, 2003 meeting** (Attachment D included and incorporated by reference)
- b) **Review and approve agenda, inquiry as to conflicts of interest.**

Motion carried unanimously.

2. Preliminary Hearings: None

3. Public Hearings:

- a) **Continuation of Public Hearing on Application #2003-11P made by Michael & Sheryl Hedden for approval of a 16-unit, single-family dwelling Open Space Development on property located at the intersection of Kay-Ray Road and US 31 North** (Attachment E included and incorporated by reference) Doug Mansfield was present to represent the applicants, and Russ Clark presented his consulting planner's report. The site plan has been significantly revised since last month's meeting when the natural features desirable for preservation were discussed. Greatest conservation value seemed to Mr. Clark to be placed by the Commission on the viewsheds from US 31 North and the trees lining Kay Ray Road. Carstens recalled that at the last meeting the public expressed concerns about possible wetlands on the property, as suggested by the existing flows of groundwater across Kay Ray Road towards the bay. Carstens noted that Clark's report indicated that no wetlands have been found on site. Unless experts find that wetlands exist, he is content with Clark's premise as stated.

Mr. Mansfield made his presentation on behalf of the applicant, and reiterated last month's discussions about preserving viewsheds and taking a less "cookie-cutter" approach to designing the development. The new plan proposes a possible internal road routing that works with existing slopes on site while keeping the road grade low. The one area on the south end of the site that has been identified as a wet area has been avoided by the proposed development, more to satisfy the Health Department than any need to work with the DEQ. A road snaking between US 31 North and Kay Ray Road would provide frontage for 11 home sites. The right-of-way would be 66' wide. Since the internal roadway subtracts from the land available for open space and for development, the average lot size has been reduced to about 16,000 sq. ft. The ordinance does allow the septic fields for the lots to be located within the preserved open space areas. A second small private road begins and ends on Kay Ray Road in a semi-circular form and gives frontage to five more homesites, for a total of 16.

A full topographic survey will be prepared in the next step, current drawings having been based on available USGS data. In visual surveys this fall, Wells Mansfield professionals saw no evidence of seasonal or permanent water flows, noting the area with the high water table in the southern portion of the property.

The roadway for the 11 homesites will require what is known as a "commercial approach" by the Road Commission, which involves a flared approach. The roadway serving the five homes will require less engineering. Mr. Mansfield wanted the public to be aware that to create the commercial approaches will require areas of intensive clearing at each road end. There will be some thinning of trees in the common areas where wells and septic systems are located.

Road Commission, Health Department, Metro Fire and Soil Erosion approval are still needed before the application can proceed to final consideration. Mr. Mansfield has also spoken with real estate professionals to ensure that the value of the lots as proposed can justify the cost of the internal roads requested. If feedback is positive this evening, work will go forward based on this plan.

Salathiel asked if more trees would be cleared pursuant to this plan than pursuant to the former plan, and Mr. Mansfield replied that he did not believe so. Krause asked if the lots as currently conceived are too small to support septic fields within the lot boundaries. Mr. Mansfield stated it would be difficult at best to receive approval from the County Health Department and/or the State. Krause also asked if the Road Commission will grant variances from their private road specifications. Mr. Mansfield indicated that since the Township has adopted the County Road Commission Road standards as our own, the Township would have to grant a variance. He discussed the possibility with Clark, and they determined that it might be difficult to prove a hardship that would allow the ZBA to grant a variance according to Ordinance requirements.

Vermetten thanked Mr. Mansfield for his work in redesigning the plan in a way responsive to the concerns expressed at last month's meeting about conservation values. He did walk part of the property last year and his uneducated eye did not see flowing water, but he recognizes that the residents across the road state that there are flows across the road. He ascertained that this is a site condominium development and asked how the open space would be dedicated. It will be dedicated as a common element to be left unused.

Carstens asked if the Fire Department will be able to work with the grades and turning radii proposed for the roads on the plan. Mr. Mansfield indicates that the plan will receive Fire Department review as required. Sherberneau asked about the percentage of open space contemplated, and the figure of 52% is confirmed. Krause echoed Vermetten's compliments on the re-working of the plan.

Mr. Mansfield is unsure if agency reviews can be performed in February due to the weather, but he will keep us updated if he is not ready to proceed further with the public hearing next month.

Sherberneau echoed the compliments expressed by the others. Hoxsie inquired further into the question of how much infrastructure can be supported within the boundaries of a lot in a subdivision-type development. Mr. Mansfield indicated he had recently attended a seminar on this topic, and learned that the public agencies favor lots at least 1 acre in size to provide for adequate well and septic separation. The problem is generally more severe when lots back up to one another, which none of the lots in the revised plan do. Lots of smaller sizes require more detailed scrutiny of groundwater flows and soils. Hoxsie was thinking that if one lot could be eliminated to increase the size of the other lots by 1,000 sq. ft. to remove the infrastructure from the common areas, it might be worthwhile. However, this does not seem to be helpful.

Mr. Clark noted that the plan still requires six agency reviews, the conservation easement, condo bylaws and rules and a revised site plan before any final deliberations can occur. He recommends continuation of the hearing pending receipt of this information.

Public Hearing re-opened at 7:30 p.m.

Bill Henry, 6022 Holt Road finds the project interesting. He asked about the size of the lots and the septic systems and separation from wells, and why a central septic and water system could not be installed. Corpe and Mr. Mansfield both mentioned that the issue is largely one of cost, along with Health Department approval. Mr. Mansfield noted that township input into the process of permitting small central septic systems was recently removed by the State.

John Zaloudek, 10351 Kay Ray Road noted that Carstens mentioned wetlands. He is the one who has mentioned this issue. He is baffled that nobody has found the evidence of flowing water, which is in the general area of a stand of cedar trees. There is also an area on the beach where there is water flowing into the bay during all seasons. Mr. Mansfield asked for clarification that the flowing water is on this site, and several members of the public stated that the flows are roughly between the spots marked as lots 3 and 4 on the previous plan. Mr. Zaloudek feels that there must be a connection between water flowing on this site and water flowing onto the surface of the bay. Carstens states that he did not visualize any wetlands species of plants when he visited the property. He noted that the ground is moist, so there might be seeps, but usually there are vegetative clues in that sort of situation. Mr. Zaloudek asked again that the issue be researched carefully before proceeding. The Planning Commission expressed confidence that if seeps or flows or wetlands exist, the Health Department will find them during their review. Mr. Mansfield's experts have yet to find the areas mentioned.

Paul Kociemba, 4467 Audubon asked what would happen if a flow or seep is found.

Mr. Mansfield responded that if this is the case, the area would become part of the permanent open space in the plan and the lot configuration would be shifted.

Erick Takayama, 5100 S. Lautner Road is unaware of how stringent our County Drain Commissioner is. Judging from the drawings he has seen, water will tend to flow nearly directly west. He asked if there are culverts under Kay Ray Road right now, and how hardwood trees could survive in the area. Cedars and hardwoods are mixed in this area. Mr. Takayama has seen subdivision roads trap water between themselves and existing roads out in Leelanau County, and within 10 years the hardwood trees die off. Vermetten said that from experience, he can assert that the Drain Commissioner is very strict. Hoxsie noted that the water could be originating from somewhere other than the subject property.

Public Hearing recessed at 7:43 p.m.

Salathiel asked how the issue of the width of the public road will be handled, and whether the Township could grant a variance. Vermetten would like to see a narrower road if it will preserve trees along Kay Ray Road by eliminating the need for the commercial road entrance. Hoxsie wouldn't mind looking into the possibility, but there are a number of situations within the township already where the roads don't meet County or Metro Fire specifications and emergency services aren't guaranteed. Corpe asked if narrowing the road would eliminate the need for wider entrance aprons, or if the need is based on the number of houses along the roadway. Mr. Mansfield stated that 8 lots is the magic number – once you have more than 8 lots, the requirements increase significantly. He is willing to do more research and provide some more detailed information for the Planning Commission at the next session when this application is discussed.

Motion by Hoxsie, support by Krause to continue the Public Hearing on #2003-11P. The Chair cast an unanimous ballot, there being no objection.

- b) **Public Hearing on Special Use Permit/Site Plan Approval Application #2003-16 to amend SUP #94-4 for Mercedes Benz of Traverse City (aka Acme Motors or Black Forest Motors), 6060 US 31 North, to permit expansion of an existing car dealership on property currently zoned B-2, General Business (Attachment F included and incorporated by reference):** Russ Clark provided his consulting planner's report regarding the application. Nobody was present on behalf of the applicant. Mr. Clark proceeded with a brief recap of the proposed plans to add some dustless graveled storage parking on the east side of Gilbert Avenue to the north of Huffman Road.

Mr. Clark reported that his firm recommends installing parking islands even if the parking lot is not paved at the current time to protect the trees required to be planted. The plan does not show all of the islands currently required at the end of each row of parking spaces that help define the space. The landscaping around the perimeter of the parking area does not meet the requirements discussed last month.

Mr. Clark noted that this is an amendment to an existing SUP, and therefore the entire site is under consideration and not just the portion on the east side of Gilbert Avenue.

Salathiel asked if any additional lighting or signage has been proposed, and Mr. Clark stated that none has been shown to date. Salathiel also asked about the

statement in the narrative about “stacking” of cars and what that meant. Mr. Clark is uncertain, but believes it may refer to having a number of cars stopped in the area on the north side of the existing building where the service entrance is when they are dropped off for the day.

Sherberneau asked how many more parking islands might be required. Mr. Clark stated that the Ordinance requires curbed islands at the end of each parking row and every 10 spaces. In snowy conditions, sometimes the landscaping is the only clue a driver has to tell them where the limits of the parking area are, but according to the narrative this will not be a public parking area. He is asking the Planning Commission to ensure that any islands required are curbed to protect the trees to be planted therein. Carstens recalls that there was one business in the Bates area where some concessions were made in terms of number of islands as long as the required trees were placed elsewhere on the site. Krause noted that the ordinance didn't necessarily contemplate a gravel car storage area. Hoxsie suspects the lot may end up being used as a sales area and not just a storage area.

Krause asked if Planning Commission review when the lot is paved would trigger creation of islands. Corpe stated that if the only change made is paving, a new set of hearings wouldn't be generated. Some trigger language in the SUP would be needed. Vermetten expressed concerns because it seems that existing Ordinance requirements in terms of number of cars to be displayed for sale on-site and Mercedes-only branding are currently being breached. If the applicant is not compliant now, how can we expect they will be compliant later on.

Hoxsie was a member of the Planning Commission when the original SUP was approved. Mr. Chan approved the 16-car display limit at that time, but even then there was question as to whether this would be adequate for the business to operate successfully. Carstens stated that Mr. Chan has also remained true to some standards, such as landscaping and lighting. He is most concerned with vegetative screening between the parking area and the nearby residential lots. He is concerned that it not be a sales area and that it does not become brightly and obtrusively lit. He would favor some sort of compromise. Vermetten agreed that Mr. Chan has done some good things with the property, but that many requirements of the existing permit are being ignored and this issue must be resolved either by enforcement or removing those items from the permit. He expressed frustration that at several of the meetings there has not been anyone present on behalf of the applicant to answer questions.

Public Hearing opened at 8:07 p.m.

Bill Henry asked if the property is being leased or was purchased. Corpe responded that Lot 5 (on the corner of Gilbert and Huffman) is being leased, while Lots 6 and 7 are being purchased by the dealership from Don and Ardella Benak.

Public Hearing closed at 8:08 p.m.

Mr. Clark summarized his recommendations that Drain Commission review is required as is an updated landscaping plan, labeling on the site plan to match the narrative and a decision as to whether the parking area should be reconfigured to provide more parking islands. He recommends that the hearing be continued to a future meeting.

Sherberneau feels that the islands should be required now, in preparation for future

paving. Krause would like to research what we can do to permit and ensure that the islands to be developed when and if the lots are paved. Corpe will propose the question to Christopherson. Hoxsie would like to know whether the lot will be storage only or if it will be used for retail sales. Once it gets paved, can it be used for sales without further township review?

Motion by Krause, support by Vermetten to continue the Public Hearing to the February meeting pending receipt of further information. The Chair cast an unanimous ballot, there being no objection.

3. Old Business:

a) Five Year Master Plan Review

- 1) Letters to surrounding municipalities:** Corpe provided a proposed sample letter to be sent out to neighboring communities as required by law, stating that we are beginning the planning process.
- 2) Division of Labor/Choose subcommittees:** No input has been received by Smith or Corpe yet as to which portions of the Master Plan each individual would like to review in particular. Smith would like to get the process started since it is a long one, so next month he would like to be ready to appoint subcommittees. Krause noted that the first half of the plan is basically supporting statistics, and the second part is the plan itself, which is divided into six parts. Krause wishes to work on the High Density portion of the plan in particular.

Sherberneau asked Salathiel to read into the record a letter received today from Denny Rohn asking to participate on one of the subcommittees.

4. New Business: None

5. Other Business:

- a. Letter received from Erick Takayama:** Salathiel read into the record a letter received today from Erick Takayama regarding a memo written by Corpe and provided to the Planning Commission along with petitions presented to the township regarding the Town Center project. The memo is included and incorporated by reference.
- b. Memo from Corpe regarding Northwestern Bank SUP Amendment:** Corpe provided some new information received from Bob Cornwell, architect for Northwestern Bank, regarding their recent addition of a new drive-up lane and reconfiguration of their parking. The township required that a sidewalk be installed within the US 31 right-of-way.

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

Salathiel noted that work regarding the Town Center plan is continuing at the subcommittee level.

Jo Collins, 9260 Shaw Road asked if the general public can put their names in to be on a subcommittee reviewing the Master Plan, and Sherberneau encouraged her to specify a portion she'd be interested in working on when entering her request.

Bill Kurtz, 5420 S. Lautner Road asked about the procedure and timeline to be used for the update. Corpe explained the process and mentioned the MSU Extension checklist that is

being used as our guide for the process. She committed to creating a new page on the township website that explains the process and timeline, can provide periodic status updates and serve as a way for people to volunteer for plan review subcommittees.

Paul Brink, 9617 Winter Road, asked if the Town Center Subcommittee meetings are public meetings. The Commission explained that because they are meetings of less than a quorum of a public body that is meeting to discuss a proposal and prepare recommendations to the full body, but they are not meeting to deliberate and make decisions, this is permissible. Corpe noted that an upcoming M-72 Corridor Ordinance subcommittee meeting was posted as a public meeting because a quorum of the Planning Commission is serving in the group.

Erick Takayama asked if the Town Center Ordinance will be examined as part of the Master Plan review. Corpe responded that because it is part of the Zoning Ordinance and not the Master Plan it will not be reviewed as part of the Master Plan. After the Master Plan review is complete, the entire Zoning Ordinance will be reviewed to determine what, if any, changes are needed or desired.

Meeting adjourned 8:31 p.m.