

**ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
7:00 p.m. Monday, March 29, 2004**

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

Members present: H. Smith (Chair), B. Carstens, P. Salathiel, O. Sherberneau

Members Excused: D. Hoxsie, D. Krause, M. Vermetten

Staff: present: S. Corpe, Planning & Office Coordinator/Recording Secretary
J. Hull, Zoning Administrator
R. Clark, Consulting Planner

1. Consent Calendar

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

Action:

- a) **Approve minutes of February 23, 2004 meeting (Attachment A included and incorporated by reference) and special meeting held March 25, 2004 at The Shores (on tables, included and incorporated by reference)**
- b) **Review and approve agenda, inquiry as to conflicts of interest: approved with no conflicts noted**

Motion carried unanimously.

2. Preliminary Hearings:

- a) **Preliminary Hearing on Application #2004-3P made by Grand Traverse Resort and Spa for Special Use Permit/ Site Plan Amendment to allow for the development of a new boat dock and operation of a water sports equipment rental business on said dock on the waterfront at The Shores Condominiums, on property located off Shores Beach Road (Attachment B included and incorporated by reference):** Russ Clark presented the Planner's Preliminary Staff Report. Mr. John Kubiak and Mark Fisher were present to represent the Grand Traverse Resort. Smith noted that members of the Planning Commission visited the site on March 25, and that the visit generated a number of questions.

Mr. Clark gave a Powerpoint presentation that summarizes his Planner's Report, and that is available at the Acme Township offices. In the 1980's a 90' dock was approved for The Shores. Water levels were high at that time, and this length enabled them to reach a water depth of 3'. Today's water levels necessitate the increased length requested (750') to reach the same depth. The Resort would like to operate a watersports rental facility from the end of the dock. The business would be served by a 100 sq. ft. portable kiosk. They also plan to fill with 740 cu. yds. of clean sand to the north of the dock to enable people accessing the water to walk across sand, rather than exposed bottomlands vegetation.

The Resort has asked the US Army Corps of Engineers (USACE) and Michigan DEQ for a 7.6 acre bottomlands lease to enable operation of the business over state property. 20 boat hoists, 5 broadside docking spaces and 3 mooring buoys are also requested for a mix of motorized and naturally-powered boats, jet skis and water trampolines. There would be 10 employees, 3-4 of whom might be on site at a given time. Hours would be 8:00 a.m. to 8:30 p.m. seven days per week. The business would not be advertised off resort property, and facility users would generally be bused to the waterfront from the main Resort complex. Therefore, the Resort

anticipates that parking needs at the waterfront site would be minimal. Schematics for the dock and hoists have been provided by the applicant.

Mr. Clark examined the request in relation to the township's Master plan. He noted that we do recommend that waterfront uses be carefully examined and regulated. We would normally require a written impact assessment, and he feels that we need to know the proposed length of the bottomlands lease. We also need to know where the kiosk, dock and hoists and boats will be stored off-season, where employees will park, noise prevention and safety rules, fume impacts from motorized watercraft, gasoline management, clarification of the closing time (would 8:30 be the last hourly rental slot, or would all people be gone by then?) He also recommends that township legal council address for the Commission the question of how our jurisdiction interfaces with the USACE and MDEQ.

Mr. Kubiak, general council for the Grand Traverse Band EDC and Mark Fisher, a Resort Director of Hotel Operations were prepared to discuss the application. Jim McWilliams, CEO of the EDC was also present. Mr. Fisher stated that there have been water sports rentals during his entire 8-year tenure. He discussed some of the questions raised on March 25 by phone with Mr. Clark on March 26. The service is being offered as an amenity to their guests, and one which they feel their guests would expect. It is not generally a big money-maker. Mr. Fisher would like Mr. Clark to clarify the scope of the expected environmental impact study. Mr. Clark responded that any degree of expertise that can answer the questions outlined in the Master Plan and Ordinance to the Commission and Board's satisfaction will do. Chris Grobbel of Ball Environmental was spoken of as one likely candidate.

The bottomlands lease is "in a state that will not process" until further information is provided, including a resolution of approval from Acme Township. There are five total elements needed for state approval, and then the USACE undertakes their final consideration. The length of the bottomlands lease is expected to be at least 25 years according to MDEQ. Usually they are renewed with little fuss. There will be 3 power boats and jet skis on the 20 boat hoists. The mooring balls are for 3 pontoon boats. Typically, in the off-season all of the dock sections are removed and stored on-shore parallel to the pool area and the hoist are stored off-site. Employees are asked to park near the Real Estate office or the Shore's privacy kiosk. Five companies have been bidding for the contract, and the Resort will convey to them any requirements we place on the operation.

The Resort does try to police the area near their dock. Mr. Fisher states that residents and renters at The Shores also moor their boats and jet skis off-shore in this area, and the Resort tries to keep them away from the creek. As to gasoline, a tank on a trailer is on-shore and refilled daily. A 15-gallon tote is used to transport the gasoline to the end of the dock and is used to service the rental craft only. The state requires that all watercraft be returned by 8:30 p.m. unless it is rented for a 24-hour period, largely because none are rigged for night lighting. Annual usage is between 650 – 1,000 rentals. Most business occurs on the weekends, and the season tends to run from July 1 – Labor Day.

The only reason the dock is being requested to a length of 750' is due to current water levels. Mr. Fisher stated that if water levels rise, the Resort does not feel the dock needs to be that long.

Smith stated that a primary concern is the protection of the mouth of Acme Creek.

Exhaust fumes and oil and gas spills are particular issues, and he asked what Mr. Fisher's thoughts about controlling this factor are. Mr. Fisher replied that right now there is not much flow out of the creek, and little or no water would flow back up the creek. He would defer to Dr. Grobbel's suggestions for good management practices. Smith asked if dredging is planned; Mr. Fisher stated that there will not be. He reiterated that they will be bringing in sand for 100' along the shore and about 33' deep towards the water. Last year the Resort refunded about \$10,000 to guests dissatisfied with the beach due to the exposed bottomlands, which are not as pretty right now as depicted in the brochure. The sand will likely be brought in from off-site. Some sand might come from the area south of the creek mouth. To date, they have mowed the exposed vegetation but have not tilled.

Salathiel asked about the impact study and what it would cover. Mr. Clark responded that it is an impact assessment as stated in the Ordinance regarding special use permits. The Planning Commission has the ability to request additional information, and if it plans to do so should mention them tonight. There is a difference between an impact assessment and an environmental impact study.

Smith noted that it is likely that we are limited to regulating the on-shore portions of the project, but that we are very interested in what DEQ has to say about the off-shore portion. Carstens stated that parking at the beach is a significant concern. Mr. Fisher agreed, noting that people using the township park sometimes park on the end of Shores Beach Road as well. They try to shuttle as many of their water sports users as possible, and feel that most of the parking pressure is coming from Bayside Park-related sources.

Salathiel is concerned about the impact on the park and its users. She swims there on occasion, and right now one does have to wade out quite far to swim. She is concerned about swimmer/boater conflicts and safety. She asked about the mix of watercraft; Mr. Fisher stated they would include 3 jet boats, 12 – 15 jet skis and 3 pontoon boats. The dock is wood and aluminum construction. Salathiel asked if there is additional outdoor lighting contemplated; Mr. Fisher replied that since this is a daytime operation there is none contemplated unless we request it. Salathiel further asked about fire protection issues. Mr. Fisher responded that the Resort has made overtures about having Shores Beach Road abandoned to them as private property.

Salathiel asked if the owners/renters of The Shores have a distinct section of beach that belongs to them. Mr. Fisher responded that there is perhaps a 10' swath around their buildings that belongs to the condominium association, but the rest of the land belongs to the Resort. Salathiel ended by saying that her two biggest concerns are protection of Bayside Park users and protection of Acme Creek.

Smith asked how the Resort would handle any walk-in traffic. The business would handle these as they came along. 70% of all watercraft rentals are charged back to Resort rooms. The rest use cash or a credit card. Smith also asked about whether the property has been surveyed recently, stating that there is concern that the two storage sheds (storing banquet chairs and tables and firewood) are within the right-of-way. Mr. Fisher was not prepared to comment. Smith asked if there is outdoor entertainment; Mr. Fisher stated that Andy Six, a local entertainer, gives nightly shows at a firepit near the pool and has for several years. Smith asked if special use permit is required for the outdoor entertainment, and asked that this be considered, as sometimes it can get out-of-hand and disturb neighboring residents.

Salathiel asked if the kiosk could be decorated, perhaps with cedar shakes or something similar. Mr. Fisher was amenable to the suggestion. She asked if alcohol is sold at the boat rental kiosk. Mr. Fisher said it is not, but drink and food are sold at a snack bar in the pool area.

Sherberneau asked if the 750' length of the dock would pose a navigational hazard, and who regulates and decides these matters.

Carstens is concerned about a lot of activity being funneled into a very small area, and would like to know more about how much oversight we have as opposed to how much is controlled by other agencies. He also wonders if there are nearby fisheries that would be impacted. Smith stated awareness that in general there is conflict between pleasure boaters and fisher-folk, but he feels this is outside of our scope. Smith would like to know if buoys could be placed to protect the swimming area at the park. Carstens stated that Tom Henkel does place buoys in the water, but to get a really good swim where it's deep enough, he personally has often gone outside of those areas.

Chuck Walter asked what will be coming to the Board on April 6. Corpe explained that the Resort is asking the Board of Trustees to consider adopting the resolution they need approving their bottomlands lease, concurrently with the SUP process, to facilitate opening in time for the full season.

Carstens asked if Bill Rastetter, attorney with Olson, Bzdok and who has covered environmental issues for the Tribe in the past is involved. Mr. Fisher said that environmental folks at the Tribe have not been brought in.

John Nelson, Grand Traverse Baykeeper has reviewed the applications for this process and for the bottomlands lease. He is particularly concerned about the importation of clean sand as fill on the bayfront. He noted that there has been much controversy about beach grooming. He feels this is a good opportunity for the Resort to work with Tribal Natural Resources folks, the Township, the Tip O' The Mitt Watershed Council and the Grand Traverse Watershed council to create a model for bayfront management that can serve as a good example for other waterfront property owners.

Motion by Carstens, support by Sherberneau to set a public hearing regarding Application #2004-3P for the April 26 meeting, pending receipt of information as recommended by Russ Clark in his report. There being no objection, the Chair cast an unanimous ballot.

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 C – recommend hearing be continued to future meeting):**

Public Hearing opened and closed at 7:50 p.m., there being no public comment.

Corpe explained that the applicant has been waiting for the spring thaw to proceed with environmental assessments. Carstens stated that while there was still 18" of snow on the ground he felt he identified some wetlands-type conditions that should be further investigated.

Motion by Sherberneau, support by Salathiel to continue the public hearing on Application #2003-11P to the April 26 meeting. The Chair cast an unanimous ballot, there being no objection.

- b) **Continuation of Public Hearing on Special Use Permit/Site Plan Approval Application #2003-16P 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 D- recommend hearing be continued to future meeting):**

Public Hearing opened and closed 7:53 p.m., there being no public comment.

Motion by Carstens, support by Salathiel to continue the public hearing on Application #2003-16P to the April 26 meeting. The Chair cast an unanimous ballot, there being no objection.

- c) **Public Hearing on Application #2004-1P made by Dave Fielstra for Special Use Permit/ Site Plan Review to allow for the development of an office/warehousing/storage building for Concrete Systems on property located at 6127 South Railway Commons (Attachment E included and incorporated by reference):** Mr. Fielstra was present in support of his application. Corpe summarized her staff report, stating that except for swapping the building and the parking lot north for south, the site plan is essentially unchanged from the application submitted in 2002. Her only real concern deals with fire protection issues. The Planning Commission and Mr. Fielstra agreed that they would prefer installation of evergreen trees along the roadside as opposed to deciduous trees.

Sherberneau asked Chuck Walter what progress the Board has made towards providing water in this area. Walter stated that the board has not taken formal action, but a number of individuals are thinking about the issue. Clearly, the health, safety and welfare of the entire industrial park are at stake and the township would like to facilitate the provision of water in this area. The Commission would generally feel uncomfortable asking one individual to install his own water tank when no other businesses there have been asked to do so. Mr. Fielstra suggested contacting Elk River Holding Company, and is willing to do the legwork. He stated no urgency to begin construction of his project.

Motion by Sherberneau, support by Carstens to continue the public hearing on application #2004-1P to the April 26 meeting. The Chair cast an unanimous ballot, there being no objection.

3. **Old Business:** None

4. **New Business:**

- a) **Discuss proposal from R. Clark Associates, Inc. to create a landscape master plan buffer prototype for inclusion in forthcoming new M-72 Corridor Overlay District Ordinance and possible recommendation to Township Board of Trustees.** (Attachment F included and incorporated by reference): Smith stated that the M-72 Corridor Subcommittee has been meeting for over a year to come up with an overlay district for the entire length of M-72 within Acme Township that will protect the scenic qualities of the corridor, as well as fostering good access

management practices. The committee has been working with Brad Kaye from Gourdie Fraser Associates. They have come up with an idea for landscaping buffer requirements along the right-of-way that will identify how much and what types of plant materials, and what types of berming, should be in place within each 200' long segment of the corridor. Rather than come up with a plan for the entire corridor, one 200' segment will be described that can be repeated as needed. Mr. Clark's estimate is \$3,850 for design.

Motion by Sherberneau, support by Salathiel to ask the Board of Trustees to accept Russ Clark's bid for M-72 Corridor Landscape Standards services in the amount of \$3,850.

Carstens expressed enthusiasm for the project, as protecting the corridor as an attractive gateway to the Grand Traverse Region is of high importance to him. Smith concurred.

Motion carried by unanimous roll call vote.

b) Discuss proposed Zoning Ordinance Amendment #126:

1) Section 7.5.4(3)b.4 of the Off-Street Parking Site Development

Requirements Ordinance and Section 7.5.6(3)c.1 of the Landscaping Ordinance (Attachment G included and incorporated by reference): Smith explained that our current ordinance requires 3" caliper deciduous street trees, but we have determined that these are unreasonable difficult to obtain, particularly locally. The proposed amendment would require minimum 2.5" caliper trees to be installed. Also, Chuck Walter, Trustee has proposed changing our Dumpster screening fence height requirements to ensure that whatever height a Dumpster may be (accounting also for the heaping of garbage over the rim thereof) it would be totally screened from view by fencing of an adequate height.

2) Section 7.2.5, Outdoor Storage (Attachment H included and incorporated by reference): Hull reported that he noticed earlier this year that the referenced ordinance section seems to prohibit any storage of a boat on one's premises within Acme Township, even if the boat is in working order and is being stored on one's driveway for the winter. Everyone he discussed the matter with was surprised about it, and he felt the requirement was too strict. He approached the ZBA, which agreed with his interpretation that boat storage is currently prohibited and it is too stringent a requirement. Hull has received complaints from neighbors asking for enforcement, so this is a current issue.

The ZBA's chief concern was that a new rule not be subject to abuse: that a person only store their own personal craft on their property, that large numbers not accumulate, and that storage on commercial properties remain prohibited. The ZBA asked that the matter be forwarded to the Planning Commission for consideration. He has provided some proposed new language for discussion.

Chuck Walter stated that he proposed the ordinance amendment regarding Dumpster screening take into account a fence height necessary to screen any overfilling of a Dumpster. Corpe did mention this question – whether 1' taller than the Dumpster itself – would be tall enough. The Planning

Commission feels it's appropriate to require that Dumpsters not be over-full. The staff-prepared memos should be forwarded to Jim Christopherson for final review and revision of the precise ordinance language prior to hearing publication.

Motion by Carstens, support by Sherberneau to set a Public Hearing regarding proposed Ordinance Amendment #126 for the April 26 meeting. The Chair cast an unanimous ballot, there being no objection.

- c) **Discuss proposed amendment of 2004 Planning Commission Meeting Schedule** (Attachment I included and incorporated by reference): Smith explained that it has become difficult to coordinate schedules for various members of various different existing subcommittees. It seems more efficient to add a second meeting to each month's schedule, proposed to be the second Monday of each month. The Planning Commission would work as a committee of the whole, inviting different members of the public to participate actively on each topic.

Motion by Salathiel, support by Sherberneau to adopt the amended 2004 Planning Commission Meeting Schedule as presented. Motion carried unanimously.

5. Other Business:

Motion by Carstens, support by Salathiel to recommend to the Board of Trustees that they more closely examine fire protection issues in the Bates area. There being no objection, the Chair cast an unanimous ballot.

Corpe mentioned that the usual spring/summer upswing in applications is underway. One particular application that will be on the agenda in May or June for the first time involves both Brad Kaye and Russ Clark as consultants for the applicant, meaning that they will be unable to review the plan on behalf of Acme Township. We will need to find additional qualified planning assistance for this case, which Corpe will bring up at the April 6 Board meeting. Mr. Clark stated that we should ask for qualifications rather than cost proposals, making sure that any candidates with whom we negotiate price are certified planners.

Bill Kurtz, Lautner Road, asked if the town center subcommittee would be folded into the new meeting schedule Smith stated that this would be the case at such time as the issue might be ripe for further discussion.

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

Meeting adjourned at 8:47 p.m.