



**ACME TOWNSHIP PLANNING COMMISSION MEETING  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
7:00 p.m. Thursday, July 1, 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

**Members excused:**

**1. Review and approve agenda, inquiry as to conflicts of interest.**

**2. Preliminary Hearings:**

- a) **Preliminary Hearing regarding Application #2004-12P by Hilltop Condominiums for Approval of an amendment to their existing Special Use Permit/Site Plan to permit reconstruction of their driveway and parking area (part of the G.T. Resort PUD along M-72 East, to the east of TraVino)** (Attachment A included and incorporated by reference): Bob Rinck, Landscape Architect. Asphalt currently in state of disrepair, the Hilltop Condominiums Association wants to repair; they also have a parking shortage in the summer when condos are being actively rented. He recommended also improving safety considerations. There are 6 outbuildings supposed to be garages but really used for storage. Paved up to garages; dangerous for pedestrians to stick noses out to cross to parking lot Would like to move drive slightly away from buildings to enhance safety.

Currently parking spaces are not marked, but they estimate about 6 will be added. An undeveloped area was discovered to have some asphalt, so net impervious surface removing old/doing no is about no change. Provide turn-around for emergency services/plow trucks, garbage trucks. Would encroach about 5' closer to M-72. There is currently a stone drainage system leading to a drainage pond that would still be used. No funds available to curb entire system and let water go underground; runoff functions well now.

Corpe summarized report and property history. Carstens: what happens topography-wise if M-72 is widened? He suggested deferring the sidewalk requirement until M-72 widened, as he was unsure if MDOT would replace a pre-existing sidewalk. Jim Maitland, a Road Commissioner, felt they would, but he likes the suggestion nonetheless. Salathiel almost hit a small child who ran out between buildings. Anyone traveling fast could have caused real problems.

Smith: can we swing turnaround to north? Yes: the applicants agreed with many of Corpe's suggestions. They will be incorporated and they should be move turnaround to north a bit. Hoxsie agrees setback should be honored as much as possible. Salathiel asked if it would be safer to have the parking spaces up next to the buildings and the road closer to the M-72 ROW instead. Rinck: moved 10' from building to try to help.

Smith noted that we do have a landscaping ordinance for parking areas. Rinck assured that final plan would meet expectations. Carstens: how often have we allowed landscaping to deviate if placed elsewhere instead? Parking lot trees could be used along perimeter to further stabilize slope. Planting won't be seen from road; point is often to soften view for others. Wouldn't want to move parking much to west – it would become visible and you would need more of the standard landscaping

requirements to be met. Sherberneau would like to explore the possibility of moving the parking north between the buildings. Rinck: between 1 and 2 the might exceed 8% east/west. Might create a financial hardship to create. Costs must be split between 24 owners.

Smith noted that next scheduled meeting is July 26. There will be a public hearing for the Village. He would suggest scheduling a different date for this and LochenHeath near then. Herb suggested meeting on the 27<sup>th</sup>. Everyone would like the 28<sup>th</sup>. Corpe will try to move the Organic Plant-It hearing too.

**Motion by Carstens, support by Hoxsie to schedule a public hearing regarding Application #2004-12P for July 28. The Chair cast an unanimous ballot, there being no objection.**

- b) **Preliminary Hearing regarding Application #2004-5P by LochenHeath LLC for amendment to existing PUD Special Use Permit to relocate existing main entrance drive along US 31 and construct clubhouse** (Attachment B included and incorporated by reference): Dr. Mark Krakow, a partner in the LochenHeath Development introduced Jim and Barb Maitland and John Lang, the other partners. They are seeking to expand the existing 277-acre development permitted in 1999. Joe Elliot, Gourdie Fraser provided a PowerPoint presentation. He noted that the full application is being handled in two portions, an amendment to the existing development and a new Open Space Development (OSD).

The current development contains 84 lots. It opened in 2001, and has 470 Non-Equity memberships. 25 of the lots and 30 of the memberships have been sold. A planned clubhouse has not yet been constructed. The second application for an OSD on the former "Selkirk" orchard, now known as the Veliquette property, would contain 409 units. The two would be joined and served by a new joint access from US 31. LochenHeath is currently accessed from Maitland Road, which also serves several private property owners. It has been proposed to gate this road to the west of US 31 North and have it become a private road. Between the new gate and an inner gate would be the John Pulcipher household, and the inner gate would be a service entrance only. Smith asked if there is any change to the current 84-lot configuration; Mr. Elliot replied that at the current time the only planned changes are to build a clubhouse, turn an existing structure into a sales office, and relocate the drive.

Smith introduced Roger Williams who has been hired to serve as review consultant for the township, as both R Clark Associates and Gourdie Fraser, our customary consultants, are serving the applicants for these two projects. Mr. Williams summarized his report, saying that he finds the application very straightforward and in compliance with township requirements, and recommends setting a public hearing.

Smith asked if steps have been taken to abandon Maitland Road. Mr. Elliot said this would be deferred until later in the process. Hoxsie asked about road setbacks from the Pulcipher Orchards; Mr. Elliott said the road would be configured to provide a buffer between the uses.

David Amon asked if the current SUP makes reference to air and water drainage concerns. Mr. Williams stated that the current approval does reference these requirements, but he views no landform or structural changes that might have a negative impact on these factors.

John Pulcifer may have a concern in this regard. Originally he and Mr. Maitland agreed to have no landscaping in this area to ensure continued adequate airflow.

**Motion by Hoxsie, support by Sherberneau to schedule public hearing regarding Application #2004-5P for July 28. The Chair cast an unanimous ballot, there being no objection.**

- d) **Preliminary Hearing regarding Application #2004-6P by LochenHeath LLC for Special Use Permit/Site Plan approval for an Open Space Development expansion of LochenHeath community housing throughout approximately 370 acres of land on the west side of US 31 North, immediately to the north of Dock Road and south of the existing LochenHeath development (the “Veliquette Orchard”), currently zoned A-1, Agricultural and R-2, Residential** (Attachment C included and incorporated by reference): Mr. Elliott continued with the second portion of the overall LochenHeath application, noting that at the May Commission meeting the partners and general type of project was introduced.

The new project includes 351 acres exclusive of road ROW, 260 inclusive. They plan to use the OSD, and are looking at adding 194 single-family lots, 80 cottages around man-made lakes and 135 attached housing units. 409 units are permitted by our Ordinance if the required minimum 50% open space is maintained.

Mr. Elliot displayed a 2002 aerial photograph showing orchard areas with mature woods on the western portion of the property. There is a steep valley draining towards LochenHeath on the north end, a major ridgeline on the east side and significant viewsheds – including ones specifically mentioned for protection in the Master Plan in the southeast corner. Surrounding uses are all basically residential or agricultural. Approximately 100 acres are zoned R-2 with the remainder zoned A-1.

Mr. Elliot displayed a general schematic of the development showing the open space areas (including the man-made lakes) at a current total of 57%, 6% for rights-of-way and the balance for housing. There are wetlands in the southwest corner of the property that were identified about 20 years ago; a new delineation has been done that will be verified by the DEQ and which is expected to show that the wetlands areas are somewhat smaller than expected. There is a wellhead isolation area for wells that serve the Deepwater Pointe Condominiums. There will be approximately 30 acres of man-made lakes included in the total open space. The rest of the open space would consist of linear parks with about 5 miles of internal trails linking every lot and including lakeside trails to common lake area.

The 135-unit bonus density for clustering is contained within the planned attached housing. A second graphic showed the proposed building lots and cottage and attached housing sites. They are awaiting MDOT response regarding site distances at proposed US 31 access. All roads will be 24' wide and curbed. None of the 5 miles of roads end in culs-de-sac. From northeast to southwest, the lakes drop a few feet in elevation to allow water to flow following natural drainage patterns (predominantly towards the southwest) through the site and to make it enjoyable for recreational paddle-craft. Natural infiltration will be used to manage stormwater runoff, filter it and cool it down before it ultimately reaches the lake. No more water would be permitted to leave the site than currently leaves it now. There is a drainage easement along the southwest side just north of Dock Road that the Soil Erosion Department wants to ensure do not become overloaded. Project phasing will be important.

There is a sewer easement accessible on Deepwater Point Road that will lead to a lift station near Bertha Vos School. Studies have been performed, and the 8" mains will be able to handle the flow capacity, although the lift station may need an upgrade. The existing portion of LochenHeath is served by a community septic system; this system can be connected to the regional sewer system and this will be requested. The existing property is just outside the sewer service district but the community system was installed on the premise that it would be connected to the regional system as soon as possible (the township was still experiencing flow limitation issues at that time.) Technically, this would represent a small increase in the sewer service district. The new OSD section of the development is entirely within the sewer district. The plans provide for the possibility of connecting to the water system across the Road at the Resort, specifically Wolverine Heights.

A phasing plan is provided, but Mr. Elliot noted that it represents a current best guess only and will certainly be changed over time once construction begins. The first phase would be the northeast side of the property.

New tonight at Mr. Williams' suggestion is a lighting plan; none was first provided because little outdoor lighting is planned. There would be some at the gatehouse, at strategic points where walking paths meet roads to enhance safety awareness and at the recreational center near the lakes. No specific design has been chosen, but the fixtures will meet dark sky requirements.

Russ Clark reported regarding the proposed landscaping plan. The number of total trees that the ordinance will require has been identified, and the landscaping plan has been proposed so that trees will be clustered in areas that will enhance and frame views rather than blocking them. Because the site will start out rather devoid of trees, ornamentals and shrubberies will be added to open space areas to enhance appearance. Significant landscaping will be present at the gatehouse to identify the development. Mr. Elliot handed out some supplemental information provided in response to Mr. Williams' questions and the new lighting plan.

Mr. Williams provided a detailed analysis of the application in a staff report. He met with Brad Kaye from Gourdie Fraser to go over the report. Further, he provided a checklist showing how the application stacks up against the SUP and OSD process requirements. Several items needing enhancement were identified. After a quick scan of the new materials, he feels that most or all of his concerns have been or will be adequately addressed. Mr. Williams particularly noted fire suppression concerns, sturdy bridge construction and Soil Erosion Department questions regarding the construction and maintenance of the proposed lakes.

Smith asked if there will be fire hydrants, or will water be drawn directly from the lakes if necessary. Mr. Elliot originally proposed a dry hydrant storage system but Metro Fire did not approve. Also, once a fire protection system must serve more than 250 users there must be storage tanks for water. Smith asked how deep the lakes will be; the plan is to be 15 feet deep and ultimately stocked with fish, and available for swimming and non-motorized boating.

Mr. Williams said that he and Mr. Kaye discussed the attached housing in the northern portion of the site, which is zoned A-1. The OSD doesn't allow multi-family housing in an underlying A-1 district, so a rezoning may be required in the future. He also noted that plantings used must be on the local Conservation District's "approved" list.

Hoxsie asked Mr. Clark about a project he did for the township about 3 years ago that discussed techniques for ridgeline preservation. How does this project fit with those principles? Mr. Clark pointed out the area with the numbered protected viewshed that contains a ridge. The road is higher than the internal property at this point. Vegetation can be used to screen houses from the roadway, and a cross-section can be created to give everyone a better idea of how this area would be planned. Smith noted that at a previous meeting to visit the site in April, there was a discussion of a possible area where a solid wall might be erected. Is this still in the plans? Mr. Elliot says there might be some limited wall usage, particularly near Dock Road.

Salathiel asked if there are any reasons for concern about air drainage. Mr. Elliot replied that for this reason some of the road are proposed to be a lower elevation than the land currently sits at. They would work with their neighbors to assure appropriate contours for air drainage and buffering between orchards and roads. John Pulcifer, one of the primary agricultural neighbors in question, does want to ensure that air drainage is maintained. Failure to do so can ruin an orchard.

Carstens has a primary concern with ensuring that the stormwater treatment is of highest quality. He fears that the wildlife corridor in this area will be diminished, and would like it to be maintained as much as possible. Salathiel asked how the streams connecting the ponds would operate; Mr. Elliot replied that circulation pumps will help the water flow, but the water is largely self-contained within the system.

Sherberneau asked about setbacks from Dock and Peaceful Valley Roads. Mr. Elliot stated that the distance between building envelopes and the development edges are being maintained at a minimum of 50', with some buffer areas being as great as 100' – 200'. Carstens asked who would pay for sewer system upgrades if necessary. Mr. Elliot stated that the benefit fees paid by the new houses would fund downstream improvements. Sherberneau recalls seeing in the application that existing woodlots on the southwest and northwest edges of the property will be maintained. Mr. Elliot confirmed that the only area where there will be significant encroachment on existing wooded areas would be in the southwest ponds.

Corpe noted that no access is planned to Deepwater Point or Peaceful Valley Roads; Mr. Elliot agreed, noting that right now there is a breakaway emergency access is planned along Dock Road. They are looking at areas other than Deepwater Point if secondary access is necessary for emergency services. Jim Maitland noted that the north end of Bay Valley has a gated entrance that connects to LochenHeath so that there is more than one way in and out of Peaceful Valley in a crunch; this gate was used a few years ago after a wind storm felled some trees across the road.

Dave Amon 7404 US 31 North lives across from the proposed development. He also says that there is a 10" tile drain at the Music House that provides a lot of drainage. He is anxious that they be maintained; before this was in place and tile lines from his side of the road were installed, his basement would be flooded every year. Flows from the east side of US 31 north need to be maintained.

Salathiel asked about a statement of sewer interconnectivity in the application. Could addition of sewers for this project cause residents of Peaceful Valley who don't currently have sewer service to be forced to hook up? Mr. Elliot doesn't foresee this problem, but if they wanted to hook-up a connection opportunity could be provided.

Mr. Williams asked if current orchard areas not in early phases of the development would remain in place after the early phases or not. Mr. Pulcifer pointed out that if the trees are not maintained they should be removed quickly to prevent the spread of disease. Smith asked Gene Veliquette about his plans for the trees; Mr. Veliquette replies that they hope to transplant most of them within a year. Mr. Maitland assured the public that trees not properly maintained would be removed. Mr. Pulcifer is also hooked into the tile system Mr. Amon mentioned, and also wants to ensure the system remains intact. Mr. Pulcifer also asked about the placement of the service building. Amon asked what would happen to existing sales building; Mr. Elliot says that there area no particular plans for it at this time.

Smith commended the presentation packet as being one of the most complete he has seen in his tenure. Salathiel nodded her assent. Smith also commended Williams' staff report.

**Motion by Sherberneau, support by Hoxsie to set a public hearing on Application #2004-6P for July 28. The Chair cast an unanimous ballot, there being no objection.**

- e) **Continuation of Preliminary Hearing regarding proposed Zoning Ordinance Amendment #127: M-72 Corridor Overlay District** (Attachment D included and incorporated by reference): Smith noted that this initiative has been ongoing for several years. Brad Kaye has worked with the subcommittee (Krause, Hoxsie, Salathiel, Smith) to produce the Ordinance as a mechanism to protect the natural beauty of the M-72 Corridor, the eastern gateway into Traverse City as this area develops. The proposed new ordinance includes a right-of-way buffer sample landscaping design that can be duplicated in 200' segments.

Mr. Kaye stated that the project began to address access management issues but has grown to include setbacks architectural design expectations and landscaping requirements. One thing that needs to be done is to clean up some language that refers to landscaping plan when done; it is done so the statements need minor revision. The one other thing that needs to be addressed are landscaping standards for medians in divided driveways; Smith recalls that this was to be addressed during the hearing process due to concerns about protecting clear sight areas for traffic safety. Mr. Kaye noted that several definitions have been added to or amended in the Ordinance, and a new concept for building setbacks – having standards that vary with the building size-is included.

Carstens asked if this proposed ordinance is automatically reviewed by the Road Commission. Corpe replied that County Planning automatically reviews it, and she is sharing it with the M-72 Corridor Access Management to get their feedback. Sherberneau asked if a blow-up of the map could be provided for wall. Carstens feels the work is impressive and commended the subcommittee for their persistence in bringing it forward. Smith hopes it will serve as a blueprint for others

**Motion by Carstens, support by Salathiel to go set Public Hearing regarding proposed Zoning Ordinance Amendment #127 for July 28. The Chair cast an unanimous ballot, there being no objection.**

- f) **Continuation of Preliminary Hearing regarding proposed Zoning Ordinance Amendment #126** (Attachment E included and incorporated by reference): Smith

explained the history behind this proposed amendment.

**Motion by Sherberneau, support by Salathiel to set a public hearing regarding proposed Ordinance Amendment #126 for July 28. The Chair cast an unanimous ballot, there being no objection.**

**4. New Business:**

**Motion by Hoxsie, support by Sherberneau to move the July 26 Village at Grand Traverse public hearing to a larger facility, New Hope Church being the 1<sup>st</sup> choice and Feast of Victory as the 2<sup>nd</sup> choice. The Chair cast an unanimous ballot, there being no objection.**

**5. Old Business:**

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

Smith noted that Vermetten was excused this evening for medical reasons.

Lewis Griffith noted Smith's statement about the *Record Eagle* that seems to have worked. The article in Wednesday's paper seemed fair and accurate. He particularly liked that they reported how the vote went for the public's information. Smith stated that he called Bill O'Brien to provide his compliment.

Andy Andres asked if he could have copies of information regarding proposed Amendment #127 and how soon copies. Corpe offered to provide them directly after the meeting.

**Meeting adjourned at 8:55 p.m.**