

*East Bay Charter Township*

# 3

**MEMO**

1/2/09

To: East Bay Township Board

From: Tina Allen, Zoning Department

Re: Request for Extension of SLU 1-07 (approved 3/20/07); Steve Ingersoll for Grand Traverse Academy

At their December 9<sup>th</sup> meeting, the Planning Commission recommended approval of an 18 month extension, with supporting documents, for Grand Traverse Academy. Your packet includes the letter of request and the minutes from the Planning Commission and Township Board meetings of the original recommendation and approval.



1245 Hammond Rd East  
Traverse City, MI 49686  
(231) 995-0665

**September 11, 2008**

**Leslie Couturier  
Planning Office Specialist  
Deputy Zoning Administrator  
1965 N. Three Mile Rd  
Traverse City, MI 49686-8501**

**Re: Grand Traverse Academy PUD**

**Dear Ms. Couturier,**

**Financial market conditions are not favorable at this time.  
Consequently, Grand Traverse Academy requests an extension  
of its PUD approval.**

**Sincerely,**

**Steven Ingersoll, CAO**

EAST BAY CHARTER TOWNSHIP BOARD OF TRUSTEES

PLANNED UNIT DEVELOPMENT AND SPECIAL LAND USE: SPR 1-07, SLU 1-07, FOR GRAND TRAVERSE ACADEMY, AS PRESENTED BY TEAM ELMER'S CONSTRUCTION ENGINEERING\*

Township Board Hearing Date: April 9, 2007

FINDINGS OF FACT

**General Findings.** The site is currently occupied by the existing Grand Traverse Academy which serves 920, K-12 students and has reached capacity. The proposed expansion is intended to accommodate an additional 175 elementary and 200 high school students, establishing an ultimate capacity of 1,300 students. A gymnasium will also be added to the current site, capable of seating up to 600 persons.

The current application is being presented as a Planned Unit Development, which is required in the Village Center for sites in excess of two acres. Except as modified through the PUD process, the development shall meet the requirements of the Village Center district. The proposal includes a total of approximately 40,000 square feet of additional building footprint, consisting of classrooms, gymnasium, and cafeteria. The current site is occupied by approximately 83,000 square feet of building footprint. The submittal indicates that the additional classrooms and gymnasium will occur in two phases. The first phase would include classrooms intended for preschool and kindergarten students, as well as additional parking lane for pick-up/drop-off of students. The second phase will include classrooms for high school students, a gymnasium, and an addition to the existing cafeteria. This site currently has access to both 3 Mile Road and Hammond Road.

The site is located in the VC, Village Center district, which permits a maximum building footprint of 30,000 square feet. When completed, the Academy will have a total building footprint of approximately 123,000 square feet. The site is currently served by public water and sewer. The applicant does not expect significant changes to peak water and wastewater demand of this facility. Traffic flow is expected to increase only slightly, due to an expectation that a large proportion of initial enrollment of students to Phase I of the project will be younger siblings of current students. It is expected only one car per family will pick-up and drop-off students at a time under most circumstances. Phase II is expected to be completed in 2010, with the ability to accommodate up to 200 additional high school students. The Grand Traverse County Road Commission has recommended the Academy coordinate arrival and dismissal times with other schools in the area to avoid extensive traffic delays during peak hours.

**Findings**

**A. Findings Pertaining to Modifications of Zoning Ordinance Standards Pursuant to Section 637, Planned Unit Development.**

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\* PUD application dated February 2, 2007, site plan last revised March 2, 2007, URS Traffic Study dated February, 2007, letter from Team Elmers dated March 2, 2007, together with all supplementary materials and representation.

Section 637, 5 of the PUD provisions permits the Township Board to alter certain development requirements of the Zoning Ordinance when it is found that the changes are consistent with the intent, objectives and standards set forth in Sections 637, 1, 2 and 3. Accordingly, the application incorporates alterations of the following requirements, which are determined in these Findings of Fact to be generally consistent with the intent, objectives and standards of the ordinance as set forth below.

**Maximum Building Footprint.** The Village Center district permits a maximum building footprint of 30,000 square feet. The proposed addition to the Grand Traverse Academy will add approximately 40,000 square feet to the current 83,000 square foot campus for a total of about 123,000 square feet on the 52.2 acre site. Due to the amount of open space and wetland which will remain undeveloped on this site, in addition to the compatibility of an educational facility with the intent of the Village Center district, permitting the academy to exceed the maximum building footprint is considered appropriate. The site is currently served by public water and sewer and the peak traffic demand of this facility is not expected to change significantly. The primary purpose of the building footprint limitations in the Village Center is to avoid a proliferation of large, generic commercial or industrial structures.

**Finding:** Given the institutional nature of this structure, the Township finds that this public objective is adequately addressed in this instance and the proposed building is sufficiently unique to make conversion to an industrial or commercial use highly unlikely.

**B. Findings With Regard to Section 637, 4, Planned Unit Development Regulations and Conditions.**

Education Facilities are permitted as a Special Land Use within the Village Center district. However, where the site exceeds two (2) acres in size, a PUD is required. Section 637, 4, sets forth the review standard for the Planning Commission to consider in evaluating the submittal. The following provides the standards and the findings of the Township with regard to each.

1. "The use will be compatible with adjacent land use, the natural environment, and the capacities of affected public services and facilities, and that such use is consistent with the public health, safety and welfare of East Bay Township residents and the benefits of the development are not achievable under any single zoning classification."

**Finding:** The subject property has already been developed within the parameters of the educational facility as a PUD. This project is proposed only as an addition to an existing public charter school. The Township finds that the degree of change from the existing land use to the proposed land use is appropriate and generally compatible with existing and nearby uses.

2. "The use shall be consistent with the East Bay Township Comprehensive Plan and Future Land Use Map."

**Finding:** The Township's Comprehensive Plan calls for a relatively compact and diverse mix of uses in the Village Center district. The Plan encourages uses to complement the native terrain with careful attention to pedestrian connections

between and among the various land uses. The subject site will be central to the planned Village Center. In keeping with the intent of the Village Center designation within the Master Plan, this site should be adequately equipped with pedestrian pathways, which are clearly delineated or separated entirely from vehicular traffic. Pedestrian pathways should provide easy and relatively direct access to/from the surrounding commercial and residential uses. With the conditions of approval and the sidewalks and trailways that shall eventually serve this facility, the Township finds that the proposal meets this standard of the ordinance.

3. "The use and development is warranted by the design and additional amenities made possible with and incorporated by the development proposal."

**Finding:** The design of this project departs from the standards of the Village Center district in the area of the building footprint. The typical standards within the VC district would require a maximum 30,000 square feet in building footprint, while this proposal will ultimately consist of greater than 120,000 square feet. However, the Township considers a school to be highly conducive to the goals of the master plan as well as the goals of this zoning district. Further, this use will not likely change to a more intense commercial or industrial use at any point in the future. Thus, the Township finds that this departure from the VC standards is warranted and appropriate to the location under the PUD provisions of Section 637.

4. "The development consolidates and maximizes usable open space."

**Finding:** The site will have a decreased percentage of open space subsequent to the addition, although the site will remain approximately 78% open space, including on site wetlands. The Township finds that this proposed design corresponds well with this PUD standard.

5. "Landscaping is provided to insure that proposed uses will be adequately buffered from one another and from surrounding public and private property and to create a pleasant pedestrian scale outdoor environment."

**Finding:** There is an extensive amount of natural open space on this site which separates the development from all surrounding uses including large stands of mature vegetation and wooded areas. Therefore the Township finds that the proposal corresponds well to this PUD standard.

6. "Vehicular and pedestrian circulation, allowing, safe convenient, non-congested and well-defined circulation within and access to the development shall be provided."

**Finding:** The proposal provides two connections to the public roadway system and generally vehicular circulation may function adequately, as set forth in the conditions of approval. With eventual pedestrian connections within the site and with surrounding uses and with modifications as called for in the conditions of approval pertaining to driveway modifications, the Township finds that the proposal meets this PUD standard..

7. "Existing important natural, historical and architectural features within the development shall be preserved."

**Finding:** There are a number of large wetland areas within the site which will remain preserved. Stormwater drainage will be directed to drain basins prior to passing through local wetlands. As a condition of approval, these facilities shall be reviewed by the Township's engineer and the Drain Commissioner to assure appropriate protection on sensitive wetlands and appropriate safety measures. With this provision, the Township finds that the proposal effectively responds to this standard of approval.

**C. Findings With Regard to Section 636, Special Land Use: Place of Public Assembly (large)**

The proposed gymnasium shall be treated as a large place of public assembly under Section 636 of the Zoning Ordinance. Clearly, a gymnasium is a legitimate accessory use of a K-12 school. The applicant has met the requirements of this section as follows:

1. "A place of public assembly determined to be a large facility under this ordinance shall be located so as to have its primary access directly onto one or more of the following roadways: Munson Avenue (US-31); Parsons Road; South Airport Road; Hammond Road, west of Four Mile Road; Townline Road and/or Three Mile Road."

**Finding:** The Township finds that the proposed gymnasium will have direct access from both Hammond Road, west of Four Mile Road as well as from Three Mile Road, thus meeting the requirements of this standard.

2. "A place of public assembly determined to be a large facility under this ordinance shall be located on a parcel of land with a minimum area of five (5) acres. Provided, however, that such facility shall meet the maximum lot coverage requirements of this ordinance."

**Finding:** The Township finds that the the proposed use and facility will meet this standard.

3. "For a place of public assembly determined to be a large facility, the Zoning Administrator may require the completion of a traffic impact study under the terms of Section 227 of this Zoning Ordinance."

**Finding:** The applicant has provided a traffic impact study with the application for PUD and the Township finds that the proposal has met this standard of approval.

4. "All signs shall be in compliance with the provisions of Section 215 of this Ordinance."

**Finding:** The sign proposed at the entrance from Three Mile Road is 4.5 feet by 2.6 feet in area and will be illuminated in conformance with all standards of the ordinance. The Township finds that the proposed sign will meet the requirements of the ordinance.

5. "All off-street parking shall be in compliance with Article VII of this Ordinance."

**Finding:** No additional parking is necessary beyond that which has already been provided. Given the uses of the site, the applicant is required to provide 330 spaces. The number of spaces currently provided totals 345 and the Township finds that the proposal has meet the requirements of the ordinance.

6. "Landscaping and Buffering shall be provided in accordance with Section 229 of this Zoning Ordinance."

**Finding:** The Township finds that the proposed site plan meets all requirements of section 229.

#### D. Findings With Regard to Section 820, 7, Criteria for Site Plan Review.

1. **General Findings.** The following findings are reached in connection with the materials submitted as outlined in paragraph A hereof and based on Section 820, 7 of the Zoning Ordinance:
  - a. **Dimensional Characteristics.** As a PUD, the Planning Commission may vary lot dimensions or other provisions of the zoning district. In the VC district, minimum lot area is 7,200 square feet with 60 feet of lot width. Approximately 78% of the site will be in open area, and much of that is wetland. All portions of the proposed development meet the setback standards of the district.
  - b. **Traffic Study.** The proposed development currently has one connection to Hammond Road and one connection to Three Mile Road. The traffic study identifies slight to moderate decreases in expected level of service at most intersections. However, this study also highlights a significant decrease in traffic level of service at the intersection of Hammond and Grand Traverse Academy, falling from LOS "B" to LOS "F" during PM peak hours. While it should be noted that the Grand Traverse Academy does not expect to approach the ratio of 1 vehicle per student attending school, this study suggests delays per vehicle in southbound lanes will be 114.5 seconds during AM peak hours, and will exceed 120 seconds per vehicle during PM peak hours if one vehicle per attending student arrives/departs during peak traffic hours. Additionally, levels of service are expected to fall to LOS "F" at Three Mile and Grand Traverse Academy Drive as well as Hammond and Chartwell. This will result in excessive queuing on the project site - as opposed to on local public roads. However, as wait times become intolerable, the risk of dangerous or aggressive driver behavior increases. Therefore, the site plan shall be adjusted to the satisfaction of the Township Engineer and the East Bay Township Planning and Zoning Department to provide adequate two-lane stacking at both driveways to assure that right-turning traffic is not obstructed by left-turning traffic. Alternatively, the Township Engineer, the Township Planning and Zoning Department and the applicant's engineer may agree on other measures to mitigate failure conditions at both intersections.
  - c. **Parking.** Proposed parking will meet the standards of Section 702.2, which requires one space for each teacher, administrator or employee as well as one space per ten high school students. The site plan illustrates a total of 345 spaces. The total required number of spaces for all uses on site would be 330.
  - d. **Signs.** A 4.5-foot by 2.6-foot sign is proposed near the entrance off Three Mile Road, properly setback a minimum of 15 feet from the right-of-way. An illustration and description of this sign has been provided, as well as the indication that the new sign will be similar to the existing on-site sign facing Hammond Road.

- e. **Lighting.** On-site illumination is already present on this property and to the extent that additional lighting is to be provided, it shall comply with Section 210.
  - f. **Landscaping and Buffering.** A Landscape Plan illustrates plant species, number of plantings and general planting location for typical planting areas adjacent to the building walls in accordance with Section 229. At least 75% of the site would be devoted to landscaped and/or natural open space in accordance with Section 229, 2. An aerial photograph shows the current wooded areas of the site has been provided and the Township may rely on the applicant's assertion that the vegetation in the indicated areas will be left undisturbed.
2. **Criteria for Site Plan Review:** In the process of reviewing a site plan, the Planning Commission shall consider;
- a. That there is a proper relationship between the existing streets and highways within the vicinity, and proposed deceleration lanes, service drives, entrance and exit driveways, and parking areas to assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and access plan conform to any street or access plan adopted by the Township or the County Road Commission.
 

**Finding:** All service drives, entrance and exit driveways and parking areas are pre-existing. However, to address decreases in levels of service at both driveways the site plan shall be adjusted satisfactory to the Township Engineer and the Planning and Zoning Department of the Township to mitigate excessive traffic cueing at both driveways. In addition, pedestrian facilities satisfactory to the Zoning Administrator and Township Planner to connect the site to surrounding land uses and to regional facilities shall be provided when regional facilities are provided along Three Mile Road and Hammond Road.
  - b. That the buildings, structures, and entrances thereto proposed to be located upon the premises are so situated and so designed as to minimize adverse effects upon owners and occupants of adjacent properties and the neighborhood.
 

**Finding:** The Township finds that all buildings, structures and entrances are properly setback from all lot lines and screened by natural vegetation.
  - c. That as many natural features of the landscape shall be retained as possible, particularly, where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.
 

**Finding:** The Township finds that more than 75% of the site will remain devoted to opens space in the form of wetlands, wooded areas, natural vegetation and professional landscaping.
  - d. Adverse effect of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing or walls, or landscaping.

**Finding:** The Township finds that all buildings, structures and entrances are properly setback from all lot lines and screened by natural vegetation.

- e. That all provisions of this Ordinance are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.

**Finding:** Except as modified through the provisions of Section 637, Planned Unit Development with respect to the area of building footprint, the Township finds that the proposal, subject to the conditions of these findings of fact, will comport with the requirements of the Zoning Ordinance.

- f. That all buildings and structures are accessible to emergency vehicles.

**Finding:** The Township finds that the proposed site plan, as adjusted in accord with the comments of the Grand Traverse Metro Fire Department will meet the access requirements of the ordinance. .

- g. That a plan for erosion control, storm water discharge, has been approved by the appropriate public agency.

**Finding:** The Township finds that the drainage plans conceptually meet the requirements of the County's erosion control ordinance, but condition this approval on a further review by the Township Engineer or the Drain Commissioner to assure minimal impact on sedimentation and rates of flow and appropriate safety measures.

- h. The relationship to shore and stream preservation principles where appropriate.

**Finding:** The Township finds that this standard is not applicable, except as outlined in finding "g" above.

- i. That the plan as approved is consistent with the intent and purpose of zoning to promote public health, safety and general welfare; to encourage the use of lands in accordance with their character and adaptability to avoid the overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties; to preserve property values and natural resources; and to give reasonable consideration to character of a particular area, its peculiar suitability for particular uses and the general appropriate trend and character of land, building, and population development.

**Finding:** The Township Engineer has reviewed the plan and determined the project to be able to meet the minimum requirements of the Grand Traverse county DPW Standard Water and Sewer Specifications. Therefore, except as specifically addressed in the conditions of approval, the Township finds that the site plan meets the requirements of the Zoning Ordinance.

### Conditions of Approval:

The Planned Unit Development for the expansion of Grand Traverse Academy is approved, with the following conditions:

1. No preliminary or final earthwork, grading or timber removal shall be undertaken on the site until a land use permit has been issued.
2. Adjustment of the site plan to the satisfaction of the Township Engineer and the East Bay Township Planning and Zoning Department to provide adequate two-lane stacking at both driveways to assure that right-turning traffic is not obstructed by left-turning traffic. Alternatively, the Township Engineer, the East Bay Township Planning and Zoning Department and the applicant's engineer may agree on other measures to mitigate failure conditions at both intersections.
3. The applicant shall cooperate in the provision of pedestrian facilities along the frontage of Three Mile Road and Hammond Road when the trails, sidewalks or other non-motorized facilities are provided. In addition, the applicant shall provide either a concrete sidewalk at least five feet in width or an asphalt trail at least eight feet in width to connect from the trail or sidewalk along Three Mile Road to the school building. In addition, the applicant shall provide either a concrete sidewalk at least five feet in width or an asphalt trail at least eight feet in width to connect from the trail or sidewalk along Hammond Road to the school building, regardless of when and whether such future trails are established. Said on-site sidewalk or trail shall be physically separated from vehicular travel areas either by elevation and/or by a green median sufficient to provide a safe isolation for pedestrians from vehicles. The foregoing notwithstanding, the applicant may defer completion of sidewalk or trail construction on the portion of the site adjoining Three Mile Road as a construction staging area.
4. Provision of detail satisfactory to the Zoning Administrator and Planner regarding any additional site lighting in conformance with Section 210.
5. Provision of detail satisfactory to the Zoning Administrator and the Township Engineer or Drain Commissioner to assure that on site storm water management is effective to protect the Mitchell Creek watershed from increases in sedimentation or rates of flow and includes appropriate safeguards such as fences or safe slopes.
6. The applicant shall annually coordinate scheduling with other nearby schools so that their collective traffic impact can be spread out over different times of the day, and not all occur simultaneously.

**SPECIAL MEETING OF THE EAST BAY CHARTER TOWNSHIP  
PLANNING COMMISSION  
MARCH 20, 2007**

**PRESENT:** Mike Nickels, Kevin Endres, Beth Friend, Holly Hawkins, Ted Hentchel, Robert Tubbs

**ABSENT:** Ralph Bergsma (Excused)

**ALSO PRESENT:** Leslie Couturier – Deputy Zoning Administrator, Bob Perry, Zoning Inspector, Jay Kilpatrick - Planner, Haider Kazim – Township Attorney, Kathy Bickford – Recording Secretary

Twenty-three guests were in attendance.

Conflict of Interest – None.

Chairman Nickel called the meeting to order at 5:30 p.m. Role was taken and a quorum was present. *A motion was made by Friend/Hentchel to approve the Agenda as amended (removal of Lakes Overlay Work Session). The motion was approved.*

**Public Input other than Agenda items – None.**

**New Business:**

- A. Special Land Use 1-07/Site Plan Review 1-07; Planned Unite Development (PUD) for Grand Traverse Academy Charter School; Public Hearing and Recommendation to Township Board.**

Public Comment opened by Chairman Nickels at 5:50 p.m.

Bob Otwell of 525 Washington St., spoke regarding pedestrian and bike traffic. Recommends and urges the Planning Commission to build a trail along 3 Mile Rd., with the widening of this road. Look to connect trail into the arterials in the area, as well as adding sidewalks to other districts.

Public Comment closed at 6:00 p.m.

**Special Land Use 1-07, Planned Unit Development** application and **Site Plan Review 1-07 for Grand Traverse Academy Public Charter School**, applicant, on the property commonly known as 1245 Hammond Rd., Traverse City, MI 49686, on parcels 28-03-220-038-00 and 28-03-220-037-00. The property is zoned Village Center, (VC). The request is for approval of a Special Land Use pursuant to Section 619 Educational Facilities and 637 Planned Unit Development; an addition to an exiting educational facility consisting of additional classrooms, gymnasium and music facilities.

The proposed addition will be one story and three stories, fifty (50) feet in height on a site which is approximately 52.20 acres in area. Final approval authority for a PUD rests with the East Bay Township Board.

Chairman Nickels opened the meeting to the applicant and all repretatives of the Academy. Kay Mently spoke, gave brief overview of proposed expansion of school. The school opened in the year 2000. School currently serves grades K-12, with this year being the first graduating class. School

employees total 95. One third of students are in the same family, with 25% of students utilizing a car-pool system.

Representative of Elmer's spoke, indicates the time-frame that each Phase if approved will begin and finish. Phase I, which includes the Pre-K through K, will be completed in the fall of 2007. Phase II which includes the high school and gym will be completed in 2010. New landscaping of site is planned.

Memorandum from Jay Kilpatrick, dated March 13, 2007, six pages in total, combined with his 'Findings Of Fact, seven plus pages in total comprehensively lay out for the board the application itself, with Recommendations, Background, Completeness of Submittal, PUD Approval Standards, followed by comments. Additionally, Jay addresses Special Land Use – Place of Public Assembly, Site Plan Review, with dimensional characteristics, traffic study, sidewalks and trails, parking, signs, lighting, along with landscaping and buffering.

The **Findings Of Fact** cover the **Background**, of the SPR, followed by **Findings**, and within the 'Findings', **modifications of zoning ordinance standards**, and **maximum building footprint**.

These 'findings' are followed by **Findings with Regard to Section 637, 4, Planned Unit Development Regulations and Conditions**. Within these 'findings' seven standards are spoken to, with a 'finding' for each standard.

**Findings with Regard to Section 636, Special Land Use: Place of Public Assembly (large)**. Jay speaks to six requirements of Section 636, and the findings of each requirement.

**Findings With Regard to Section 820, 7, Criteria for Site Plan Review**. Included in these findings are: **dimensional characteristics, traffic study, parking, signs, lighting**, as well as **landscaping and buffering**.

Jay lays out a **Criteria For Site Plan Review**, for the Planning Commission to consider. Nine separate criteria are stated with the findings noted for each.

The summary of the document, Conditions Of Approval, are numbered 1-5, for the PUD, expansion of Grand Traverse Academy.

Board discussion ensued, with questions and comments regarding time-frame of Phases, the building of sidewalks, connectivity to the TART Trail, whether any students currently walk or ride a bike to school, as well as the connection to both 3 Mile Rd., as well as Hammond Rd.

*A motion was made by Endres/Tubbs to recommend to the Township Board to approve Special Land Use 1-07/Site Plan Review 1-07 subject to the attached draft<sup>1</sup>-findings of facts and conditions as amended per the Planning Commission on 03/20/07 (attachment A). The motion was approved without opposition.*

Chairman Nickels adjourned the meeting at 6:40PM.

Respectfully submitted,  
Kathy Bickford

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<sup>1</sup> As amended per the P.C. 05/01/07

**EAST BAY CHARTER TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING  
MARCH 6, 2007**

**PRESENT: Mike Nickels, Kevin Endres, Beth Friend, Ted Hentschel, Robert Tubbs**

**ABSENT: Ralph Bergsma – Excused with E-mail report, Holly Hawkins - Excused**

**ALSO PRESENT: Leslie Couturier – Deputy Zoning Administrator,  
Jay Kilpatrick – Planner, Bryan Graham – Legal Counsel, Robert Perry – Zoning Inspector, Kathy Bickford – Recording Secretary**

Twenty seven guests in attendance.

Review for Conflict of Interest – None

Chairman Nickels called the meeting to order at 6:33 p.m. Role was taken, and a quorum was present. *A motion was made by Endres/Friend to approve the agenda as presented. The motion was passed without opposition. A motion was made by Friend/Endres to table approval of the minutes from the February 6, 2007 Planning Commission meeting until Special Meeting on March 20, 2007. The motion was approved without opposition.*

**Reports:**

Glen Lile supervisor for Eastbay Township spoke regarding the Land Use and Transportation Study Group, and the start up date which will begin in approximately 4-6 weeks. The cost of the study has been budgeted at 1.3 million dollars, with 99% of the cost covered by money previously earmarked for the Cass/Hartman Road Bridge. The concern here is that community involvement will fall short of what is needed to comprehensively address this area of study. If the participation by citizens is not major, the study will sit on the shelf, and the projection will be that it is not central enough for the citizenry of Grand Traverse County.

Township Board – Beth Friend introduced Bryan Graham legal counsel to East Bay Township. Beth and Bryan Graham spoke, reviewing the minutes from the 2-12-07 Regular Township meeting. This meeting covered items **Seasonal Boat Dock Application – Villas at Grand Beach and Sugar Beach Resort; Water Ridge Condominium/East Bay Calvary Church – Special Land Use; Zoning Ordinance Amendments per Zoning Enabling Act (MZEA)**; as well as several other items on the agenda for the meeting.

Appeals Board – No report

Planners Report – No report

Z.A. Report – Leslie indicates that Glen Forest e-mailed request to be put onto next months agenda.

Committee Reports – None

Communications – Their will be no April 3, 2007 Planning Commission meeting as the Planner and others will be out of town.

**New Business:**

**A. Special Land Use 1-07/Site Plan Review 1-07; a Planned Unit Development (PUD) for Grand Traverse Academy Charter School.**

Per memorandum to the Planning Commission of East Bay Township, from Jay Kilpatrick, and Ryan Kilpatrick of William and Works. Memorandum dated February 27, 2007 highlighted. This memo covers **Recommendation/Background/Completeness of Submittal/PUD Approval Standards followed by Comments/Site Land Use – Place of Public Assembly/Site Plan Review** followed by **Recommendation**. The Recommendation is written as follows: “ It is recommended that the Planning Commission present the comments in this report, and additional perceptions on the proposal, to the applicant on March 6, Work Session, per Section 601, 3, a. Although there may be issues needing further clarification, with the input from the Planning Commission, the applicant may make further adjustments and the application could be scheduled for public hearing at the special Planning Commission meeting on March 20, 2007.”

- ❖ Kaye Mentley spoke, introduced herself as Superintendent of Grand Traverse Academy, Charter School, noting that it is a public school funded by the government. States that the school has worked in the capacity as “good neighbors” in East Bay Township. Currently the school has an enrollment of 910 students; approximately 450 cars per day enter and exit the school grounds. Substantial amount of students are transported by a system of car-pooling, which helps with the flow of traffic, easing congestion. Times for arrival and dismissal are also staggered to allow for easier flow of school based traffic.
- ❖ Scott Joswiak, Elmer’s Engineering, spoke, indicating that all area agencies, needed approval from in the process application have determined that requirements have been met, with approval granted. The project will be built in two phases; firstly the Pre-K through K, second phase will consist of high school, being 3 stories high. There will not be additional parking built. School hopes to have tennis courts and auditorium built within the additions. There will not be the removal of any trees. Some of the playground equipment, swing sets in particular will be moved to another area.

- ❖ Bob Summerfield, architect spoke, gave brief overview of proposed addition, and indicated that all exits from site will have sidewalks built, which will run outside the entire perimeter of the school building.

Board discussion ensued; with question from Hentchel, questioning the architect, asking whether the new addition stay within the current footprint of the building, with the answer given as yes. Question regarding hours of operation for school, including times of Quality Care Program.

Laura Alyswoth Spokesperson for URS gave overview of report of traffic study commissioned by the Grand Traverse Academy, for submission to the Planning Commission of East Bay Township. The overview highlighted the five sections of the report, and the conditions within each section. This **Executive Summary** covers the *current traffic conditions 2007*, and conditions estimated for 2008, taking into account *base year, and opening year conditions*. The report, in its 22 pages in length breaks down, and summarizes the findings of the traffic study.

The recommendation, extrapolated from within the report is as follows: *“Based on the opening year (2008) condition analysis, which includes the completion of the Grand Traverse Academy addition, no changes are recommended to the geometric layout of the study intersections. As queue lengths and delay increase for left-turning vehicles exiting the site at Three Mile Road, it is likely that drivers will utilize the site drive at Hammond Road. Though the movements exiting the Grand Traverse Academy are anticipated to operate at poor levels of service when students are released for the day, this poor level of service occurs over a short time and primarily impacts those vehicles leaving the site, not vehicles on the roadway network.”*

Robert Tubbs spoke, has question/concern regarding the traffic delay. Questions whether new school to be built at Carlisle Road was taken into consideration when performing study. Answer to question was no. Question regarding adequate parking, with answer given as yes.

- ❖ Anita Silverman Landscape Architect spoke, stating that site will remain in its current natural setting. Any disturbance of trees or shrubbery will be replanted. A mixture of maple, white pine, low maintenance planting.

Beth Friend questions if there are any proposed trails for the site, which would address the Master Plan, connecting the school with the Village Center area within East Bay Township. Answer was no.

Jay Kilpatrick spoke, indicates what has been set forth within his memo to the Planning Commission, a **Public Hearing is scheduled for March 20<sup>th</sup>, at 5:30 p.m. at the East Bay Township Hall.**

*A motion was made by Hentchel/Endres to set forth a Public Hearing and Action on March 20<sup>th</sup> 2007, at 5:30 p.m. The motion was approved without opposition.*

### **C. Lakes Overlay; Work Session**

Jay Kilpatrick spoke, highlighted memorandum from December 26, 2006. Within this memo, Jay writes at length to the following: The Planning Process and Recommendations. Jay outlines within the recommendations key provisions of the overlay district which are as follows:

***Zoning Structure/Applicability/Purpose/Permitted Uses/Application Procedures/Application Requirements/Development Standards/Property and Vegetation Maintenance Standards/Keyhole Patterns/Open Space Design/Boardman River District/Septic Tank Time of Sale Inspections/Non-Native Aquatic Plants and Animals.***

Jay indicated to the Board that monetary resources have been exhausted. The total cost of the project will cost between \$6000.00 – 8000.00.

Discussion by Bryan Graham in the form of how state law applies to local ordinances and their applicability to enforcement in the court system. He indicates to the Board that state law pre-empts local zoning ordinances.

Chairman Nickels opened the meeting to public comment at 7:52 p.m.

- ❖ Joseph Quandt, attorney, spoke on behalf of his client, Salon Real Estate Company. Compliments were paid to the hard work performed by the committee. Acknowledgement of Township's legal counsel, Bryan Graham and his knowledge of the law regarding legalese of issues confronting this committee, its recommendations, and subsequent ordinances. Mr. Quandt indicated that he had sent a letter to Zoning Administrator, dated January 25, 2007 which he addresses concerns that could potentially affect his clients' future development of property.
- ❖ Jim McDowell, of Arbutus Lake and CCAL spoke, states that currently water quality of lakes is good, and that Arbutus Lake is checked regularly for pollutants. His states that biggest concern is septic systems of lake property owners, and ideally, septic systems would have to meet a standard when home is sold on lakes.
- ❖ Ken Smith, President of Northern Michigan Environmental Action Council, spoke, highlighting thoughts which he had sent e-mail to several dozen citizens, residents of East Bay Township, Planning Commission members, as well as residents of Grand Traverse County outside of East Bay Township. This e-mail dated January 9, 2007, put forth thoughts regarding changes to the Townships zoning ordinance, and potential initiatives by the Township Board. He congratulated the Lakes Overlay Committee for their willingness to participate in the process. He states that his belief is that the State Of Michigan is not wholly

doing their job in terms of protecting lakes, and other bodies of water as defined under law.

- ❖ Steve Largent spoke, spoke to several issues of concern, vegetative buffers are needed to protect the shoreline and natural setting that is oftentimes disrupted by property owners in the pursuit to clean up their area cosmetically. Example of this would be the removal of fallen tree into water, which under naturally occurring circumstances would be left in water, serving a multiplicity of uses for wildlife habitat including aquatic. It is important also that citizens understand as well as the Board that different protections are needed for diverse bodies of water, i.e., rivers, lakes, streams. Contends that larger homes are replacing small cabins on all bodies of water, and septic tanks are an issue in terms of failure linked to water pollution.
- ❖ Scott Howard, attorney spoke, stating that although studies were not part of the information gathering data, reviewed and discussed by the Committee, there are studies that have been performed and data submitted that support the idea of a Lakes Overlay point of view.

Chairman Nickels closed public comment at 8:18 p.m.

*A motion was made by Tubbs/Friend to have William & Works draft objectives and ordinance language to be reviewed by the Planning Commission and Township Legal Counsel with the process culminating in a public hearing to be held in the summer of 2007. The motion was approved without opposition.*

Chairman Nickels suspended meeting for break from 8:20 p.m. until 8:25 p.m.

#### **B. Master Plan Review; Initial Discussion**

Jay Kilpatrick spoke, highlighting his memorandum to the Board dated February 26, 2006. Within this memo Jay recommends the Board addresses several issues which are as follows: Current Master Plan Policies and Strategies with seven subtopics under this description. Secondly, Emerging Issues/Challenges, with two subtopics under this description. Thirdly, Smart Growth Readiness Assessment, which have ten guidelines, as well as opinions of these guidelines. Jay states that the Smart Growth Readiness Assessment should be discussed at a joint meeting. Within this discussion, Three Mile Road, Utilities, Trail System and the Townships budget for this Master Plan review should be part of the joint meeting discussion.

Chairman Nickels adjourned the meeting at 9:10 p.m.

Respectfully submitted,  
Kathy Bickford