

East Bay Charter Township  
1965 Three Mile Road North  
Traverse City, MI 49686

Special Board Meeting  
Thursday December 11, 2008

**Call Meeting to Order:** Chairman Lile called the meeting to order at 6:31pm.

**Pledge of Allegiance:** was recited by all in attendance.

**Roll Call:** Board Members Present: Glen Lile, Sue Courtade, Matthew Courtade, Bryan Marrow, Butch Strait and Tracey Bartlett

**Absent and Excused:** Dale McAllister

Others Present: Anne Wendling, Recording Secretary; Peter Wendling, Township Attorney; Jay Kilpatrick, Township Planner

Twelve (12) members of the public were in attendance.

**Review for Conflict of Interest:** None

**Correspondence:** Provided in the Board Packets.

**Public Comment:** None

**New Business:**

**1. PUBLIC HEARING – East Towne PUD**

Kilpatrick gave an overview of the proposed project. He stated that the proposal has been reviewed and approved by the Planning Commission and is now before the board for review and approval. He also explained why the proposal is a PUD due to ordinance requirements. Kilpatrick also went over some anomalies with the project such as signage, time frame and MSHDA financing. He stated that the PC reviewed findings of fact for each standard and explained what each one was for. He went over the nine conditions set forth in the attached findings of fact and explained each one.

Doug Mansfield then reviewed the project with Board Members via a computer presentation. He explained where the project was going to be located and how the property was currently zoned. Maps included in his presentation were topography, site maps, and population graphs. A representative then addressed the board regarding the senior assisted living buildings and what the apartments and units would look like on the interior. Mansfield mentioned the planbook and how it has been incorporated into the project. He addressed the letters that the township has received regarding stormwater, soils, hydrogeo studies and setbacks.

Attorney for Mr. Clous, Edgar Roy, offered a few comments regarding the process that the PC has already gone through. He commented on the letter dated 10-28-2008 from the Tip of the Mitt Watershed Center and the letter dated 10-24-2008 from the Grobbell Environmental & Planning Associates.

Lile opened the public hearing at 7:22pm. One gentleman addressed the board regarding permits and voiced opposition to the project. He voiced his concerns about the commercial portion going forward before the balance of the project and questioned a seven year PUD. He also had concerns about the developer. Another resident spoke regarding the history of the land and was concerned that the watershed would be destroyed and the water quality in the Grand Traverse Region would be affected. He stated that approval should not be given because infiltration ponds may be inadequate and that the township should not act on the project simply because the drain commissioner has given his stamp of approval. A third person spoke regarding environmental issues associated with the property. Another person spoke regarding the plan. Her property will be surrounded by the proposed PUD. She shares concerns about the watershed and also spoke regarding the large amount of commercial areas. Another person spoke about justification of putting this huge project in the watershed. Lile closed the public hearing at 7:46pm.

Board members then discussed the proposed PUD. Marrow asked what would happen if the DEQ or drain commissioner should oppose anything along the way. Township Attorney Wendling answered his concerns. Marrow also asked about any possible recourse if developers do not build as they say they will and the township is left with only commercial development. Township Attorney Wendling said that progress could be signed off by a planner as well and it was impossible to proceed without the staff and a site plan review would be required. Wendling also stated that condition #8 was stringent and also addressed the MSHDA time issue. Township Planner Kilpatrick spoke regarding a possible development agreement which would memorialize an accord between the township and the developer to ensure compliance with the agreement. S. Courtade said she spoke with the drain commissioner, Kevin McElyea, and he has not yet seen an application for this project. Doug Mansfield said that there have been two

conceptual meetings with McElyea. S. Courtade also asked what would happen if changes to the proposed PUD were made in the future. Kilpatrick said that major amendments have to go through the Planning Commission and Township Board again. M. Courtade had concerns about tall commercial buildings in front of the one story assisted living buildings. Attorney Ed Roy commented that he was afraid that the board was making rules up as it went along. Strait commented on the fire suppression line *with concerns that the main could supply water for the suppression system without being upgraded. The engineer has calculated the flow and that the main is large enough. Strait questioned Mansfield about NPDES NPDES inspections and stated that he would like ~~daily~~ weekly National Pollution Discharge Elimination System NPDES reports sent to the township.* Wendling noted that the property is zoned High Density Residential and is part of the Mitchell and Baker Creek Overlay District and that it has to be taken on as a PUD and any use by right comes as a PUD. He pointed out density allowed under zoning and a PUD has some zoning flexibility and conditions are put into place for a reason. Attorney Wendling spoke to the time limit granted to the proposed project and said that the MSHDA permits would take much longer than the customary two year PUD time limit. He talked about the consent judgment on the property and the fact that it doesn't have anything to do with this plan.

Township Planner Kilpatrick walked the Board through options for the proposed plan and that two conditions could be added - 1)NPDS reports come to township within 24 hours and 2) drainage and soil erosion be approved by a township engineer as well as the soil erosion office. Kilpatrick then read through all the proposed conditions.

*Bartlett made a motion to approve the proposed East Towne PUD based on the findings of fact approved by the Planning Commission at its meeting of October 28, 2008 and all supporting documents and additions as discussed, and incorporating and adopting by reference the findings of fact of the Planning Commission. Strait supported the motion. Upon a roll call vote, the motion carried 4-2 with M. Courtade and S. Courtade dissenting.*

**Public Comment:** One gentleman thanked the board for their deliberations and commented on the applicant's staff, state funding and NPDS permits. Another person commented on a hydrological study. Mansfield thanked the board.

**Adjournment:** Chairman Lile adjourned the meeting at 9:04pm.

Submitted by

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Anne E. Wendling, Recording Secretary      Date

APPROVED

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Susanne M. Courtade, Clerk      Date

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Glen Lile, Supervisor      Date