

REGULAR MEETING OF THE EAST BAY CHARTER TOWNSHIP
PLANNING COMMISSION
Tuesday, August 12, 2008 6:30 p.m.
East Bay Charter Township Hall
1965 N. Three Mile Road
Traverse City, MI 49686

Present: Planning Commission Members Mike Nickels, Robert Tubbs, Judy Nemitz, Ted Hentschel, Mindy Walters and Jim McDowell.

Absent and Excused: Beth Friend

Also Present: Township Attorney Kevin Elsenheimer; Township Zoning Administrator Leslie Couturier; Recording Secretary Anne Wendling; Jay Kilpatrick, Planner from Williams & Works

Thirty (30) guests were in attendance.

1. **Call to Order:** Chairman Nickels called the meeting to order at 6:32 p.m.
2. **Roll Call:** Roll was called by the Recording Secretary.
3. **Review for Conflict of Interest:** There were no conflicts of interest reported.
4. **Approval of the Agenda:** A motion was made by Hentschel and seconded by McDowell to approve the agenda. The motion carried unanimously.
5. **Approval of the Minutes:** Hentschel made a motion to approve the June 17, 2008 regular meeting minutes. Nemitz seconded the motion and the motion carried.
6. **Public Input:** None at this time
 - A. *Township Board:* No report at this time.
 - B. *Appeals Board:* No report at this time.
 - C. *Planners Report:* Planner Jay Kilpatrick noted that an Open House will be held on August 26th to discuss the proposed Lakes Overlay District. He welcomes comments and questions.
 - D. *ZA Report:* Leslie reported that she reviewed a site plan for a new manufacturing building Olmstead Products Co.

- E. *Attorneys Report:* None at this time.
- F. *Correspondence:* Included In packets.

8. New Business:

- A. 1. *Grand Traverse County Road Commission – Three Mile Road Discussion*

The Grand Traverse County Road Commission engineer was asked by the planning commission to be here for a discussion on Three Mile Road. A set of design plans for the proposed Three Mile Road expansion was given to the Planning Commission. The road commission engineers told commissioners that the road commission has supported a five lane road and that they have considered all alternatives because of projected traffic volumes. Funding may not be available until 2012 for the project. Commissioners also asked about rights-of-ways and possible boulevards. One resident voiced concern whether the project would go forward if 2012 came and the expansion was not warranted. The engineer stated that if an expansion was not warranted, it would not move forward.

- 2. *Site Plan Review 5-06; Garden Walk; Second request for extension*

This site plan has expired and according to the East Bay Charter Township Zoning Ordinance, the request for an extension must be denied. Nemitz moves to deny the extension of Site Plan Review 5-06 and Tubbs seconded. The motion carried unanimously.

- B. *Public Hearings*

- 1. *ZA 3-08: Sections 303, 407, 646; Gordon Waggoner; Public Hearing and Recommendation to Township Board*

Township Planner Jay Kilpatrick stated that this is a text amendment to allow campgrounds in the Natural Area district. The text amendment would amend several sections and add a campground as a special land use and is the companion to Waggoner's rezoning request. Language has been added in Section 646 which adds standards of regulation for the township.

Chairman Nickels opened the public hearing at 7:52pm. Hearing no public comment, the commissioners discussed the matter. Hentschel made a motion to recommend approval of ZA 3-08 Sections 303, 407 and 646 to the township board. McDowell seconded the motion and the motion carried unanimously.

2. *RZ 1-08 Gordon Waggoner; to amend the Zoning Map to change the Zoning Designation of Parcel 28-03-226-003-00 from LDR to NA; Public Hearing and Recommendation to the Township Board.*

Planner Jay Kilpatrick explained that this action would place the existing campground into the Natural Area zoning district. This would make the parcel conforming, but any expansion would need a special use permit. There being no public comment, Hentschel moved to recommend approval of RZ 1-08 to amend the zoning map to change the zoning designation of parcel 28-03-226-003-00 from LDR to NA to the township board. Walters seconded the motion and the motion carried unanimously.

3. *Special Land Use 1-08/Site Plan Review 5-08; Cherry Tree Inn PUD; Paul Fitzsimons, Designer, Omni Hospitality; Public Hearing and Action.*

Paul Fitzsimons spoke to the commissioners regarding the Cherry Tree Inn PUD for Omni Hospitality. The spa and salon would encompass 2000 square feet on two floors and would service guests and the public. Omni Hospitality is still awaiting MDOT's approval of ten feet of right of way for signage. There was no public comment. Planner Jay Kilpatrick said that this request was for a special land use and the reason for the PUD approach was due to site peculiarities. Kilpatrick recommended that the proposed shared parking contracts be worked out between the township attorneys and the owners of the parking spaces. Kilpatrick recommended that the Planning Commission approve the Site Plan Review, adopt the findings of fact and send to the township board subject to the conditions. After commissioner discussion, it was decided that approval would be contingent upon the six conditions in the findings of fact dated August 12, 2008.

Tubbs moved to approve Special Land Use 1-08/Site Plan Review 5-08; Cherry Tree Inn PUD for two years subject to conditions set forth in the findings of fact dated August 12, 2008. McDowell seconded and the motion carried unanimously.

4. *Site Plan Review 8-08; Mark Tomasik, Innovative Design p.c., for Casciano Development Co., East Bay Ice Cream; Public Hearing and Action.*

The applicant proposed to divide an existing 2.3 acre site on US 31 near Holiday Road and create a new parcel to accommodate a stand alone ice cream shop with its own parking. The new business would reduce the amount of impervious surface and add landscaping to the plot. There was no public comment on the proposed Site Plan Review. Township Planner Jay Kilpatrick stated that this was a straight forward request and that the use was permitted in the Regional Business District. Kilpatrick stated that the lot needed to be divided to leave a conforming lot and that any future use on the remaining undeveloped lot would need to share parking with the ice cream shop. Kilpatrick recommended approval based on conditions set forth in his July 30, 2008 memo. Public comment was opened by the chair. One member of the public asked about Bus/RV parking; another spoke regarding safety of pedestrians and bicyclists so near to the bike path. Public comment was closed. After commissioner discussion, Hentschel moved to approve Site Plan Review 8-08 subject to the five conditions set forth in Jay Kilpatrick's memo dated July 30, 2008. Tubbs supported the motion and the motion carried unanimously.

Chairman Nickels called a break at 7:50pm and reconvened the meeting at 8:05pm.

5. *Site Plan Review 7-08; Mansfield & Assoc. for Stone Cap LLC, Nema LLC & Aushey LLC; East Shore Highlands Private Road; Public Hearing and Action.*

Mansfield and Associates explained that Stone Cap LLC, Nema LLC and Aushey LLC would like to construct a private road extending northerly off Hammond Highlands Road to serve eight lots. This is phase one of their development in which 8 of 22 lots will be developed. Township Planner Kilpatrick said that this is really a private road application and that the proposed eight lots are legal divisions. Kilpatrick did share concerns regarding Section 228 of the ordinance, indicating that eventually the combination of the lots on Hammond Highlands and the new development would exceed the maximum for a development without a second means of access required by the ordinance.. Kilpatrick stated that the Planning Commission could move forward with the

eight splits with the Condition that no additional lots be added until another access could be approved and the road is approved by the agencies for compliance with the required design standards. Chair Nickels opened public comment . One member of the public wanted to be appraised of any further actions on this development as her property will be impacted and asked that the Planning Commission thinks of this a bit more before taking action. Another member of the public asked about additional traffic flow and impact studies. Another gentleman commented on the road design. One member of the public commented on the poor condition of the road and asked that another access for entry be placed elsewhere. Another member of the public asked about any further lot splits. Public comment was closed at 8:39pm by the chair and commissioners discussed the matter. After discussion, **Nickels moved to approve Site Plan Review 7-08 subject to:**

1) deed restrictions being placed on the land divisions to prevent further divisions or additional lots unless or until a second means of access is provided as required by Section 228.
2) there will be an agreement on an interconnection to the parcels to the west and to the north as required by Section 228
3) the language of the access easement off Hammond Highlands shall be reviewed by the Township's Attorney to confirm that it includes entry access and not just the electrical easement.
Hentschel seconded and the motion carried unanimously.

6. *Special Land Use 2-08/Site Plan Review 6-08; Doug Mansfield, Mansfield & Assoc. for Clous/Murray; East Towne PUD; Public Hearing and Recommendation to Township Board*

Mansfield & Associates spoke on behalf of Clous/ Murray in regards to the proposed East Towne PUD. The PUD would be located on Three Mile Road north of Hammond Road. The area is zoned high density residential and is 58 acres. The area is already served by water and sewer. A slide presentation showed commissioners the grades on the property, the elevation, and other property information. Clous/Murray is proposing a mixed neighborhood and senior housing – some assisted living and some independent living. Three 3 story buildings are proposed for senior housing and two other single story buildings will house senior assisted living. A representative of the management company which would own the assisted living facility and apartments gave a presentation regarding the buildings and amenities. Township

Planner Kilpatrick stated that the proposed PUD was a permitted special land use in HDR and noted that there was also some undefined commercial use built into the PUD which could be an expansion of commercial uses beyond the master plan. Kilpatrick also said that DEQ would need to approve the site and would ask that landscaping be irrigated and carports be screened. He added that the township may wish to defer to MSHDA parking standards. Kilpatrick also warned the commission that the undefined commercial area may include multi-family housing if this were approved and that density was a question. Kilpatrick recommended that the planning commission table the PUD for further information and possibly form a subcommittee to study the proposed PUD in depth. Nickels opened the public hearing at 9:23pm. One gentleman spoke regarding flooding issues on the site. Another resident commented on parking, site elevation and water runoff. Nickels closed the public hearing at 9:28pm. After a brief discussion, the commissioners decided that Mansfield & Associates could clarify 1) all building heights; 2) any commercial Uses and character; 3) wetlands delineation; and 4) sewer volume needed and pump stations. ***Hentschel made a motion to table Site Plan Review 6-08 until the next meeting. McDowell seconded and the motion carried.***

C. *Discussion and Summary of questions for Kevin McElyea, G.T. County Drain Commissioner, for September Meeting*

This item was not discussed by commissioners.

9. Old Business:

10. Adjournment: Chair Nickels adjourned the meeting at 9:45pm.

Anne Wendling
Recording Secretary