

REGULAR MEETING OF THE EAST BAY CHARTER TOWNSHIP
PLANNING COMMISSION

Tuesday, September 2, 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, Judy Nemitz, Ted Hentschel, Jim McDowell, Beth Friend, Robert Tubbs and Mindy Walters

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

Twelve (12) guests were in attendance.

1. **Call to Order:** Chairman Nickels called the meeting to order at 6:35p.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 Nemitz and seconded by Tubbs to approve the agenda and placing **Old Business** before **New Business**. The motion carried unanimously.
5. **Approval of the Minutes:** Tubbs made a motion to approve the Site Plan Review Minutes of August 11, 2008 and the Regular Minutes of August 12, 2008 with the following changes to the Site Plan Review Minutes: "McDonald" should be changed to "McDowell"; and the name of the site is "East Towne PUD", not "Black Pond". McDowell seconded the motion and the motion carried unanimously.
6. **Public Input:** None at this time
7. **Reports:**
 - A. *Township Board:* Friend noted that TCTV has released funds to LIAA; the township board has approved two tax abatements. Seasonal dock approval was given to Tamarack Shores and the board is beginning to look at wastewater treatment and capacity and the possible need for a new plant. Friend also reported that the metro millage passed and gave an update on the proposed transfer station purchase. Friend stated that the financial audit was

complete and the township received an unqualified report which means that the financial standing is accurate.

- B. *Appeals Board:* Hentschel reported that the Appeals Board granted one extension request.
- C. *Planners Report:* Planner Jay Kilpatrick had no report at this time.
- D. *ZA Report:* Couturier reported that there were a couple text amendments that were needed and she wanted the commission's blessing. One is regarding campers left on properties for extended periods of time and the other is to distinguish between a major home occupation and a minor home occupation. Kilpatrick said that these changes were fairly minor and that he would create some standards for the amendments.
- E. *Attorneys Report:* No report at this time.
- F. *Correspondence:* Included In packets.

8. Old Business:

- A. *Special Land Use 2-08/Site Plan Review 6-08; Doug Mansfield, Mansfield & Assoc. for Clouse/Murray; East Towne PUD;*

Doug Mansfield of Mansfield and Associates spoke to commissioners regarding the proposed special land use and site plan for East Towne PUD. He stated that the purpose of the evening was to have a roundtable with the commissioners and come to some agreement on several items. One major point of discussion to be considered was the proposed commercial area within PUD. Mansfield showed the area in a larger context with an aerial photo where the proposed PUD was to be located. Mansfield handed out a new list of proposed uses for the commercial zone and Kilpatrick stated that he liked the newer list better. Planner Kilpatrick stated that size and square footage could be limited to ward off large box stores. McDowell stated that he was uncomfortable with the direction of the project as it may draw commercial development away from the village center area. Nemitz asked about multi-family housing and a possible hotel. Friend discussed the village center concept with Kilpatrick to clarify the intent of the PUD and the consensus of the planning commission. Mansfield explained that he is looking for a general consensus of the entire community from the planning commission. Mansfield showed the size of buildable land and explained that with applied

setbacks, parking and roads, there would not even be a lot attractive enough to a larger chain store. He explained all the factors that contribute to the science behind a certain business choosing a location and what the business needed in terms of a supportive and populous community. Hentschel inquired about the potential sprawl of the village center area. Mansfield said that in his opinion, the community could sustain both proposed areas if done carefully. McDowell questioned the sequence of buildings and Mansfield stated that Clous may relocate his business in the proposed commercial district next fall if approved. Nemitz asked about service entrances to the offices and stores, and assisted living. Kilpatrick said that he studied the proposed PUD in regards to traffic, parking and sewer and water and their average in terms of the master plan and concluded that the average was still well within the units per acre. Commissioners had some concern with whether the proposed PUD and its commercial area would compete or complement the village center.

Chair Nickels called a ten minute break at 8:05 reconvened the meeting at 8:12pm.

9. New Business:

A. Review of Lakes Overlay Open House; Set Public Hearing Date

Planner Kilpatrick said there was a good turnout to the open house and some lively discussion. Now the Planning Commission is ready to set another public hearing and take action on the proposed Lakes Overlay District. Commissioner Walters had some questions regarding environmental assessment and outlined those questions and concerns in a memo to the planning commission which is attached. Walters went through her memo with the commissioners and Planner Kilpatrick agreed that there were some good ideas and would add language to speak to the ASTM standards. There were some concerns whether the township wanted to involve itself in the archeological significance of any one piece of property. The matter could be looked into. Kilpatrick said that section (g) could be altered by changing some text including the word "known" to the section and replacing "any" with "hazardous substance". Kilpatrick ended by stating that he would incorporate the discussed changes as appropriate and the public hearing was set for the October planning commission meeting. There was one public comment regarding the ordinary high water mark.

B. Discussion on Draft Text Amendment of Section 920, 10 Regarding

Site Plan/Special Land Use Extensions

Township Attorney Wendling provided his memo dated August 8, 2008 regarding extensions on site plan reviews. The planning commission approved the suggested changes and the proposed amendments to the zoning ordinance will be placed in the proper format for public hearing and adoption.

C. Ordinance 109 – Policy Discussion and Next Steps

The planning commissioners discussed the key points of a memo written by Planner Kilpatrick dated May 28, 2008 regarding Ordinance 109. Ordinance 109 regulates utility extensions and growth boundaries. Kilpatrick stated in the memo that there were a few options which included leaving the Ordinance alone, looking at the growth boundary, reducing the amount of distance before a utility has to hook up or some other alternative to requiring extension of utilities. The commissioners discussed pros and cons of all alternatives and then asked for public comment. One member of the public had a comment regarding holding tanks and the great expense of a hook up to a sewer. Supervisor Lile said that commissioners need to keep in mind that every five years a special assessment needs to be renewed and that there may not be support for any special assessment tied to Ordinance 109. Township Attorney Wendling said that the cost could be catastrophic if a sewer system failed and that homeowners and property owners would likely challenge an automatic SAD if one was created. Hentschel thought that there should be incentives to build in the growth boundary. He also added that the density according to the master plan was not allowed due to zoning restrictions. The commissioners decided to look closer at lot sizes and determine if any changes needed to be made so that the actual 8 units per acre density could actually be met according to the master plan.

D. Village Center Sub – Area Planning Activity

Hentschel moved and Walters seconded to table this item until the next meeting. The motion carried unanimously.

E. Master Plan Supplement: Remaining Steps

Grand Traverse County had one comment regarding the master plan in regards to sewers in Forest Lakes. Planner Kilpatrick said that he would clarify the matter for the county. Hentschel moved and Friend supported to set the public hearing for October 7, 2008. The motion carried unanimously.

10. Adjournment: Chair Nickels adjourned the meeting at 10:00 pm.

Anne Wendling,
Recording Secretary