



**ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
7:00 p.m. Monday, August 30, 2004**

Meeting called to Order at 7:00 p.m.

Members present: H. Smith (Chair), B. Carstens, D. Hoxsie, P. Salathiel, O. Sherberneau, M. Vermetten

Members excused: D. Krause

Staff present: S. Corpe, Office & Planning Coordinator/Recording Secretary
J. Christopherson, Township Counsel
B. Kaye, Consulting Planner
D. Connors, Consulting Landscape Architect

1. Consent Calendar:

Motion by Hoxsie, support by Sherberneau to approve the Consent Calendar as amended to remove approval of all of the minutes for further consideration as old business, including:

Receive and File:

- a) **Article from August 24, 2004 *Record Eagle*, "Bear Creek Project Allowed"**
(Attachment A included and incorporated by reference)
- b) **Editorial Opinion from August 24, 2004 *Record Eagle*, "Old Mission Must Close PDR Ordinance Loophole"** (Attachment B included and incorporated by reference)

Action:

- ~~e) **Approve minutes of July 26, July 28, August 4, August 9 and August 16, 2004 meetings** (Attachments C through G included and incorporated by reference)~~
- d) **Review and approve agenda, inquiry as to conflicts of interest:** Approved with no conflicts noted.

Motion carried unanimously.

2. Preliminary Hearings:

- a) **Preliminary Hearing regarding Application #2004-14P by Kenneth L. & Janet C. Engle for Special Use Permit/Site Plan Approval for creation of Engle Ridge Farm Winery on property located at 8114 Saylor Road and currently zoned A-1, Agricultural** (Attachment H included and incorporated by reference): Ken and Jan Engle (applicants), John Walter (architect) and Garth Greenan (environmental specialist) were present to support the application. Mr. Engle began with a discussion of the location and current use of what he terms "the Riley property." He stated that he believes that a winery would be an excellent use for the property, as a high point gives excellent views of the bay. The Engles have been researching winery operations for quite some time, and have concluded that perhaps some special events (such as weddings) can be a good use to combine with wineries. On the other hand, they have also recognized that there can be concerns about special events as well. Their proposal therefore includes a bed and breakfast (B&B) as a complimentary use for the site.

The property currently contains a farmhouse, old chicken coop and pole barn. The Engles don't believe these buildings are suitable for re-use for the winery or B&B operation, so they are proposing construction of new buildings at the top of the ridge that will resemble a traditional local farmhouse, cottage, granary and barn.

At the top of the ridge there is an old gravel pit that was slated for removal at some point in time. This feature is being creatively re-used as the lower level of the winery, building a two-story structure into the excavated area with the result that the building will appear to be a single-story structure.

Mr. Engle stated that when the Winery Ordinance was developed last year, much thought was given to the combination of wineries and special events, but the addition of the B&B use was not as fully developed. The ordinance as written requires that special events and B&B uses have to share one category of space. He is proposing a B&B – an allowable use for the site, at an amount of space that would mean that for any space to be available in the future for special events, the winery area would first have to be expanded.

Mr. Engle turned the discussion over to Mr. Walter, who interpreted the proposed site plan for the Commission and public. He stated that throughout the concept development process it has been important to the applicants to preserve the character of a Northern Michigan farm. The access driveway would wind through orchards and vineyards. The wine production operation on the lower level of the winery structure would be accessed by an additional service drive. Mr. Walter drew attention to a section view provided as part of the landscaping plan. Every attempt has been made to be sensitive to lighting concerns, particularly as the developed area of the parcel will be above the grade of Sayler Road. Proposed landscaping includes traditional farmstead plantings such as lilac bushes. Carstens asked if the lights will be visible from Sayler Road at night; Mr. Walter said that it should not be. Mr. Engle stated that lighting questions are still subject to change. He has removed a security light from his property, as he does not care for them. His son, Ethan, is an astronomer, so the Engle family is very much in touch with dark sky lighting principles. The Winery Ordinance specifies that lighting for the winery shall only be used during winery operating hours, although the question of outdoor lighting for the B&B areas may require additional thought. He does wish to use lighting with concealed bulbs as required by the Ordinance.

Mr. Walter displayed colored pictures of the proposed building elevations. The winery structure, to look like a barn with an attached "milking parlor" (tasting room) would feature a tiled silo. Mr. Walter turned the discussion over to Mr. Greenan, EC&S Engineering, to discuss the environmental features of the site.

Mr. Greenan noted that the proposed development is atop the hill on the property, so stormwater will be directed downhill to several small ponds on the perimeter of the property. Soils are generally sandy. Along the north side of the property where there are woods, a finger of wetlands has been identified on the northeast site of the property. There is a wetlands area along the northern property boundary as well. All planned developments will remain well away from these areas. On site water and septage systems will be used. Water from the existing well has been tested and found to be both plentiful and of good quality. Two areas have been identified for primary and reserve drainfields, both to the north of the winery facility. Wineries must take an additional step to remove suspended solids from the production process from the wastewater flow before it reaches the drainfield.

Corpe summarized the concerns raised in her staff report. There are essentially three: 1) that additional information about traffic generation be provided; 2) that the possibility of noise generation may be the next most significant concern for neighboring residents and 3) the allowable size of the B&B use. Turning to the last question, the last paragraph of the winery ordinance indicates that special events space and a B&B can co-exist on a property, but must share the maximum allowable space set forth in the winery ordinance for special events. The proposed B&B exceeds this size by at least 2,000 sq. ft. Mr. Engle believes that since B&Bs are an allowable stand-alone use for agricultural properties.

Mr. Engle addressed the question of traffic generation. As a proposed business operator he hopes for a steady stream of business. Salathiel asked if traffic information is available from other local wineries. Mr. Engle's daughter worked for another of the area vinters this summer, but he noted that their establishments will differ from his in several ways. His is less likely to be included in tours of area wineries because there are no others in close proximity. He stated that people often arrive in groups of 6 or more rather than in 2's and 3's. He stated that the State of Michigan views wineries as an up-and-coming and very desirable industry as well, partially because they are one of the few industries that are largely self-supporting. Mr. Engle stated that he could envision 100 cars per day visiting the establishment, spread out throughout the day but mostly in the middle hours and not as much at the early or later ends of the day.

Mr. Engle noted Corpe's mention of a septic system capable of handling events for 400 people in the project narrative. She also noted that no mention has been made regarding any potential conservation easements on the site. He stated that one reason for these things is to preserve future options for adding land to the winery property and/or adding to the developed portions of the operation. It is most economical to build septic facilities on the large side now in case of expansion, rather than having to add on with expansion later – they are overbuilding at the outset. Before the public hearing he will also provide a soils map to demonstrate the natural drainage features of the site.

Salathiel asked Mr. Engle if she has his permission to drive to the peak of the site, which he granted. She is concerned that the elevation will make outdoor lighting make the development look like “a spaceship.” If she were staying at a B&B she would wish as little outdoor lighting as possible, and hopes any lighting for this use would be limited to very low lighting along footpaths as possible. Mr. Engle personally agreed, but noted that some city-dwellers/potential customers can find such darkness very intimidating. Smith recalled that there was discussion of manually turning off exterior lighting on the winery property after closing time each night as the ordinance was crafted. The addition of a B&B use may alter this somewhat, but he still supports an overall dark sky protection approach.

Mr. Engle asked about the use of high pressure sodium lighting as specified in the ordinance, questioning whether there would be other types of lighting better-suited to this particular use. He is not a lighting expert, but does expect to learn more about his potential options throughout the process and perhaps propose something other than the yellowish light.

Carstens asked about the owner occupancy requirement for the B&B and how this will be addressed. Mr. Engle is aware of a B&B in Leelanau County owned by a

small corporation. The innkeeper owns a small percentage of the shares of the corporation, and as such is an owner. Smith asked if a vintner will live on site as well. Mr. Engle stated that the existing farmhouse is very old and would need substantial renovation and repair prior to occupation. He also asked if an assistant winemaker could live their instead of the chief vintner.

Hoxsie appreciated Mr. Engle's statements that he finds it difficult to assess the traffic impact at this time, but he feels that it should be possible to come up with at least a "ballpark" figure for how much new traffic would use Bates and Sayler Roads as a result of this use. Perhaps the Road Commission can help provide something prior to the public hearing. Mr. Engle suggested that he will survey other wineries in the area about their traffic flows in an effort to provide this information. Hoxsie asked if there are large trucks that will come and go; these have more effect on the breakdown of roads than passenger cars.

Smith stated that this is a preliminary hearing, and at a public hearing general comment will be taken. However, as has been common, he entertained limited public comment. Chuck Walter, Bates Road stated that he would expect some discussion of traffic, but when properties in the industrial area around Bates were developed there was no significant discussion about the number of semis that would come and go each day. He doesn't recall any discussions about traffic for Ron Shaw's neighborhood. He is not concerned as a neighbor about new traffic.

Jo Collins suggested that an assistant winemaker should be allowed to live on site as well as a primary winemaker.

Motion by Carstens, support by Vermetten to set a public hearing regarding Application #2004-14P for September 27. The Chair cast an unanimous ballot, there being no objection.

- b) **Preliminary Hearing regarding Application #2004-16P by East Bay Medical Properties LLC for Special Use Permit/Site Plan Approval for redevelopment of former Beaversmith Tools building as a doctor's office on property located at 6231 US 31 North and currently zoned B-1P, Professional Office District** (Attachment I included and incorporated by reference): Mr. John Kerridge, architect appeared to represent Dr. Mark Saunders, a local dermatologist. He provided an overview of their proposal to redevelop the former Beaversmith Tools building as a doctor's office. Key features would be removal of the large parking area on the corner of US 31 North and Shore Road and closure of a curb cut close to this intersection from US 31 North. The exterior of the building will be upgraded in entirety with materials and windows. An existing curb cut on Shore Road would also be closed (eliminating a situation sometimes used as a cut-through) and relocated further to the west. Gross building area will be approximately 4,660 sq. ft., with net usable area of 3,000 sq. ft. Approval letters from public agencies are forthcoming, and due to the access change the property address will change to Shore Road.

Corpe's report discussed the possibility of reducing the number of parking spaces if Dr. Saunders was agreeable. Dr. Saunders stated that he has been in practice for 13 years but has yet to feel like he has enough parking. Further, he performs a unique type of procedure that enables immediate testing of tumors while the patient is on site, so occasionally patient visits are longer than might otherwise be customary. He would prefer to retain all 30 proposed space.

Salathiel also asked that the proposed light poles be shortened from the proposed 25'. Mr. Kerridge stated that as height decreases, the number of lights to provide adequate foot candles increases. However, they would be amenable to discussion on this point. Only two light poles are currently planned, with one light on the side of the building. Salathiel asked if they would be on all night; Mr. Kerridge stated that they normally operate on a light sensor.

Vermetten expressed sincere appreciation for the planned changes to the site, which should "really clean things up." He also likes removal of the curb cut from US 31. He asked if a baseline environmental assessment of the property has been performed. Dr. Saunders stated that an oil/water separator has been removed from the property and soil tests performed.

Carstens asked if there is a "best practice" for dealing with dark sky issues, he would like to know and employ it to create a dark sky ordinance as has been contemplated for some time. He would like to ask the applicants to comply with anything the township might develop; Vermetten pointed out that it would be inappropriate to ask the applicant to comply with requirements that don't yet exist.

Lewis Griffith, Lautner Road, asked how far from the US 31/Shore Road intersection the access point would be. Mr. Kerridge stated that it will be located further to the south. He also asked about the possible creation of a sidewalk and a small park area with tables near Acme Creek in this area. Corpe responded that the applicant is planning a 5' sidewalk.

Chris Stoppel, 7238 Deepwater Point Road, views the situation as a "trade-off." It was deemed suitable for high traffic. However, this use may invade the neighborhood. He would suggest keeping the lights and traffic as far out of the neighborhood as possible.

Salathiel stated that Corpe's report recommends removing one proposed freestanding sign from the site plan.

Motion by Hoxsie, support by Vermetten to schedule a public hearing regarding application #2004-16P for the September 27 meeting. The Chair cast an unanimous ballot, there being no objection.

3. Public Hearings:

- a) **Public Hearing regarding proposed Zoning Ordinance Amendment #127: M-72 Corridor Overlay District** (Attachment J included and incorporated by reference): Brad Kaye, Gourdie Fraser Associates, provided consulting services to the township in the development of the proposed ordinance. He gave an overview of the history of the project as being one to control access management on a key arterial gateway to the Traverse City area. Preservation of the transportation corridor and capacity is still a primary goal; in addition preservation of the scenic qualities of the corridor is sought.

Mr. Kaye displayed a map showing the land area to which the overlay district would apply, lying within 500 of the M-72 right-of-way to both north and south. He stated that the proposed ordinance requirements are based largely on the results of two reports Required minimum lot widths would increase from 400' to 660', and graduated building setback requirements are proposed that would be based on building size. A number of scenic viewpoints have been officially identified by the

aforementioned studies and the township Master Plan, and preservation of these identified areas is a stated goal of the ordinance.

Parking area standards have also been enhanced. The ordinance will not allow parking between buildings and M-72 unless the building employs larger than required setbacks and the Planning Commission grants permission in particular situations.

Building roofs must either have a certain pitch; flat roofs must have decorative cornices. Trademarked architecture and designs elements that seem like a caricature of “up north” are discouraged. Underground utilities are encouraged, and freestanding sign heights would be limited to 8’ from grade. It is recommended that the signs not be internally lit.

Access management standards are designed to discourage a proliferation of curb cuts and promote service drives and shared drives. All parcels will be guaranteed one access point to M-72; however, corner lots may be required to provide primary access from the side road. It may be possible to gain permission for secondary curb cuts based on proposed traffic generation and safety concerns as determined by MDOT input. It may be possible for properties to have temporary direct access to M-72 with a requirement that the access be abandoned when neighboring properties develop and a service drive is created.

There is recognition that certain parcels of land will not be able to meet these requirements, and there are grandfathering provisions and standards. Also, the requirements of this section may not be triggered when properties are upgraded or redeveloped unless the cost of doing so is less than 20% of the project cost.

Permitted uses within the corridor remain unchanged except that no wireless service towers will be permitted in the overlay district. Finally, several other sections of the Zoning Ordinance are being modified or removed for clarification or due to redundancy.

Dean Connors, R. Clark Associates, discussed the landscape buffer plan developed as part of the overlay district. Any project requiring site plan review within the overlay district will be required to conform to these requirements. The plan stresses grouping of native plant species in natural-appearing configurations. Allowances are made to encourage preservation of mature vegetation on each site. The buffer plan consists of a 200’ long section requiring 7 deciduous and 5 evergreen trees, several ornamental trees and 30 shrubs. The landscaping must be placed within 50’ of the M-72 right-of-way. A list of recommended plant species is provided, along with an indication of how salt-tolerant each is to permit effective planning and placement. On a case-by-case basis it may be necessary to create berms that should be incorporated in a natural way rather than being sudden bumps in the landscape. A 6’ wide meandering asphalt non-motorized pathway will be required, with pathways to connect between properties. The Planning Commission Landscaping Committee will review this facet of all applications, and ongoing maintenance of the landscaping will remain the property owner’s responsibility. It is possible for an applicant to propose a landscaping plan that deviates from the standard based on individual consideration.

Public Hearing opened at 8:37 p.m.

Noelle Knopf, Township Clerk, stated that a security deposit will be determined by

the Township Engineer to guarantee construction costs. She suggested that a non-partial third party make this determination, in case an applicant and the township are at odds over an application. Right now, performance bond amounts are determined administratively between Corpe and each applicant. Knopf referred particularly to item c at the bottom of page 5, which discusses a security deposit requirement if an applicant is excused from providing a non-motorized pathway immediately upon development. She questioned the wisdom of asking for a surety guarantee that the pathway will be installed at the future time of the township's choosing. Vermetten noted that it is not unusual for an applicant to provide a letter of credit to the township to guarantee performance of SUP conditions. Knopf asked if this issue could be better clarified.

Margie Goss, Bay Valley Drive, asked how much the landscaping costs would be for a 200' section of right-of-way, both historically and according to the proposal. Hoxsie believes that this requirement is not significantly more substantial than current ordinance requirements for any project. Mrs. Goss asked about the additional expense of a pathway; Hoxsie noted that this is also already a requirement. Mrs. Goss stated that for properties with a lot of frontage, the expense could be significant. Hoxsie and Salathiel stated that the goal is to provide a continuity to the corridor that has a somewhat natural feel to it. Vermetten noted that we are asking for an additional foot in width for the pathways which would add a little expense, but not a prohibitive amount.

Smith stated that the Commission is attempting to preserve the eastern gateway to the region for the future, rather than having become acres of asphalt.

Mr. Stoppel noted that there would be 7 canopy trees every 200'. If each tree matures with a spread of 24', won't they block the viewsheds the township is seeking to preserve? Connors replied that this shouldn't be the case if they are clustered as suggested rather than lined up along the roadways.

Mr. Griffith stated that if there is no set distance for the pathway from the right-of-way, the first person to develop his property could "shaft" his neighbors on either side who would be required to connect to the pathway where it ends at the first landowner's property lines. If the first landowner creates the ends far inland from the roadway, it could deprive the other landowners of usable space. Smith and Hoxsie noted that the pathway must always be within 50' of the right-of-way, where no buildings will be permitted. Mr. Griffith stated his interpretation that this would "steal" the other people's front yards. Smith explained that the pathways must always be within the 50' of land adjacent to the M-72 right-of-way.

Dave Kipley, Circle View Drive, stated that "preserving the corridor" means that it won't change, that we intend that it will always look the way it does now. He believes that the Ordinance will actually create the opposite effect by encouraging intensive development along the corridor. Has an inventory been done of the impact that the ordinance would have? There are areas such as the Resort PUD and golf courses and the RV Park where any impact is likely to be negligible; likewise the swampy areas near Bates and the industrial park. Smith replied that right now much of the area in the corridor is zoned for agricultural use. If this land were to be rezoned and/or developed in the future, this ordinance would impact the way the development will look. Mr. Kipley repeated his belief that "nothing is currently broken that needs fixing." Maybe we already have what we need in place. Salathiel echoed some of the concerns that the ordinance might be encouraging development along the corridor,

but she does believe that this will assist in managing whatever might come. Mr. Kipley believes that the ordinance discusses intensive development, so it practically invites requests for rezoning. Hoxsie believes this is not an attempt to encourage growth but to be pro-active in protecting the character of the community. Vermetten stated that growth is coming, whether in 5, 10, 20 or more years. He is certain that M-72 will be widened and that at least the south side of the corridor will be developed. The goal is to be progressive and control how this might occur.

Ms. Knopf asked the two attorneys at the table to define “taking.” Christopherson stated that this is a complex subject. Ms. Knopf believes that the ordinance is seeking to severely limit the use of the 500’ on either side of the M-72 right-of-way. Christopherson stated that “taking” generally means that all possible reasonable use of a property is removed. Ms. Knopf fears that the smaller parcels with houses along M-72 would be entirely taken up by landscaping and access roads, eliminating all value and possible re-use. Mr. Stoppel, as owner of a small commercial parcel, shares the same concerns. Kaye stated that access roads won’t always be the answer; in some cases shared driveways might be encouraged that would actually create more space on each property

Dan Schaub, M-72 owns the home on the south side of the road by the railroad tracks. He shares a driveway with the Gee family. He asked how this proposal would affect him, as he has very little property to start with. Hoxsie doesn’t believe there will be any effect at all unless someone offers to buy his property and build a huge new home or business on it. There is no effect on the existing building.

Eugene Lalone, 9014 Bates Road read from an MDOT document stating that M-72 might be widened to five lanes or have a median. He asked how this plan fits in with any proposed widening. Corpe responded that MDOT seems committed to promoting a boulevard, which local communities have said they want. Local MDOT officials have also reviewed this ordinance and have been strongly supportive of the plan as drafted.

Mr. Kipley asked if properties with more than one existing curb cut might be required to close the multiples if they change conditions on their property, even for a use currently by right. Corpe responded that this is already the case now; additional development or redevelopment of a site may cause MDOT or the Road Commission to review the curb cuts and ask for changes. Kaye said that the ordinance might trigger such a requirement as well.

Public hearing closed at 9:17 p.m.

Hoxsie asked what happens next in the procedural process. Corpe replied that the Planning Commission makes a recommendation to the Township Board, but before they consider it, county Planning will perform a non-binding review.

Motion by Hoxsie, support by Carstens to recommend approval of Section 6.12 to the Township Board. Motion carried by unanimous roll call vote.

Kaye pointed out that there is more to the proposed ordinance amendment than just the addition of section 6.12. Definitions have been added, and some other sections of the ordinance have been modified or removed. He suggested modification of the motion accordingly.

Motion amended by Hoxsie with support from Carstens to recommend approval of Proposed Ordinance Amendment #127 to the Township Board. Motion carried by unanimous roll call vote.

- b) **Public Hearing regarding proposed Zoning Ordinance Amendment #126** (Attachment K included and incorporated by reference): Corpe summarized the three facets of the proposed amendment, which include changing the required minimum street tree caliper from 3" to 2.5", changing Dumpster screening fence heights from 6' to whatever height is required to screen the Dumpster if full to overflowing, and clarification of permitted outdoor storage on residential properties within the township.

Public Hearing opened at 9:24 p.m.

Mr. Lalone asked about the reference to boats. The Commission clarified that the proposed ordinance amendment will permit storage of up to two recreational items outside of a structure on residential property. Right now, technically no outdoor storage of boats or other recreational equipment is permitted.

Chuck Walter asked about selling a car on your property when you have purchased a new one. Do we have codified rules for this? Corpe noted that there have been cases where certain properties on the sides of high-traffic roads seem to perpetually have a car for sale on their lawn.

Public Hearing closed at 9:35 p.m.

Motion by Vermetten, support by Sherberneau to recommend adoption of proposed Ordinance Amendment #126 to the Township Board with deletion of the word "boats". Motion carried by unanimous roll call vote.

- c) **Public Hearing regarding proposed General Township Ordinance #2004-1, Schedule of Fees** (Attachment L included and incorporated by reference): Corpe mentioned that this is the first significant proposed revision of the township's fee schedule since 1998. She has thoroughly outlined the thinking behind the proposed fee figures in a memo attachment to the proposed fee schedule.

Public Hearing opened and closed at 9:39 p.m., there being no public comment.

Hoxsie commended Corpe, Hull and Edwardson for compiling the information necessary to propose the new fee schedule regarding costs incurred for the past several years.

Motion by Hoxsie, support by Sherberneau to recommend approval of proposed General Township Ordinance #2004-1 to the Township Board. Motion carried by unanimous roll call vote.

Motion by Sherberneau, support by Salathiel to extend the meeting to a maximum of 10:30. The Chair cast an unanimous ballot, there being no objections.

A five minute recess was called.

4. New Business:

- a) **Discussion regarding Transfer of Development Rights Ordinance**

(Attachment M included and incorporated by reference): Christopherson provided a memo discussing a rough draft of a TDR ordinance on which he is working. He will have a working draft available for the September 27 meeting that will integrate with existing ordinances and make use of new state law that enables PUDs that contain non-contiguous parcels of land. The memo poses some questions he did not necessarily expect to have answered this evening. Smith proposed that each Commissioner provide responses to Corpe for consolidation and forwarding to Christopherson. He would appreciate responses by September 14.

Salathiel asked about the potential dangers of such an ordinance. For instance, how would the township prevent transfer of rights into areas where development should be less dense? Christopherson responded that sending and receiving zones can be identified, and the ordinance should be integrated with the Master Plan as well. Corpe mentioned that there are also the underlying requirements of the Ordinance to be considered. For instance, even if one tried to transfer density to an agricultural area in the northern portion of the township, the ordinance still doesn't permit a mixed use development in an agriculturally-zoned area.

Salathiel believes that the ability to move development density from one area to another can assist with meeting the goals for buildout neutrality mentioned in the Master Plan.

- b) **Discuss creation of ordinance regulations governing occasional outdoor sale events on commercial properties** (Attachment N included and incorporated by reference): Hull summarized his memo, in which he requests that the Commission undertake an amendment of the zoning ordinance to codify rules for occasional outdoor sale events on commercial properties within the township. He has a pending request from an individual who would like to pursue an outdoor sales activity pursuant to a veteran's peddler license. Hoxsie stated appreciation of the difficult position Hull is in, having to enforce a rule without a clear rule to enforce.

Smith noted that a quorum of the Township Board is present at this point in the meeting (Amon, Knopf, Walter).

Hull's memo notes that the Acme Civic Association annual Christmas tree sale is a violation of the ordinance, as no rule permitting the activity exists. Hoxsie noted that some places allow any type of tent sale at any time, and downstate salesmen can come up and use local properties for their purposes. He does not want to unfairly restrict business in the township, but he does want provide reasonable restrictions. Salathiel agreed, feeling that an event such as a tent sale can add variety and make the difference between a business' survival and failure. The proposed town center might want to have a weekly farm market, an occasional art fair, or annual sidewalk sales.

Sherberneau asked if Hull has a recommended guideline. Hull suggests 1-2 events per parcel per year. Christopherson suggested a two-tier system. The simpler tier could receive administrative approval from staff, while a more complex event might require Planning Commission approval. Carstens suggested asking for business owner input as well. Hoxsie suggested that any ordinances that surrounding communities use be examined. Corpe recommended that the ordinance specify whether such activities are limited to the on-site business or whether the local business may host someone from out of town. Hoxsie agreed, feeling that we need to support local businesses. He is often irritated when out-of-town ski dealers bring their

wares to town for a weekend and take sales away from local businesses. Ken Engle suggested a policy similar to the special activities rules for wineries, where a business needs to file an annual plan with the township for approval. Smith liked the idea of a two-tiered approach based on occasional versus weekly events.

The Commission reached consensus to ask Hull and Christopherson to work together to provide a draft ordinance that is geared towards promoting local business.

Knopf noted that Mountain Jack's has asked if they may hold weddings in tents outdoors in the parking lot. She asked if such events should be considered as part of the process.

5. Old Business:

- a) **Approve minutes of July 26, July 28, August 4, August 9 and August 16, 2004 meetings:** In the minutes for August 16, page 8, second to last paragraph, Salathiel feels that the statement she made was inaccurately reflected as "tremendous amounts of green space." She feels that there is still a tremendous amount of impervious surface. She does not feel that there is a large amount of open space within the project. She feels the statement should be changed to indicate that the applicants have included additional green space at the Commission's request.

Motion by Hoxsie, support by Sherberneau to approve the minutes of the July 26 meeting as presented. The Chair cast an unanimous ballot, there being no objection.

Motion by Hoxsie, support by Sherberneau to approve the minutes of the July 28 meeting as presented. The Chair cast an unanimous ballot, there being no objection.

Motion by Hoxsie, support by Sherberneau to approve the minutes of the August 4 meeting as presented. The Chair cast an unanimous ballot, there being no objection.

Motion by Hoxsie, support by Sherberneau to approve the minutes of the August 9 meeting as presented. The Chair cast an unanimous ballot, there being no objection.

Motion by Hoxsie, support by Sherberneau to approve the minutes of the August 16 meeting as amended. The Chair cast an unanimous ballot, there being no objection.

- b) **Copy of draft SUP language for The Village at Grand Traverse:** At the August 16 meeting, the Planning Commission moved to recommend approval of application #2004-11P subject to all of the conditions recommended by Russ Clark and various items discussed at the meeting. Christopherson stated that he, Corpe and Clark prepared the draft SUP document provided this evening, and are asking that the Commission review it to ensure that they accurately represented the Commission's intent, since the motion was somewhat more vague than customary. Smith noted that condition 8 specifies a maximum size for the anchor store of 200,000 sq. ft. and he isn't sure this size is correct. Mr. Steve Smith and Mr. Jim Goss stated that Meijer, Inc. currently builds to 207,000 sq. ft. but this may be exclusive of the garden center. Smith proposed changing the figure to 210,000 to be on the safe side. Because the draft was only prepared at 4:30 this afternoon and the Commission has not had time

for adequate review, it was suggested that each member review it at their convenience and address any concern or comments directly to the Board at their September 7 meeting to consider final approval of the application.

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

Corpe mentioned that Milton Township's proposed new Master Plan draft is on the tables this evening for the Commission's information. Like Acme, they are undergoing plan review and have reached the stage where they request input from neighboring municipalities. Smith recommended that the Commission provide any thoughts on Milton's draft by the 9/13 Master Plan review session.

Smith mentioned that the Board gave the go-ahead for Smith, Corpe and Walter to seek a planning consulting to assist with preparation of a future land use map for the Master Plan and a revision to the Zoning Ordinance. There may be qualified individuals at both the state and local levels. Salathiel suggested talking to Mark Wyckoff at Planning and Zoning news. Carstens and Smith concurred.

Meeting adjourned at 10:32 p.m.