

DRAFT UNAPPROVED MINUTES



ACME TOWNSHIP PLANNING COMMISSION MEETING Acme Township Hall Monday, November 8, 2021 7:00 p.m.

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE at 7:01 p.m.

ROLL CALL: Members present: K. Wentzloff, J. Aukerman, J. Challender, S. Feringa, D. VanHouten, D. Rosa

Members excused: M. Timmins

Staff present: Planning Consultant Sara Kopriva, Beckett & Raeder, Inc., Jeff Jocks, Legal Counsel
There were 18 attendees from the public.

A. LIMITED PUBLIC COMMENT:

Limited Public Comment opened at 7:02 p.m.

Theresa Bak, 7108 Hawley Road, Williamsburg MI 49690, expressed her concerns over the potential odor, noise, and groundwater contamination from the medical marihuana growing facility to be built near her residence. She also requested that Acme Township deny any applications that allow adult use marihuana to be grown, processed, and sold in Acme Township.

Rhonda Stevens, 7127 Hawley Road, Williamsburg MI 49690, expressed her concerns that Acme Township is considering allowing recreational marihuana. She asked: will crime and auto crashes increase? How will the horrible odors from grower and processing facilities be addressed? How will the Equestrian Center react to the odors? Recreational marihuana investors want to make profits and are not concerned about effects on the local population.

Kristina Hendrickson, 6900 Bates Road, Acme MI 49690, stated that the medical marihuana growing facility property surrounds her residence on both the entire eastern and southern sides. She is concerned this company will be granted an adult use/recreational marihuana license in addition to the medical license they hold today. She asked the Planning Commission to limit number and types of licenses at one location and to have the zoning ordinance for such facilities include setbacks from residences similar to those established from schools and parks.

Rob Evina, 6075 Arabian Lane, Williamsburg MI 49690, expressed concerns with the Horse Shows SUP/SPR application before the Planning Commission. He plans to challenge and provide evidence it does not meet the standards for SUPs in Acme Township. He requested that the Public Hearing be continued to December to enable him and his attorney time to review Horse Shows' tremendous amount of late-arriving information. He also explained that, to accommodate 600 more horses on site for the 2021 season, Horse Shows illegally trucked in thousands of cubic yards of dirt without Acme Township approval and permits. Additionally, when a portion of this dirt was moved to a nearby residential property, it eroded onto Mr. Evina's residential property.

Brian Kelley, Acme Township resident, asked that the Planning Commission continue the Public Hearing for the Traverse City Horse Shows, LLC SUP/SPR 2021-02 at its December Planning Commission meeting. He stated that the equestrian event, once small and with limited impact to neighbors and community, is now large. He has a friend who lives 6,300 feet from the Horse Show property, over a mile away, who can hear the PA system during events, and Mr. Kelley wonders if Acme's noise ordinance covers this. Another concern is storm water runoff to Yuba Creek. He said the entire site has been disturbed and it does not drain as well as they think it does.

Limited Public Comment closed at 7:19 p.m.

B. APPROVAL OF AGENDA

Wentzloff recommended the addition of four items under correspondence:

1. Steven R. Fox, Attorney, Pezzetti, Vermetten & Popovits, PC; letter distributed to Planning Commissioners at the meeting
2. Brian Chouinard, Nature's ReLeaf; letter distributed to Planning Commissioners at the meeting
3. Kristina Hendrickson; letter distributed to Planning Commissioners at the meeting
4. Heather Smith, Baykeeper, Grand Traverse Bay Watershed; letter distributed to Planning Commissioners at the meeting

Wentzloff also recommended the re-ordering of Old Business items to:

1. Traverse City Horse Shows, LLC SUP/SPR 2021-02
2. Recreational Marihuana Zoning Ordinance Text Edits
3. Acme Township Draft Zoning Ordinance

Motion by Feringa, supported by Rosa, to approve the agenda with addition of four pieces of correspondence and re-ordering of the Old Business items. Voice vote. No discussion. Motion carried unanimously.

C. INQUIRY AS TO CONFLICTS OF INTEREST: None stated.

D. SPECIAL PRESENTATIONS: None

E. CONSENT CALENDAR:

1. RECEIVE AND FILE

a. Township Board Approved Meeting Minutes, 10.5.21

2. ACTION

a. Approve Draft Planning Commission Meeting Minutes, 10.18.21

F. ITEMS REMOVED FROM CONSENT CALENDAR: None

Motion by Feringa, supported by Challenger to approve the Consent Calendar as presented. Voice vote. No discussion. Motion carried unanimously.

G. CORRESPONDENCE

A letter from each person, below, was distributed to Planning Commissioners at the meeting.

1. Steven R. Fox, Pezzetti Vermetten & Popovits, PC, Attorneys
2. Brian Chouinard, Nature's ReLeaf
3. Kristina Hendrickson
4. Heather Smith, Baykeeper, Grand Traverse Bay Watershed

Wentzloff read the pieces of correspondence aloud.

Mr. Fox's letter was pertaining to the Special Use permit application by the Traverse City Horse Shows.

Mr. Chouinard's letter contained transcripts from the City of Traverse City court case regarding medical Planning Commission Regular Meeting, November 8, 2021

marihuana license locations litigation with Green Peak Industries LLC.

Ms. Hendrickson's letter referenced the marihuana growing facility near her residence on Bates Road.

Ms. Smith's letter advocated for clean water in Grand Traverse Bay and she offered to be a resource in the Acme Township zoning ordinance draft revisions.

Complete copies of all correspondence received are attached to these minutes.

H. PUBLIC HEARINGS:

1. Continuation Traverse City Horse Shows, LLC – SUP/SPR 2021- 02

Wentzloff asked the applicant to present additional information available since the previous meeting.

Mr. Ronald J. Gajoch, AIA, President, Ronald J. Gajoch & Associates, Inc., 5134 Blazer Parkway, Dublin Ohio 43017, stated he was here to provide the Planning Commission and the township with an update on Horse Shows and where it stands with its Application. He said objectives today, following the last meeting, are to clearly explain how Horse Shows operates, and provide quantitative data to help you [Planning Commission and Township] out in making decisions. He wanted to clearly identify future improvements; explain Horse Shows' compliance with GAAMPs; explain the business model and how it impacts parking and attendance; and discuss landscape calculations meeting required standards that the township sets forth.

Mr. Gajoch said that Mansfield Land Use Consultants have addressed and re-submitted outstanding items and everything has been sent to Sara Kopriva. He further explained that we (Horse Shows) is trying to get the citations lifted and he emphasized Horse Shows' earlier promise to Acme Supervisor Doug White that Horse Shows would not do any work other than seed until the SUP was approved. He went on to request conditional approval to move forward with the maintenance of retention ponds and construction of the life safety fire access route because these improve the facility and make it safe.

Regarding identification of future improvements, Mr. Gajoch summarized the following plans:

For 2021-2022:

(1) Complete South Emergency Access Drive for emergency services. Horse Shows received the paper approval today from Grand Traverse Metro Fire for this access drive. Horse Shows must name the roads and label the buildings so they can be located during an emergency.

(2) Accomplish landscape and buffers meeting landscape standards and complying with ordinances:

- > Northern boundary abutting adjacent property owners
- > Along Bates Road
- > Future campgrounds

Dusty Christensen, LLA for Applicant, and Sara Kopriva, Acme Planning Consultant, had discussed if picture documentation, not tree counts, would be satisfactory since tree counts, especially along a densely-wooded area, can be very subjective.

For 2022-2023:

> Add one, final riding ring; a VIP pavilion; replace some of the tents with permanent awnings; construction of the new RV campgrounds; and pedestrian walking path required by ordinances.

For 2024:

> VIP Plaza concession buildings

Regarding storm water, he said that Horse Shows was requested to provide percolation data to check infiltration rates to verify that all of the calculations are correct. This was provided to reviewers and Horse Shows is waiting on comments. He added this step is the last real hurdle of approval.

Mr. Gajoch said that he can assure everyone that Horse Shows meets and exceeds GAAMP guidelines which deal with three points:

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- (1) Above Freeboard Level - a nautical term that describes water table and deck height. He said Horse Shows is way above the water table.
- (2) Containment on Site - the Horse Shows' containment is a three-sided concrete wall structure with concrete pad.
- (3) Manure is collected twice per day and shipped out daily. It is the responsibility of the farmer or composter to apply correctly. Manure is benign and more ecologically friendly to put down.

Mr. Gajoch explained that the USEF (United States Equestrian Federation) organization oversees all horse shows. USEF sets rules, safety guidelines for humans and animals, and facility guidelines for those who operate the events. USEF inspects each facility and Traverse City Horse Shows was certified this past summer with no issues.

Next, he provided background on Horse Shows saying it's all about showcasing riders and horses. These events are family-oriented and involve mostly families who travel together in a group, driving here with their horses. An economic impact report is being generated and Mr. Gajoch provided some excerpts from the report: during summer 2021, Traverse City Horse Shows had families and farms attending from 24 states, Mexico and Canada; over 60% traveled by car typically carrying 3 to 5 individuals. When surveyed, 2 - 4 people come to Horse Shows each day in a car; we use 3 as average. These events are similar to soccer and track & field tournaments in that the main attendees are competitors, officials, and families -- not the general public. Horse Shows runs in sessions. Normal day is from 8am to 5pm -- 9 hours -- with three distinct 3-hour sessions during the morning, mid-day, and afternoon. Available daylight limits activity and the school year dictates attendance. June is light; July heavy; August less heavy; September is light.

Mr. Gajoch then covered parking counts. He noted that there are 33 RV sites and 30 competitors and staff living adjacent/nearby to show grounds, and these numbers are not included in the parking count. The on-site parking stalls count for cars is 550. Horse Shows issues parking passes for a fee, so that controls a number of people. Max attendance is 4500 people -- participants, staff, everyone; this was in 2021. Max capacity for horses is 1,700. Site is at its max capacity. Horse Shows has had to turn people away. He said that it is never going to get any bigger.

He then walked everyone through the math to show that there are approximately 493 cars per day per session. $(4,500 - 33 \text{ RV pkg} = 4,467 - 30 \text{ nearby} = 4,437 \text{ divided by } 3 \text{ sessions/day} = 1479 \text{ divided by average of } 3/\text{car} = 493)$. He stated other factors that relieve parking: RV campgrounds will provide 42 more parking stalls; the future farmettes across Bates Rd. will enable people to walk to Horse Shows; other people are investing in nearby farms where they can stay, keep their horses, and walk to Horse Shows events.

Mr. Gajoch concluded by asking for conditional approval for the emergency services road and to clean out the storm water retention ponds.

Mr. Dusty Christensen, LLA, Planner, Mansfield Land Use Consultants, 830 Cottageview Drive, Suite 201, Traverse City, MI 49685, displayed the updated site plan for the Planning Commission and attendees to see as he walked through the current approved site plan and the projected layout as depicted in the SUP/SPR 2021-02 amendment application. Mr. Christensen noted that the Site Plan has been amended seven times since 2006, most recently in 2020. SUP/SPR 2021-02 is necessary to handle the expanding horse shows. He referenced the addition of 3 properties: a roughly 5-acre parcel on Arabian Lane to the north of the site; a 13.5-acre parcel adjoining it and fronting Bates Rd; and a 13-acre property off south-eastern corner of site where campgrounds are proposed.

The elevation drawings for the proposed horse stable buildings were submitted to Acme Township Planning and Zoning since the previous meeting. Mr. Christensen stated the phasing plan with dates and asked for direction on how best to quantify the trees on the property near Bates Road that are to be used for screening. He added that Horse Shows has permits for all improvements on deck for construction or already started, including from the Erosion Control office, County Health Department for septic system in Planning Commission Regular Meeting, November 8, 2021

southwest corner of site, and Road Commission for driveways. Mr. Christensen concluded his presentation by offering to answer any questions.

Wentzloff opened the Public Hearing at 8:03 p.m.

Wentzloff told the Commissioners that there are two options for next steps: close the Public Hearing or continue the Public Hearing. Staff had recommended Public Hearing be continued at next meeting because materials were not available to public for review. Sara Kopriva added that we received a lot of good information this evening but it would be good to have it in writing in our packets so that we know about it. Mr. Gajoch stated he will send Sara Kopriva, electronically, the document and data he used to provide information at tonight's Planning Commission meeting. Sara said she plans to include this information in the Planning Commissions' packet ahead of its next meeting.

Motion by Rosa, supported by Aukerman, to continue the Public Hearing until the next regularly scheduled Planning Commission meeting. Voice vote. No discussion. Motion carried unanimously.

I. OLD BUSINESS

1. Traverse City Horse Shows, LLC SUP/SPR 2021-02

Wentzloff asked the Planning Commissioners if they had any lingering issues to ask the Applicant or anything to be reviewed by Sara Kopriva or Jeff Jocks, legal counsel.

Feringa stated he was glad the Planning Commission voted to continue the Public Hearing on to the next month. He is not comfortable with conditional approval on SUPs. He wants all citations to be resolved and have everything we need from all the agencies, especially the storm water information -- and in a timely manner so that we are able to read and digest it, and make opinions. Providing it right ahead of the meeting gives him no time to review it.

Sara Kopriva said that she needs consensus on the screening/buffering question from Mr. Christensen. Does he need to count and specify the type of the existing trees? Does he need to provide photos of the existing trees?

It was agreed upon by the Planning Commissioners that photos would suffice to provide documentation that the buffer was sufficient to meet the Ordinance.

Wentzloff brought up traffic issues. Per Mr. Gajoch's presentation, 4,500 people attend the horse show each day. Conservatively estimating ride-sharing, that is 3,000 car trips or a car every 10 seconds going down Bates Rd. This does not include service vehicles to and from the Horse Shows property. There are also railroad tracks on Bates Road at M-72 which require special vehicles to stop. Wentzloff said she is concerned with the level of traffic.

Feringa added that this is a tough intersection [M-72 at Bates Rd] and not just during summer's peak times. There is an offset intersection combined with a railroad track.

Rosa asked what the difference between a tent and a pavilion is. Mr. Morrissey, Applicant for Traverse City Horse Shows, LLC, was present in the meeting audience and responded that tents are temporary, and pavilions are permanent structures. Mr. Rosa asked if a building permit is required for a tent. Mr. Christensen said it varies with the use of a tent. A tent on a residential property does not require a permit. Mr. Morrissey added that Grand Traverse Metro Fire Department inspects all tents on the Horse Show property, and fire extinguishers are placed in all tents.

Feringa said that, in building codes, tents are considered temporary structures and you do have to have a permit for them -- other than if it's a camping or personal residential tent.

Aukerman asked Mr. Gajoch if his presentation, when emailed to Sara Kopriva and the Planning Commission Regular Meeting, November 8, 2021

Commissioners, will have web links to the raw data used to support his findings. He confirmed there are links in the document and that he would email all of it to Sara Kopriva.

Aukerman asked if there was a parking plan for the very large horse trailers. Mr. Gajoch said they will stay where they are (on site) currently. Morrissey responded that, downstream, Horse Shows is looking at locating horse trailers off site.

Aukerman asked about the buffer planned for Arabian Lane, specifically, the planting details and how long it would take for the trees to form a buffer. Dusty Christensen explained on the north property line, there are to be native evergreen, white pine and white spruce trees to create the buffer. He said that, by ordinance, the trees will be a minimum of 8 feet tall when planted, and spaced 20 - 25 feet on center with gaps in-between the trees to allow for growth. The trees will be about 18 to 20 feet tall in a decade, and it will be about ten years before it starts filling in completely. Dusty noted that the buffer shown on the Plan complies with the standards of the zoning ordinance for size and spacing.

Challender asked about the property of approximately 100 acres across Bates Road from the Traverse City Horse Shows property. Mr. Morrissey said the parcels will be sold in increments of five acres and larger.

Wentzloff noted a clarification on C4.1. She pointed out what she felt was a typo in #7; should be 9 spaces required; 10 provided. Dusty said he would look at that. She asked how required accessibility sites are calculated if there are no parking standards. Dusty said it's based on the number of spaces provided and that there is a table.

Another point was raised about the property across Bates Road. If these future farm owners show their horses at the Traverse City Horse Shows, they will be crossing Bates Road with their horses. Mr. Christensen said that Doug (Mansfield) has talked to the Grand Traverse County Road Commission about possibility of installing a "horse crossing" zone. Regarding Arabian Lane, Sara Kopriva asked if there are residents there who walk their horses across Arabian Lane. Matt Morrissey responded there are and there will be more. Sara recommended that, while some parking concerns are taken away now, we now have horse-and- traffic all together -- large animals and people walking to the site. We need to find an appropriate way to deal with any negative impacts this brings.

Wentzloff asked Jeff Jocks, legal counsel, for clarification on the expiration of the SUP/SPR 2021-02. Mr. Jocks stated that there is an expiration of one year after the SUP/SPR is submitted if no work has begun. If work has started, then no expiration will apply.

2. Recreational Marihuana Zoning Ordinance Text Edits

Sara Kopriva provided the Commissioners with a Zoning Districts official zoning map for Acme Township with the 1,000 ft Buffer from Parks and Schools marked. Sara found evidence in an ordinance that the Tart Trail is not considered a linear park in Acme Township zoning. There was discussion about the buffer.

Motion by Aukerman, supported by VanHouten to include buffers in the ordinance for recreational marijuana licensees that mimic the medical marijuana ordinance.

Motion withdrawn.

Motion by Aukerman, supported by VanHouten to hold a Public Hearing for the recreational marihuana zoning amendment including Zoning Ordinance 7.11 in its entirety. Voice vote. No discussion. Motion carried unanimously.

3. Acme Township Draft Zoning Ordinance

Wentzloff began the discussion with a concern that current zoning language unnecessarily punishes developers for impervious surface density. Wentzloff said that developers should be encouraged to include adequate sidewalks for pedestrian safety and usage. Sara Kopriva will review the current language.

J. NEW BUSINESS None

K. PUBLIC COMMENT & OTHER PLANNING COMMISSION BUSINESS

Public Comment was opened at 8:57 p.m.

Brian Kelley, Acme Township resident, believes a traffic study should be conducted to determine the impact of the Traverse City Horse Shows on M-72. Mr. Kelley attended the horse show this summer and traffic was bumper to bumper exiting the horse show grounds to M-72. For the expected horse show participants from the Equestrian Estates across Bates Road, he suggested the possibility of a horse tunnel to cross the road. Mr. Kelley said the dust from the horse shows needs to be addressed.

Scott Hardy, Commercial Realtor, Coldwell Banker Schmidt Commercial Realtors, 522 E. Front St, Traverse City MI 49686, is concerned with the buffer restrictions of the Recreational Marijuana Zoning Ordinance. Mr. Hardy has clients looking to invest \$1.5 to \$1.7 million dollars in the community. These potential investments are in jeopardy due to the current zoning buffering restrictions, and he asked if these buffers are necessary.

Theresa Bak, 7108 Hawley Road, Williamsburg MI 49690, expressed her views on the possible odors emitted from a medical marijuana facility to be established near her residence. She is concerned that medical marijuana license, alone, will not sustain the business and that they will seek a recreational marijuana license. She is a 50-plus year resident of Acme Township and is concerned for the quality of life for all Acme Township residents.

The Public Comment period was closed at 9:09 p.m.

OTHER PLANNING COMMISSION BUSINESS

Planning Commission - Sara Kopriva. No report.

Board - Jean Aukerman. Our meeting is tomorrow evening; no report now.

Parks & Trails Committee - Karly Wentzloff reported that they went out to bid for the Acme Connector Trail, and only one bid was received. They went back out to bid with some modifications for construction. They hope for 3 bids.

ADJOURN: Motion by Feringa, supported by Challenger to adjourn. Voice vote. No discussion. Motion carried unanimously.

Meeting adjourned at 9:12 p.m.