



ACME TOWNSHIP PLANNING COMMISSION MEETING
WILLIAMSBURG CONFERENCE CENTER
4230 E M-72, Williamsburg MI 49690
7:00 p.m. Monday, October 30, 2006

Meeting called to Order with the Pledge of Allegiance at 7:03 p.m.

Members present: M. Vermetten (Chair), B. Carstens, C. David, R. Hardin, D. Krause, E. Takayama, L. Wikle, P. Yamaguchi

Members excused: J. Pulcipher

Staff present: J. Hull, Zoning Administrator
S. Corpe, Recording Secretary
N. Lomako – Wade-Trim, Planning Consultant

1. Consent Calendar:

Motion by Hardin, support by Wikle to approve the Consent Calendar as presented, including:

Receive and File:

- a) Draft Unapproved Minutes of
- 10/03/06 Regular Board of Trustees Meeting**
 - 10/10/06 Parks & Recreation Advisory Meeting**
 - 10/12/06 YCNA Steering Committee Meeting**
 - 10/17/06 Infrastructure Advisory Meeting**
 - 10/18/06 Finance and Communications Subcommittee meetings of the Shoreline Advisory**
 - Planning & Zoning News September 2006**

Action:

- b) Approve minutes of the **09//25/06 regular** Commission meeting
- c) Review and approve agenda, inquiry as to conflicts of interest: agenda approved with no conflicts of interest noted

Motion carried unanimously.

2. Correspondence: A letter was received today from Paul Brink, Winter Road and a document from the Glen Arbor Future Land Use Plan, and a September 2006 Antrim County letter were placed on the meeting tables this evening. All are applicable to the public hearing regarding the proposed Future Land Use Map (FLUM) to be discussed later in the evening.

3. Limited Public Comment:

Margy Goss, 4105 Bay Valley Drive asked if this would be the appropriate point at which to make comments relative to the FLUM visioning process; Vermetten suggested this be done during the public hearing for that purpose.

4. Preliminary Hearings:

- a) Preliminary review of **Application #2006-14P, Horse Sports by the Bay for development of an equestrian center on 83.68 acres of land zoned A-1, Agricultural located at 6535 Bates Road:** Ms. Alex Rheinheimer presented her application, noting that she previously had proposed the equestrian center and 3-week annual competition at Highpointe Golf Course. They have hosted their sanctioned equestrian festival in Blair Township for three years now. The first year 250 horses

attended; last year 500 horses and 1,500 people attended. They would like to limit the total number of horses to 700. Over \$330,000 in prize money was offered, and most of the attendees are from out of state. They estimate that the event brings \$4 million to the local economy. Their current site is leased; they are seeking a permanent home. In previous years the competition immediately followed the Cherry Festival; this year it will occur in late July and early August immediately after the Cherry Festival again. Ms. Rheinheimer believes that the Acme area would be an ideal location for their operation, as it has easy access to hotels along the bay. She is being served by Elmers, and has applied to the various local public agencies for required comments and approvals. Events occur Wednesday-Sunday from 8:00 a.m. to 5:00 p.m. People begin arriving on site to prepare for their events around 7:00 p.m. and trickle out as their events conclude.

Carstens asked about the property contemplated, which is just north of a church on Bates Road. He believes the west end is fairly wooded; the applicant indicated there are two pockets of woods on the site but that most of the woods Carstens refers to are on an adjacent property. This property is about 2,600' deep. Carstens believes the woods are largely mature maples, and he asked if many would be removed to construct the arenas. Arena 3A would just touch the northeast corner of the treeline.

Wikle asked how the waste from 700 horses is disposed of. Ms. Rheinheimer indicated that 90% of the waste is collected within each 10' x 10' temporary stall, mixed with woodchips. This waste is stored in a temporary containment area and moved each evening to a larger stockpile. At the end of the event, a local contractor who composts the manure collects the waste. For humans, porta-potties and Dumpsters are employed. David believes the proposed site is not as flat as the current location in Blair Township; he worries that uncontained manure piles standing for three weeks might have a tendency to migrate across uneven terrain. Mr. Rheinheimer indicated that the hauler does not work at night and the operators do not want trucks disturbing the horses during the day. Looking forward, it is possible that the contractors will collect the waste on Mondays when there is no competition. David asked what would happen if it rains on an uncovered manure pile in terms of runoff. The applicant acknowledged that they need to identify a specific collection point and they will be ensuring that there is no runoff leaving the property. Vermetten observed that the property is zoned Agricultural, and animal waste would be customary in such a zone.

Krause expressed concern that one of the areas of the site proposed to be most highly developed is in a woodlot area, and stated that the township generally seeks to preserve such natural resources to the maximum extent possible. He asked if it would be possible to flip the site plan to preserve the trees. The applicant indicated that the operational needs require large expanses of flat land. Construction expense is another factor. The applicant would like to preserve as many trees as possible in a park-like setting, rather than having the site be too open and seem blank. Natural shade is also useful.

Takayama noted the request includes temporary campsites and asked where they would be located. The area with a circular drive and 15 rectangles near the existing house is the spot. He sought to confirm that outside of the three weeks per year of the competition that the site would appear to be vacant with graveled roads; they would. Perhaps in the future barns 1, 2 and 3 might become permanent. Perhaps other horse-related groups might use the site, but Ms. Rheinheimer believes their operations would be much smaller. Perhaps 100 permanent stables might be needed, which could be contained in one building. The round structures would be only for her

event's use. Takayama asked where the temporary shelters come from; there's a company from South Florida that houses 4,000 horses for 6 months at the Winter Equestrian Festival. The Rheinheimers live in South Florida, are associated with that event, and many of their vendors come from there as well. There are full-time horse show circuit vendors. 90% of the vendors for her event are from out-of-state; they have tried to use local vendors but they don't seem to have the capacity.

David asked if there are employees who provide ongoing sanitation. They hire local children to help with animal feed and bedding, and trash. The event staff are all trained to pick up any trash they may see, no matter what their job description may be.

Yamaguchi addressed the traffic issue, noting that the present location on M37 hasn't had a problem. People accessing the site will largely be using the M-72/Bates Road intersection and traffic speeds are quite high – will this be a problem? Ms. Rheinheimer stated that most of the incoming traffic will occur before the morning rush hour, and the railroad track crossing should provide some natural traffic calming. She likes being close to M-72, a significant traffic arterial. Many people come up from the south on M-72 and used to have to go through Traverse City to get to the Blair site, and they won't have to do so now. Yamaguchi also asked if the event is a large local spectator draw. Several hundred spectators per day are expected. Some advertising is done on the television, there have been feature articles in the *Record Eagle* and the Visitor's and Convention Bureau has done some promotion. Some participants prefer a level of exclusivity similar to that of a golf event to enhance concentration.

Hardin asked if loudspeakers are used; each arena has a 2-speaker system and there are speakers in the barns as well so people can receive updates on the action. He also asked what other uses might occur when the competition is not taking place; other than some smaller local equestrian club events the site will lie unused. Ms. Rheinheimer does not want any non-equestrian uses, but might lengthen their event by a week or have a brief local June event.

Vermetten understands that earth would be moved next spring, and asked if this would allow enough time to host the event in July 2007; it will. There are no night events, so lighting is not a key issue.

Motion by Carstens, support by Takayama to set a public hearing for Application 2006-14P at the November meeting. Motion carried unanimously.

- b) **Preliminary review (continue d) of Application #2006-11P, Creekside Village, proposed development of 39 single-family site condominium units within Acme Village in the northwest area of the property adjacent to Juniper Hills Condominiums and Crest Haven Hills Subdivision:** Brad Kaye from Gourdie Fraser appeared in support of the application. This is a continuation of last month's discussion pending the resolution of questions regarding the inter-relationship of this application to the Acme Village Mixed Use Development approval. This question was resolved by discovery of text in the zoning ordinance stating that a use within an approved MUD may conform to either the approved MUD plan or the underlying zoning standards. The underlying zoning is R-3, so housing is a use by right; the matter still requires a public hearing because it is brought pursuant to the Open Space Development Ordinance.

Carstens asked how much impervious surface is proposed in the project. Roads and buildings cover about 50% of the site; at least 50% of the site will be open space. Carstens asked for hard figures for the public hearing.

Motion by Carstens, support by to set a public hearing for Application 2006-11P at the November meeting. Motion carried unanimously.

A recess was declared from 7:45 to 7:50 p.m.

5. Public Hearing:

- a) **Proposed Master Plan Amendment - Future Land Use Map:** Vermetten indicated the procedure would be governed as much as possible by *Robert's Rules*. A handheld microphone is available. Anyone wishing to make a comment should come to the microphone and give their name and address for the record. Comments are to be addressed to the Chair, both by the public and by the members of the Commission to keep the meeting flowing in an efficient and orderly fashion. He asked that comments identical to previous points expressed be saved until later in the process to allow as many diverse comments to be made as possible. Vermetten introduced Lomako to describe how the public input process was designed and conducted.

Communities plan for three key reasons: 1) when a community has a Planning Commission they are required by state law to prepare a land use plan; state law requires that once a plan is in place the community must evaluate whether it requires revision at least once every five years; 2) it is important to the protection of property values and 3) it allows communities to express their desires for how they develop, rather than having the outcome being entirely decided by commercial interests.

Acme Township has had a Master Plan for some time, but the plan lacked a FLUM. His firm worked with between 50-80 people per session over multiple sessions to gather input and shape the plan. The process was participatory to ensure that the result was tied to the values of the community. So, at the outset participants were asked to express their goals. At another step in the process they were asked to create visual representations of their desires for the community by creating "postcards from the future." Then participants used township maps to draw different land use patterns. These maps were distilled into three maps based on common themes, and these three maps were distilled down to the proposed composite FLUM. Over the summer surrounding communities were asked for their input, and several responded. The final key component is additional public input geared towards refinement of the map.

Lomako reiterated the request for people to give their name and address, address the Chair and express comments clearly and efficiently so the maximum possible number of people can participate. He asked that comments be prepared in a constructive format, perhaps expressing a question or concern and then providing a brief explanation. He understands that the Commission intends to take the comment received this evening under advisement and that no decision will be made this evening; Vermetten confirmed this.

Vermetten introduced John Sych, the Grand Traverse County Planning Director, who is attending this evening. He did not offer any initial comments, but drew attention to the comments provided by the County Planning Commission and offered his services to answer any questions about them.

Public Hearing opened at 8:02 p.m.

Kim Challender, 4836 Bunker Hill Road hopes the “proposed zoning” for property owned by her family on Bunker Hill Road will be changed. The current zoning is R-1, 1 house per 10 acres, but the proposed plan designates it for 1 house per 10 acres. The land was purchased in the 1970s and contains a tree farm, so she is uncertain how it could be designated “Rustic Reserve.” The property is on the south side of Bunker Hill Road between Springbrook subdivision and Lautner Road.

Ron Olson, CEO of the Grand Traverse Band, stated that as the largest taxpayer in the township they are concerned because their proposed designation is “Resort Residential” but doesn’t seem to contemplate associated commercial uses. They would like to see an expanded definition that would contemplate increase commercial uses. They purchase the property for an \$80 million initial investment, and have invested a large sum in renovations to the property since that time.

Timothy Stoepker, on behalf of Meijer, Inc. and The Village at Grand Traverse LLC stated that he provided a letter in August raising a number of questions. They continue to raise some concerns, particularly in light of County Planning’s comments. He asked how the town center area on the proposed map relates to the text of the Master Plan’s Town Center report. In the written report he believes the proposed town center area is much smaller than that contemplated by the map, and asked how the proposed area was drawn. He also asked how the proposed FLUM relates to the zoning ordinance and how it would be implemented. Finally, he asked about the definition of a “town center.” Meijer objects to a redesignation as a “town center.” The property has been zoned B-3 since 1988 and he asserted it has been the subject of two public referenda. Would the Meijer property become subject to rezoning as a consequence of inclusion in a “town center” area? Would they be required to include residential uses on what is now a commercially-designated property? What was the basis for increasing the town center area described in the master plan from about 170 acres to 450 acres? He does not feel there is much text to accompany and explain the map, and that there is not much supporting material in the zoning ordinance. He also objects to any recreation/conservation designations on their property, or any assertion that there is a watercourse on the Meijer property. He stated having received confirmation from the DEQ that there is no stream or tributary as defined by statutes on the Meijer property and objects to continued indications that there is one. He stated it appears that potential commercial development areas have been more than doubled over what is available now in the community, and if this is the intent it should be clearly stated. Mr. Stoepker also understands that the Board of Trustees has authorized hiring of RTKL to plan a proposed future town center, and he feels that a map and text ought to be considered after any such study to be sure that the outcome of such study is appropriately addressed. For these reasons and the reasons in their letter, they hope that the town center designation will not cross Lautner Road, and read from the County Planning Comments suggesting that the eastern boundary of the designation be at Lautner Road.

Noelle Knopf, 5795 US 31 N, complemented Mr. Stoepker on his expression of questions several people share about the proposed town center designation. She also addressed what she perceives as “downzoning” of B-1S properties including hers along the East Bay shoreline to a conservation/recreation designation. She also asserted that the township has inappropriately reduced the valuation assessment on her property over the past several ~~years~~ **tax statements**. She believes the B-1S designation should remain in place.

Dick Erickson, 6666 Mission Ridge owns several properties in the Grand Traverse Resort, and originally developed the Bartlett Road area. He recommends against

“downzoning” properties south of Springbrook. At one time he contemplated a subdivision next to the Sugar Bush subdivision (Bartlett Road) and is now considering one again. He asserted that the proposal would reduce his allowable density by 2100%. Right now he could have 2.178 units per acre, but would be reduced to 3 total units on his property. He is also concerned with Mrs. Roy Terdal, whose husband recently passed away and may not be aware of what’s going on. Her property lies near Wellington Farms and the regional sewer system is coming close to it through East Bay. Mr. Erickson does not believe he should be penalized for not having previously developed his land and believes it should remain residentially designated.

Sam Pellerito, Woods & Waters at 5456 M-72 has been paying taxes at a commercial rate and operating a business for years. He does not like the whole plan, and wanted to know who would compensate him for taking the value of his land with the conservation designation. His business is located near the awning business and veterinary clinic.

John Kennedy, 4765 Arthur Court, has 125 acres adjacent to Acme Village and Todd Gokey. A few years ago his taxation basis changed from agricultural to residential. He was concerned because he is considered a farm by various federal and state programs, but he is not assessed as such because he does not realize any income from the property. The current zoning map shows much of his property as being R-3, Urban Residential. Much of it slopes towards the creek and would make for nice housing. Some of the property is shown as R-1. He believes the proposed new map would change his designation and lower the density unacceptably. He doesn’t know who had input into the proposal, as it doesn’t make sense to him, and agrees with Mr. Erickson that things should stay as they are. He feels he has been unfairly singled out and should be able to do what Dr. Johnson, Mr. Rollert, LochenHeath, Meijer and Creekside Village can do. It looks like a “taking” to him. He offered to meet and share aerial photographs and plat maps that he has for further discussion. He hopes the matter won’t come to a head during the winter while he’s out of town.

Sally Erickson Bornschein, past president of the Homebuilder’s Association, owns property off Eagle Crest and Whiteford Roads. She feels that the proposed FLUM “flies in the face of planning.” Several of the residential designations appear to have identical densities, and many of the designations do not appear conducive to workforce housing. She hopes the regional LUTS committee could have some input. She feels the proposal is unfair to her properties.

Ken Engle, 6754 Yuba Road asked if consideration should be given to usage of sending and receiving zones to transfer development rights. This would assist in the preservation of farmland in the township. His properties are within the PDR eligibility area as designated on a recent Master Plan Map. Acme Township approved a millage for farmland PDR, but the funds raised are not enough to preserve all of the available lands. Affordable housing areas and denser development areas in the township could be created. As a farmer, he believes that in the agricultural zone the township must consider ending the five-acre minimum lot size. If lands in the PDR Eligibility area are developed, many could be developed on five-acre parcels. The cost of services and infrastructure would not be adequately covered by property taxes. There are additional tools that can be employed to help the farmers in our community.

Terry Sanford, representing Highpointe Golf Club, 5555 Arnold Road, is addressing the text of the Master Plan rather than the map. The text discusses development of a

hamlet in the Arnold Road area and he hopes this change will be carried forward into an eventual FLUM.

Lewis Griffith, 5181 Lautner Road addressed the area owned by Meijer, and his adjacent airport land. 50% of his runway, within 300' of the Meijer property is included within the proposed town center designation. The rest is proposed for "rustic reserve," the text for which he read aloud. He stated that he has been flying from the airport for 30 years, and the land does not seem to him to contain steep slopes, streams and wetlands or woods. \$17,000 was paid to develop this map, and nobody even went out and looked to see where Meijer is and what a flat runway looks like. It's been covered extensively by the media. One house per ten acres designation for that price in tax dollars. He feels this is ridiculous.

Margy Goss, 4105 Bay Valley Drive spoke to the process followed for the visioning sessions and why she feels things have been "derailed." She feels last August's elections demonstrated diversity in the community that was not permitted to be expressed at the sessions. Participants were asked to explore what they held in common, but not where their differences lie. When asked to "dream" rather than dealing with "reality" she objected, feeling that there has been too much dreaming and not enough realism; she was told she didn't have to participate if she didn't want to. She did participate to see where it would lead. She is pleased to be here this evening to hear how many people feel "misused and misrepresented" by the process.

Andy Andres Jr. is trying to stay open-minded about the map, but objects to the "rezoning" of 40 acres owned by his family adjacent to Springbrook. He feels that many people are raising the same questions and concerns about being "downzoned." He needs to learn more about how this map was developed, what it means, and how other communities use similar maps. He feels that more understanding needs to occur before it becomes law.

Lois Stoppel, 5474 M-72 has owned a small commercial business for the past 20 years. She feels that the proposed map diminishes the opportunity for her property to continue to be used commercially.

Steve Feringa, Grand Traverse Resort & Casinos, asked if a study has been done on the effect the map would have on the tax base. It has not.

Gina Griffis is representing property owned by the Pulcifer family on the south side of Petobego. She feels the landowners should have the right to develop the land as they see fit. She feels the public generally fails to adequately maintain parkland, and that the shoreline property should be developable.

Mr. Griffith observed that nobody offered a single positive comment about the proposed map. Perhaps it should be discarded without further effort.

Mr. Andres asked if Mr. Sych might offer some perspective from the County, and asked if this would be the only opportunity for public comment. Vermetten noted that the Planning Commission will deliberate at public sessions in the future. Mr. Andres asked if the Board has the final say about the matter; Corpe stated that adoption and amendment of the Master Plan is one thing the Planning Commission may do under its own authority. The Board may vote to take this power from them, but has not done so to date.

Rachelle Babcock, 4261 Bartlett Road, attended the visioning sessions leading to the

proposed FLUM. She hopes any changes to the proposed map by the Planning Commission will be made with the help of an experienced planner. She expects that people who experience changes through adoption of the map will be notified, and that there will be further public input into the map. She does not see this as the end of the process.

Elizabeth Cook, Grand Traverse Band Economic Development Corporation, asked if there could be a formal invitation to businesses to participate in this planning process.

Ms. Bornschein is getting an impression that this might be her only public input opportunity. She noted that the land owned by her family through which the easement for the VASA was granted does not fit the “rustic reserve” designation given, which also to her is the most “taking” of the designations.

Ms. Knopf agreed with Ms. Babcock, Ms. Bornschein and Ms. Cook. People are invited to public hearings to talk, but it’s well known that people don’t really listen well. She agrees that there should be a mailing to every property owner whose designation would change inviting them to a further session.

Lee Bussa, 4675 Brackett Road, was part of the visioning committee. Discussion was in generalities, and participants were not necessarily schooled in planning while they had ideas. Their work was turned over to Wade-Trim. It appears that perhaps they did not understand well enough how to take the generalities generated by people, many of whom have no financial interest in the outcome, into a specific plan that would meet the community’s needs.

Mrs. Goss recalled a description of the map as “broad brushstrokes.” It does not recognize anyone’s uniqueness. It would allow some form of oversight in Acme. She does not believe the broad brush has been fair to anyone. A smaller brush is needed.

Mrs. Pat Salathiel, 4888 Five Mile Road believes only Krause was on the Planning Commission eight years ago when they tried to create a FLUM for the Master Plan. There was a lot of fighting and they couldn’t do it. At some point the map must be created. She participated in the visioning process and felt it was fair. Perhaps it needs further work, and the people using the broad brushstrokes weren’t familiar with some of the details brought up this evening. After tonight’s input, she feels another public hearing is warranted. She feels the map does represent the overall visions discussed at the meeting, even if it needs some tweaking.

Public Hearing closed at 8:50 p.m.

Yamaguchi came to Acme several years ago, but before that worked on a Master Plan for Elk Rapids. She sees a lot of confusion in Acme’s proposed draft in the residential categories provided, and feels there are perhaps too many colors. The basic terminology used needs revision with the assistance of a professional planner. There are four or more different residential categories with descriptions that require more precision. Some of the categories could be eliminated in her opinion. Specifically she addressed the “resort residential” and “town center” classifications. “Town Center” doesn’t have a clear meaning to an outsider looking at our map for the first time; perhaps the addition of “mixed use” would assist. “Resort residential” seems to be nothing more than a type of residential, rather than connoting a range of typical resort uses. She noted the letter from Mr. Andrew Bateman, the former General Manager of the Grand Traverse Resort and agreed that the Resort is primarily a commercial rather than residential operation. She feels the Meijer

property should retain a commercial designation. The map should be reworked and brought back to another public hearing.

Carstens feels that a lot of work needs to be done before further public meetings. He agrees with many of the statements he has heard. His perspective as a participant was not considering economics but how we wanted the community to be someday. He appreciated Ms. Salathiel's comment that the map is necessary, but feels this map may be based more in wishful thinking than reality. He appreciated the County's comments.

David asked for advice from Wade-Trim regarding how the FLUM compares to the existing zoning map and how it affects zoning designations. This seems to be the key public concern.

Krause feels there is work to be done on the map.

Hardin noted that Lomako's opening statement was to encourage comment preparatory to making changes to the map. Clearly he felt this would be one meeting of several necessary to revise the map. He feels there must be a way for people to bring their opinions forth beyond the public hearing; he hasn't kept notes about each individual landowner's proposed changes. We need a process for reconsideration of individual properties as requested.

Wikle was encouraged by tonight's turnout, saying that the Commission is only as effective as the community support it receives. The map was done as a broad-brush effort. This isn't about "we" and "they" but about doing the best for the community, and the more we can meet and discuss, the better.

Vermetten asked Hull if he had any comments; Hull said he did not, feeling we are here to receive information rather than to "sell" an idea.

Vermetten stated a perception that there is a great deal of interest in the process. He feels the visioning sessions basically "worked." It was a broad-brush process, with people struggling through "fanciful" ideas. He was pleased to see that divergent opinions from a variety of sources were expressed, but that there was a general theme that we all live in a wonderful community. He does not fully understand where the Commission wants to take the process next, but first steps have been taken. He also agrees with Mrs. Salathiel that decisions must be made. Many people in the audience today took place in the initial creation of the map, and are now helping with the fine-tuning. He hopes more will join the process as it moves forward. The township's consultant has heard the input this evening, and apparently there is a need for changes to be made.

Vermetten would prefer to continue the discussion at other than the November meeting, as the agenda then is already quite full.

Carstens feels he needs much more information before he can proceed, and hopes there will be additional sessions separate from any other business.

Motion by Carstens, support by Krause for the Chair to arrange for additional Commission sessions specific to the FLUM.

Vermetten noted that the possibility for special meetings must be discussed with the Township Supervisor. Takayama hopes that County Planning will be included in the

meetings. Hardin realizes this has been a long process, but to get it right the time should be allotted.

Motion carried unanimously.

Ms. Griffis asked how the Pulcipher property could be designated “resort residential.”

6. Public Comment/Any other business that may come before the Commission: None.

Meeting adjourned at 9:15 p.m.