



**ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
7:00 p.m. Monday, January 29, 2007**

Meeting called to Order with the Pledge of Allegiance at 7:00 p.m.

Members present: M. Vermetten (Chair), B. Carstens, C. David, R. Hardin, J. Pulcifer, E. Takayama, L. Wikle, P. Yamaguchi
Members excused: D. Krause
Staff present: J. Hull, Zoning Administrator
S. Corpe, Recording Secretary
M. Grant, Township Counsel
Also present: J. Sych, County Planning Director

1. Consent Calendar:

Motion by David, support by Wikle to approve the Consent Calendar as amended to remove approval of the Planning Commission minutes for further discussion, including:

Receive and File:

a) Draft Unapproved Minutes of:

1. **01/09/07 Regular** Board of Trustees Meeting
2. **01/08/07 Shoreline Preservation** Advisory Meeting
3. **01/11/07 Zoning Board of Appeals** Meeting
4. **01/23/07 Farmland Preservation** Advisory Meeting
5. **Planning & Zoning News December 2006**
6. **Planning & Zoning News January 2007**
7. Potential Acme Township **Stormwater Control Ordinance**

Action:

- b) Approve minutes of the ~~12/18/06 regular~~ Commission meeting and ~~1/22/07 FLUM~~ **Work session**
- c) **Review and approve agenda, inquiry as to conflicts of interest:** approved with removal of approval of minutes from the Consent Calendar for further discussion. Pulcifer expressed a conflict of interest regarding discussion of the proposed Future Land Use Map (FLUM).

Motion carried unanimously

2. Correspondence:

3. Limited Public Comment:

4. Preliminary Hearings:

- a) Request from **Hayden Development Company LLC** for recommendation to the Board of Trustees that Acme & Whitewater Twps. form a joint planning district administered by a new joint planning commission, governing applicant-owned property in both townships commonly known as Highpointe Golf Course, which would facilitate further application for a single comprehensive mixed use PUD permit application: Jason VanderKodde, Nederveld & Associates was present in support of the application. Vermetten noted that he, Corpe, Hull, Mr. Sych, and representatives of Whitewater Township met with the applicant to discuss the issue conceptually several months ago. Hull has invited Mr. Sych to address the Commission to educate them about the Joint Planning Act.

In Michigan, state statute grants planning and zoning powers to local governments. The idea of joint planning commissions arose from the Michigan Land Use Leadership Council in August 2003; PA 226 of 2003 was subsequently adopted. Two or more communities can sign an agreement creating a joint planning commission, specifying membership and how to qualify, procedures for removal from office and filling vacancies, budget, physical jurisdiction (can be part or all of one or more member communities), how municipalities join or withdraw from the joint commission, and which state enabling legislation governs the situation if the municipalities are of differing types. Details regarding the forms of the required agreements are not specified.

In this case, the Acme and Whitewater Township Boards of Trustees would act to form the joint planning area. The Township Planning Act would apply. Mr. Sych recommends that the respective township Planning Commissions study the matter, perhaps meeting jointly, and make recommendations regarding the details to their Boards. Mr. Sych has a draft joint planning agreement based on one used in the City of Newaygo. The City of Traverse City and Garfield Township are considering a similar venture for the former state hospital grounds. Municipalities near Frankenmuth have been planning jointly for decades. Grant funding and general assistance is available for joint planning initiatives.

The number of joint planning commission members could be 5, 7 or 9. Meetings could be held on an as-needed basis. Planning beyond the boundaries of the joint zoning area could occur. In this case, most of the proposed joint planning area is within Acme Township.

Mr. VanderKodde stated that the proposed joint planning area is approximately 575 acres, with about 435 acres within Acme Township and the remaining 140 acres in Whitewater Township. The land is zoned A-1, Agricultural. He read from the section of the Acme Township Master Plan which calls for special attention to neighborhood design for the Bates area. His clients would like to develop a neighborhood center on the north and west sides of the existing golf course, perhaps adding an equestrian center and dedicating some land to preservation. The golf course would be retained. They would like to use the entire property in both townships towards density calculations for a comprehensive and cohesive PUD project. His immediate goal is to accomplish the administrative details of forming a joint planning commission to make a future PUD application possible. While they would propose a PUD for their property only, they would also hope that a joint planning commission would plan for a larger area containing slightly over a section and a half. Highpointe hopes to be able to begin development in late Fall 2007.

Hardin asked if Whitewater Township's Master Plan is consistent with Acme's for the neighborhood; Mr. VanderKodde stated that there are some differences. He stated that when a joint planning area is set up and an application reviewed by a joint planning commission, the Boards of both municipalities must grant final approval.

David noted that while the lion's share of the land and development area is in Acme, the applicant is proposing to use Whitewater Township's PUD ordinance. When the idea was first proposed Acme Township didn't have a PUD ordinance; a draft one now exists and Nederveld Associates is reviewing it to see if it would provide the density they are seeking.

Carstens asked if the zoning on the Whitewater portions of the land area is A-1; it is.

Wikle asked if there is property also under Highpointe ownership that is not included in the proposed joint planning district; there is.

Mr. Sych observed that plans for the joint planning area must be reviewed by both township boards.

Carstens recalls that there is an evergreen plantation on the south side of Crisp Road, and asked if it extend to the proposed open space area on the Highpointe property. Currently the open space area contains a meadow and a hilly area with a mature-growth forest and some trails. The golf driving range is also within this area.

Motion by Carstens, support by Yamaguchi to recommend to the Board of Trustees that Acme Township explore the opportunity to form a joint planning district with Whitewater Township for the Highpointe property.

David asked if joint commission members would serve only for the duration of this project. The joint commission would be an enduring body as long as the joint planning area exists, but due to the nature of the proposed joint district the business before it would be limited. They would perform master planning for an area larger than the proposed PUD area. The area could be expanded by following the same procedure as that used to initiate the area.

A zoning ordinance would have to be chosen to govern the joint planning area. Currently it is proposed to use Whitewater Township's ordinance; their ordinance has been under review for wholesale revision for over five years now and the process is not yet concluded. Takayama understands that the applicant is suggesting that Whitewater's PUD ordinance be used; at the time the idea first came up Acme didn't have one to consider. We are close to having one, so there are options to evaluate. Whitewater may be pursuing an amendment to their PUD ordinance. Hull met with his Whitewater counterpart recently; both feel that Acme's PUD ordinance would serve the applicant better than Whitewater's and have forwarded that recommendation to Mr. VanderKodde. The two township Boards will ultimately decide which ordinance to use.

Motion carried by unanimous roll call vote.

5. Public Hearings:

- a) **Continuation of public hearings regarding proposed Development Options and Business Districts regulation amendments to the Acme Township Zoning Ordinance (staff requests continuation to the February 26 regular meeting):** At the end of the last meeting Hull thought the required revisions were cursory, but upon further review some deeper legal issues surfaced. He would like to bring these matters and proposed solutions to the Commission at the February meeting, and a bullet-point list will be distributed to Commissioners prior to regular packet distribution.

Motion by Carstens, support by Takayama to continue the public hearings regarding the proposed Development Options and Business District regulation amendments to the February meeting. Motion carried unanimously.

6. New Business:

- a) **February regular Planning Commission Meeting:** It was realized that the next regular Planning Commission meeting is scheduled for February 26, which is the day before the special election. The meeting room will already be set up for use as a

voting precinct and will be unavailable as a meeting space that evening. Hull will attempt to find a different meeting space for the same date; alternatively Hull will work with Vermetten on a different meeting date.

7. **Old Business:**

- a) **Continued discussion of proposed Future Land Use Map amendment to Acme Township Master Plan:** Changes to the map and accompanying text as discussed at the January 22 meeting have been incorporated into the revised map which has been distributed. Takayama complimented staff on a job well done and accurate based on the discussion. He noted that there was significant discussion about TDR and PDR concepts and that some associated language has been incorporated into the description of the agricultural area; he wonders if the same or similar language should be incorporated into other land use descriptions as well. For instance, rural residential areas could include a desire for them to serve as sending zones. David feels that this would be an additional complication that would not add significant value. Grant agreed that all sending/receiving zones should be identified if any are to avoid ambiguity. Hull stated that identical language can be added to the conservation and rural residential area language.

Carstens expressed concern regarding the town center land use designation language. He suggested that some sorts of light industrial uses might be appropriate in this area and should be mentioned. For instance, there is a light industrial business that employs handicapped workers in town, and in a town center such workers could live close to such a job. Hardin felt this might open up an immediate need to define the term “light industry” and differentiate between uses reserved to the industrial land use category, and that this might narrow options inappropriately. Vermetten believes that in this particular case, “less is more,” and that it could be argued that this type of use is already encompassed in the term “town center” as broadly described.

Yamaguchi stated that she and Hull tried to incorporate all the comments made at the last session, particularly eliminating use of the word “shall.”

Motion by Takayama to accept the descriptive FLUM language, adding language as discussed regarding PDR/TDR, and recommending it to the appropriate bodies.

Grant believes that the next legal step is submission to the township Board for review and comment. If they approve distribution to surrounding municipalities. Vermetten understands that the Commission is asking the Board for permission to send it forth.

Motion withdrawn by Takayama.

Motion by Takayama, support by Wikle to accept the FLUM and accompanying language, with PDR/TDR amendments as discussed, and recommending that the Board of Trustees permit distribution to neighboring communities. Motion carried by unanimous roll call vote (Pulcipher abstaining).

- b) **Approve minutes of the 12/18/06 regular Commission meeting and 1/22/07 FLUM Work session:** Regarding the December 18 minutes, David noted that the support for approval of the Consent Calendar was not typed in. Corpe will research by listening to the tapes.

Motion by Carstens, support by Takayama to defer approval of the December 18, 2006 meeting minutes to the February meeting. Motion carried unanimously.

Regarding the February 22 meeting minutes, three amendments were suggested. On page 5 Takayama's comments should have reflected his position that the Pulcifer property adjacent to Petobego swamp be designated recreation/conservation rather than shoreline residential. On page 3 in the first paragraph Yamaguchi recommended substitution of the word "objectives" for one instance of the word "character," and in the fourth paragraph Carstens suggested that light industrial areas be receiving zones rather than sending zones for development rights.

Motion by Takayama, support by David to approve the January 22, 2007 Planning Commission minutes as amended. Motion carried unanimously.

8. Public Comment/Any other business that may come before the Commission:

Nels Veliquette addressed the change of the shoreline areas to a recreation/conservation designation on the proposed FLUM. He would like to note that much of the agricultural area along the US 31 corridor is proposed for rural residential. Many of these areas are in active orchard production, are within the PDR Eligibility Area, and this area contains Master Plan protected viewshed #12. He therefore believes it is "wholly inappropriate" to designate these areas of agricultural and scenic importance as rural residential rather than agricultural or recreation/conservation. He will make these comments to the Board as well. Much of this area is owned by one of the township's largest employers, and he can say from experience that the more residential neighbors they have, the more difficult it is for their agribusiness to continue. Vermetten noted that the Board is not holding a public hearing on the matter at this time. The Board will permit distribution to neighboring municipalities for 75-day comment period, after which the Planning Commission will hold a public hearing and receive and evaluate such comments.

Mr. Sych stated that the procedure for municipal comment has changed, and the time period is now 63 days during which townships and the County may evaluate and respond concurrently. Hull stated that the FLUM is being sent through the public process a second time because the first time some members of the public raised a concern about whether the map was being clearly incorporated into the Master Plan.

Margy Goss, 4105 Bay Valley Drive recalls that at the last meeting there was discussion of changing the recreation/conservation text. She now sees that the entire coastline was changed to this designation from the defunct "shoreline residential" category. Was the text changed and what does it say now. She owns property in this area. Vermetten reviewed the language, which is similar to what it was before. One change was a desire to encourage development through cluster, open space subdivision or PUD zoning ordinance options, and this is reflected in the text revision. Pursuant to tonight's discussion, this designation will also be described as a sending area for development rights. The Commission feels that the two categories contained redundancies.

Ken Engle, Yuba Road addressed the proposed Highpointe project. He recalls that at the Farmland Advisory meeting last week there was some discussion about surprise as to the level of restriction in the township's Farmland Preservation Ordinance. When farmers made their applications they didn't fully understand some of the development restrictions to which they might be subject. Farmland Protection Specialist Brian Bourdages will be meeting with the applicants to discuss how this may affect them each individually. Mr. Engle is also aware that the proposed development options ordinance contains some TDR elements. If the new PUD ordinance is adopted and TDR can be used, perhaps this vehicle can be used towards the development of Highpointe as an alternative to establishing a joint planning commission with Whitewater Township.

Carstens extended thanks to Hull and Yamaguchi for their work on the FLUM language.

Meeting adjourned at 8:25 p.m.