



ACME TOWNSHIP PLANNING COMMISSION MEETING
Acme Township Hall
6042 Acme Road, Williamsburg, Michigan
7:00 p.m. Monday, August 27, 2007

Meeting called to Order with the Pledge of Allegiance at 7:02 p.m.

Members present: M. Vermetten (Chair), B. Carstens, C. David, R. Hardin, W. Kladder, D. Krause, D. White, L. Wikle, P. Yamaguchi
Members excused: None
Staff Present: S. Corpe, Township Manager
J. Hull, Zoning Administrator

INQUIRY AS TO CONFLICT OF INTEREST: None noted.

1. Consent Calendar:

Motion by Carstens, support by David to approve the Consent Calendar as presented as presented, including:

Receive and File:

- a) Draft Unapproved Minutes of:
 - 1. **08/07/07 Regular** Board of Trustees Meeting
 - 2. **08/14/07 Special Board** meeting
- b) **Planning & Zoning News July 2007**
- c) **Planning & Zoning News August 2007**

Action:

- b) Approve minutes of the **07/30/07 regular** Commission meeting.
- c) Review and approve agenda, inquiry as to conflicts of interest:

Motion carried unanimously.

2. Correspondence:

- a) **Letters dated 7/30/07 and 8/1/07 from Sam Pelerito, Chris Stoppel and Tom Gremel**: Received and filed.
- b) **Notice of Intent to File Petition to Submit Ordinance to Electors for Approval under MCL 125.3401 Hand Delivered to Township Office 08/17/07**: Received and filed.

3. Limited Public Comment:

Gene Veliquette stated that Tyler Veliquette signed the notice of intent to file petition, and that there are many reasons they feel it is a necessary step unless they can persuade the township to reconsider Ordinance Amendment #138. The amendment would replace the current Open Space Development Ordinance but would eliminate density bonuses for clustering housing. He feels that the way it addresses required 50% open space is detrimental. He feels that the site planning considerations that would be required are difficult or impossible to meet, particularly after certain types of terrain are discouraged from development use. Mr. Veliquette also objects to limitations on commercial components to agricultural PUDs and the proposed regulations for density transfers. He would like to know how the new ordinance would be better than the ordinance it would replace.

Margy Goss, 4105 Bay Valley Drive stated that she called the township office at about 3:00

this afternoon because she was unable to access information about tonight's meeting on the township website. She was told that other people had called with concerns as well. Nancy Edwardson made photocopies for her, but she felt this is something that shouldn't happen. There is a lot of disagreement about what should and shouldn't happen, and not having a communication system working properly, particularly on a meeting day should not happen. Vermetten observed that this information is always available at the township hall in person, and that computer glitches occur from time to time.

4. Preliminary Hearings:

- a) **Preliminary hearing on SUP/Site Plan Application #2007-05P, a planned shopping center located on E M72 west of Bates Road:** Vermetten noted that he, Hull, Corpe and Bill Kurtz met with the applicant when the application was first submitted for a brief overview, and he understands that some minor modifications have been made.

Doug Mansfield, Mansfield Associates presented the application. Kevin Van from Nielsen Associates, the property owner, was also present. The proposed site is currently zoned B-3, Planned Shopping Center, and the plan has been prepared after review of current township policies and procedures, as well as the records of proceedings regarding other proposed developments in the township.

The land has a rolling character with several ridgelines. There is perimeter vegetation with a wetland along the adjacent railroad corridor that expands through the southwestern portion of the site. Near M-72 there is a proposed 22,000 sq. ft. retail building; parking is shown between the building and M-72 which the applicant was informed does not meet the strict requirements of the ordinance and which is being evaluated. Moving west into the property interior via a boulevard are three more retail-use buildings. An easement for cross-access to the TART, possibly with restrooms and a pavilion, is also shown. Going by ordinance standards about 2,500 parking spaces would be required; the applicant feels they need closer to 1,500 and hopes the Planning Commission will work with them in this regard. Additional landscaped islands have been added throughout the parking lot to meet ordinance requirements. A rain garden stormwater management system leads through an energy dissipation basin through sedimentation chambers which remove oil and other contaminants to an area where water is treated naturally by select soils and vegetation before moving into the natural wetlands.

This is about one half of the total parcel owned by Nielsen; the other half is south of the railroad tracks and is zoned for mobile home parks. The land in this area is high enough to support an at-grade water storage tank; the applicant is planning to develop a water system to serve this development and beyond, perhaps turning it over to the township to operate as a municipal water system. It would be possible to obtain on-site wastewater treatment permits, or perhaps to negotiate with the Tribe to obtain sanitary service from their Turtle Creek facility. However, the applicant would prefer to discuss expansion of the township's regional sanitary sewer service district and to connect to the regional sewer system.

Buildings are set back at least 200' from adjacent property lines, which meets or exceeds requirements for setbacks from dissimilarly zoned land (A-1). Approximately 70% of the land is projected to be left in open space. Proposed building elevations were displayed involving brick and stone facades with a high level of varying features. The style of the largest building evokes an old railroad station, while the smaller buildings have a different but complimentary feel.

David addressed the question of sanitary sewer options, asking how far east or

sewer district currently extends. Hull replied that the current district ends with the eastern boundary of the Meijer property, just east of M72. David asked if the homeowners along M-72 to the west of the property plan to stay in their homes; Mr. Mansfield stated that they have been approached and all appear to desire to stay in their homes at this time. David expressed a concern that those homeowners might be forced to connect to the sewer line if it passes within 200' of their homes; Hull replied that this would not necessarily be the case. David noted that his subdivision, Cranberry Woods, faced the possibility of having to connect to a sewer system about two years ago even though their septic systems are quite new when an adjacent development was created that would be served. Corpe noted that the SUPs for Cranberry Woods and Williamston Estates specify that those two developments will hook into a regional sewer system at a time of the township's choosing when it becomes reasonably practicable. When she became aware of the adjacent development in East Bay Township she evaluated whether the connection should be required at that time, and it was decided not to.

Carstens expressed some questions about Yuba Creek and how it passes through and around this property; one of his regular water testing sites was nearby and he believes the course of the creek may pass through the property or be tied to the wetlands complex on site. He also asked if neighboring properties would be required to provide sidewalks along M-72 to connect to one required along the frontage for this property; they would not. Hull noted that the township may request an environmental impact study to address the questions regarding Yuba Creek. Mr. Mansfield discussed some possible connection to Yuba Creek on the north side of M-72 to the on-site wetlands, and observed that the railroad bed construction likely disturbed the flow to the south.

Carstens asked about the building closest to M72 and asked if there would be sufficient room to place the building between the road and the parking and respect the required setback from M72. He observed that at one time the township was evaluating a possible M-72 corridor Overlay District ordinance that was not adopted but that would have asked for even greater setbacks.

Kladder asked for a discussion of traffic impacts, whether the development is seeking a traffic signal, and if the Tribe would like a traffic signal. Steve Feringa, Tribal Architect, stated that the Tribe would like to have signalization somewhere along the corridor. Mr. Mansfield stated that a traffic analysis is underway, and they may ask for signalization but may or may not get it. Yamaguchi stated that she had trouble turning at the M-72/Bates intersection recently, waiting nearly 20 minutes.

Wikle expressed concern for the Story house, right on the southeast corner of Bates and M-72. Not only might they experience a significant increase in traffic, but project lighting could be a significant issue. Mr. Mansfield stated that lightpoles will be kept to 12' – 16' and be fully dark-sky compliant and set back from the property borders. As to the traffic, these individuals already live on a busy highway corridor. Wikle noted that adjacent houses along M72 are lower than the development area and asked about runoff concerns. Berming and the stormwater control system are designed to prevent runoff to the adjacent properties.

Carstens observed that a market study is required for this application. He asked how the applicant will address the complicated interactions between the Village at Grand Traverse and Meijer. Their market studies seemed to indicate that their projects would occupy all of the available market. Vermetten stated that this project must be evaluated on its own merits and not in conjunction with other projects not on the

books yet.

Kladder asked how much of the central area of the project would have to be leveled. All finished grades will be 1:3 or less. Kladder asked how many tenants there might be. The small building could be as many as 10 businesses, with 1-2 in the mid-sized buildings and 1 in the largest.

Wikle stated that she likes the TART tie in, but hopes that bicycle traffic on M-72 will not be encouraged. Vermetten suggested that the applicant work closely with TART.

Corpe asked to revisit the market study issue briefly. She stated that Meijer, Inc. has an SUP approval. They are challenging some of the conditions of the permit, but as far as she understands it nobody is challenging the fact that an approval exists. The Village at Grand Traverse (VGT) has been approved twice and twice the approval has been set aside by the courts; a decision regarding an appeal of the second court action is pending and could come any day. Her feeling is that certainly the Meijer project would affect the market study, and perhaps the VGT as well.

Vermetten asked if there would be a phasing component to the project. Mr. Mansfield stated that the water and sewer will need to be installed at the outset, and with the infrastructure in place it would be beneficial to proceed with project buildout as quickly as and in one phase if possible.

Vermetten stated that the application checklist requirements for a preliminary hearing appear to him to be met. Mr. Mansfield stated that he expects regulatory agency feedback within 10 days (DEQ for water and sewer, MDOT for the roadway, Soil Erosion and Metro Fire.) Market, environmental, traffic and lighting studies need also to be performed.

David stated that some balance should be achieved between market needs and local marketplace. Vermetten observed that his and Corpe's opinions have been stated, and he will form his own. There is an obligation to an applicant who has fulfilled the requirements of the zoning ordinance. Mr. Mansfield stated that the applicant wanted to bring the application to the township's attention as soon as possible, rather than having it come to us through the grapevine, particularly after all the township has been through recently.

Carstens reiterated strong concerns about Yuba Creek, and if there is enough of the creek and its headwaters on site an impact study would be appreciated by the community. Vermetten feels that this is most properly a DEQ matter. Mr. Mansfield encouraged open dialogue between Carstens and his firm to answer any questions.

Kladder stated that the parking ratios should be addressed. Corpe observed that the current plan shows the desired parking ratio and that it is within the Commission's authority to permit the reduced number of parking spaces. Carstens asked that township counsel be present for further discussions regarding this application, particularly regarding market needs. Hull stated that he generally doesn't think much of most market studies although they have a valid purpose.

Motion by Krause, support by Yamaguchi to set a public hearing for Application #2007-5P for the September 24 meeting. Motion carried by a vote of 8 in favor (David, Hardin, Kladder, Krause, Vermetten, White, Wikle, Yamaguchi) and 1 opposed (Carstens.)

Hull noted that the applicant is requesting an amendment to the zoning ordinance, specifically the sewer district. He asked if he should publish a public hearing on that matter for the next meeting as well, and was directed by Vermetten to do so.

5. Public Hearings:

- a) **Continued Public Hearing regarding SUP/Site Plan Application #2007-01P, a cheese factory for Bart Nielsen at 9018 US Highway 31 North:** Mr. Nielsen and Mark Lewis from Inland Seas Engineering presented the application. Mr. Lewis reviewed the existing and proposed site developments. A type 3 water well with setbacks for a type 2 well should it become necessary are provided. There would be two sanitary systems: one for the residence and one for the production/retail/public building. The Health Department called Mr. Lewis this morning stating they would agree to issue permits with larger dual septic tanks and over-excavation of the drainfield beds. Normal depth is 4-5'; they would like this system dug to the granular soil level or about 8-12'. Two down-directed/down-shielded lights would illuminate the parking areas and there would be recessed lighting under the roofline for porch areas. One sign would be proposed south of the driveway.

David asked about earlier discussion of potential township ownership of part of the parcel. Vermetten stated that township counsel has advised that township ownership would not be in our best interest, but perhaps a conservation easement would be desirable. A conservation easement over all but 2.5 of the 11 acres has been discussed. Hull stated that the proposed factory building location was permitted pursuant to a variance which was predicated on provision of a conservation easement. If a conservation easement is not provided, the building will have to be relocated to a position conforming to the ordinance. Mr. Nielsen stated that he is open to either having the east five acres become part of the township park or providing a permanent conservation easement over the east 7.5 acres. The factor pushing towards an easement is that the DEQ wastewater permit requires limits of 1,000 gallons/month/acre of land in the parcel on which wastewater is disposed of. His projected flow of process water with the full acreage would allow 18-22 days/month of cheese production. Giving the township the east 5 acres would limit him to 12 days/month of production unless the township allowed wastewater disposal on its property, which is the detail which which township counsel is concerned.

David asked if any food other than that produced on site would be offered for sale in the retail shop. Mr. Nielsen proposed to have honey, maple syrup and a limited number of cheeses not produced by them, along with some crackers, ice cream and perhaps some beverages. Hull stated that the retail component of the project is limited by the amount of space given to it in the building, and he naturally assumed that a venture of this nature would have some sort of retail component. Corpe noted that the township's definition of a farm market allows for sales of items produced by the owner (not necessarily on-site) along with a "limited" but otherwise unspecified amount of other convenience goods. Mr. Nielsen stepped the assembly through the floorplan and process flow for the building. He also provided some elevation line drawings (materials/color not shown.)

Public Hearing opened and closed at 8:32 p.m., there being no public comment.

Mr. Lewis stated that written comments were received from Metro Fire and MDOT, the Health Department has called him with their requirements, Soil Erosion is reviewing plans with revisions they requested, and DEQ states they will issue a permit for the wastewater system shortly.

Mr. Nielsen asked if he could address the market feasibility issue of his project. He has not commissioned a market study. His plans are based on his experience as a factory owner before his marriage and managing a factory as a couple for an Amish family in Wisconsin after his marriage. They outfitted a building and started the cheesemaking process, turning it over to another operator after training him. They operated a store for seven months on a road with 1,400 cars passing per day. Current traffic flow figures for the location on US 31 are at about 7,900 cars per day. From October through May at the managed facility they averaged 650 pounds of cheese sales/week with no advertising. Their figures for operating this facility are based on producing 600 pounds per week in an environment where people consume 31 pounds of cheese per person per year. If they can capture 1% of the GT and Antrim County cheese eating populations they will meet their cash flow projections. Vermetten indicated that Mr. Nielsen has clearly done his due diligence.

Hull asked the Commission to provide a finding of fact for him on whether requirements for engineered plans for wastewater treatment and traffic management have been met. Feeling that MDOT's review satisfies the latter, and the plans displayed this evening satisfies the former, he went on to state that the building must be "effectively screened" from the nearby roadway by landscaping, that a 10' wide planting strip must be provided along the road right-of-way, and required tree planting. If the Commission is satisfied on these points the only outstanding issue will be addition of a loading space to the parking/maneuvering area.

Vermetten feels there are minor deficiencies in the presentation:

- Engineering and architectural plans for process wastewater treatment system: the local Health Department is deferring to the DEQ, which will issue a permit for this sort of system. Mr. Nielsen stated that DEQ reviewed the plans, provided the appropriate form, and indicated that approval is automatic once the application is submitted. Hull has a copy of the application.
- Proposed handling of traffic congestion, light and other pollution: this would include concerns raised about potential odors. Hull explored this question deeply and could find no cause for concern. It has been noted that Mr. Nielsen's own residence will be closest to the factory, with the next nearest homes being at least 600' away. Kladder asked what recourse the township would have if a stench occurs. Hull stated that the potentially smelly by-product will be hauled away by truck; if a smell occurs the township will need to involve itself in causing that process to be improved. Mr. Lewis indicated that the township could also contact the DEQ for enforcement assistance. Mr. Nielsen also observed that he will be retailing vs. wholesaling, so if there is an offensive odor it will destroy his business.
- Required landscaping components: Krause, as Chair of the Landscaping Committee, noted that 3 required street trees will be planted and feels they will be adequate along with the existing site vegetation.
- Lighting: the lighting is now demonstrated on the site plan as required. Mr. Nielsen believes they will only be open for about 15 hours a year after dark; they will close at 5:00 or 6:00 p.m. in the winter. Kladder asked if the store exterior lighting will be on when the store is closed; it will not, but there may be motion detectors on the lighting for the doors.
- Parking: satisfied with revised drawings
- Dumpster Screening: Dumpster will be between two buildings with a door in front and thus will be screened and is satisfied.
- Loading space: there is a loading dock that will be accessed by backing in

from the north side of the building. Hull suggested that the final set of plans demonstrate this more clearly for the final Board consideration.

- Right-of-way landscaping: minimum 10' wide required. Krause already indicated he felt that the shrubs and trees to be provided meet requirements.

The building will have fire suppression sprinklers as required by Metro Fire and a Fire Lane will be provided with signage.

Kladder asked about the proposed conservation easement. Mr. Nielsen stated that the GT Regional Land Conservancy has indicated willingness to hold the easement, per discussions with Matt McDonough. Hull reiterated that if the conservation easement does not come to pass the variance granted on the basis that it would occur will be invalid and the SUP application would have to be resubmitted with the building farther back from the roadway. Kladder expressed concern if an easement were not to become effective for up to 10 years, what would happen if it were not finally consummated? Vermetten feels that if a perpetual easement is enacted before a building permit is issued that the matter will be effectively covered. Mr. Nielsen is concerned because the property value may be diminished if a conservation easement is in place. He needs to finance the land purchase, but the Conservancy may not be able to afford to purchase the easement up front.

Motion by Carstens, support by Yamaguchi to recommend approval of SUP Application #2007-1P to the Board of Trustees upon provision of all required agency approval letters.

Kladder asked if this would include the conservation easement. It would not; the Board may make the easement a specific condition of issuance of a building permit pursuant to the SUP.

Motion carried by unanimous roll call vote.

A brief recess was declared by the Chair from 9:03 to 9:10 p.m.

6. New Business:

- a) **Consider Site Plan Approval Application #2007-01SP for Hayden Table Tennis Training Facility, 5549 Bates Road:** Jason VanderKodde from Nederveld Associates presented the application. The parcel is zoned B-4, Material Processing & Warehousing, and is on S. Bates Road just after the pavement ends and across from the Highpointe maintenance building. Mr. Don Hayden would like to change the land use from the former manufacturing facility to a table tennis training facility. Trade or industrial schools are permissible in this district; a “trade school” being a place that trains people in a skill, and table tennis being a skill. Few changes to the existing site are proposed. The current Dumpster pad is surrounded by a chain link fence but is empty because the building is empty. If a Dumpster is required some slats would be placed in the chain link. The parking lot does not meet current landscaping requirements, but the applicant will commit to installing landscaping islands as required. The site is served by a 4” well and on-site septic facilities. The applicant is working with the Health Department, and if there are issues with the current facilities there is adequate room to expand the systems.

Hull noted that this is the first application being submitted pursuant to recent business district ordinance amendments. It is also Acme Township’s first commercial use by right beyond those required by state law. Because this is a use by right the process is site plan review only; approval may not have

conditions attached. Initial deficiencies in the site plan have been corrected (demonstration of snow storage, indication of surrounding land ownership.) Legal counsel feels that we can only compel installation of landscaping islands at building construction, and the facility already exists and is being re-used. The township would welcome installation of additional landscaping in the parking lot, but we may not strictly require it.

Vermetten asked if the Commission is to determine whether or not this is a trade school. Hull replied no, this is a duty performed by himself and by the Zoning Board of appeals. He has determined favorably because this is a facility that will teach people a potentially marketable skill – they can become table tennis teachers or enter competitions and win prizes.

Hardin asked for clarification on the question of the parking islands. He recalled that when there was discussion of transforming the Traverse Bay Woolen Company from a store to a restaurant the township did look at requiring landscaped parking islands. Was this because of the change in the nature of the use? Krause recalls that it was related to the possibility of major alterations to the building. Similarly, remodeling a house requires conformance to current codes. In this case no major alterations to the building are proposed.

Motion by Carstens, support by Wikle to approve Site Plan Application #2007-01S. Motion carried by unanimous roll call vote.

7. Old Business:

- a) **Discuss question regarding public notice publication for Future Land Use Map**
Public Hearing: To meet legal requirements, Hull had to publish notice of the public hearing before the venue for the meeting was changed. The State Planning Act does not specifically require that the venue for a public hearing be within the legal notice, whereas other similar state legislation is specific in this regard. The venue was changed in public meeting and was legally posted at the township hall. Township counsel is comfortable that the public hearing was held legally.

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

Linda Wikle remembered Helen Maitland, who recently passed away, as a pioneer in the community.

Nels Veliquette observed that the Michigan Association of Planning is holding its annual educational conference at the Grand Traverse Resort in October. He hopes all Commissioners will attend if and as possible. Fostering public understanding and acceptance of growth management is a tenet of our Master Plan. Having the resources that will be present at the MAP conference on hand will be an invaluable opportunity for people to learn and discuss how to manage growth intelligently. He has addressed the Commission many times in the past about the fragmentation of agricultural land in the community, and he fears that proposed Ordinance Amendment #138 will only further this detrimental fragmentation. If we really mean to preserve the agricultural nature of the township, which is an economic engine, this issue must be addressed competently. Clustering housing may be one component of a plan, but will it work well on its own? He would favor a SmartGrowth code. He is committed to being here every month and bringing additional resources to inform the Commission. Carstens thanked Mr. Veliquette for his comments, and indicated that he would like to talk more with Gordon Hayward about farmland preservation. He hopes that Mr. Veliquette will

present any helpful ideas in writing.

Gene Veliquette feels that reconsidering Ordinance Amendment #138 is very important for reasons stated earlier. In 1980 he started a dairy, without having to go through a special use permitting process. They produced a range of products marketable in schools, groceries, gas stations and other places. He feels that the problems with the township's approach to farmland regulation was demonstrated by the discussion about the cheese factory this evening, and the need to put conservation easements in place. He supported Nels' model vs. the township's current model. How can someone give up development rights on land, provide deceleration lanes on the highway and be profitable?

Steve Feringa clarified that the Tribe does not currently have a sanitary forcemain along M-72 as stated by Doug Mansfield regarding Bates Crossings.

Corpe invited everyone to attend the shoreline preservation public visioning session here at the township hall on September 17 at 7:00 p.m. Invitation postcards were mailed last Thursday. Jim Goss asked how the mailing was paid for, and if it was with public funds. Corpe replied that the township maintains a Shoreline Preservation Fund, and that most of the funds raised and expended to date have been raised through private donations. The Shoreline Preservation Advisory asked the Board to allocate \$5,000 from the general fund to their fund this fiscal year, which did occur. The Board allocated \$1,000 of the total fund to the mailing; Corpe had originally anticipated a small card in black and white only. The advisory felt strongly that a larger color piece was needed to generate awareness, and the cost over and above the initial amount budgeted was covered by additional private donations.

Meeting adjourned at 9:37 p.m.