



ACME TOWNSHIP PLANNING COMMISSION MEETING
Acme Township Hall
6042 Acme Road, Williamsburg, Michigan
7:00 p.m. Monday, January 28, 2008

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

Members present: M. Vermetten (Chair), B. Carstens (Vice Chair), C. David, R. Hardin, D. Krause, L. Wickle, P. Yamaguchi, J. Zollinger
Members excused: D. White
Staff Present: S. Vreeland, Township Manager/Recording Secretary
J. Hull, Zoning Administrator
M. Grant, Legal Counsel
J. Iacoangeli, Planning Consultant

INQUIRY AS TO CONFLICT OF INTEREST: None noted.

APPROVAL OF AGENDA: Motion by Carstens, support by Hardin to approve the agenda as presented. Motion carried unanimously.

1. Consent Calendar:

Receive and File:

- a) Draft Unapproved Minutes of:
 - 1. 01/08/08 Board meeting
 - 2. 01/09/08 Shoreline Advisory meeting
 - 3. 01/23/08 Combined Shoreline & Parks & Recreation Advisory meeting
- b) Planning & Zoning News December 2007

Action

- c) Approve minutes of the 12/17/07 regular Commission meeting: Yamaguchi suggested an amendment to page 7, fifth paragraph, last sentence, changing “on wheels” to “on foundations.”

Motion by Yamaguchi, support by Carstens to approve the minutes of the 12/17/07 meeting as corrected.

Motion carried unanimously.

2. Correspondence:

- a) Faxed letter from Gene Veliquette received 01/22/08: received and filed. Vermetten noted that the letter is undated.

(Correspondence regarding Proposed Zoning Ordinance Amendment #143 is contained in the set of materials to be addressed during the public hearing)

3. Limited Public Comment:

Chuck Walter, 6584 Bates Road asked that Mr. Veliquette’s letter, received above, be read aloud.

4. Preliminary Hearings: None

5. Public Hearings:

- a) Continuation of Public Hearing on SUP/Site Plan Application #2007-05P for

Bates Crossings, a planned shopping center located on E M-72 west of Bates Road: Doug Mansfield, Mansfield & Associates and Kevin Vann, Immanuel LLC., were present in support of the application. Mr. Mansfield provided to each commissioner a cross-section of the proposed development, showing proposed building elevations and demonstrating the existing and proposed grade of the site. He stated that all earth removed from one portion of the site is slated to be used on another portion.

Mr. Mansfield displayed a pedestrian plan for the site, designed to help identify walkways throughout the site, a concern raised by Iacoangeli. A black and white drawing with the cross-section demonstrates a re-design of the walking and traffic ways. The main boulevard leads to a ring of parking; then there is a ring route circling between the fronts of the three proposed buildings with more parking in the center. Walkways radiate from the center of the site towards all three building main entrances. Parking is provided on the sides of buildings. If the township finds this concept acceptable they can develop it further as an alternative to the existing layout. Mr. Mansfield stated that his firm met with Krause directly on this proposal. Vermetten expressed thanks to Mr. Mansfield for working closely with staff and consultants and for demonstrating a willingness to be flexible in site design.

Mr. Mansfield displayed an aerial photo which they felt might be of assistance when discussing the proposed sewer district amendment. The goal of the picture was to demonstrate potential buildout densities in the Bates area. Much of the M-72 corridor in this area is zoned A-1, Agricultural (as opposed to how it may be planned) and would yield a total potential 16 5-acre lots within ¼ acre of M-72. The Resort properties are already served by the sewer system, and the Traverse Bay RV Park has an on-site system. On the north side of the road is a parcel zoned A-1 but largely wetlands. Mr. Mansfield is seeking to demonstrate that extending the sewer district along the corridor may not necessarily open the door to significant additional growth. David expressed amazement at how close the Bates Crossings property appeared on this photo to the Meijer parcel, when Lautner and Bates Roads are at least a mile apart.

Zollinger asked how truck traffic would enter and exit the redesigned site concept; they would enter the main boulevard and use the ring road to reach the buildings as needed.

Mr. Mansfield stated that he met with Iacoangeli last week to discuss some of the reports; the traffic report and URS rebuttal have only just arrived. Mr. Mansfield is asking that the commission not accept this information this evening, but allow him and Iacoangeli to work together to resolve some outstanding questions and report back at the next meeting.

Iacoangeli stated there have been two recent meetings regarding technical issues related to the site plan. He commended Mr. Mansfield's efforts to resolve the design details for pedestrian connections within shopping centers required by the township's ordinance. This is a difficult issue and Mr. Mansfield has approached it more rigorously than the Lautner Commons project did.

Many of the site planning details are being addressed per Iacoangeli's review. However, he noted that the ordinance requires concurrent site plan and SUP review, so he sought to summarize some planning (SUP) issues as well as some site plan concerns. The planning issues must be addressed within the context of the zoning ordinance and master plan:

- Sanitary service issues have not been resolved. They will be discussed later

on the agenda.

- Iacoangeli believes this project should be addressed within the context of the Lautner Commons and Village at Grand Traverse (VGT) projects, which at some stage of approval. He feels that URS should aggregate traffic information for all three projects. The Planning Commission earlier indicated that the impacts of Lautner Commons should be included. An all-inclusive study would take a look at the maximum possible impacts to the M-72 corridor.
- Iacoangeli stated that an additional question to be addressed is “how much is too much?” The market studies for VGT said that 495,000 sq. ft. additional retail could be supported by Grand Traverse County. The three projects combined total approximately 1.4 million sq. ft. Such an overage of available versus absorbable space could have community-wide impacts. Iacoangeli does not believe that the study performed for Bates Crossings to date fully takes all three proposed projects into account. Site plan issues can be worked out, but if all three projects are approved and constructed the entire nature of the M-72 corridor will change within 5 years: road width, signalization, traffic flow.

To Iacoangeli these three broader planning issues are the ones that must be discussed in more detail as we move through the process. It is central to the whole process of community planning.

As part of his review, Iacoangeli asked Dr. Chris Grobbel to address the environmental analysis and OHM to review the traffic generation information provided by URS, which is a reputable firm. OHM has an equal reputation in this field. Iacoangeli could find a firm cited in the market study, which he believes was prepared internally using general information readily available on the Internet. He was asked to ensure that analysis of the Bates Crossing project was consistent with that of Lautner Commons; this is the key area where he sees a deficiency.

Hull stated that the market analysis provided is broken into two sections. The first compares retail purchases to retail sales, and only raw numbers generated are given. The second takes a report prepared for the Traverse City Visitors and Convention Bureau that is a statistical model used to predict future tourism volume based on community population. Hull asked to have the information reviewed by an independent economist who stated that it was “silly.”

Carstens noted that traffic issues on M-72 have been heightened by the introduction of the horse sports park on North Bates Road, and asked if the traffic study included this impact. Mr. Mansfield stated that the traffic study was performed in the “late summer.” He asked if that land use was a special event, and if they were required to perform a traffic study. Carstens stated having been told by numerous citizens that turning at that intersection this summer had become prohibitively dangerous. He also cited the Master Plan as calling for access to main trunklines to be limited and managed so as to maintain free flow of through traffic, and calling for dense development to be more centrally located. Carstens believes that this project should be accessed from Bates Road rather than from M-72. Mr. Mansfield stated that MDOT has agreed to access from M-72, and the applicant continues to have discussions with the Road Commission, MDOT and representatives of the railroad company. State officials have confirmed that the way the current railway lease is written there is little MDOT or anyone else can do to positively impact the situation until the current lease expires. Hull stated that the horse show lasts three weeks, and about 1,000 horses attend. Alex Rheinheimer, the horse show principal, stated that the traffic generated is similar to that on Cass Road in Traverse City. A primary

problem is that the key online mapping companies have mislocated her property on South Bates instead of North Bates, and many people mistakenly turned the wrong way at the intersection during the inaugural year. In future years there should be more familiarity with the site and less difficulties. Vermetten noted that the Bates intersection, with the railroad tracks crossing and the offset sides, is one of the worst in the state.

Public Hearing opened at 7:40 p.m.

Dave Wylie, who lives near the project, believes that a traffic light is due to be located at the entrance to the project, and if so traffic will back up through the intersection and create a hazard.

Mr. Walter stated that he lives on Bates Road and uses the intersection every day. People from Arnold Road and from the industrial park use it, and the traffic isn't as bad as some people have made it out to be. Patience is required. He believes MDOT will find an appropriate solution. As to market studies, it bothers him to have people say this market can't have more retail space. It seems as if someone is telling one business it is not allowed to try to compete with another. He does not believe we should try to regulate the number of stores and total square footage of retail space. Vermetten asked Hull for the citation for the requirement for a market study; it is in ordinance section 8.12.1.

Dale Campbell, Brackett Road, stated that trying to go to Kalkaska from Bates Road requires more than patience, particularly when there are certain vehicles required to stop at the railway crossing.

Public Hearing closed at 7:48 p.m.

Vermetten noted that he does not believe the language in Section 8.12.1 requiring the market study is appropriate, but it is the current law. He hopes to address this later this year.

Mr. Grobbel stated that his firm, Grobbel Environmental, was subcontracted by Iacoangeli to review environmental factors for the site. His main concern is stormwater detention. There are a total of seven proposed basins that would collect stormwater from 20 acres of impervious surface and disperse it through treatment trains to the soils and ultimately the creek. One requirement of the county stormwater control ordinance is that there be a minimum 4' separation between the stormwater basins and the groundwater source. Whether or not this has been provided has not been clearly presented, and should be required by the township. The concept proposed is "far superior" to those proposed thus far for stormwater management. His goal was to do a thorough a review as possible as soon as possible to facilitate the joint site plan/SUP process. Are emergency spillways needed? If so, will a state permit be required? In his experience spillways near wetlands require permits, which requires engineering, and at present this is an unanswered question.

The plan shows a possible pavilion to associate with the TART, and a potential exit to Bates Road, and Grobbel asked if permits had been requested to cross the wetlands. He was told that those features are not planned to be built, so no permits have been requested, and therefore they have been removed from the proposed site plan. A one-page conceptual approval letter has been issued by the County Drain Commission. Vermetten asked if permitting will resolve many issues raised by Grobbel; he replied that only about 10% of the questions he has raised will be answered by the standard permitting process. Mr. Mansfield said he has stated

repeatedly that the applicant's goal is to meet the township's standards. If they need to receive permits or meet with people, they will do what is required and have done so to date. They are willing to take actions requested by the Planning Commission. The plans are still in somewhat of a conceptual stage and when the time is appropriate the proper permits will be sought. Mr. Mansfield has communicated with TART about a possible trail pavilion and parking lot easement with them, but discussions are still preliminary. Approximately 90 acres south of the shopping center site is owned by the same company and they are exploring possibilities for cross-connections. He is also concerned that the township not overstep its authority. The applicant has spent significant time and money to pull together meaningful discussions to answer the outstanding questions. Iacoangeli stated that additional conversations will be held between consultants, staff and applicant representatives. He hears Mr. Mansfield saying that the ordinance requires them to address certain site design elements through various agencies such as MDOT and Metro Fire, that he has done so and responded to their feedback and is therefore meeting the intent of the ordinance. Iacoangeli recognizes that this is meeting some of the site plan review needs, but the special use permit review needs are not fully met by these things; they are only first steps. The Drain Commission may have given conceptual approval to stormwater management plans, but the township wanted to know more about impact on groundwater and areas downstream. Mr. Mansfield is seeking the opportunity to offer answers to some of the questions raised.

Grant stated that the ordinance requires the applicant to demonstrate that they can receive permitting agency approvals as required. The question Grobbel is concentrating on is a drainage question – to do full environmental impact assessments may take more effort than it takes to address only drainage issues for the Drain Commissioner.

Vermetten thanked Iacoangeli, Grobbel, Hull and Mr. Mansfield's staff for their efforts to date.

Mr. Mansfield asked that the Commission adjourn the public hearing until such time as applicant, consultants and staff have had time to make some significant progress. Things seem to become more complicated when the public hearing is continued every month. Vermetten would like to direct that the parties mentioned work together and come back to the Commission when substantial progress has been made. Hull stated that the purpose of a public hearing is to allow the community to have their say. It must be done at least once. If it is going to be done, hearing notices must be issued. Continuing the hearing saves the step of having to republish notices when there has been a break between hearings. The township generally welcomes public participation. Zollinger suggested that the matter could be continued until such time as the applicant, consultants and staff are prepared to move forward, whether that is 30 days or 3 months from now. Krause concurred. David wants to ensure that the Commission remains aware of what is going on, and wishes that the site plan and SUP processes could be divided from one another. The traffic and market studies will be pivotal to him as to whether or not the project proceeds, and discussing demarcated walkways seems premature. Hardin made no comment. Yamaguchi would like to wait for further discussion until the information is better developed. Wikle stated that her concerns regarding the traffic and market studies remain unchanged. Carstens stated that he needs to receive information more than four days in advance of a meeting in order to be adequately prepared.

Motion by Carstens, support by David to continue the public hearing on SUP/Site Plan Review Application #2007-05P until such time as the applicant, consultants and staff have addressed concerns relative to the SUP analysis.

Motion carried by unanimous roll call vote.

- b) **Public Hearing for Major SUP Amendment #2007-07P to SUP #95-6P for Northland Contractors to add an oil-change service to car wash at 4200 M-72 East:** Ken Ockert and Dusty Christiansen from R. Clark Associates appeared in support of the application and provided a **PowerPoint** presentation. The request is to add two oil-change bays to the north side of the existing car wash bays. All uses are allowable by SUP in the B-2 zoning district. The building would increase in size by 1,000 sq. ft. but no increase in impervious surface would occur because the addition would be atop an existing paved area. Access to M-72 would remain unchanged. Additional landscaping would be added along M-72 to bring the site into compliance with current ordinance standards. Some tree species were changed as requested by the Planning Commission. The northernmost hand wash bay would be removed to facilitate addition of the oil change bays. Sealed tanks would contain fluids from the oil change process and be pumped as needed with waste hauled by licensed haulers.

Hull characterized the proposed site changes as very minor. All agencies have given preliminary approval to the project. He has researched what happens to waste oil and found that there are many firms who will haul for free or pay for used oil to recycle it, and that the industry is heavily regulated.

Public Hearing opened at 8:17 p.m.

Mr. Walter, recalling his earlier concerns, asked what this will do to the existing oil change facility in terms of competition and market studies. Vermetten stated agreement with the point Mr. Walter was making, and noted that the ordinance does not require a market study for this type of special land use.

Public Hearing closed at 8:18 p.m.

None of the commissioners expressed any questions or concerns about the application.

Motion by Krause, support by Zollinger to recommend approval of SUP/Site Plan Review Application #2007-06P to the Board of Trustees. Motion carried by unanimous roll call vote.

The Chair declared a brief recess from 8:20 p.m. – 8:33 p.m.

- c) **Public Hearing on Proposed Zoning Ordinance Amendment #143, application by Cherries R Us to rezone 40 acres on the northeast corner of Brackett and Lautner Roads from A-1, Agricultural to R-1MH, Mobile Home:** Nels Veliquette appeared representing Cherries R Us. He noted the change in the scope of the application from 67.5 acres to 40 acres. He also did some preliminary calculations based on current zoning regulations allowing 5,000 sq. ft. minimum mobile home park lots, a maximum 250 homes per mobile home park development, required rights of way and setbacks, and believes 200 mobile homes but in no case more than 250 could be developed on the site.

Hull provided the Commission with the size rezoning guidance questions previously provided by legal counsel for the Bates Crossing rezoning request. Grant stated the questions were intended as a guide. Relative to Bates Crossing, the Board has contracted with Iacoangeli to address these six questions in the form of a finding of fact. He strongly urged the Commission to make a formal finding of fact in this case using the six questions as well.

Hull also stated that his report is largely an effort to generate discussion, from the perspective of a “devil’s advocate.”

Public Hearing opened at 8:37 p.m.

Michelle Konstanzer, Brackett Road, read from some conclusions in a study developed by Dr. Grobbel on behalf of some citizens concerned about the proposal. The conclusion states an opinion that the site is unsuitable for high density development due to soils types, slopes, and proximity to wetlands and Yuba Creek, and that the rezoning would not in his opinion be in keeping with the township zoning ordinance or master plan.

Dale Campbell, 6105 Brackett Road stated he has delivered 54 total petitions from landowners on Brackett Road and surrounding areas that oppose the rezoning proposal. Acme is a small community, and there have been accusations that Brackett Road landowners oppose farmers and farming. He stated this is not the case, and there are farmers who he feels have restored farmland to its earlier glory. He purchased his home for its rural character and he does not wish to live in a high density area.

Paula Oleson, 6424 Brackett Road is part of a family that has farmed in the area since the early 1900s. She stated that she and her neighbors respect farmers and do not believe the rezoning request is about farming but about inappropriate high-density development in a rural area of the community.

Larry Street, 4788 Brackett Road would be in close proximity to the proposed rezoning property. He wanted to remind the public of an attempt to rezone several parcels, including his, 4 or 5 years ago. The rezoning would, in his opinion, have resulted in lower densities than the proposed rezoning. The township approved the rezoning but it was overturned on referendum. He believes the current proposal is inappropriate, and is not what the neighbors or general public in the township wants. He feels there are more appropriate areas for this type of development.

Edith Ziebart, Deepwater Point, owns property on the north side of the subject parcel. They purchased it in the 1970’s and had horses and cattle. Someone from an environmental agency told them could not add additional animals without a manure management system because they were too close to Yuba Creek. If the surface waters were a concern then, they should be a concern now. The bay is currently low, and groundwater is low. She believes that the Veliquettes could never have built on the 27.5 acres they excluded from the application because it is wetlands, so was it really as generous an offer as it seems?

Kurt Ziebart, Deepater Point, added to Mrs. Ziebart’s comments. He confirmed that the addition of more animals would have required a manure pit and sanitary system. The man from Traverse City he spoke to noted that contamination to Yuba Creek would lead to contamination of East Bay, which is where Traverse City obtains its drinking water.

Mr. Walter has no personal stake in the decision, but believes that the Veliquette family are some of the top farmers in the area. He opened up the soils survey books from the USDA, which indicate that soils in Acme Township are generally poor. They are good only for fruit trees and pine trees. He hopes the township will help the farmers make the land profitable.

Theresa Campbell, 6105 Brackett Road believes that farmland in Acme Township is

very valuable...as golf courses. Brackett Road is already crossed by Golf Carts from the Grand Traverse Resort.

Dar Fenner, Arrowhead Circle, is concerned with traffic. Trying to exit Lautner Road onto M-72 is difficult to impossible given the time of day in the summer. He believes the area cannot support much more development until traffic problems that exist today are solved, perhaps by a bypass. He hopes the township will work regionally to route traffic differently through the area.

Bob Garvey, Lautner Road, expressed confusion about Mr. Walter's statement. His meetings with Brian Bourdages, Farmland Preservationist with the Grand Traverse Regional Land Conservancy indicate that the soils here are good and farming is vibrant. The Veliquettes are excellent farmers. He purchased some acreage, and added horses and a cabin. Not long afterwards he was distressed to find that 40 acres owned by the Veliquettes adjacent to him were proposed to be used for a sewage treatment plant. Mr. Veliquette objected forcefully to what he characterized as "bald-faced lies." He stated that the Veliquette family was not involved in a proposal that studied potential locations for a sewage treatment plant in Acme Township which was conducted by Gourdie Fraser and involved the Grand Traverse Resort and several other entities. Mr. Garvey feels that the real issue is about sewers. He stated that because of the sewage treatment plan issue he has become the "repository of the history of Yuba Creek," which has changed from a healthy trout stream to a warm stream that only supports "mud puppies" near the mouth at the bay. For protection of the creek and bay he hopes the township will prohibit the development.

Mr. Pash 9073 Arrowhead Court has not heard a discussion of how a mobile home park would affect neighboring property values. It is near a world-class golf course which also contains homes valued at around \$400,000.

Lee Bussa, 4675 Brackett Road, feels that the request is a complete disregard of the township and the process that created the master plan, and complete disrespect of the Brackett Road and surrounding landowners. It would endanger land values. If a mobile home park comes in, it is likely another high-density use would seek to follow. There is a 93-acre parcel zoned for mobile home parks listed and available near Bates Road for less than the value of the Veliquette parcel. Perhaps if they wish to develop a mobile home park it would make financial sense to purchase it and develop one there. Brackett Road is not a good road for additional traffic with its gravel shoulders.

Hull stated that someone stopped by the office today to discuss the proposed Immanuel LLC rezoning; the listing he was given indicates that land is listed for \$1.4 million.

Mark Hullman opposes the rezoning request for the reasons stated by others. The township has expended significant money to preserve a large portion of the Yuba Valley, and he believes that high density development should not be near it.

Mr. Street stated that the Veliquettes purchased property near the subject property from the Hannas for about \$600,000 for 18 acres. The cherries would have to be "gold plated" to make that work financially.

Dan Soper, Brackett Road purchased his home because he wanted a rural neighborhood where he could keep and ride horses. He doesn't want to look out at a trailer park. He says the road was built on a swamp and could not support the additional traffic, and it can be dangerous when traffic travels fast over the hill near

his house. He's not saying we shouldn't have mobile home parks; just that the proposed location is inappropriate.

Mr. Ziebart stated that a 200-home trailer park would have at least 200 cars. They might be older cars which tend to leak fluid. Fluids flow downhill, and these fluids would flow towards Yuba Creek and pollute it.

Mrs. Konstanzer added to concerns with property values, noting that falling property values would erode the township tax base for services.

Mr. Campbell purchased his property 14 years ago, and had to purchase an easement from a neighbor to make up the required 5-acre minimum lot. Their neighbors had to make a substantial investment to purchase 5-acre lots in accordance with zoning, and that investment should be respected.

Public Hearing closed at 9:01 p.m.

Dr. Grobbel noted that the subject parcel is just outside the current sewer service district, and is proposed to be added to the district. The soils are not suitable for on-site individual sanitary treatment so some sort of sanitary service would be required. He believes the property could yield up to 260 housing units and 53,000 gallons/day of sanitary waste. Townships are typically required to stand behind sanitary system permits, and state permits are required for systems handling over 10,000 gallons/day. He confirmed his formulae applied to a 40-acre area.

Hull believes Dr. Grobbel's density estimates are reasonable, given that there are variables in site design. If the soils are not suitable for large-scale on-site waste treatment, then the eventual development would have to be small enough that it could obtain permits and it would not negatively impact Yuba Creek. Dr. Grobbel believes that the current zoning density of 1 unit per 5 acres would be more appropriate in terms of waste treatment.

Mr. Veliquette apologized for his emotional outburst, stating that the first Planning Commission meeting he ever attended was one where he was met with accusations that he planned a sewage treatment plan behind his new bed and breakfast operation. He never did, and it's a sore point for him. The situation isn't about farming. His family is one of the major employers in the township, and each October they lose at least one-third of their workers when they lose their housing and migrate. Only one of their employees can afford to live in Acme Township on a \$10/hour wage; their average commute is 45 minutes. They are trying to use the assets they have at hand to solve their own problem, as they don't see a public solution coming any time soon. There's lots of "public hand-wringing" in the community, but he does not see anyone actively working to solve the problem of affordable workforce housing. Who will step up with public policies or other solutions. This is an economic issue in a community that seems to focus more on preserving pretty views. If Acme wants to be an expensive bedroom community, it should say so instead of pretending otherwise. There are demographic reports that support his contentions in the staff report. He believes his family has demonstrated a sincere desire and effort to protect Yuba Creek. It is a major waterway and wildlife corridor, and the inflated potential density numbers do not factor in the unique topographic characteristics of the site. He does not agree with Dr. Grobbel that development on the site can be assumed to have a negative impact on the creek, or that this is a valid premise on which to base the rest of the discussion. This is a rezoning request – if a mobile home park is proposed then specific site analysis is warranted but that time is not now.

Mr. Veliquette hears many people who think they have insight into his family's business. If affordable housing won't occur on their site, where will the community put it? How will the community encourage it. He has a strong connection to the township but he has not seen any private or public work done to force the issue. He has heard people say that the site is both prime farmland and too wet, and is not suitable for development for both reasons. There is some prime farmland, and there are some wetlands, and a drainage swale crosses the property. Any development would occur away from the wetlands.

Current development in the township is fragmented. This is partly due to the retention of 5-acre minimum lot sizes in the zoning ordinance. Perhaps this has contributed to the loss of the elementary school. He gave money to protect Yuba Creek and he believes it should be protected. He tried to demonstrate that they are sensitive to this issue by excluding a portion of the site from the rezoning request. The site is near the edge of the urban core, it is near current and potential jobs, and the township should focus on these things and not the emotional issues.

Vermetten noted that the question at hand is whether or not the rezoning request is appropriate, whether the land was originally zoned appropriately, or whether conditions have changed and warrant a zoning change.

David feels that few things excite emotions like property values. In a perfect world people would like to purchase a piece of property and prevent change, or exert influence over the property. He does not want to excite further emotion, but is surprised to hear statements such as those in the letter from the Resort, which appears to say that "if there will be peasants driving up and down the public road our elitist golfers will have trouble crossing the public road." It has to go somewhere, and these types of reactions will occur wherever it is proposed. Vermetten noted again the core questions: is the land zoned appropriately? Was a mistake made when it zoned? Has something changed, warranting a rezoning? How does the request fit with the Master Plan? Grant suggested using the six questions as an outline for the discussion.

Is the current zoning on the property reasonable? The Commission unanimously felt that it is.

Was a mistake made when the property was originally zoned? Yamaguchi stated that Hull stated that the property has been zoned agriculturally since at least 2000. A 1993 zoning map indicates the zoning as Agricultural. Mr. Street recalls an agricultural use back many a year.

Have circumstances changed to an extent that the current zoning designation is no longer reasonable? Zollinger noted that the Commission recommended rezoning of another township parcel currently zoned for mobile home use. The Board will be deliberating on that issue at their meeting next week. Zollinger feels it is important to know the outcome of that situation before fully evaluating this application. Vermetten disagreed, feeling that the number of other properties zoned for mobile home use is irrelevant.

David feels that a change in zoning elsewhere in the township represents a changed condition. The loss of mobile home development zoning elsewhere in the township exacerbates the problem of the lack of affordable housing in the township. One reason he voted in favor of the Immanuel rezoning is an assertion that the property was too high for development of a mobile home park there. Mr. Garvey stated that the price for that property is \$13,000/acre. The Veliquettes paid approximately \$23,000/acre for property near the property they seek to rezone. He feels this is a

relevant point. Vermetten stated that if someone wanted to develop a mobile home community in the township they had a place to go. The market drives such decisions, and mobile home parks go where they can. There is already a place where they can locate in Acme Township in Bates.

Carstens does not believe that the Master Plan supports location of a mobile home park on the Veliquette property. To have the application be approved, he feels it would be appropriate to first amend the Master Plan. He empathizes with Mr. Veliquette's concerns about providing affordable housing for the workforce at his processing plant, which supports the farming community. The Master Plan calls for inclusion of all levels of housing affordability in the township, and he believes in this concept as well. He took the MSU Citizen Planner Course. His course materials indicate that zoning must be consistent with the Master Plan. The Master Plan calls for a rural residential character, not a high density one, in this area. The township is considering an amendment to its mobile home park development ordinances, and to consider a rezoning concurrently may be confusing the issue. The community values farming enough to have passed a millage to purchase farmland development rights. The first thing to consider is legal defensibility, and he would like the attorney to describe the risk involved in not following the Master Plan. Grant stated the township clearly does not want to change the ordinance in a way inconsistent with the Master Plan. Carstens has read the plan, and his interpretation is that the request is inconsistent with the Master Plan.

Hull does not believe the Master Plan is as relevant in this case. It is already possible to create a high density development on this parcel of land, using the Open Space Development Ordinance, transfers of density from other properties and other tools already available. The size of the development will be effectively limited by the natural features and environmental circumstances of the site. Carstens asked if the mobile home park development ordinance is written in such a way that it would "trump" environmental concerns. Grant stated that the ordinance as currently written provides that mobile home parks are a special use, and are therefore subject to some township discretion. The State "holds nearly all the cards" when it comes to mobile home park developments, and would likely have issues with the enforceability ordinance as it currently stands and the level of local discretion involved. Carstens found this information helpful, particularly coming full circle to the Master Plan dictates to preserve the environment and natural features.

David asked if the Health Department would ultimately determine the allowable housing density based on sanitary waste disposal needs. Hull stated that as a matter of public health, safety and welfare the township has the right and the responsibility to think above and beyond the minimum Health Department requirements.

Hardin feels the current zoning designation is reasonable. The County has seen many changes in agriculture over the years, from potato farming, to strawberries, to cherries and now increasingly to grapes. He does not think a mistake was made when the property was originally zoned. Have conditions changed? Perhaps. He believes the township can supply opportunity to pursue different types of development, but not compulsion. The property at Bates was rezoned to R-1MH in 1995. Why the property has not been used for mobile home park development to date, and why they want to change the zoning to something different than they wanted before is unknown to him. He does not know why people assume that mobile home parks are the only answer to affordable housing – we have much R-3 Urban residential zoned land that has not yet been developed as apartments but could be. Maybe the township needs to find a way to make this more approachable. He thinks the township will always have an issue with encroachment on the agricultural district.

Yamaguchi believes that circumstances have not changed much, particularly around the subject parcel. Currently she believes it is used as an apiary for part of the year. She believes a high-density rezoning would be inconsistent with the Master Plan. Reading Hull's comments that affordable housing is needed somewhere; affordable homes do not have to be mobile home parks. They can be manufactured housing on foundations. There must be other viable and more appropriate sites in the township that can be considered.

Wikle considered and agreed with Yamaguchi's statements. She is also thinking about transient people and how she feels about having them in her neighborhood. She thinks of a "sweet" little house in Acme that was inhabited by migrants and became "trashed." We need affordable housing, but she fears doing anything too close to Yuba Creek and believes there are more appropriate locations.

Krause feels there is a contradiction in the Master Plan, which states that rural areas should remain rural and development should be consistent with its surroundings, and also states that the township needs affordable housing. These contradictions must be weighed against this particular site, and he does not believe this is the appropriate site for high-density housing based on the zoning map, the future land use map, and surrounding land uses.

Motion by Carstens, support by Hardin that the proposed Zoning Ordinance Amendment #143 be recommended for denial.

Vreeland provided the Planning Commission and public with an outline of the balance of the process. Hull noted that a finding of fact is required, and should either be drafted by staff based on discussion and reviewed by the Commission, or can be prepared and submitted by staff for the remainder of the process without additional review. The motion would not need amendment to allow this to occur. Consensus was reached that staff will prepare the finding of fact based on the discussion.

David feels there is ample evidence that communities with a strong golfing presence tend to not want to include anyone unlike them. Carstens expressed resentment of the characterization.

Motion carried by a vote of 7 in favor (Carstens, Hardin, Krause, Vermetten, Wikle, Yamaguchi, Zollinger), and 1 opposed (David.)

Hardin feels that Mr. Veliquette has raised issues that the township needs to address. The Township has provided incentives to provide open space and make development more affordable; maybe we need more incentive to develop workforce housing in our existing R-3 zoned areas. Carstens and Krause echoed the sentiment.

6. Old Business:

- a) **Proposed Zoning Ordinance Amendment #142 – Mobile Home Park Developments:** Hull feels that the proposed ordinance amendment is ready for public hearing. Grant stated that at the last meeting the Commission directed staff to address concerns regarding the current mobile home park development ordinance. The state is very restrictive about what townships may or may not control in this regard. Grant has used the state's model ordinance, their list of allowable discretionary items, and some of the township's current regulations in his first draft. He believes discussion should focus on which elements of the existing ordinance are important for the township to try to retain and have the state approve, which might or might not occur. The proposed amendment would remove mobile home parks from the SUP process

into a separate article in the ordinance, which he believes is more compatible with what the state will allow. Grant believes further discussion is required before setting a public hearing. Wikle concurred. Vermetten suggested a special meeting to discuss this issue. Carstens feels he needs more time to digest the information, and he needs additional context in which to consider it. He's never had anything quite like it to consider before. Grant agreed that mobile home park regulation is unique, that the state really does not allow townships to regulate mobile home parks as they may other land uses.

Motion by David, support by Carstens, to have a packet of material regarding proposed Zoning Ordinance Amendment #142 prepared for a special Planning Commission meeting on Monday, February 11, 2008. Motion carried unanimously.

- b) **Proposed Zoning Ordinance Amendment #144 – Sewer District Amendment:** Carstens feels that the Commission lacks a comprehensive understanding of the mechanics and engineering of the system as it exists today and asked for detailed flow and other system data. Vreeland indicated that the township is looking at potential comprehensive flow study, but that all of the data Carstens seeks is not currently available. Math and money can be thrown at nearly any situation to make the flows work out – part of the question is where we want to spend that money and not just how it functions today.

There was consensus to discuss Proposed Zoning Ordinance Amendment #144 at the special meeting on Monday, February 11.

- c) **Receive draft Parks & Recreation Plan Update draft:** Iacoangeli handed out copies of the draft Parks & Recreation Plan update. Vreeland reported that the plan must be updated every five years to maintain eligibility for DNR grant funds. The township plans to submit a grant application April 1 for the shoreline preservation project. The plan draft will be available on the website within a day, and paper copies will be available through the township. There will be a 30-day public review and input period leading to a public hearing at the March Board meeting.

7. New Business:

- a) **Planning goals for 2008:** Vermetten asked all Commissioners to develop a list of pro-active planning goals for 2008 for discussion.

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

Gayle Hanna stated that the township discussed this evening the issues of stormwater management relative to a site plan. The township has not addressed a County Drainage easement on Dock Road that will be impacted by development at LochenHeath. Already there is algae on the shoreline that is getting swept through this drainage easement into the bay, and LochenHeath will only worsen the situation. Talking only about Yuba Creek and not this direct drain into the bay does not make sense. There was also discussion about decreasing property values, but how come assessment values have not declined.

Pat Salathiel, Five Mile Road, just returned from the school board meeting, where the board voted 6-0 to re-open the question of the three elementary school closings, including Bertha Vos Elementary in Acme, individually.

Ken Engle noted the recent referendum defeating proposed Zoning Ordinance Amendment #138. He hopes it will be revisited soon so that it can be improved and stand on its own rather than being confused with the Meijer issue.

Mr. Veliquette thanked David for his “courageous” statements earlier. He stated that the township has been living in a world of “comforting illusion” for many years, and there is an inherent bias against workforce housing in the community. There is plenty of space for it, but it will never be built without incentive. He thanked the Commission for the lively discussion.

Andy Andres Jr., Traverse City, asked if the township is open to suggestions for 2008 planning goals from the public; Vermetten stated we are.

Paul Rundhaug, Bunker Hill Road, asked if the Veliquettes would force their workers to live in housing they developed.

Meeting adjourned at 10:11 p.m.