



ACME TOWNSHIP PLANNING COMMISSION MEETING
Acme Township Hall
6042 Acme Road, Williamsburg, Michigan
7:00 p.m. Monday, March 24, 2008

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

Members present: M. Vermetten (Chair), B. Carstens (Vice Chair), C. David, R. Hardin, D. Krause, D. White, J. Zollinger

Members excused: L. Wikle, P. Yamaguchi

Staff Present: S. Vreeland, Township Manager/Recording Secretary
J. Hull, Zoning Administrator
M. Grant, Legal Counsel

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:

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

Receive and File:

- a) Draft Unapproved Minutes of
 - 1. 03/04/08 Board meeting
 - 2. 03/13/08 ZBA meeting
 - 3. Planning & Zoning News February 2008

Action:

- b) Approve minutes of the 02/25/08 regular Commission meeting

2. Correspondence: None

3. Limited Public Comment:

Vermetten welcomed the students in an American Government class from Traverse City Central High School.

4. Preliminary Hearings:

- a) Preliminary Hearing and Site Plan Review, Application # 2008-01P – Sedgewick: Hull reported that the applicant wishes to install a business in the former Sandtrap Building on the ground floor, next to TraVino. To make the project economically feasible he would like the lower level to become his personal residence. The Zoning Ordinance permits housing units above the first floor in the B-2 districts, but is silent as to housing on a lower level. Therefore the ZBA made an interpretation of the Ordinance that situations such as this are in compliance with the intent of the Ordinance.

The main floor would house a coffee shop, office and day spa/salon. Hull stated that an SUP was previously issued for offices in the building, and that the coffee shop and salon are uses by right that would require only site plan review. The addition of housing requires an SUP, which is why the matter is before the Commission for a preliminary hearing today. Hull is examining the existing file as part of his site plan review, and the applicant is speaking with Metro Fire regarding the impacts on the

change of use in terms of fire prevention code requirements.

Carstens asked if the living space will only be on the lower level, or if the drawing indicates a studio apartment on the main floor as well. Hull reported that housing should be limited to the lower, walkout level only. Krause confirmed that the entire lower level will be housing. The area marked “studio” on the plan is intended to be an office-type use, which has been confirmed by a phone call to the applicant.

Motion by Carstens, support by Krause, to set a public hearing on application #2008-01P for the next meeting. Motion carried unanimously.

5. Public Hearings: None

6. Old Business:

- a) **Re-consideration of Amendment 141, Immanuel rezoning request:** Vermetten noted that some information was received today regarding this matter. Doug Mansfield from Mansfield Associates, Kevin Vann from Immanuel, LLC. and Joe Quandt, 412 S. Union Street as attorney for the applicant appeared to support the application. Mr. Quandt noted that when the matter came before the Board two months ago, concerns were raised that approval of the rezoning request could create an exclusionary zoning situation. The Board referred the matter back to the Planning Commission for additional review and potential amendment of the application by the applicant. Mr. Quandt is here this evening to provide additional education regarding exclusionary zoning issues, and stated, as the applicant has done previously, that they are suggesting that rather than rezoning the parcel the R-1MH ordinance could be amended to include the uses allowable in the R-3 district.

Mr. Mansfield stated that a productive meeting was held with township representatives and some brainstorming occurred. He stated that Mr. Quandt takes the position that as long as the property is zoned for mobile home use there is no exclusionary zoning problem if additional use types are permitted and/or developed. Mr. Mansfield also stated that until the meeting the applicant was unaware that the Village at Grand Traverse was approved as a Mixed Use Development in the R-3 district, and that adding the potential for additional MUD development might be a concern for the township.

Grant stated that he and Bzdok have reviewed Mr. Quandt’s memo. While they don’t necessarily disagree with his assessment of the law as set forth, they continue to be concerned about what might happen if R-3 uses were added to the R-1MH district when only one parcel zoned R-1MH in the township is viable as a manufactured home park. There are cases that indicate that the enabling zoning has to be genuine – having provisions in the ordinance is not sufficient if the provisions cannot be effectively utilized.

Hardin agreed that this issue was raised during Board-level discussion, and this is when the idea of amending the ordinance was introduced by the applicant. The actual Board motion sending the matter back to the Commission was different, and stated “Motion by Zarafonitis, support by Dunville to send Zoning Ordinance Amendment #141 back to the Planning Commission for exploration of an option whereby the property might be divided and only partially rezoned.”

Mr. Mansfield took a few minutes to describe the details of the question and the history of the process to the American Government students in the audience, so they would better understand the conversation this evening.

David would like to hear from the applicant further about the idea of only partially rezoning the property. Zollinger asked Grant if exclusionary zoning issues could arise if existing manufactured housing park zoned-properties are built out and someone wanted to create an additional development, and Grant replied this could be the case. Vermetten remains unconvinced that the township must provide for manufactured housing parks itself or if the zoning required if more regional in nature. Mr. Quandt noted that future potential manufactured housing developers would only have a case against the township if they could demonstrate a need for the use and demonstrate that there is no place better suited than their proposed site. His applicant is seeking to add non-commercial R-3 uses to the R-1MH district to allow a housing project to be built out in phases and with greater creativity. They are not asking that the R-1MH provisions be removed; they are just asking for a tool that will allow their development to be more sensitive to the natural features of the site. Hull noted that township counsel has agreed that the issue of illusory zoning is real as relates to a second property in the township zoned for mobile home parks that is on the site of a former dump and is currently state-owned land. Mr. Quandt stated that he does not think the township is as “backed into a corner” as it thinks it is.

David stated that current R-3 zoning permits individual manufactured homes to be placed on lots as long as they meet any architectural or other standards that may be imposed by the township and/or neighborhood. Mr. Quandt replied that the applicant is not seeking to have manufactured housing parks added as a use in the R-3 district, but seeking to have R-3 housing options added to the R-1MH district. White confirmed this, and that the applicant would seek to have only the non-commercial elements of R-3 entitlements added to the R-1MH zoning. White asked if any of the site is flat; Mr. Mansfield replied that none of it is, and that the gentlest slopes are probably around 10%. White observed that the northern part of the property zoned B-3, Planned Shopping Center, would be more appropriate topographically for a manufactured housing park than the southern part of the site zoned for that use. Mr. Mansfield noted that currently-favored planning theories suggest that workforce housing should be located very close to shopping and jobs. Many communities are wrestling with how to better integrate land uses or provide for a wider spectrum of housing prices.

Mr. Mansfield stated that the applicant is trying to learn whether there is room to amend the ordinance as they suggest, or whether they need to propose a partial rezoning that would likely leave the steepest areas as R-1MH and might represent illusory rezoning. Vermetten stated that the Commission is looking to the applicant to flesh out their proposal for the site. Krause, Vermetten and Mr. Mansfield discussed the difference between manufactured homes and manufactured housing communities.

Hardin asked what would happen as the property is developed in phases if no space was left for a manufactured housing park? Mr. Quandt stated that as they receive their phased SUP approvals they could agree to leave a section vacant and available, with utilities stubbed-off but available. Hardin also noted that, contrary to any assertions that “nobody’s knocking down the door” to create a manufactured housing park, recently there was a contentious application to rezone a piece of property for such a use. Mr. Quandt stated that if someone provides an economic analysis proving that there is an economic need in the community that is not being served, the need has to be addressed. There is currently a piece of property zoned for the use, so someone seeking to develop such a project should consider acquiring and developing that/their parcel, rather than having another parcel rezoned. Hardin noted that the other applicant was looking for a way to retain and use their land, whereas the current applicant is expressing willingness to divest themselves of the land, which may make some difference.

Grant noted that we are really talking about two different things: a rezoning or zoning ordinance amendment, and a possible subsequent SUP process to develop a specific plan. A rezoning runs with the property going forward.

Staff, counsel and applicant will work together to prepare a suggested text amendment and the conceptual site plan for phased development.

Carstens expressed concerns about whether or not the current site topography is truly prohibitive to manufactured housing park development. He asked how this can be verified; Mr. Mansfield stated that a site inventory will be provided. He noted that the land zoned R-1MH could be sold by the state to a private developer, and the fact that it used to be a dump does not necessarily imply contamination that would prohibit development.

- b) **Continued discussion of Manufactured Housing Development Ordinance:** Last week Grant received the informal review of the proposed manufactured housing development ordinance back from the State. The ultimate result is not guaranteed, but Mr. DeGroat's review and opinion seem based on experience and reliable. Objections he raised center around the attempt to include many of the supplemental regulations the township applies to most development in the township.

Grant wanted to double-check his instructions. He understands that the next step would be to put together a formal package for review by the MCHO that attempts to defend and retain the supplemental regulations. He has also provided a memo this evening regarding a potential conflict between landscaping regulations from the State's model ordinance that the Commission seems to favor and Section 7.5.6 of the township ordinance. Grant believes that Section 1500 is more stringent, but he needs to know which of the two conflicting sets of landscaping regulation to apply. Zollinger believes that additional similar conflicts exist with parking and lighting regulations that may need to be addressed. Krause believes that the local ordinance buffer requirements are more stringent than the Section 1500 requirements and should be included. Vermetten wonders why these issues are being addressed in several sub-parts as opposed to relying on the existing zoning ordinance? Grant stated that he had originally conceived of the manufactured housing park ordinance as a standalone ordinance rather than a part of the zoning ordinance subject to the supplementary regulations. Krause noted that there are not separate landscaping requirements for different zoning districts

Grant will prepare the submission letter for Commission review and discussion at the next meeting prior to sending it in.

- c) **Planning Commission 2008 Goals:** Hull tallied the results of prior discussion about Commission goals for the year. He then narrowed the list to eight items that received more than one vote. He then divided the goals into ordinance amendments and "difficult questions", M-72 issues, municipal services, conservation issues and the town center. Commissioner training and public education are ongoing issues relatively easy to address. The idea of using subcommittees has been raised, as has been done in the past. If this is done, the Commission needs to be aware that all subcommittee meetings must be held as open meetings, published at least 18 hours in advance, with minutes kept and that currently Commissioners get paid \$12/hour for attendance at such meetings so costs should mount up fast.

Hardin noted that work on some of these issues is already under way, and they can be somewhat crossed off the list because they are being handled. Some are things the

township cannot address, such as signaling the Bates/M-72 intersection. Zollinger feels the “meat” is under the heading of ordinance work needed. Vermetten would prefer to work on these issues as a whole Committee rather than in subcommittees, in special meetings if necessary.

Grant mentioned the possibility of including changes to proposed Amendment #138 in the otherwise entitlement-neutral re-write of the zoning ordinance currently underway. He was thinking in terms of changes to the clustered housing provisions to update the ordinance relative to current state law without removing the existing mixed use or open space development regulations. Vermetten asked if the township really knew what the public objections to the amendment were and why it had been defeated by about 30 votes. Vreeland stated a belief that the roots of what became Amendment #138 was a concern on her part that the township wanted to employ the transfer of development rights tool but might not have the right language in its ordinance to do relative to state law. How it grew into what it became is a mystery to her. She further opined that ordinance defeat essentially came down to the efforts of Gene Veliquette and propaganda he provided to the media and in mailboxes throughout the township alleging that the proposed ordinance amendment significantly curtailed farmland owner land use entitlement compared to existing conditions.

The goal list to be accomplished prior to June 30, 2009 includes:

1. Amendment #138
2. Mobile Home Regulations
3. Private Road Ordinance
4. Communication Towers Ordinance
5. Sign Ordinance (particularly agricultural)
6. Zoning Ordinance Neutral Re-Write.
7. Studying Workforce Housing/affordable housing
8. Sewer and water district planning
9. M-72 Corridor

7. **New Business:** None

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

Andy Andres, Jr., Traverse City, would like to have essential services and wind towers discussed soon also.

Ken Engle, Yuba Road, stated that several community members have been participating in the Grand Vision. Looking at the M-72 Corridor, Acme has become a focus of the Grand Vision process. The comment was made the MDOT will be driving much of what happens. He believes that progressing too far with M-72 Corridor issues too fast will get out ahead of the Grand Vision and MDOT process and would be counter-productive. Regarding Amendment #138, he believes that suggesting that the measure was defeated by 30 votes due to one person’s efforts to stuff mailboxes may be too strong. He receives one vote, and he hopes that all citizens of the township become informed and cast their votes rather than being guided by others. He has discussed Amendment #138 with Wayne Kladder, and he is concerned about how it moves forward. He believes it deserves a subcommittee, and feels that some of the ideas brought forth by the public have not been incorporated in the text. There are many zoning issues that need tackling in the township, including in his opinion the 5-acre minimum lot sizes in the agricultural district. He, and he believes Mr. Kladder, would like to see a process that includes a significant amount of public input and goes beyond the minimum necessary to meet the law.

Hull suggested that the township be provided with a list of suggestions made but not included in Amendment #138. Vermetten believes they are in the minutes of the special meeting. He disagrees with Mr. Engle and feels that much of what happened at the public meetings made it into the final draft. It is impossible to please everyone, even through the best public process.

Vreeland believes that one problem with the Amendment #138 process is that at some point along the way it became spoken of as an issue centering on the farmers and the agricultural district. She isn't sure why, because it is an ordinance for all the zoning districts. She believes that perhaps what Mr. Engle is speaking of tonight, and what Nels Veliquette speaks of frequently, is the need to work on separate zoning amendments that address the agricultural district. Issues may include minimum parcel sizes and the ability to create PUDs for agricultural value-added product businesses. She hopes that the farmers in the community will approach the Commission with a list of issues and some beginning thoughts about possible solutions that the Commission can then act upon.

Vreeland also reported that MDOT is trying to arrange a meeting with Acme, Whitewater and Tribal representatives regarding signalization and traffic management on M-72.

Vreeland also reported that the environmental assessment regarding the Turtle Creek trust status application is complete and a finding of no environmental impact has been made. She has requested the full EA document. This is not a determination on the trust status application, but it is a step in that direction.

Vreeland noted that there are several openings on the ZBA and encouraged interested individuals to send a letter of interest and resume to Wayne Kladder.

Meeting adjourned at 8:55 p.m.