



**ACME TOWNSHIP PLANNING COMMISSION MEETING**  
**Acme Township Hall**  
**6042 Acme Road, Williamsburg, Michigan**  
**7:00 p.m. Monday, June 23, 2008**

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

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

**Members excused:** C. David, P. Yamaguchi

**Staff Present:** S. Vreeland, Township Manager/Recording Secretary  
J. Hull, Zoning Administrator  
M. Grant, Legal Counsel  
J. Iacoangeli, Consulting Planner  
C. Grobbel, Environmental Sub-Consultant

**INQUIRY AS TO CONFLICT OF INTEREST:** None noted.

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

**1. Consent Calendar:**

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

**Receive and File:** None

**Action:**

a) Approve minutes of the [05/19/08 Planning Commission Meeting](#)

**Motion carried unanimously.**

**2. Limited Public Comment:**

Gene Veliquette, 8369 Elk Lake Road is concerned that the ordinance neutral rewrite project is not achievable. There are so many proposed changes, with a lengthy explanatory memo, and they appear to him to be subjective. He feels that there are insufficient objectively measured standards for things like the amount of outdoor lighting required for a residence. He believes this leads to meetings that are too many and too long. To him some applicants seem to be held up for years while others are rushed through the process. He feels that the subjectivity means that the standards change at every meeting.

Vermetten noted that there was a farmers' market that took place this weekend at the Stained Glass Cabinet Company property this weekend. While some vendors didn't show up for that session, there was a great variety of local products. He feels that the event was precisely what was envisioned when it was reviewed by the township for permit approval.

**3. Old Business:**

a) [Status Update on S.U.P. Application 2007-05P Bates Crossing](#): Present on behalf of the applicant were Julie Harrison (legal counsel), Kevin Vann (Immanuel LLC), Rob Larrea, Mike Slater and Petra Kuehnis from Mansfield & Associates. Vreeland summarized the e-mail provided in the Commission packets, which is largely a conversation back and forth between her and Ms. Harrison about how to schedule ongoing discussion of specific issues related to the application, based on a memo

prepared by Iacoangeli on May 19, 2008 that listed outstanding items.

Iacoangeli reported that the applicant's traffic engineer from URS responded to comments from his engineer, OHM. OHM expects to have a response back by next week, so he believes that detailed discussion regarding traffic issues would best be held at the July 28 meeting.

The issues listed as unresolved in Iacoangeli's May 19 memo include one entrance from M-72 (would like to reserve judgment until the updated traffic study information is resolved), photometric study (John Hull is working on this), sanitation (a suggestion has been made that a permit could be conditioned on resolution of this issue), requested relief from parking standards (deemed excessive by the township at more than 2.5 times the national standard), the environmental and traffic studies (still under review by both parties), the market study (applicant wishes to wait to perform until other issues are resolved) and addressing the objectives in the Master Plan, particularly in light of the future land use map designation of this area as generally for conservation and recreation but requiring environmentally-sensitive design if development occurs.

Grobbel reported receiving additional information from the applicants today and that satisfactory progress is being made. The applicant is seeking DEQ permits for overflows to natural wetlands for 100 year storm conditions. Additional soil borings have been done and some results already provided. Additional deeper borings will be done by next Monday, the date of the next meeting, so he feels the July meeting would be more appropriate for finalizing the environmental issues.

Hull is asking Jerry Dobek, who helped to develop the Dark Sky Lighting Ordinance and review the Meijer lighting plan, to review the lighting plan for this development. Mr. Dobek reports an understanding that Meijer changed their standard lighting plan for all their stores based on the plan approved for Acme Township. He is reviewing the plan as a favor to the township, and has been on vacation.

Wikle asked about a notation in Grobbel's earlier report that perhaps the soil borings were not deep enough; new borings are going deeper as he recommended.

Ms. Harrison feels that the updates so far are generally accurate. The applicant is asking that the environmental review discussion be moved up from the July 28 to the June 30 meeting to better work with their timeline and add some more of the weightier issues to the discussion. The applicant has submitted a response to the request for support that the goals of the master plan are being met, which was distributed with the June 30 meeting packets.

Mr. Slater reviewed Dr. Grobbel's report, performed more soil borings based on finished grade as proposed for the retention basins. They will identify the soil types and whether or not the water table is being reached. The Part 303 discharge permit is required from the DEQ is not seen as an obstacle. Most of the soils are sandy loam which can handle a significant water infiltration load and should provide complete infiltration within 72 hours as desired by the Drain Commissioner.

Mr. Larrea reported that there will be a meeting with Consumers Energy, MDOT and the Road Commission on June 27 to discuss possible realignment of North Bates Road to directly oppose the project driveway. The parking and loading requirements set forth in the ordinance are excessive and they are seeking relief. They are also seeking relief from the prohibition against parking in a front yard for a small portion

of the overall parking. They believe that granting relief from this standard, rather than placing buildings closer to the highway right-of-way, will promote the future possibility of a boulevard for M-72. It would be easier to widen the road through a parking lot than through a building.

Ms. Kuehnis helped add detail for planting and landscaping to the plan for the water retention basins. Additional trees were added to the site plan leading to the upper plaza and the traffic circulation pattern was changed to enhance pedestrian pathways.

Vermetten feels that it would be difficult to review the environmental portion of the plan on June 30 if the additional borings are only being performed that day. He would entertain a partial discussion about environmental issues. Grobbel could be prepared to cover everything but the boring results on June 30. Carstens feels he would be willing to entertain discussion and some progress but that the applicant should not expect a firm outcome on the environmental aspects on June 30. The Commission generally concurred.

Traffic information will not be updated before the end of this week at the earliest, so it seemed appropriate to Vermetten that this issue be discussed on July 28. As to the requested parking standards relief, most development applications for the past several years have received relief, which decreases impervious surface. Iacoangeli believes the number of spaces could be reduced beyond what has already been requested to some extent. The issue regarding the parking in front of the store closest to M-72 will probably generate the most discussion or debate, so all Commissioners should be well-prepared to articulate their points of view next week.

Vermetten also suggested that the master plan issues discussion could commence next week, and the Commission generally concurred.

Iacoangeli will be as prepared as possible to discuss issues as the Commission desired next Monday, but he also cautioned the Commission that it appears there will be information received late this week that the consultants will not have had sufficient time to review and provide a response to accompany the applicant's materials all at once.

The existing site plan reflects parking spaces at approximately 70% of township requirements, and loading spaces at about 33% of ordinance requirements. Larrea was asked to calculate the exact ratios as compared to required ratios; it should already be represented on the site plan.

Ms. Harrison noted that one issue for discussion next week is whether the Commission is willing to recommend that approval be granted conditioned upon final sanitation plans.

Mr. Vann has already begun working on the required market study. He asked if there is a set of questions that the township would provide to the applicant to be specifically answered, comparable to the set of questions answered in the market study for the Lautner Commons application. Hull believes that those questions were posed to Anderson Economic Group by Meijer, and that they don't necessarily represent a set of questions that has to be used by everyone. The intent of the ordinance is to ensure that the community is not overbuilt for the marketplace, resulting in empty or derelict buildings. The market study will be reviewed by Iacoangeli, and he also had it reviewed by a marketing firm from Ann Arbor. Hull stated that a problem with AEG's study for Lautner Commons was that the first draft

stated that the marketplace could not support another gas station or supermarket, but a revised draft said that 64 new gas stations could be supported. A third draft with different numbers was prepared, but the numbers were never explained and there were internal inconsistencies. Iacoangeli offered to provide a template for the standard elements of a market study; Ms. Harrison stated that the ordinance is also very specific as to the requirements. Mr. Vann is concerned with the potential for entering into a prolonged debate, as with the traffic study, as to what is and is not required of an appropriate market study.

Ms. Harrison asked if the project would be required to connect to a regional sewer system if the district is expanded to include it; Grant replied in the affirmative. The current ordinance provides discretion for the township to allow an on-site system instead.

4. **Continued Discussion of Content-Neutral Amendment to Zoning Ordinance: Articles 6 & 7:**

**FOR PEOPLE VIEWING THE MINUTES ON THE INTERNET: THERE ARE THREE DOCUMENTS THAT GO WITH THIS AGENDA ITEM.**

- A. **Proposed new ordinance - "clean copy:"** This is the ordinance as it would appear if adopted today.
- B. **Proposed new ordinance - "mark-up:"** Same as the "clean copy," except that this document uses color to show you the current text of the ordinance and the changes to it proposed by the attorneys
- C. **Explanatory memo:** It's a long one, about 62 pages. But, it's important - it explains what the lawyers have suggested and why they have suggested it. Some of what they have to say might normally be subject to attorney-client privilege, but we are waiving that privilege in this instance because we believe it's critical to the public's ability to understand what we are trying to do, to reinforce that this re-write is intended to solve functional and legal problems with our current regulations and to demonstrate fully that there is no hidden agenda to change current landowner entitlements.

The review focused primarily on areas in green in the color version of the mark-up copy, which are areas marked for decisions by the legal team.

**ARTICLE VI:**

Section 6.1.3 is recommended for either elimination or removal to the ZBA portion of the ordinance. By statute this is the ZBA's responsibility, but may not be necessary to go into such detail on the subject. Vreeland does not recall this section being used in the past. Consensus was reached that the ZBA section can say that body has the power to determine the boundaries between districts in case of a dispute in an abbreviated fashion, and eliminate the detail.

Section 6.1.4(2) is recommended for deletion because it is redundant to information already included in the ZBA section.

Section 6.1.6(1) was eliminated as being redundant with the township Fire Protection Ordinance, which references the International Fire Code.

Section 6.1.6(2) was retained.

Section 6.1.7 raised questions with Grant, as elsewhere in the ordinance the use is only discussed as an accessory use to a principal use and not as a principal use. This section will be removed.

Section 6.2.2(x1) indicates addition in the R-1 district of the ability to have an “open space preservation development” including single-family housing only as a use by right, in conformance with the state law requirement to allow clustered housing by right. This is one of the few non-content neutral changes proposed because they provide something required by law that is not currently provided.

Section 6.2.2(x2) provides for state licensed residential facilities as required by law, another required non-neutral change. A definition has been provided that cites state law as to the definition of this use.

Section 6.2.2(7) will be retitled as “Radio and Television Antennas,” which will eliminate Section 6.2.2(8) as redundant. This section was also flagged for future revision, as the Commission generally felt it needed changes but the proposed changes (such as eliminating the need for a variance for a roof-mounted antenna) would not be content-neutral.

Section 6.2.2(12) proposes an addition that recognizes the existence of the Michigan Right to Farm Act.

Section 6.2.4(1) proposes a change in the name of the current “Open Space Development” to “Conservation Development” without a change in the regulations. This is required because the state requires the clustered housing by right option to be called “open space development,” so this title must be freed up for the state-required use.

Section 6.2.4(3) includes new language consistent with state law for group child care homes.

Section 6.2.6, Supplemental Regulations, is suggested for deletion. The supplemental regulations will still be applicable, but the repetitive listing of them at the end of each zoning district section will help to eliminate inconsistencies in the ordinance that can be caused when amendments are made to add or delete supplemental regulations but cross-references are not updated, or when items are accidentally omitted from one section among many.

Section 6.4.3(2) currently allows duplexes by right in only three subdivisions that are zoned R-3. This is not the legally correct way to accomplish this. Two options for resolution are to create a sub-zoning district for those three subdivisions, or to allow duplexes either by right or by SUP everywhere in the R-3 district. The principal behind zoning districts is uniformity, and providing extra rights to only three developments in a district would be difficult to defend. The three developments in question are virtually built out. Consensus was reached to have duplexes remain a use by SUP for all properties in the R-3 district.

Section 6.4.3(4) provides for open space preservation developments containing any or all of the following uses: single-family dwellings, duplexes or multiple family dwellings.

Hull noted that when he typed up the business district ordinance amendments, he inadvertently neglected to include sections of the existing ordinance that had not been amended. Primarily these are the 6.x.1 Intent and Purpose general statements. He handed out copies to the Commission.

Throughout the business districts the terminology “professional offices” is replaced with “offices” for streamlining purposes. Dwelling units in B-1S, B-1P and B-2 are stated as uses by right rather than uses by right above the first floor. Also, when the business district sections were typed up they were automatically numbered by Word, which numbered them continuously from start to finish rather than starting over by section, which will be corrected.

Housing uses in the business districts are by SUP right now and will remain as such to maintain content neutrality, but will be flagged for consideration to become uses by right.

Family childcare homes must be added to the B-1S district, where housing is already permitted by right, to maintain compliance with state law.

Section 6.6.2A: Grant stated that references to “public uses” in the business districts were not understood by him or Hull. Vreeland believes they would refer to facilities such as the township hall, a fire station, public restrooms, libraries and the like. Hull proposed coming up with a definition of things, noted “such as but not limited to....”

Section 6.6A.2: the various different office type references will be simplified to remove the descriptions and just say “offices.”

Section 6.6A.2A: group child care homes will be added to the B-1P district because of the allowed dwelling units.

Changes to the agricultural district language in Section 6.10 were consistent with similar changes in other districts (satellite dishes, etc.)

Section 6.11: the headings need to be clarified as to lot dimensions per dwelling unit required. This section also provides no clear guidance on minimum lot sizes in the B-3 district. Since residential uses are allowed in this district when mixed with commercial uses, and since other districts containing residential uses have minimum land dimension sizes relative to each residential unit, legal recommends that a minimum lot size in the B-3 district be established. There was discussion about using the same minimum lot size standards as for the B-1P district.

Review of Article VII will be added to the agenda for June 30, so that additional progress on this process is made.

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

**Meeting adjourned at 9:50 p.m.**