



ACME TOWNSHIP PLANNING COMMISSION MEETING
Acme Township Hall
6042 Acme Road, Williamsburg, Michigan
7:00 p.m. Monday, May 24, 2010

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, P. Yamaguchi, J. Zollinger
Members excused: S. Feringa
Staff Present: S. Vreeland, Township Manager/Recording Secretary
M. Radtke Jr., Interim Deputy Zoning Administrator
J. Jocks, Legal Counsel

INQUIRY AS TO CONFLICTS OF INTEREST: None noted.

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

1. [Special Presentations - New Designs for Growth Design \(NDG\) Guidebook/DevelopMentor Program – Fred Hoisington:](#) Mr. Hoisington is the DevelopMentor Chair and retired from a 40-year career as a professional Planner. His practice focused on Smart Growth in the Minneapolis area, which he found more receptive to Smart Growth concepts than the Grand Traverse Area.

New Designs for Growth was first developed in the 1990's by County Planning. As they had no way to ensure implementation, the program ultimately moved to the Chamber of Commerce. The current guidebook is the third and was prepared by Russ Clark from R. Clark Associates approximately 4 years ago. It is based in the 10 tenets of Smart Growth/New Urbanism, including compact land use design in walkable communities with a strong "sense of place," providing a variety of housing options, preserving open spaces and farmland, encouraging public transportation, making land use decision-making fair and balanced and encouraging collaboration between governmental units.

Mr. Hoisington has found that many or all of these principles can be found in the township's Master Plan, although perhaps not in as "explicit" a form as they could be. He has also found that in many local units of government the Master Plan and Zoning Ordinance are not mutually consistent. Failure to bring them to consistency can result in a loss of the unique natural and historic characteristics of the area and cause future development in the area to resemble downstate areas that are considered to be generic.

Mr. Hoisington finds the township's waterfront and farmland preservation initiatives to be critical to place making in Acme Township. Other than this, what adds to a sense of place here? As someone who is not a township resident he gains his sense of our community from what he sees as he drives along the key road corridors, particularly the rural character of the northern portions of US 31 North. Thinking about sense of place is important on the regional level as well as the township level. There was discussion about what makes downtown Traverse City special, with Commissioners listing the waterfront, the small town size and character and the unique shopping environment as factors. Mr. Hoisington stated that the creation of a downtown area in Traverse City is the signature for the city, and wondered if - and even doubted that - Acme will create a similar downtown to further its place making.

Randall Arendt is a Planner who designs developments by studying the natural characteristics of the land and then fits residences and other land uses into the landscape. He created a

residential golf course community in this way in Benzie County. This is the type of development the Guidebook encourages, and this type of development is an option open to developers in Acme Township – high density clustering of development with abundant remaining open space.

The Guidebook advocates not only for the purchase of development rights (PDR) but also for the transfer of development rights (TDR). State law currently permits transfer of development rights within a municipality; with an intergovernmental agreement it may also be possible to transfer them to receiving zones that transcend governmental boundaries. Agricultural land can also be protected through crafting ordinances that stress agricultural land uses and compatible ones in the agricultural district.

Protection of wildlife corridors, wetlands, woodlands and ridgelines to a high extent maintains the natural character of the land. Linking them through a green infrastructure plan is important, rather than having open spaces exist in completely separated ways.

The Guidebook encourages mixing of land uses, with one beneficial effect being a reduction in the need to travel significant distances between living, working, shopping and recreational spaces. Land use separation became fashionable in the 1950's, with land use planning returning to a more integrated approach currently. With the re-integration of land use comes an increased focus on design aesthetics based on residential compatibility. Creating mixed uses, walkability and connectivity to other developed areas in the region by public transportation is difficult in the Michigan township setting. By increasing land use density in core areas, open and agricultural spaces elsewhere can be protected.

Acme Township is home to two key regional transportation corridors: US 31 North and M-72 East. The Guidebook recommends a focus on land use design and access management along key traffic corridors, but not a focus on parking lots. One way to de-emphasize parking areas and automobiles is to require design that places parking areas on the far side of the structures they serve, rather than between the building and the road. Connectivity between parcels and developments and consideration of the relationship between developments is important.

NDG calls for a vibrant trail system, and Acme is part of the growing TART system connecting many key areas in the region. Considering trail connectivity as part of any new development proposal is recommended.

“Context-sensitive design” describes the concept of creating different widths and designs of roads based on the surrounding land uses. One challenge to a variable approach to road design is the recommendation for road designs and widths that come from emergency services agencies (in terms of equipment access) and sometimes from road agencies (in terms of standardized maintenance). Roads can be very separate from land use and serve only automobiles, or they can be integral to land use and be designed for multiple modes of human movement.

How can communities effectively use the concepts contained in the Guidebook? The DevelopMentor program is one component. In the past there was a “Peer Site Review” committee at the Chamber of Commerce that reviewed proposed development plans and offered an opinion as to how well they demonstrated the guidelines discussed. A significant difficulty with the program was that developers using it tended to perceive it as an “approval” with greater implications for their formal municipal approval process than it actually had. Therefore the Peer Site Review program was replaced by DevelopMentor, a Chamber program offering free advice and mentoring to developers. Plans are reviewed and correspondence generated by the volunteers involved as to how well the plans appear to employ the concepts in the Guidebook. Mr. Hoisington urged the township to recommend

that developers approaching the township work with the DevelopMentor program not as a way to complicate or extend the formal approval process, but as a way the Chamber could potentially add value to the developer's proposal by encouraging the types of design that the community may find valuable and appropriate.

David asked Mr. Hoisington to elaborate on his assertion that this region is less open to Smart Growth/New Urbanist principles than Minneapolis. Mr. Hoisington recounted work he did while on staff at Gosling Czubak for a County in the region. As a consultant he opined that the client's Master Plan and Zoning Ordinance were not in sync and pointed out reasons why in terms of the zoning regulations; however, the County did not believe their zoning regulations were contrary to their Master Plan and did not amend their ordinances accordingly.

2. Consent Calendar: Motion by Carstens, support by Zollinger to approve the Consent Calendar as amended to remove the 03/25/10 Parks & Recreation advisory minutes and VGT-Phase I status update for discussion under Old Business, including:

Receive and File:

- a) **Draft Unapproved Minutes of:**
 - 1. [04/06/10](#) and [05/11/10](#) Board meetings
 - 2. [03/25/10](#) Farmland Advisory
 - 3. ~~[03/25/10](#) Parks & Recreation Advisory~~
 - 4. [04/09/10](#) Heritage Advisory
 - 5. [04/19/10](#) YCNA Steering committee
- b) Planning & Zoning News [March, April, May 2010](#)
- c) ~~[Status Update—VGT-Phase I SUP Application #2009-01P](#)~~

Action:

- d) **Approve [03/29/10](#) Planning Commission meeting minutes**

Motion carried unanimously.

3. Correspondence: None

4. Limited Public Comment:

Nels Veliquette, 311 S. Maple Street in Traverse City, noted that the Commission has on its agenda some discussion regarding potential agricultural zoning district ordinance amendments. He has recently been approached by several parties regarding the question of wine tasting rooms as stand-alone businesses in the township's agricultural district, particularly along the US 31 corridor. Currently wine tasting rooms are a permitted use in the general business district, but are only permitted as a use accessory to a winery in the agricultural district. In today's marketplace creation of new full-blown wineries is more difficult than it was 8 years ago, and there are small wine production facilities that are specializing in production for multiple agricultural product clients. Mr. Veliquette expects the township to receive a formal request to address stand-alone tasting rooms in the agricultural district very soon, and wanted to suggest that the township prepare itself to respond effectively.

5. Public Hearings: None

6. Old Business:

- a) **Discuss pending planning & zoning [project list](#):** Vreeland reformatted the list previously prepared for the Commission into a table that helps us monitor our status

as we address “non-neutral” ordinance content amendments that were listed during our content-neutral ordinance re-adoption to be addressed. A number of the issues have already been taken care of.

Vermetten noted that one of the projects has a status assigned to it of “complete, but...” and asked what this might mean. The issue in question has to do with the way the township handles various classifications of special use permit amendment requests. The ordinance gives authority to the Planning Commission to approve minor SUP amendments, while the Michigan Zoning Enabling Act provides that the entity approving an SUP may approve an amendment to is – and in our case the approving body is the Board of Trustees. Jocks feels that the current arrangement is legal because the Board ultimately approves the Zoning Ordinance and by approving it with the provision as it is has implicitly delegated its authority to approve minor SUP amendments to the Commission. Radtke stressed the importance of recognizing the difference between site plans and special uses and the approvals of each. Historically in our township the two have been tightly intertwined concurrently.

Yamaguchi was inclined to feel that minor SUP amendments should be considered by the Board alone. Hardin, as the Board’s *ex officio* representative to the Commission could so no reason why this would be a problem. David, Krause, White and Carstens felt that this issue was already decided when the SUP section of the ordinance was amended and there is no need to debate it further. There was consensus to leave the SUP amendment process as currently stated.

Staff was directed to begin placing the outstanding items on upcoming agendas to be addressed, providing brief memos with summaries, options and potential language. It should be placed at the later end of each agenda so as not to hold up other business.

7. New Business:

- a) **Consider [request #2010-02P](#) for minor change to site plan for Horse Sports by the Bay:** Radtke reviewed the request, which is for a modular structure to replace an existing structure as the main office for the horse sports park on Bates Road. Staff has categorized this as a minor amendment because the change in structure will be a “discernable” but not “significant” change to the land use. Staff is recommending Commission approval of the request.

Alex Rheinheimer of Horse Sports by the Bay indicated this is a requested upgrade to the site that will provide a better registration experience for event participants. Yamaguchi feels this will be an improvement on the existing office structure. Ms. Rheinheimer expressed appreciation for Advanced Awning’s concept for the appearance of the structure.

Motion by Carstens, support by Yamaguchi to approve minor SUP application amendment #2010-02P as presented. Motion carried unanimously.

- b) **Recommendation for [Agricultural zoning district ordinance amendments](#) from Farmland Advisory and farming community :**

Ken Engle, Sayler Road, expressed appreciation for the staff and the series of farm community input sessions arranged that lead up to the memo and the discussion. He also expressed that after recent training on farming GAAMPs that the township needs to be aware of the contents of the GAAMPs and the Right To Farm Act. The township needs to be aware of agriculture as a business, just as retail and industrial pursuits are businesses, and that agricultural operations need to have outlets to sell

their product to be profitable and viable. Mr. Veliquette concurred. He mentioned that if the township has aesthetic desires for land uses the agricultural community may be able to have regardless of local zoning, it should think about how to incentivize following those desires.

Staff was directed to proceed with preparing potential ordinance amendment language based on all of the concepts proposed in the memo.

c) **Small assorted zoning ordinance policy questions:**

1. **Fence heights and swimming pools:** The staff memo provided noted that currently the township allows fences to seven feet tall in side and rear yards and to three feet in front yards on most residential district properties. On corner lots fences are only permitted to a height of three feet anywhere on the property. Pursuant to questions from the public and looking at various existing fences in the community, staff was asking the Commission if these regulations were still deemed appropriate, or whether review and potential revision were in order. There seemed to be general opinion among the Commissioners that as long as fence placement respects clear sight zones for traffic safety that the township could move to one height requirement for all fences in the residential districts. There was some discussion about a six or seven foot height maximum, and some about having no stated maximum height at all.

Motion by Zollinger, support by Yamaguchi to remove height limitations on fences in residential districts.

Carstens is thinking about Mr. Hoisington's comments about place making and context sensitive design, and is feeling like perhaps a decision this evening on this issue is premature. Jocks noted that there can be situations where neighbors who don't get along can attempt to use very high structures to either improve or worsen a situation. He has dealt with one such situation in Acme Township. Vreeland observed that a motion this evening will simply direct staff to draft proposed ordinance amendment language, and that further discussion and changes to draft language could occur at the required ordinance amendment public hearing.

Motion carried by a vote of 5 in favor (David, Vermetten, White, Yamaguchi, Zollinger) and 3 opposed (Carstens, Hardin, Krause.)

The staff memo also posed a question about the current requirements that swimming pools be placed only in a rear yard. They may not be in a side yard as other accessory structures may be, and with the exception of waterfront lots no accessory structure is permitted in a front yard. Staff has recently worked with a resident who had room to place a pool in their back yard according to our standards but would have preferred placement in the front yard, so again staff wanted to see if there was any reason the township might or might not feel motivated to re-examine the standard and the reasons behind it. The Commission stated that they feel the standard should remain as is for aesthetic reasons and because swimming pools are recognized as an attractive nuisance, and permitting their placement in a front yard would promote related safety problems.

Motion by Krause, support by White to continue to limit swimming pools to rear yards. Motion carried unanimously.

2. **Road-related signage on private roads:** Radtke has received a request from a neighborhood served by a private road to be able to place speed limit and “children playing” signs and the like along their private road. The Zoning Ordinance does not permit landowners to erect signs that appear to direct traffic or mimic standard traffic signs on their property. Landowners are also prohibited from placing any sign within a road right-of-way. Valid traffic direction and information signs are placed in public road rights-of-way by MDOT or the Road Commission. To staff the rule appears to unintentionally prohibit reasonable placement of traffic management signs on private roads as may be warranted or desired by the landowners responsible for those roads.

Motion by White, support by Zollinger to approve amending the sign ordinance to permit placement of traffic-related signs along private roads. Motion carried unanimously.

- d) **Discuss [03/25/10 Parks & Recreation Advisory minutes](#):** David asked about the question of what will happen to the main house at the Knollwood Motel property once it is acquired by the township. Vreeland stated that this question has yet to be resolved, and there are strong opinions and emotions for various options including demolition, relocation of the structure to a different property for preservation and re-use, and for preserving the structure where currently located for use in conjunction with public natural recreation. The Board will need to provide direction, and discussion is expected to occur at a Board meeting within the next several months.
- e) **Discuss [Status Update – VGT-Phase I SUP Application #2009-01P](#):** Zollinger had a question about the statement that a potential request for amendment to the overall Village at Grand Traverse Conceptual SUP could be a separate, additional process that might run concurrently to the continued processing of the Meijer store application. Staff has received from the applicants a very generalized plan for a redesign of the overall proposed site plan for the entire development. The plan came with an assertion that the redesign would also reduce the overall density of the commercial development within the project to approximately 800,000 sq. ft., but it is not possible to verify this calculation based on the information presented. Staff has responded to the applicant that if they wish to request modification to the conceptual site plan for the whole project it would likely be processed as a major amendment to the existing SUP that approved it. Staff informed the applicant that this process could occur at the same time as the township continues to consider the development of a Meijer store as Phase I under the existing conceptual site plan and SUP, and that the act of exploring a potential major change to the existing conceptual full-project site plan and SUP will not invalidate or otherwise jeopardize the terms of the existing approved site plan and SUP.

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

Mr. Engle believes that one issue regarding agricultural regulations that we haven’t fully discussed yet are agricultural tourism issues such as special events. These issues are not specifically addressed by GAAMPs. The other question relates to processing. For instance, consider an example of a farmer who grows wheat and has a license for a commercial kitchen, but is prevented by local zoning ordinances from having a bakery to sell bread made from the wheat. This is an intricate question that should be examined.

Mr. Veliquette stated that if the township wants to create a vibrant agricultural economic center, it needs to create regulations that welcome the factors that create agricultural

profitability. If the township sets a tone and creates incentives for desirable agribusinesses this is what we will receive; if not then the growing demand for such businesses will cause the township's ordinances to be tested in various venues. The township has a variety of unused or underused existing structures along the US 31 corridor that could be converted into positive agribusiness locations.

Mr. Engle briefly discussed the process for handling nuisance complaints made about farm activities under the state GAAMPs.

Radtke noted that he is currently authorized to work 16 hours a week for the township, with approximately 8 hours a week being in the office. Most of this time is currently spent on maintaining daily activities.

Vreeland stated that the Board is currently wrestling with the proposed budget for the 2010-11 fiscal year, and that for the first time in six years it appears that it will be necessary for the township to use some of its general fund reserves to cover general operating expenses. The Board is trying to minimize the amount that would need to be taken from reserves, and is considering a variety of budget cuts that may include some salaries and wages. At the current time, discussions have been heading towards replacing permanent planning and zoning staff on a part-time rather than full-time basis, at least until such time as our annual revenue forecast may become somewhat more positive.

Yamaguchi feels that the township needs a strong zoning administration presence and even more a full time planner. She also believes that we need to move forward rapidly with amendments that are favorable to agribusiness in the community.

MEETING ADJOURNED AT 9:51 P.M.