



**ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
7:00 p.m. Monday, June 27, 2005**

Meeting called to Order at 7:00 p.m.

- Members present:** O. Sherberneau (Chair), B. Carstens, C. David, R. Hardin, D. Krause, D. Morgan, E. Takayama, M. Vermetten
- Members excused:** J. Pulcipher
- Staff present:** J. Hull, Zoning Administrator
S. Corpe, Office & Planning Coordinator/Recording Secretary
J. Iacoangeli – Beckett & Raeder, Consulting Planner
J. Christopherson, Consulting Counsel

1. Consent Calendar:

Motion by David, support by Takayama, to approve the Consent Calendar as amended to remove approval of the 05/23/05 meeting minutes for further discussion, including:

Receive and File:

- a) **Draft unapproved minutes of the June 7, 2005 Board of Trustees meeting**
- b) **Draft unapproved minutes of the June 13 Infrastructure Advisory Committee meeting**
- c) **Citizen's Guide to Transportation Planning** from NW MI Council of Governments
- d) **Planning Commissioner's Journal Spring 2005**
- e) Planning & Zoning News
 1. **March 2005**
 2. **April 2005**
 3. **May 2005** (note author of page 15 article)

Action:

- a) ~~Approve **May 23, 2005** meeting minutes~~
- b) Review and approve agenda, inquiry as to conflicts of interest: The agenda was modified to move discussion regarding the Meijer application to be immediately after correspondence.

Motion carried unanimously.

2. Correspondence:

- a) E-mail from **Kimberly Challender dated 06/06/05**

3. Continued Discussion/Deliberation:

- a) **Application #2004-3P by Meijer, Inc., 2929 Walker NW, Grand Rapids MI 49544 for SUP/Site Plan Approval for development of a 232,360 sq. ft. grocery/general merchandise store, 2,400 sq. ft. convenience store with 10 gas pumps, and 100,041 sq. ft. of additional commercial space on property located at 5896 Lautner Road (the southeast corner of M-72 East and Lautner Road) and currently zoned B-3, Planned Shopping Center:** Tim Stoepker, attorney for Meijer, Inc. noted that a significant amount of new information has been submitted over the past few days including updated traffic and market studies and a response to Iacoangeli's report. Further, this afternoon Iacoangeli and Hull met with Meijer representatives to discuss the revised site plan submitted late last week. The applicant would like to resubmit revised information to Iacoangeli within the next seven days

for further review and discussion, and is asking that a special meeting be set for Wednesday, July 13. The discussion day was productive, and rather than discuss those concepts on the fly they feel it would be best to take time for additional review and discussion before Commission-level discussion.

David expressed concern about the request for a special meeting, asking why the matter could not be heard at the regular meeting at the end of July. Special meetings for necessary internal work have been put on hold largely due to budgetary concerns. Sherberneau noted that the applicant pays all costs for special meetings.

Iacoangeli confirmed Mr. Stoepker's comments, stating that he recommended the special meeting request to the applicants so that all of the Commission's energies could be focused at that time and after further discussion, review and refinement of the application materials. Several members of the commission could not be available on the suggested date, and all wish to attend for this important discussion.

Motion by Carstens, support by Morgan to set a special meeting for continued discussion of the Meijer application for Tuesday, July 19, 2005. Motion carried unanimously.

4. Limited Public Comment:

Lewis Griffith, 5181 Lautner Road, stated that last Thursday a budget approval meeting was held without proper public notice. A new meeting has been scheduled for this Thursday, June 30 to consider and adopt the budget. Corpe explained that when the original notice was sent to the paper there was one publication date in the cover letter and a different one in the body of the text. As a result, the notice was published on the hearing day rather than at least 6 days before as required by law. The hearing is being held again to correct this problem.

Chuck Walter, 6584 Bates Road, stated that Takayama has filed an affidavit regarding the court cases between the township and The Village at Grand Traverse, LLC. and Meijer Inc. regarding the impact of the proposed developments on his quality of life. For this reason, Mr. Walter believes that Takayama should excuse himself from any deliberations on these matters.

5. Special Presentations:

a) **Presentation by Matt McDonough, Grand Traverse Regional Land Conservancy, regarding need for Farmland Preservation Map addition to Master Plan:** The Conservancy is working with Acme and Peninsula townships and the county on purchase of farmland development rights. It has come to their attention that application to the Michigan Agricultural Preservation Fund/Michigan Department of Agriculture requires certain criteria to be eligible to apply. The application deadline is currently in September, but if enough municipalities express interest the deadline could be extended into October.

On page 3 of the handout Mr. McDonough provided, he drew attention to the list of application prequalification items. Items 2) a, c, and d need to be addressed. The Conservancy has come up with a proposed Agricultural Preserve Zone map based on the definition of "farmland" at the bottom of the page numbered 19 in the handout. This same definition is in Acme Township's purchase of development rights (PDR) ordinance.

The Conservancy has also produced proposed language for addition to the Agriculture and Rural Preservation section of the Master Plan, which was handed out along with copies of the map.

Vermetten asked if the Commission is being asked to adopt the map presented to meet the application deadline, and Mr. McDonough responded this is true. No attempt has been made to narrow down from all land meeting the definition of “farmland,” which will otherwise be done through the scoring system.

Vermetten noted that the language in the application process materials refers to a “future land use map” and noted that the township is working towards creating a comprehensive future use map. Is this map separate from the more comprehensive map? Mr. McDonough stated that this is the case, although the two might have some overlap.

Krause asked why the Village and Meijer-owned properties are identified as potential “farmland” zone areas. Mr. McDonough responded that he was working from a 2003 aerial photograph and he thought he saw some row-type crops on the photos. Denny Hoxsie, a member of the farmland preservation board, stated again that the scoring system will help to take care of mis-matches. Draft scoring criteria is being developed for the next County Agricultural Board meeting. It is not guaranteed that the county or township will receive state funding, but without the proposed amendments there is no chance of application.

Vermetten noted that the 2003 aerial photos would have demonstrated apple trees on the Village property; however, the Meijer property does not seem to fit the definition at all. He is concerned about the overall accuracy of the map. Aerial photographs are not created annually, and the parcel lines and ownership were from 2004 as the 2005 data is still being rectified. David feels it would be “cynical” to adopt something that we know is incorrect. The map can be corrected. Hoxsie stated that he questioned why the Village or Meijer parcels would be eliminated from consideration for preservation, as they have not yet been built on? It may not be actively farmed, but if it meets the scoring criteria it might be desirable for preservation.

Vermetten stated he would be uncomfortable reviewing and approving the map this evening. Mr. McDonough stated that he tried to err on the side of leaving more possibilities in rather than excluding them. Ken Engle, as an active farmer, agreed with this inclusionary approach.

Corpe brought attention to material she prepared regarding the legal requirements for adopting a master plan amendment and the shortest possible timeline for doing such. Assuming that the Planning Commission recommended adoption of the map presented tonight to the Board for consideration on Thursday, the earliest possible final adoption date is September 15, which is after the current September 1 state deadline for being ready to apply for funding. She is fully supportive of the program and the work the Conservancy has done to date, and would want to capture all possible funding for the program. However, Corpe expressed concern about rushing to do the job and doing it poorly when there is a risk of missing the deadline anyway. Further, work will be underway this summer to begin preparing the comprehensive future land use map. If the two amendments are performed separately, it would be necessary to go through the whole adoption process a second time. There has to be a balance between meeting the deadline and doing the job properly.

Takayama, Morgan and Carstens in particular noted that the map could be amended and refined further throughout the amendment adoption process and afterwards in a separate process as desired. Mr. McDonough stated that when he first spoke with Corpe about whether or not the application deadline could be met, the picture she

painted was bleak. He called the state to discuss this, and was told that if many other communities express the same concerns the deadline for funding this year is likely to be extended.

Vermetten hears that one farmer has already found one parcel that should be included but wasn't, and there seem to be parcels that should be included that are. This indicates that there should be a closer look. Hardin asked how important the map itself is to the process and how important it is that it be "bulletproof" before it is submitted. Takayama noted that the map could be modified up until adoption.

Vermetten noted the wording in the requirements for a "comprehensive future land use map." Does this map really qualify as such? It sounds like a much more thorough job of showing where the township intends to preserve agricultural land. Mr. McDonough asked if any sort of future land use plan exists at this time and was told it does not; he had not previously understood this. The township is working to hire a consultant to work on it with us this summer. Mr. McDonough suggested that he and a few individuals work on modifications while the meeting proceeds and later in the meeting present a revised draft for potential adoption.

When asked, Corpe again expressed concerns about the rapid nature of the proceedings and ramifications of inserting the farmland map in the Master Plan on broader planning and zoning issues. Vermetten concurred, although he said he was in agreement with the proposed text additions. Morgan suggested that Mr. McDonough's suggestion to work on the proposed map with a few individuals and come back later in the evening be accepted; Mr. McDonough stated that this would only work if there is hope that the map would be adopted this evening. Carstens is torn between the desire to do what we are going to do properly, but a farmland preservation ordinance has been passed and needs to be put into action. If the map opens up potential to apply for PDR funding and not a zoning map he has no problem with it, but if it could be used in any way to affect zoning and development in the township he would agree that more time needs to be taken to ensure that it meshes with the other components of the township's overall plan. Mr. McDonough noted statements in the Master Plan that farmland that is desirable for protection is defined by a variety of local maps and written language that he feels would interact more with zoning than the proposed map.

Hull stated that the information under application prequalification has been misstated when compared to the actual text of the law. Also, looking at Corpe's timeline for fastest possible adoption, the Commission technically would not be adopting a map tonight. The Commission is technically seeking permission to distribute the map from the Board.

Motion by Carstens, support by David to request that the Board of Trustees permit the Proposed Agricultural Preserve Zone map and text additions to the Agricultural and Rural Preservation section of the Master Plan to be distributed to neighboring communities as a proposed amendment to the Acme Township Master Plan.

Vermetten again expressed support for the proposed text additions to the master plan but is concerned about the map and how it is being constructed.

Motion carried by unanimous roll call vote.

A 10-minute recess was called from 8:25 p.m. to 8:35 p.m.

6. **Preliminary Hearings:** None

7. **Public Hearings:**

- a) **Application #2005-6P by Breakout Vending/Susan Brosch, 3254 Holiday View, Traverse City MI 49686 for SUP/Site Plan approval to construct a warehousing facility at 6101 S. Railway Commons (Lot 1, Railway Industrial Park) on property currently zoned B-4, Material Processing & Warehousing :** Josh Standfest from Elmers gave a brief PowerPoint presentation displaying the site and landscaping plans. Takayama asked why both a primary and reserve drainfield are shown on the plans; Mr. Standfest reported that the Health Department requires that an area be set aside for potential future development of a second septic field should the first fail. No traffic is allowed over this spot so that native soils are preserved. A spot for a Dumpster is shown that will be properly screened according to ordinance requirements by fencing and plantings.

Public Hearing opened at 8:41 p.m.

Mr. Walter, asked about the building's exterior appearance. It will be typical warehouse construction, with an office area up front faced with a stone-like veneer and a pitched roof. The township has received design approval from the neighborhood association.

Public Hearing closed at 8:42 p.m.

Motion by Vermetten, support by Carstens to recommend approval of Application #2005-6P to the Township Board based on recommendations by staff that all Ordinance requirements have been met or are otherwise not applicable. Motion carried by unanimous roll call vote.

- b) **Application #2005-7P by New Hope Church 5100 Bethesda Court, Williamsburg MI 49690 for amendment to the existing church Special Use Permit/Site Plan #97-3P to allow for construction of a new administration building on property located at 5100 Bethesda Court and currently zoned A-1, Agricultural:** Mr. Standfest again represented the application with a brief PowerPoint presentation. He displayed the originally-approved plan and demonstrated that a community center, parking and tennis courts were proposed as Phase I. Originally Phase II was to be entirely parking surface, but the current application is a request to amend this phase to include some parking and a church administration building of approximately 9,000 sq. ft. The building would be single-story and serve 8-10 church staff members both present and future. No additional traffic flow to the site will be generated; the building will relocate existing offices and the freed space will be utilized for existing programs to physically expand. A sediment forebay flows into an existing detention basin which slowly releases water to the general environment. Updated surveys indicate that the basin needs to be expanded to provide adequate capacity.

The ordinance asks for canopy trees to be installed in the landscaping plan, but the applicant is asking for consideration matching that granted during previous applications to use lower plantings that will maintain air drainageways for neighboring farmlands. They propose to use smaller flowering varieties. Krause does not believe that 18 canopy trees would negatively impact air drainage; Mr. Standfest indicated that this was a specific request by the neighboring farmer such as Dave Amon and Jim Maitland.

Carstens stated that a letter was submitted by Max and Alfa Binkley detailing some concerns with overflows from the detention ponds next to their property and maintenance of the pond areas. Carstens has visited the property and shares these concerns because of the close proximity of the site to the Yuba Creek Natural Area (YCNA) and an underground pipe that seems to run from the parking areas under the playing fields. Mr. Standfest stated that the pipe is an overflow drainage route required by the Soil Erosion Department. Vermetten asked Carstens if he had actually seen an overflow, which he has not. Carstens is seeking to ensure protection of Yuba Creek and the YCNA. If the township is requiring Meijer to address concerns regarding their position in relation to Acme and Yuba Creeks and water quality protection, the same principal should be applied in this situation. Mr. Standfest stated that the church is about a quarter-mile from the creek, and displayed a USGS topographical map showing the natural drainage pattern of the area. Carstens believes that the Binkley's request that a standard maintenance schedule for the detention ponds be instituted. Vermetten believes that this is the purview of the Drain Commissioner and that this county agency has mechanisms in place to enforce this if desired. Carstens believes the township can also institute a layer of control and that it should do so in this case. In other instances the township has asked for things like larger drainage basins than the Drain Commission has required. Mr. Standfest stated that in situations such as this where a natural drainageway exists, a landowner is allowed to continue releasing an amount of water similar to that occurring naturally, and must contain the balance in a 100-year storm-sized basin. Morgan referred to a statement in the Binkley letter that they called the County with their concerns about basin maintenance and was told that the County has no enforcement mechanism. David feels that the Commission should ensure that the designed capacity is appropriate but that ongoing maintenance is not something it should address.

David found discussion relative to granting of the original permit that this portion of the property was being held in reserve for potential increased parking needs. Traffic problems have occurred, leading the church to initiate a second Sunday service. How will future parking needs be addressed if a building replaces some of the reserve parking area? What has changed between original adoption and now? Vermetten pointed to commentary in Hull's report that the staggered timing of events at the facility, such as division into multiple services, addresses this situation. Hull stated that the extra parking has not been needed for overflow over the past eight years. The sanctuary is not being expanded; existing services are being relocated for Monday-Friday 9-5 uses that won't conflict with weekend services.

Hull reported discussion regarding two issues: the Ordinance requires a loading space for the administration building and there is no Dumpster location for the new building shown. Mr. Standfest's response has been that the church would like to maintain the appearance of the administrative building, so their full-time custodian will be responsible for moving trash from there to the existing trash disposal area. The applicant believes no loading zone is required for this building because there is an existing interior parking lot that removes traffic from the roadway areas. Mr. Standfest stated that there are no ingoing/outgoing shipments and that the building location is such that traffic flow on public roadways will not be impacted so the need does not exist.

Public Hearing opened at 9:12 p.m.,

Pastor Dave Standfest of the church stated that the detention basins are inspected and maintained. Several of them have had work done on them by Steuer Excavating, but work on some of them was delayed from last fall knowing that they would need to be

re-engineered. Very few times in the past 15 years have the detention basins filled to the brim, and part of any runoff problems are due to the natural topography and water flows between the church and the Binkley property and the fact that the Drain Commission will not allow the natural flow to be altered. This is the reason for an elaborate series of linked basins. Regarding parking, Pastor Standfest asserted that existing areas are adequate to handle current traffic, and that the proposed changes will not create additional traffic flows to the site. They are concerned about the safety of their parishioners and other US 31 users, and have offered to pay for a stoplight or for State Troopers to work overtime to control traffic for peak flow (service) times. Other difficult times are when the facility is in use for things like high school graduations or concerts or neighborly use of the property.

Public Hearing closed at 9:18 p.m.

Carstens read from Section 8.1.3 of the Ordinance regarding standards that must be met by special uses that the township approves. These standards include public health, safety and welfare, protection and maintenance of natural resources, and compatibility with neighboring uses. For this reason he believes it would be appropriate to require that the basins be inspected and maintained at least every 5 years.

Krause stated that tonight was the first that he heard that the applicant would like to substitute smaller flowering trees for larger canopy trees. Had he known he would visit the site to see if the existing vegetation has been maintained in good and healthy conditions and would likely favor a continuation of the existing landscaping pattern. Mr. Standfest stated that the preliminary site plan did not indicate planting species but did say they would be consistent with Phase I. Hull asked that the revised plan conform to the ordinance requirements, which prompted more formal discussion. Stan Malaski stated that the trees appear well-maintained and healthy to him. Carstens suggested approval with a contingency that the landscaping plan be finalized in conjunction with the Landscaping Committee.

Motion by Vermetten, support by Takayama to recommend approval of Application #2005-7P to the Township Board of Trustees pursuant to staff analysis and recommendations, approving a reduction in parking from Ordinance standards, contingent upon receipt of final approval from all county agencies and permitting a landscaping plan in keeping with that employed in Phase I.

David asked about the recommendation that a parking space reduction be permitted. Mr. Standfest noted that the number of seats in the sanctuary is fewer than originally planned, and the amount of parking required is partially based on the number of seats.

Motion carried by a vote of 7 in favor (Hardin, Sherberneau, Vermetten, Takayama, Morgan, Krause, David) and 1 opposed (Carstens).

Motion by Carstens, support by Morgan to require that the drainage basins be checked for adequate maintenance and operation every five years and brought into proper condition if found lacking.

Mr. Standfest asked if the township would hire an individual technically

qualified to perform such an assessment. The question of whether the Zoning Administrator should and/or is capable of such an assessment was briefly debated.

Motion failed by a vote of 3 in favor (Carstens, Takayama, Morgan) and 5 opposed (Sherberneau, Vermetten, Krause, David, Hardin).

8. New Business: None

9. Old Business:

- a) **Approval of May 23, 2005 meeting minutes:** Vermetten asked to have the minutes removed from the Consent Calendar so he could note that when he voted against continuing the Meijer hearing he was operating under a misunderstanding. He thought that the motion was for continuation of the public hearing portion of the application process, which he opposed, rather than for continuing Commission deliberation at tonight's meeting, which he would have supported.

Motion by Takayama, support by Hardin to approve the minutes as presented. Motion carried unanimously.

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

Noelle Knopf, 5795 US 31 North, asked if the proposed farmland preservation map has been amended to remove the Village and Meijer properties. Corpe stated that work on the map is being performed by the Conservancy, and whatever the revised copy may contain will remain to be seen at Thursday's special Board meeting.

Sherberneau noted that an article by Hull was published in the Planning and Zoning News, which was applauded by the Commission.

Meeting adjourned at 9:35 p.m.