



**ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
7:00 p.m. Monday, November 27, 2006**

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

Members present: M. Vermetten (Chair), B. Carstens, C. David, R. Hardin, D. Krause, J. Pulcifer, E. Takayama, L. Wikle, P. Yamaguchi

Members excused: None

Staff present: J. Hull, Zoning Administrator
S. Corpe, Recording Secretary

1. Consent Calendar:

Motion by David, support by Takayama to approve the Consent Calendar as amended to remove consideration of approval of the minutes of the 10/30/06 Planning Commission meeting for further discussion as requested by Noelle Knopf, 5795 US 31 N., including:

Receive and File:

- a) Draft Unapproved Minutes of
1. **11/14/06 Regular Board of Trustees Meeting**
 2. **11/13/06 Shoreline Preservation Advisory Meeting**
 3. **11/17/06 Infrastructure Advisory Meeting**
 4. **Letter dated 11/06/06 from Sally Erickson Bornschein**
 5. **Planning & Zoning News July 2006**
 6. **Planning & Zoning News September 2006**

Action:

- b) ~~Approve minutes of the 10/30/06 regular Commission meeting:~~
- c) **Review and approve agenda, inquiry as to conflicts of interest:** No conflicts of interest reported.

Motion carried unanimously.

2. Correspondence: None

3. Limited Public Comment: None

4. Preliminary Hearings: None

5. Public Hearing:

- a) **Public Hearing of Application #2005-14P, Horse Sports by the Bay for development of an equestrian center on 83.68 acres of land zoned A-1, Agricultural located at 6535 Bates Road:** Jason Horton of Elmer's and Alex Reinheimer of Horse Sports by the Bay were present in support of the application. Metro Fire has requested a fire access road between proposed tents 9B and 10B. The other public agencies have given preliminary approvals with no concerns noted. Formal permit applications will be submitted once closing on the property has occurred.

Yamaguchi made an aesthetic recommendation regarding the proposed water retention ponds. At "hand auger site #4" it appears there was a significant amount of

clay found. This location is near Bates Road, and she believes that any water accumulating in this area would absorb very slowly unless about 4' of clay is removed. She suggested installation of a rain garden at this location and potentially near the parking lot as well. Mr. Horton stated that the clay is slated for removal to a depth of about 5' down to a good sand layer to allow for the retention basin and construction of the entrance drive.

Krause raised the question of site trees. Township ordinances require a landscaped island for every 10 spaces in a parking lot, but this requirement appears not to be met in the south parking lot. Mr. Horton stated that he felt the conditions of the ordinance had been met. Hull stated the ordinance as requiring 1 landscaped island "for every 10 spaces." Krause disagreed, saying this issue had come up relative to the Meijer application and Meijer was denied the ability to aggregate the required amount of vegetated space. Krause also observed that one street tree and five shrubs are required for every 24' of road frontage, and that the shrubs need to be added to the plan prior to final Board consideration. Krause also asserted that trees more than 5' from any proposed structure should be preserved according to the ordinance, and he urged that trees meeting this condition be tagged for preservation. Mr. Horton stated that the Fire Code requires any tree within 30' of the tents to be removed, but they are sensitive to the township's desires and the need for shade for the horses and stables. They have agreed with Metro Fire that once the proposed tent locations are staked a joint site visit will be performed to see if any trees within the normally-required 30' perimeter may be preserved.

Takayama also raised a landscaping-related issue. He noted that water lines will be run for the horses and that it should also be run to the landscaping areas, perhaps in the form of drip irrigation. Mr. Horton noted that the site will only be used for approximately 1 month per year so ongoing monitoring and system maintenance might be problematical. Also, there will be a watering truck that could be used to serve the landscaped areas. Takayama felt it was even more urgent to have some sort of automated watering system operating if there will be minimal site maintenance. Mr. Reinheimer stated that they do plan to maintain the landscaping and someone will be running a water truck. It is important to them not to have browning grass or expensive but dead vegetation. Takayama feels it might be more expensive to hire someone to run a watering truck versus installing a drip irrigation system in the long run.

Hardin referred to Hull's report regarding Section 7.5.4 of the ordinance and asked how lighting for employees and the parking lot will be handled. Hull stated that this issue has been addressed between him and the applicant and they have reached agreement on a minimal lighting plan that will provide for some safety without overlighting.

Krause classified the project as a "first-class operation" that he feels will benefit the township.

David noted that the ordinance requires installation of an automatic landscape watering system, and that Hull reported this condition as met. He wonders if the Planning Commission has the discretion to waive this requirement, or if the watering truck was considered an acceptable alternative arrangement. Hull stated that this is a typographical error in his report. David asked about a requirement for screening vegetation such that within 2 years the property "shall be effectively screened" from the roadway. He asked if this condition would be met by the plan as presented; Hull said he was uncertain about the growth of vegetation and whether it is reasonable to

require commercial properties to be fully screened from view. Krause believes that parking lot buffer areas are supposed to be solidly screened but not entire road frontages. Hull agreed that a parking lot adjacent to a roadway is held to a higher screening standard, but this condition does not apply in this circumstance. David read from the ordinance requirement for berming, and there was discussion about berming being an optional component of the site plan. David agrees this is a “great” project, but wants to be certain all the ordinance requirements are being met.

Wikle was struck by a thought: there are many young people in the area who enjoy outdoor recreation such as paintball. Because the property will be vacant for 11 months of the year, what measures will be in place to ensure security? The Reinheimers stated that the property will be fully surrounded by fencing and the structures will be almost all seasonal and not a temptation all year-round.

Takayama asked about the zoning of the existing house and church adjacent to the subject property; all properties are zoned A-1. The ordinance requires enhanced screening between commercial uses and residential districts, but this does not appear to be applicable given the similar zoning.

Public Hearing opened at 7:24 p.m.

Shirley Lewis of Yuba Road, one of the property owners, stated that the property has been in her family for a great number of years. The family has been offered many development options for the property which have been turned down, including housing developments and a 400 unit residential village. They felt that the person from whom they inherited the property would approve of the proposed use, and are glad that some rundown buildings could be restored. The Reinheimers have the Lewises’ best wishes and she hopes the whole community will support them. The Lewises could log the property to pay their taxes, but they have elected not to.

Chuck Walter, 6584 Bates Road, stated that the project is directly and exclusively across the street from him. He has studied the plans and spoken with the Reinheimers extensively. He believes the project and its intent are good and deserves the Commission’s support. He is concerned with some of the requirements various Commissioners would like to place on the project; it is on agriculturally-zoned land and in his opinion should be regulated in a strictly agricultural manner. He has spoken with most of the neighbors who would be able to see the project from their properties and all were supportive. Mr. Walter has found what the Reinheimers have accomplished at their leased site on M-37 south is remarkable, and that they deal with a “recession-proof” industry with good clientele and will bring good jobs to the community.

Wendy Icard, Arabian Lane, asked for a better description of the lighting plan. Mr. Horton replied that the tents will have some lighting in them and there will be minimal outdoor lighting. They do not wish to exceed the minimum requirements. Hull reported that the ordinance provides for a maximum, not-to-exceed lighting amount. The ordinance allows a bare minimum of lighting to provide for safety getting to vehicles. Ms. Icard noted the suggestion of having the lights on a timer, and there was discussion about the requirement for lighting to be fully down-directed.

Public Hearing closed at 7:32 p.m.

Motion by Krause, support by Pulcifer, to recommend approval of Application #2006-14P to the Board of Trustees. Motion carried by unanimous

roll call vote.

b) **Public Hearing of Application #2006-11P, Creekside Village** proposed development of 39 single-family site condominium units within Acme Village in the northwest area of the property adjacent to Juniper Hills Condominiums and Crest Haven Hills Subdivision: Chris DeGood and Brad Kaye from Gourdie Fraser were present in support of the application. They distributed a site plan displaying the required open space calculations. Building areas were 34%, rights-of-way 10% and open space areas 56%. At this time Mr. Kaye stated agreement with Hull's staff report and its contents. Hull raised four questions:

1. Requirement for two street trees per lot not being met: the ordinance encourages some clustering of trees, and they felt the requirements would be fully met through trees in clusters in the open spaces.
2. Lack of open space calculations: addressed with plan distributed this evening.
3. Lack of indication of areas that would remain undisturbed: All open space areas on the south part of the project will be left undisturbed.
4. Regrading of the site and impact on lot character unclear: Mr. Kaye pointed to the existing Crest Haven Hills subdivision, and the existing natural down slope from the subdivision towards Mr. Hope Road. There will be a gradual step-down suitable for walkout units.

David asked about a road extending east from Mt. Hope Road opposite the south end of the proposed new road: this is an existing, unnamed spur. The northern end of the new road is close to Juniper Hills Condominiums.

Krause feels that there are a number of significant trees that are slated for removal, and this makes it essential that the 10 trees Hull noted as lacking from the plan are inserted; Mr. Kaye indicated willingness to comply.

Carstens asked if the Road Commission has approved the new Mt. Hope Road intersections; their approval letter is on file.

Hardin asked if efforts would be made to maintain existing significant trees; Mr. Kaye indicated the application would certainly prefer to do this rather than purchasing new trees if at all possible.

Carstens noted that the requested housing density is allowable according to the Open Space Ordinance calculations. He is concerned about a lack of documentation of the conservation value of the open space. He performed a site visit and observed a Blue Heron, indicating there must be some value beyond that inherent in his mind to any open space. Hull has discussed this matter with the township's attorney several times, and they are both comfortable that the ordinance requirements have been met. A formal conservation analysis has not been performed for this project, but as part of the original Acme Village Mixed Use Development approval the southern area slated to remain in a natural state was indicated to remain as open space. David noted that conservation recreation is a permitted use for the required project open space.

Takayama asked if the trees slated to be retained near the housing units can truly be maintained given the proposed grading plan. Mr. Kaye indicated three areas where

they feel there are worthwhile trees to save and every effort will be made. Foundation excavation will be tight to the proposed unit sites, and they feel maintenance of all trees possible will benefit the project. Takayama also asked about discussion during the initial Creekside Village application two years ago regarding a potential need for a landscaping buffer between the project and Crest Haven Subdivision. Vermetten offered the opinion that the uses and zoning are fully compatible, both being R-3, so no additional buffering should be required.

Carstens asked if the proposed new road has been named yet; it has not. He asked how the intersection will be graded; it will be fairly level as required by the Road Commission. The road will rise moderately as it moves to the west. Maximum allowable slope is 8%. Carstens is concerned about the level of impervious surface on the property and the potential for runoff from the site down the hill and across US 31 to the bay. The retention plans are engineered to discharge into an existing drainage system under Mt. Hope Road moving to the east. Units 1-5 and the southern portion of the road may drain in a southerly direction to an existing ditch and retention system. 25-year storm storage capacity is being provided and has been approved by the County Drain Commissioner. Carstens confirmed a discussion with Pete Bruski from that office who felt the plan was sufficient.

Krause asked Hull if one tree is required per 24' of road frontage. Mr. Kaye indicated that this is true, as is the requirement for 2 trees per housing unit. Krause also recalled the need for 5 shrubs per 24' of road frontage; Mr. Kaye did not feel this applied to a residential development. Carstens felt the landscaping could be designed to minimize a "cookie-cutter" appearance he feels exists in the current plan. Vermetten does not feel many housing developments appear particularly "natural." Hull referred to Section 7.5, Off Street Parking & Loading, which contains parking lot landscaping requirements. Landscaping under the OSD Ordinance is in Section 8.3.5, requiring 1 street tree adjacent to the road right of way per 24' with a minimum of 2 trees per lot and at least 3 trees for any corner lot. Tree species must be as recommended by the Soil Conservation District.

Public Hearing opened at 7:50 p.m.

Alan Siefert, 5656 Apple Valley Road (Lot 8) confirmed Takayama's recollection that two years ago some sort of screening would occur between lots in his subdivision and the proposed development. He also believes the original application was for 24 units, and asked how the current number came to be 39. There are a number of large maple trees he hopes will be preserved, and he asked how utilities would reach the project. Vermetten asked Hull to discuss the density of the project. The original application was for fewer units than those presented today. The MUD section of the Ordinance states that housing density can be determined either by the MUD approval or the underlying zoning of the MUD. The underlying zoning here is R-3, and the proposed density is actually less than the total that could be obtained according to the zoning designation. Mr. Kaye reported that the project is full-condominium style with no individual land lots. The old plan called for an additional road and more spread-out lots; the new plan clusters units the same size more closely. Mr. DeGood was unable to state at this time the routing the utilities would use to serve the property, but it would likely be the most efficient route. He expects the utilities will be brought in along the new road rather than between the existing subdivision and the new project. Water and sewer will come in from Mt. Hope Road.

Public Hearing closed at 7:56 p.m.

David recalls earlier discussions about the project this year about whether the proposed housing density would be contrary to Dr. Johnson's original MUD plan and might devalue the rest of his property. There was a desire to ensure that representatives of the Johnson Family Limited Partnership were in agreement with the proposed density. Hull stated that at that time the township attorney recommended that this application be accompanied by an amendment to the overall MUD plan. Instead, Mr. Kaye found the language in the MUD ordinance allowing density to be calculated either according to the approved MUD or the underlying zoning. This was discussed with the township attorney and there should be no negative impact to Dr. Johnson by allowing the extra density.

Takayama believes this is an excellent location for high density housing in the community. He is concerned about the juxtaposition of a higher-density development next to a more traditionally laid-out subdivision, and whether some sort of landscaping buffer is needed. He'd entertain relocating some required trees from the roadside to serve as a buffer, but Krause disagreed. Carstens asked Mr. Siefert if there are desirable views from his neighborhood to the east; Mr. Siefert stated that the area is brushy and somewhat hidden due to the dropoff natural topography. The backs of the new homes would be facing the backs of the existing homes.

Motion by Krause, support by Yamaguchi to recommend approval of Application #2006-11P to the Board of Trustees.

Vermetten asked about whether addition of 10 more trees to meet ordinance requirements should be amended to the motion as a requirement.

Motion amended by Krause, support by Yamaguchi to require addition of 10 extra trees to the landscaping plan to meet ordinance requirements as a condition of approval.

David asked whether there would be a requirement for additional screening between the project and Crest Haven. He used to live in the neighborhood and confirmed there is sharp drop that may make the matter a non-issue. Krause noted that these are abutting residential uses; he would be concerned if the uses substantially differed from one another. Hardin stated that there is designated open space between the proposed units and Crest Haven about 30' deep. He asked if this area will be manicured or left natural and whether it might address the question. Mr. Kaye stated that the OSD requirement prevents development of the open space; it will be up to the condominium owners' association to decide how the area will be managed. Hardin feels if the area between the houses is not mown it will serve as a natural hedging mechanism.

Motion carried unanimously.

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

- a) **Approve minutes of the 10/30/06 regular Commission meeting (removed from the Consent Calendar per request from Noelle Knopf, 5795 US 31 N):** Ms. Knopf expressed a concern regarding the recording of her comments on page 5 of 10. She stated that since a Shoreline Preservation Advisory has decided that her property and two others should become parkland, their assessments have been dropping. She says this has occurred not over the past several years but over the past several tax statements. She confirmed that she believes the land should remain zoned B-1S. Vermetten confirmed that the sentence with which she is concerned is the second to last in her comments. He asked Corpe how to proceed; she suggested she could

perform a transcription of her comments for comparison next month. Vermetten stated that while he wants the minutes to be accurate, he also knows that sometimes he is surprised to find he has said something in court when he plays back a tape, having misremembered what he said. For that reason he does not believe every suggested change should automatically be made.

Motion by Hardin, support by Carstens to remove consideration of the 10/30/06 minutes to the December meeting, allowing time for the meeting tape to be reviewed. Motion carried unanimously.

- b) Vermetten felt that the October meeting and discussions regarding the proposed Future Land Use Map (FLUM) was significant. The township has received a report from consultant Wade Trim about how they perceived the meeting. He feels work on this project should move forward, and suggested special meetings in December and January geared towards resolution and production of a FLUM addition to the Master Plan. Krause stated that they have heard from many citizens who feel that their rights to develop their land would be taken away. He also noted that the Planning Commission is working on development options that would maintain or enhance their ability to develop. Vermetten also noted that there is a perception that the map is proposed zoning map that would change existing zoning rather than a map for inclusion in the Master Plan. Hardin stated that he has never heard the word “takings” used so often and was confused about how the matter could become so misunderstood. Vermetten noted there were six public meetings to gather input, in many cases from the same people who were at last month’s meeting. The people who attended the visioning sessions included 10 additional people each.

Corpe reminded the Commission that their next regular meeting comes early on December 18 due to the holidays. Vermetten would like to schedule one additional meeting exclusively for the FLUM in December and one in January. The group decided to schedule a special work session regarding the FLUM for Monday, December 11 and Monday January 22.

c) **Public Comment:**

Ms. Knopf asked for clarification about the December 11 and January 22 meetings. They will be work sessions and not published public hearings. Public input will be entertained. Ms. Knopf also asked for clarification about what the map is, if it is not a zoning map, and why is it necessary if it is not a zoning map. Mr. Vermetten stated that the December 11 session can include a discussion of these concepts.

Nels Veliquette asked if the December 18 meeting will include a public hearing on the proposed PUD ordinance; it will, along with the proposed clustering and open space development options and proposed amendments to the business district ordinances.

John Kennedy, 4765 Arthur Court, noted that people occasionally can’t attend meetings, particularly in the winter. In case he can’t attend one of the special work sessions, he stated that he would like the zoning of his 4047 Bunker Hill Road property, approximately 125 acres, to remain as expressed in the current zoning map. At one time his designation was changed from agricultural to residential. As proposed in the draft FLUM he believes he would lose at least 30 potential development units, and he should be able to develop in a manner consistent with surrounding lands owned by the Johnson Family Limited Partnership and Todd Gokey. He believes the proposed change would remove a significant level of value from his land in an unconstitutional manner, and would be senseless as all land drains

towards the bay. He finds it odd to say that land couldn't be developed for housing but could be used for camping, fishing and the like based not on landowner desires but on the say of a public body.

Meeting adjourned at 8:28 p.m.