



ACME TOWNSHIP PLANNING COMMISSION MEETING
FUTURE LAND USE MAP WORK SESSION
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
7:00 p.m. Monday, December 11, 2006

Meeting called to Order with the Pledge of Allegiance at 7:00 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
C. Bzdok, Township Counsel

1. **Consent Calendar:** No items. Vermetten asked if there are any conflicts of interest with the topic of discussion, and Pulcifer asked if he or any landowner has a conflict because they own land. Bzdok stated that this is not a permitting or rezoning decision, so no conflict exists.

2. **Correspondence:**

- a. **Letter dated 10/31/06 from Richard R. Erickson:**
- b. **Email dated 11/10/06 from Lesley Hollyday:**
- c. **Letter dated 11/06/06 from Sally Erickson Bornschein:**

3. **Limited Public Comment:**

Andy Andres noted that there was no public comment period listed for the end of the agenda and asked if there would be one. Vermetten indicated this is likely. He also raised an issue about the minutes of the December 4 Board meeting. He understands that the Planning Commission has the authority to take final action regarding the zoning map, but at the Board meeting he noted that generally the public has the ability to address their elected officials regarding an issue. He asked if the Planning Commission would consider voluntarily forwarding it to the Board for their final action. Vermetten would not disagree, and asked Bzdok for his position. Bzdok believes that the Board does not wish to take this function from the Planning Commission.

Gayle Hanna supported Mr. Andres' comments. She serves on a Planning Commission and believes her commission would never consider final action by other than the elected officials.

Gene Veliquette noted that his nephew Nels won a state-level Young Farmers speaking competition and will be competing on the national level at Salt Lake City soon.

Margy Goss, 4105 Bay Valley Drive asked that the Commission and public, as they continue to work on the FLUM, use "reality" as a basis rather than a "dreamscape." She believes this is important to people who have lived here for decades or generations, in order to not undermine their longstanding investments. The real "shareholders" in the process have been stewards of the land and she believes this process has been "walking all over them." She hopes there will be substantial findings supporting any decisions made.

4. **Discussion of Future Land Use Map (FLUM):** Vermetten noted that many members of the public were engaged in the process of developing the draft map currently under consideration. There has been much question from both the public and Commissioners about what the map is, what it means and how it will impact the Zoning Ordinance. It is his

understanding that the draft map is close to ready for adoption although it does need some refinement, and that the 9 Commissioners will make the final decisions about it after receiving and deliberating on public input. It had been hoped that County Planning Director John Sych could attend to assist this evening but he was called away by a family emergency and will not be here. Vermetten asked Hull to address the Commission regarding ways to clarify and streamline the proposed FLUM and associated descriptive language.

Hull believes there may be too many different land use character categories, and that the descriptive language is too “flowery.” This language was not created by the Commission but was suggested by consulting planning firm Wade Trim based on their “postcards from the future” exercise. In his staff memo he suggested a list of 8 different land use classifications that are easy to understand on a general basis by name:

David agrees that terms such as “rustic reserve” are unspecific and potentially confusing, but he wonders if a level of ambiguity serves a valuable purpose. The names Hull proposed are very similar to the common names of zoning districts, and using them may compound the existing confusion over what the FLUM is and is not. The purpose of the FLUM is to foresee how we currently believe we would like to see the land used in 20 years.

Yamaguchi provided for the commission a draft of some of her thinking about only residential types of uses and how they could be characterized on a FLUM. She agrees that the map itself needs to be tweaked to be more “reality-based.” Her thoughts are based on a review of her Citizen Planning Materials, our Master Plan and proposed FLUM, and the Master Plans and FLUM of other communities (particularly Glen Arbor), as well as her personal knowledge of the area. She thought in terms of the objectives of characterizing land uses. She proposed three residential categories: Urban Residential, Suburban & Shoreline Residential and Rural Residential. She expressed appreciation for some materials John Sych sent to her from an Urbana, Illinois planning document that provided narrative, sample photos and a characteristic schematic. To some extent her document mirrors the Urbana document; she took and inserted photos of the area to accompany her text. While she created high, medium and low-density descriptors, those words do not appear in the titles. They do appear in the descriptions later on.

Wikle asked about one of the pictures Yamaguchi used for her Rural Residential piece. She asked whether insertion of a commercial use such as a tractor repair facility would fit in or now, and how this would be discussed in the text. Yamaguchi replied that one thing she focused on in this land use class was that land uses tend to occur on larger parcels of land, residential or agriculture or related businesses; tractor repair would fit this definition. She avoided speaking in terms of specific numbers of lots per unit of land area; this is and should be addressed by the Zoning Ordinance rather than the Master Plan. David wondered if it is necessary to refer to even a broad density classification level. Vermetten believes gradations of residential land uses need to be expressed. David feels that the least restrictive we can be in the Master Plan, the more effective the process will be. Yamaguchi noted that Citizen Planner teaches that density is closely tied to Zoning Ordinances regarding land use. Bzdok stated that one thing the final FLUM will be used for is to evaluate a landowner request to rezone a specific property. The request should be compared to the FLUM to see what should be done, and if the FLUM provides no indication of gradations similar to those in the Zoning Ordinance, there will be little information by which to objectively evaluate the request. Garfield Township’s FLUM is generally identical to their Zoning Map, and he would not agree with that approach. He does agree that the current map needs to be simplified, but that there should be gradations within the general land use categories. David asked if it would be more effective to divide residential uses by single family vs. multiple family. Hardin and Krause both felt this would be inadequate because we may want to allow for a mixture of single and multiple family uses and to discuss density. Carstens believes the purpose of the

map is to facilitate application of the rest of the Master Plan and should further the goals set forth in the greater document. A map that does not seek to preserve community character and important natural resources would be inappropriate.

Vermetten noted that the FLUM is important to the farmland purchase of development rights program; Hull stated that the state has said that to qualify for grant funds to match against our local millage funding, the PDR Eligibility Map should be superimposed on the eventual FLUM. Corpe reported that she met with Farmland Preservation Specialist Brian Bourdages on Friday; he continues to lobby the people in charge of the state grant program to stand by their original assertions that the PDR Eligibility Map already adopted would be sufficient to qualify us on its own.

Mrs. Hanna stated that the City of Midland where she serves as a Planning Commissioner township is working on their master plan, infrastructure area maps a zoning ordinance amendment. It's important to remember that a zoning ordinance should be based in the Master Plan. It seems imprudent to place multiple-family, high density housing right next to single-family housing, or a big box store directly next to a residential use. There should be transition areas between extremely differing uses. Unless the Master Plan prohibits radically differing uses from being side by side, it can occur. Takayama appreciated Yamaguchi's analysis and Krause's support, believing that the intensity of uses must be addressed in the FLUM. We need to ensure that higher densities of land uses are sited appropriately in relation to services and natural features, and this will help maintain and increase property values. Hardin noted that at the next meeting the Commission will discuss some innovative land use options that can be used in nearly any zoning district to introduce business uses into residential areas and vice versa and broaden the range of land use options for landowners. Fears of up- or down-zoning have been significant. Regardless of the designation placed on a parcel of land by the FLUM, the fact that the Zoning Ordinance controls land use permitting applications and new ordinances being discussed provide a broader range of options makes those fears moot. The map should be kept as a template, and as uncomplicated as possible. Vermetten agreed that the Master Plan is the "broad brush" vision and the Zoning Ordinance provides the "fine brushstrokes." Krause agreed that the FLUM concepts are not going to prevent land development. Vermetten believes that people fear that the FLUM will become used as the zoning map, but it never will be. It is part of the Master Plan vision statement which is a guideline for creation of the Zoning Ordinance, which is the law. He doesn't think the FLUM will change much visually, but that the "fluffy" language can be removed and a more refined substitute made.

Mr. Andres agreed that one of the largest concerns about the currently proposed FLUM language is the description of how many units of density may be developed per acre. The Zoning Ordinance already tells us how many units per acre can be developed in various zoning districts. He feels Hardin and Krause are heading in a good direction. There is a fear that units per acre described in the FLUM language will become the zoning entitlement; Vermetten confirmed that this is not the case. People do need to be reassured as landowners that they will be able to make use of their properties in certain ways. Mr. Andres asked if a sample of how landowners can use both documents to determine their entitlements could be prepared. It could walk people through the formulae they would use. Hardin stated that moving forward the FLUM and Zoning Map will be side by side on the wall, and people need to know that their current entitlements are based in the Zoning Map and not the Master Plan.

Carstens asked if anything in the Master Plan would prevent the township from looking at form based zoning rather than the current zoning ordinance model. Corpe believes form based zoning and the Master Plan are compatible, as does Krause. Krause also feels that the result of this evening should be a consensus regarding how the FLUM text should read vs. how it is now, to provide a firm basis for the January 22 meeting. Carstens has felt that the

objective for the meeting was too broad to help Commissioners prepare for it. Krause understands general agreement that the current categories are not suitable and the descriptions need to be reworked. Carstens wants to ensure that the FLUM matches the goals in the balance of the Master Plan, and he has trouble feeling that changing density options for landowners will achieve the Master Plan goals.

John Kennedy said that if the new map “doesn’t really mean anything” he wants his “colors changed back to residential.” Years ago his land was rezoned from agricultural, in his view to increase valuations. Under the proposed map his land he believes his land would become undevelopable, usable for camping and hiking only. His land would be devalued; in his mind it is an unreimbursed taking of property development rights. **He also said that eminent domain for developing property was voted down last election in Michigan by about two million votes. Mr. Vermetten said that was different. Mr. Kennedy agreed in that the landholder is paid for the land and here the value is taken and the owner keeps the land and pays taxes on it but it has no value.**

Ken Engle observed that the proposed map means different things to different people. When one property is protected differently than another it changes their relative values, so studying the proposed hierarchy is important. He also noted that over the years people have ignored that there are two ways to view land: as a resource or as a commodity. In industrial and agricultural areas it is a resource that generates income. How well it produces is the farmer’s concern; if he sells it he generates no ongoing revenue from it. In residential areas land becomes a commodity.

Sam Pellerito, 5456 E. M-72, agreed with both Messrs. Engle and Kennedy. His property is very near the Meijer property and has been zoned and taxed commercially for over 20 years. He invested much money to purchase the property. He appreciated a conversation with Hull earlier today, gaining an understanding that the FLUM will not change his zoning or impair his ability to operate his property today. Even if the land were rezoned to “rustic reserve” tomorrow his business could continue. However, if he decided to go out of business, he could only sell to someone who wanted to continue the same type of business, or someone who wanted to use the land for a single family residence. Suddenly the money he has invested over the years is gone, and the value he could receive from selling the land is gone. He and neighbor Chris Stoppel have remained in the Acme community as employers when they had options in other portions of the region. He can continue to operate today, but what happens 5 or 6 years from now if we say the use can’t be changed because of this map. Hull stated that if Mr. Pellerito’s land is designated Rustic Reserve on the FLUM, the existing business zoning remains unchanged. If he or a subsequent owner asked for a rezoning, the outcome of the petition would depend in part on the goals expressed in the FLUM. Hull’s understanding is that more often than not a landowner initiates a rezoning for his or her own property. Nobody else does it to or for them. He therefore believes there is minimal risk of the property being rezoned based on the FLUM. If Mr. Pellerito wants to rezone the property the FLUM would have some input. The Commission confirmed that if the property is not rezoned, the designation on the FLUM would not change anything – a new owner could continue to use the property commercially.

Mr. Stoppel, 5474 E. M-72 believes the FLUM becomes a *de facto* rezoning. There began to be some inter-audience debate; Vermetten asked everyone to address the Chair to keep things operating smoothly and civilly. Bzdok stated that he has never seen anyone advertise their property based on a FLUM designation; they advertised based on current zoning. The goal is to control or prevent an ongoing chain of surrounding upzonings if that is not the community’s goal. This is not a rezoning, and does not take away any current property rights. Mr. Stoppel stated that he still believes that future township planners will decide to downzone the land because the FLUM calls for a lower-intensity use. Bzdok replied that if the township

were considering rezonings, the fact that the land is already zoned for business would carry heavy weight in the matter. Hull stated that as the Zoning Administrator, the FLUM does not tell him to recommend against development of a property. It tells him that if the FLUM designates a parcel of land for a conservation-type development, he should recommend a project designed to place the development units together densely in one part of the property leaving substantial open space, perhaps even using density bonuses. A designation of low density would not tell him the land should not be profitably developed, but it would tell him to recommend a project design of one sort or another.

Noelle Knopf, 5795 US 31 N, asked for a definition of form based zoning. Hull replied that the current zoning is use-based, and separates differing uses from one another. Form based zoning allows uses to be mingled together and concentrates more on the form or design of how it is developed. It is the notion behind New Urbanism. Ms. Knopf said she began to feel more comfortable when Vermetten said the FLUM is “fluff” and the ordinance is law. She became less comfortable when someone suggested abandoning current zoning and substituting form based zoning. Vermetten apologized for the digression. The purpose is to look at a broad-brush vision map, and this evening to make the categories more palatable to everyone. Yamaguchi suggested that everyone carefully review the work she did on the residential categories and provide feedback for further discussion. She reduced the number of residential categories, and wants to keep working on what’s currently called “Resort Residential.” Not only is the current description too vague, but “residential” is the key noun. The G.T. Resort is not residential, although it includes residences. She has received information from a number of municipalities containing places like Boyne, Shanty Creek and Bay Harbor on the Master Plan and zoning levels. She plans to condense it over the next week into an outline of new ideas for a resort category.

Pulcifer asked what Yamaguchi would call or how she would categorize agriculture. Nels Veliquette asked everyone to understand that agricultural land use is not a transitory state. Some parts of the agricultural area have been developed, but many more are intended to continue as agricultural uses.

Mrs. Goss appreciated the level of discussion about the residential designations this evening, and would appreciate a similar level of discussion regarding the proposed town center area. She would appreciate more clarification on how an area discussed at the meetings at 182 acres has become an area of 450 acres. Vermetten was at all of the meetings except one. His recollection was that specific acreage sizes weren’t discussed, and that most people drew the entire large area as a town center. The area includes the Johnson, former Rollert and current Gokey properties, all described in the Town Center Report of the Master Plan as likely town center areas. David stated that both current and planned uses were considered as a basis, and Pulcifer noted that the entire area was shown as a town center on the economic-based map.

Mr. Engle stated that the FLUM is needed because of the PDR ordinance and the need to be able to receive matching funds. There are some “major” problems in getting matching funds for the millage being raised. Members of the agricultural community feel there is the ability to create a transfer of development rights mechanism in the township. When would be appropriate to do this. Why not now? Careful thought will be required. People may be concerned about potential for uncontrolled development if rights can be transferred from one area to another. Agriculture is a way people make money, and it is not helped by next door residential neighbors. In Michigan, historically if a subdivision is allowed in an agricultural area the agricultural area quickly goes away. The millage alone won’t protect much land, but a TDR program would go a long way towards supporting the PDR effort.

Vermetten noted that Yamaguchi has volunteered to produce draft language for various land uses. Krause would like to see the categories on the proposed FLUM refined into a new list

this evening. Regarding the Resort Residential, he and Yamaguchi also believe that perhaps LochenHeath was misclassified under this category.

In terms of designations to eliminate, there was some debate about what might be changed to agriculture and what to a residential land use. Pulcipher and Nels Veliquette felt that much of the area under Rustic Reserve and Country Estate, particularly in the US 31 corridor area, is no longer residential in nature. There are opportunities for residential and commercial mixed uses. Mr. Veliquette feels that the only true agricultural areas left are those defined on the PDR Eligibility Map.

Carstens feels that the Rustic Reserve areas are generally where there are steep slopes, streams or other natural features requiring stewardship and are not the best place for residential uses or dense development. He focuses on this area personally, not feeling that no residential use would be allowed but that configuration of the use is key. It might or might not be a lower-density residential. Most of these areas are in the Acme Creek corridor. Vermetten noted Mr. Lewis Griffith, 5181 Lautner Road has made a quite correct observation that land where his airport exists has been classified Rustic Reserve when it clearly does not contain streams or steep slopes. Some cleaning up of designations is needed.

Krause believes the township opposes or should oppose “suburban” residential development, described as single family residences on 1, 2, 5 or 10 acre parcels. He would like to see that proposed category eliminated, leaving only urban residential and rural residential. Vermetten asked where shoreline residential would fit in; Krause didn’t have an immediate answer. Hardin noted that the zoning ordinance describes required lot sizes, so the number of units per acre should be eliminated from all FLUM categories to ensure the Master Plan remains appropriately broad-brush.

Takayama addressed the Commercial designation of the area on the west side of US 31 where Tom’s and K-Mart are. He proposed the name “Urban Residential.” He believes this development will become obsolete and the area will be redeveloped, and it would be nice to have it redevelop as a mixture of commercial and residential uses. Krause and Hardin an ability to create such a mixture should be addressed at the Zoning Ordinance level by reworking the business district ordinances to include some residential uses, and in fact some of the ordinance amendments to be considered next week begin to address this issue.

Carstens is concerned about the designation of a parcel of land just below Petobego Pond that is currently shown with a Shoreline Residential designation. This marsh is known as one of only 2 such natural resources in the Great Lakes. It is home to special wildlife species. He believes excessive residential development would be inappropriate there. Vermetten asked if this area is already developed; it is not. Yamaguchi noted that the County Planning Commission recommended changing this area to Recreation/Conservation, and she concurs. Takayama observed that this is Pulcipher property, undeveloped and he has walked the beach. He does not appreciate the Shoreline Residential designation, but he recognizes that it will be very valuable to the Pulcipher family for future residential development. It is a “rare” and “gorgeous” piece of land. He hopes it will someday be preserved. Currently the land is zoned agricultural; Corpe observed that this is a clear example of how the designation chosen now may affect a future rezoning request from the Pulcipher family in the future.

Krause observed that the Master Plan calls for a neighborhood center in the Bates/M-72 intersection area, but none is shown on the proposed FLUM and one should be reflected. He does not believe the area should be entirely industrial. He would like to see a semi-circular area north of M-72 in this area for a neighborhood center. Takayama asked how one would prevent a commercial sprawl; Krause replied by keeping the designated area small and noting that the Master Plan calls specifically for neighborhood-scale retail in this area. Takayama is

concerned that this would create sprawl by concentrating housing where residents must use a car to reach necessary services. Krause feels it would be a good buffer for the industrial area. Carstens feels that if there were substantial housing developed in the area, a retail area where a few things could be obtained within walking distance would be beneficial. Hull quoted from the Transportation center of the Master Plan, which discusses development pressures spreading from the Casino west along M-72. As a Policy/Action, creation of a neighborhood enter plan was recommended to promote adherence to design standards. Hull believes that particularly in light of expansion at Turtle Creek, providing a place for people associated with the operation to live and shop in the Bates area might be good.

Designations to Keep:

Recreation/Conservation

Agriculture

Urban Residential

Shoreline Residential

Commercial

Industrial

Town Center

Designations to Eliminate:

Rustic Reserve (recreate as Rural Residential)

Country Estate (recreate as Rural Residential)

The Chair declared a brief recess from 9:05 to 9:10 p.m.

Vermetten reiterated that the FLUM will not change the underlying zoning. He hopes that the proposed amendments to the zoning ordinances to provide greater flexibility in development design and more opportunities for administrative approvals will be viewed in a positive way as well.

Yamaguchi has volunteered to come up with draft brief descriptions for various land use categories. The Commission will consider differentiation between the designations for the G.T. Resort and for LochenHeath. He expects that fine-tuning definitions and designations will be the work at hand on January 22.

Yamaguchi asked if a FLUM or the current zoning map displays publicly-owned land. Hull has seen a FLUM that designates publicly-owned land; our zoning map does not display township-owned properties.

David feels the process is moving in a positive direction. Any tweaking of designations should be approached carefully, since the designations were created by the public process.

5. Public Comment/Other Business that May Come Before the Commission:

Mrs. Hanna expressed appreciation for the ability to address the Commission. She noted that the second item on the agenda was the Pledge of Allegiance, but it wasn't done. Vermetten inadvertently neglected it, and will conclude the meeting with it.

Pledge of Allegiance

Meeting adjourned at 9:20 p.m.