



**ACME TOWNSHIP PLANNING COMMISSION MEETING**  
**Acme Township Hall**  
**6042 Acme Road, Williamsburg, Michigan**  
**7:00 p.m. Monday, October 29, 2007**

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

**Members present:** M. Vermetten (Chair), B. Carstens, C. David, R. Hardin, D. Krause, D. White, L. Wikle, P. Yamaguchi

**Members excused:** None

**Staff Present:** S. Vreeland, Township Manager/Recording Secretary  
J. Hull, Zoning Administrator  
M. Grant, Legal Counsel

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

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

**1. Consent Calendar:**

**Motion by Wikle, support by David to approve the Consent Calendar as amended to remove Clare David's letter for further discussion, including:**

**Receive and File:**

a) Draft Unapproved Minutes of:

1. 09/26/07 Special Board meeting
2. 10/02/07 Regular Board of Trustees meeting
3. 10/09/07 Public Safety Advisory meeting
4. 10/11/07 ZBA meeting
5. Letter dated 10/13/07 from Clare David, Planning Commissioner
6. Planning & Zoning News September 2007
7. Planning & Zoning News October 2007

**Action:**

- b) 1. Approve minutes of the 09/24/07 regular Commission meeting.
2. Approve minutes of the 10/16/07 Special Commission meeting

**Motion carried unanimously**

**2. Correspondence:** None

**3. Limited Public Comment:**

Andy Andres Jr., 1107 Barlow Street, Traverse City thanked the Commission and staff for a good meeting on October 16. He would also like to address creation of a unified vision for the M-72 Corridor along its full length within the township.

Vermetten congratulated Hardin on his appointment to the Board of Trustees, feeling he will serve well.

**4. Preliminary Hearings:**

- a) Application by Immanuel LLC. To rezone from R-1MH (mobile home park/subdivision) to R-3 residential approx. 92 acres south of M-72 near Bates Road. The land is the southern half of the parcel on which the Bates Crossing

**application in review:** Doug Mansfield, Mansfield & Associates, presented the application. His clients question whether the mobile home park designation is the most appropriate for the property, particularly as the approximately 91-acre parcel contains significant grade changes throughout the site. State law related to mobile home park design does not leave much leeway for design creativity on such a site, and the applicant feels that a rezoning to a different residential designation such as the requested R-3, Urban Residential designation would be more in keeping with the site. Mr. Mansfield noted that the location is between the proposed Village at Grand Traverse and Turtle Creek Casino, which may make it ideal for service-industry housing. The question of sanitary service to the site is critical, as it is for the northern portion of the property for which a planned shopping center plan has been submitted. The applicant is proposing an on-site water tower.

Krause asked if the drawings depict an easement from the property to Bates Road; in fact the applicant owns the land connecting to Bates Road. David asked if the parcel touches on Bunker Hill Road; it does not. He asked if an access to Bunker Hill Road is planned; none is planned at this time. Vermetten asked for demonstration of how the TART lies in relation to the property; it runs along the railroad right-of-way that bisects the Nielsen property.

David asked what the total allowable density would be on the parcel. Mr. Mansfield believes the figure would approach 30 units per acre. As a mobile home park, Hull believes it could approach 300 units. Hardin observed that the R-1MH designation requires densities no greater than the R-3 designation. The R-3 designation requires 15,000 sq. ft. lots if sewer is available and 20,000 if not for single family or duplex housing, and does allow for multiple family housing as well.

Yamaguchi asked if the applicant has considered the rezoning request in relation to the designation of the land on the Future Land Use Map, and how it fits. Mr. Mansfield stated that he believes that the FLUM suggests the community would prefer a conservation/recreation use for the land. (In fact, the FLUM designation is “rural residential.”

Carstens believes the parcel of land is at or near the headwaters of Yuba Creek. He has walked the property and did not see evidence of this, but the question is of concern to him. He sees that when the land was rezoned to R-1MH there was discussion about asking the Land Conservancy to evaluate the property. Mr. Mansfield stated that while the creek and associated wetlands impact the portion of the property zoned B-3 north of the railroad tracks, they do not impact the southern portion for which they seek rezoning. Mr. Mansfield stated that these sorts of concerns are one reason why his client is seeking the rezoning.

Carstens asked staff if mobile homes can be clustered on the property. Hull believes that the only option as zoned is as a mobile home park. A “mobile home subdivision” would be allowable under “special condition.” Carstens understood that a mobile home park implies a particular type of structure and configuration.

White noted that the township needs to provide a site for mobile home parks in the township, and the only other property so zoned is on state land, on the site of a former dump. Grant has provided a memo to the Commission regarding the rezoning process and how it differs from an SUP decision. The ultimate charge is to determine whether the existing zoning is reasonable, and whether the requested rezoning is reasonable. One question is whether or not a mistake was made when the current zoning was put in place; Vreeland has found and distributed the minutes from October 11, 1995 when the current zoning designation was recommended. The

question also revolves around doing what's best for public health, safety and welfare. The township cannot exclude land uses for which there is a demonstrated need within the township or surrounding communities. The state zoning enabling act does not call out mobile home parks specifically, but they are a use to be considered. Providing a variety of housing options for township citizens is a legitimate public health, safety and welfare concern. The Master Plan is another important consideration, as zoning must be derived from such a plan. The FLUM is therefore a consideration. The land uses in the FLUM don't precisely match the zoning designations. The FLUM calls for this area to be "rural residential," but the requested rezoning is for a designation called "Urban Residential." Grant would characterize the request as inconsistent with the FLUM, which could lead to a legal challenge if the requested rezoning were approved unless the FLUM were also amended. Mobile Home subdivision creation as zoned could be performed, and perhaps clustering of manufactured homes could occur. The topography of the site does raise questions. The township may wish to bring in an outside consultant to help work through some of these issues.

Carstens noted that in 1995 the township considered the rezoning of the northern portion of the entire property to B-3 and the southern part to R-1MH. There is mention of the headwaters of Yuba Creek, but the record is ambiguous as to whether the concern refers to the northern half only or to both halves of the property. He has also referred to the Master Plan, which states that a neighborhood center plan should be developed for the Bates area in cooperation between the township and area landowners in accordance with the Master Plan. An additional section notes that there are development pressures emanating westward from Turtle Creek in an area of the township traditionally set aside for business use. There is discussion about which areas of the township should definitely be served by a regional municipal sewer system, and which areas might or might not in the future be served. Carstens believes it all leads to the Master Plan contemplating higher density development in the Bates area of the township.

Hull stated that under the R-3 zoning, an open space development would be able to achieve up to 252 housing units by his calculations, but only if most of the land were placed under permanent conservation easement. He does not see anything in the zoning ordinance indicating that a mobile home park must be laid out in a certain way without respect to topography. Hull also wonders if the requested change in zoning simply changes from one land use categorized under "urban residential" in the FLUM, as both mobile homes and multiple family housing are in the list of types of housing in that general category.

Krause asked if "mobile homes" and "manufactured homes" are the same things these days. They are two separate categories still; Vreeland noted that mobile homes have wheels and are titled as vehicles, where as manufactured homes do not have wheels and are titled as homes.

Mr. Mansfield stated that the Nielsen family has been watching the politics of the community and sees changes coming. They believe that the community may be desiring to steer their property towards recreational or open space uses, and they would like to explore other more creative uses for the property in which they have an investment with the community. As a land use consultant he has reviewed laws and codes that handle mobile home parks and believes that it wouldn't lead to something the township would truly value. A rezoning would leave room to discuss something better.

Hardin asked if mobile homes can be established in the R-3 district. Hull stated there is no reason why the ordinance couldn't be amended to allow for mobile home parks

in the R-3 districts. Hardin asked if the R-3 and R-1MH designations essentially have the same allowable overall densities based on the way the ordinance is written. Hull replied that mobile home parks must have no less than 5,000 sq. ft. of area and be no less than 50' wide, so he believes R-1MH can achieve higher density than R-3. Hardin stated that therefore the township is looking at a request to change the zoning to a density that would be equal or less to what exists today. In his opinion this is therefore not an inconsistent request. He is concerned about traffic issues, particularly with the proposed shopping center, but he recognizes that problems are dealt with when they occur and could spur MDOT to remediate an intersection that already functions poorly. Hardin also noted that the Infrastructure Advisory has been discussing the question of adding this property to the sewer district, and discussing an existing need to potentially upgrade lift station 6, which serves the M-72 Corridor, whether or not this property is included in the sewer district. Bates used to be a village so having people live there shouldn't be an issue. The property should be able to handle the density because the density is already allowed there, and some flexibility, particularly if Amendment 138 is upheld, could be achieved. He believes that overall the rezoning would be a positive.

Kevin Van, Generations Management, stated that he met with MDOT officials in Lansing Friday to discuss the Bates/M-72 intersection. There is also discussion about accessing their properties from Bates Road. The intersection is not squared up and the element of rail traffic adds challenges. Mr. Mansfield has also spoken to TART administration, which would also appreciate remediation of the intersection. They would appreciate the township's support in written form to MDOT as far as intersection remediation is concerned.

Krause has personally observed the topography of the site, and asked if the combination of rezoning to R-3 and Ordinance Amendment 138 would allow the developers to be more creative. Mr. Mansfield said it would be a huge possibility, and would open up PUD options. They recognize that the local marketplace values the retention of trees and natural features. Krause stated a belief that the township would endorse workforce housing on part or all of the site. Mr. Mansfield stated that the applicants have met with HomeStretch.

David recalled Hardin's question of Hull as to what would happen if this property is rezoned, and changes to the zoning ordinance. Hull stated that the text of allowable uses in the R-3 district could be changed to allow mobile home parks on any R-3 property. David is uncertain whether he would support such a change. David asked if an R-3 property could be rezoned to R-1MH; Hull stated that an application could be entertained or the township could actively rezone the property. Hull suspects that the township does not want to be in the business of forcefully rezoning properties. Grant stated that the township has an interest in providing a multitude of housing opportunities, and this is the only parcel that currently truly provides an opportunity for a mobile home park. If that opportunity is removed, there is a potential for a property in any zoning district to be converted to a mobile home park if a need for one is demonstrated.

White asked for clarification of the concept that if there are no R-1MH properties available, the door could be opened to an application for a mobile home park on any property in the township if a need can be demonstrated. Grant confirmed that this could occur.

Wikle noticed mention that high density housing can lead to numerous children, and there is a question of serving those children safely and effectively with transportation to school.

Yamaguchi was listening to Mr. Mansfield's description of the site topography and comparing it to the discussion in the 1995 minutes but felt there was a discrepancy. The 1995 minutes refer to all 160 acres and the current discussion is about only the southern portion of that total area.

Carstens asked if there are regulations about multiple road access points. Vreeland stated that the township has adopted the International Fire Code through a local Fire Protection Ordinance, and that code requires that any development with more than 25-30 houses be served by two road access points. Whether that would require more than one outlet on Bates Road or M-72 or simply many ways to maneuver through the site is a question for another day. Carstens also asked about future connection to Bunker Hill Road; Vreeland pointed out on the zoning map that this property is northeast of Springbrook Hills in an area where Bunker Hill Road curves significantly away from the subject parcel, which is already not contiguous to Bunker Hill Road. There may be state land between the road and the subject property, so a road connection in this direction seems unlikely.

Vermetten noted a portion of Grant's memo that asks the question as to whether a "mistake" was made in earlier rezonings. This was not a statement or inference that there was a mistake, simply part of a checklist of considerations. Vermetten believes that workforce ("affordable") housing is needed in the township. He does not expect this process will be simple, and there are many questions to be answered, but at this point the only question for the Commission is whether the application is adequately prepared to go to public hearing. Addressing density, traffic and environmental issues would be important in his opinion.

**Motion by Hardin, support by Krause to set a public hearing on the Immanuel LLC rezoning application.**

Wikle asked if the applicant is "testing the waters" or is there a plan to immediately develop or sell the property for development. Mr. Mansfield stated that over the past year he has been working with the applicant to bring all of their properties towards immediate development.

Hull noted that the 1995 rezoning was purportedly for an immediate project, which clearly never came to fruition. He has been taught not to consider any particular development plan relative to a rezoning, but only if the rezoning itself is appropriate.

**Motion carried by unanimous roll call vote.**

**5. Public Hearings:**

- a) **Continuation of Public hearing on SUP/Site Plan Application #2007-05P, a planned shopping center located on E M-72 west of Bates Road:** Mr. Mansfield provided an update on the proposed shopping center project. He reiterated that there has been a meeting with MDOT in Lansing regarding the Bates/M-72 intersection. He has met with New Designs for Growth and received favorable feedback regarding the application, finding it has much open space. Their issues include the Bates intersection and the parking area proposed close to M-72. Regarding the latter they questioned whether having the parking and the building visible is as important on a high-speed corridor as it would be in a slower-speed area. They felt the parking has been minimized and buffered but questioned how well it fits with our ordinance. They lauded the TART connection. The Drain Commissioner's office has been discussing the stormwater management system with them; a new design today disperses drain water over a larger, shallower area that will reduce the amount of

storm sewer infrastructure needed and soften grades out into planned open space areas. He expects preliminary approval next week from that agency.

Mr. Mansfield has been working with Metro Fire on required emergency maneuvering space and routes. Specific sprinkler and hydrant locations are under discussions, as well as emergency traffic cross-connection routes. He stated that he has tried to call Beckett & Raeder twice but have received no acknowledgement from them. Mr. Mansfield is seeking a working relationship with the township's consultant, and requests the township to specifically request this of the consultant. He is still seeking feedback regarding parking, and has requested his staff to draw up a findings of fact for submission to the township. He feels he is "coming down to the wire" and looking forward to plan approval.

The other outstanding issue is the request for expansion of the sewer district to include their property. This issue was discussed by the Infrastructure Advisory at a recent meeting. In the interests of due process they hope another meeting will be called soon; they feel that they are "not getting anywhere" with the advisory. Vreeland reported that Advisory Chairman Mark Lewis has been trying to coordinate a meeting with DPW director Chris Buday to get some critical questions answered; when those answers are in hand a meaningful discussion can be held and a meeting will be called. The questions involve both physical infrastructure and philosophical questions about what is owed to members of the existing district, and the Infrastructure Advisory can help with some but not all of those. Mr. Mansfield, as former DPW Chairman, offered to facilitate discussions through his connections.

**Public Hearing opened at 8:17 p.m.**

Mr. Andres asked if there will be additional public hearing time when additional information is available; the public hearing will be continued to the subsequent meeting. He feels that he planned shopping center plan is reasonable, but that a big picture for the entire M-72 corridor has to be developed. Carstens stated agreement, noting that Pat Salathiel and David Krause worked very hard on a corridor plan that was rejected by a previous Board. He suggested that starting from that plan would be beneficial.

Ken Engle, Yuba Road, stated that he has tried to get from South Bates to North Bates Road across M72 and it's almost impossible in the summer. Before any approvals are granted a workable solution for the intersection should be found.

**Public Hearing closed at 8:20 p.m.**

**Motion by Carstens, support by David to continue the Public Hearing on Application #2007-05P at the November meeting. Motion carried by unanimous roll call vote.**

**6. New Business:**

- a) **Site Plan Review of an Ice Cream Stand at the Woodland Creek campus, formerly the Traverse Bay Woolen Co., 4386 US Highway 31 N:** Robert Evina, property owner, presented the application for a 2,300 sq. ft. ice cream shop with 1,775 sq. ft. deck between the existing structures on the property and Murdick's Fudge. The shop would be only the second freestanding Moomer's franchise in existence, although they allow shops to carry their brand along with other goods. There are currently three buildings on the site currently, a wood product sales company, the Woodland Creek furniture store, and an additional retail store in what used to be the antique store that carries a variety of fine arts and gifts. They hope that

the ice cream shop will not only be an additional revenue generator but will encourage people to come through the existing stores who might not otherwise shop.

There would be a seating area but no food preparation beyond preparation of ice cream treats such as sundaes from scooped ice cream. Hull observed that both full-service and carry-out restaurants are currently uses allowable through site plan review.

Vermetten asked about the proposed decking, recalling that there was an issue with the existing gazebo. Mr. Evina stated that the gazebo is used by bikers, hikers and picnickers. They are seeking permission to add a second gazebo, as the first is heavily used. Hull views this as an allowable accessory structure.

Wikle believes the current driveway is in poor shape; the curb cuts would be maintained but they do need to improve the driveway surface. She also asked what signage would be used for the new business; the ice cream shop would be added to the existing freestanding sign held up by the carved bears and other signage would be on the building. Hull noted that one existing curb cut would be closed, which would enhance site safety.

Vermetten asked if Krause has reviewed the landscaping plan; Krause believes he created it when there was a proposed restaurant under discussion. Yamaguchi asked if there will be some seating on the deck; there will be. Mr. Evina hopes the Commission has noted the landscaping improvements made on the site throughout the year. Wikle asked if there are appropriate handicapped-accessible ramps provided; there are, but they have not been detailed on the set of plans currently provide.

Hull noted that the application is a use-by-right site plan review, with no public hearing required. Vermetten then feels there are issues with the site plan not displaying the handicapped accessible features, snow storage, lighting plan and the curb cut to be closed. Hull stated that a new drawing was received this evening. The site already has a snow storage area on adjacent property owned by the applicant that would be used. An additional planting island is indicated on the drawing, as have setback distances, and he can demonstrate the adjacent property ownership and zoning by writing in "Doug Murdick, B-2" on the property immediately to the north. Hull believes the site plan conditions have been basically met. A lighting plan is not a listed requirement for site plan approval. Vermetten sees light poles on the plan and asked if they are existing or proposed; Mr. Evina stated they are proposed. Hull has to approve the light fixture of their choice according to the ordinance.

Krause asked if there is parking adjacent to the existing pole building; Mr. Evina encourages parking anywhere on the site for any of the associated businesses. He also stated that the ice cream stand will be a seasonal business but he is willing to designate additional snow storage areas if the township is concerned.

**Motion by Wikle, support by Krause that the Site Plan Review Application for an Ice Cream Stand at Woodland Creek be approved.**

Wikle has been to the other stand-alone Moomers store, and is concerned about the way the parking exists and how children run through the parking lot. Mr. Evina stated that he shares those concerns.

**Motion carried by unanimous roll call vote.**

- b) **Letter dated 10/13/07 from Clare David, Planning Commissioner:** Vermetten spoke with staff last week about this letter. David feels that the 7-member commission as it existed before 2004 afforded more opportunity for discussion than the current 9-member commission, and that some members may not be speaking up during meetings because they don't wish to prolong discussions. David stated that his letter should not be construed as a personal comment regarding any particular member. Vermetten quickly read through the letter.

Vermetten stated that he tries to afford the public a large role in the proceedings at every meeting, feeling that it enhances the process and discussion. He does not know why the commission was originally increased in size, although at first he didn't like the idea based on his assumptions. However, since that time he has come to appreciate the diversity of opinion the increased size brings. He finds discussions can be lively depending on the issue. He sees no reason to change the status quo.

Krause agrees with David, and has ever since the Commission was increased. Everyone feels they must have a say and issues are prolonged more than they would be with seven members. He feels the increased size is clumsy. Vermetten disagreed, feeling that the meetings move more quickly. He has served on the Commission under both configurations. Krause feels Vermetten's leadership has made the difference, and that meetings used to drag on through inefficient management.

David feels each member could better satisfy themselves in greater detail if there were fewer people with which they are competing. He has never served with seven members and supposes that five would be too few.

Carstens agrees with Vermetten; at first he was leery of the change but he feels nine is working well and the diversity is beneficial. The purpose of the meetings is to attend to business expeditiously. Perhaps sometimes people remain silent because they have nothing to say.

Wikle wishes he knew David's true motivations for writing the letter, which he feels have not been fully disclosed despite his protestations. She has read the letter several times and has questions about what caused the letter. David stated we are in a period of transition, with a vacant position to be filled, so it seemed like an opportune time to see whether the group size is appropriate or not. We need to be sure that each member is satisfying their questions while time is being shared. Wikle came on to a nine-member board and feels it works well, in part due to Vermetten's time management.

Yamaguchi recognizes that state law allows between 5 and 9 members. She wonders why David feels 5 is too few. He believes that opinions would be entrenched at that number and a majority of 3 would be too easy to achieve too often. Yamaguchi has always served on 9 member commissions here and elsewhere, and always finds it works well.

White is the newest member, and has read David's letter several times. He wondered if the original increase in size was designed to dilute the existing votes, and he isn't certain. He has no strong feelings either way at this point.

Hardin feels he has learned from each of his fellow commissioners and their differing perspectives and energies. He would not want to see more members, but would not want to lose anyone from the existing group.

Vreeland was the staff person who hoped that the question could be discussed fully,



not to put David on the spot but to hear what other Commissioners had to say. She also wondered about the motivation and the effectiveness when the commission was first expanded, but feels it functions well at its current size. The state charges the township with representing as diverse a set of views as possible on the commission, and in a growing community more people are needed to do this. To answer the question in David's letter, the size of the commission is set by the Board, and she believes the letter will be discussed at their November 13 meeting.

**Motion by Carstens, support by Yamaguchi to recommend that the Commission remain at nine members. Motion carried by a vote of 6 in favor (Carstens, Hardin, Vermetten, White, Wikle, Yamaguchi) and 2 opposed (David, Krause).**

**7. Old Business:**

- a) **Discussion of Preliminary Waterfront Park Master Plan Visioning Summary:** Russ Clark, R. Clark Associates presented his preliminary waterfront park plan. This is the first step in a very long range plan that must be implemented in phases. It took 40 years for Traverse City to acquire all its waterfront. Over time new studies will be done and old ones refined. This is a preliminary look at what the community might do if it acquires waterfront property. Follow-through is a matter of community commitment over time.

Pat Salathiel, Shoreline Preservation Advisory Co-Chair stated that her committee hopes to use this plan primarily for fundraising purposes to demonstrate to the community what is possible if they contribute.

Vermetten asked Mr. Clark if he found anything surprising about the process and findings. Mr. Clark expected the community to be divided in thirds: for, against and undecided. He found this was not the case, which was a pleasant surprise. There is a need to continue building community support and commitment to land acquisition, infrastructure improvement and maintenance over time. The Commission may wish to reference or include this study in the Master Plan in the future. It should also be included in the Parks & Recreation Plan when it is updated.

Krause believes it should be referred to as a "plan" and not a "master plan" so that the public clearly understands what it is and is not. Perhaps this plan would not take 40 or 50 years to achieve. The three properties immediately south of Bayside Park are critical to the project, as they are the only ones along the shoreline physically suited to high density development. Two are on the market and a third is willing to work with the township. Optioning or purchasing them in the near term is critical to the process.

Yamaguchi feels that the project is admirable and hopes to see it accomplished in her lifetime. David was surprised to see that serious consideration was being given to acquisition of the Mountain Jack's site and/or the marina, which seem quite ambitious to him. Is it possible? Vermetten observed that Elmwood Township has done just that. Yamaguchi grew up in a village without a marina (Elk Rapids), and as the village developed the marina was expensive but critical, and more than supported itself. They have to dredge there, the same as we would have to. Hardin observed that property values have risen dramatically there.

Krause complimented R. Clark Associates on the professional work they have done on the project.

Salathiel stated that Mountain Jack's was considered because it is a significant portion of the waterfront.

**Motion by Carstens, support by Wikle to recommend that the Board of Trustees accept the Waterfront Park plan for use by the Shoreline Advisory for fundraising and future planning. Motion carried by unanimous roll call vote.**

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

Carstens asked if Mr. Clark was involved in previous M72 Corridor studies; he was. Mr. Andres would like the Commission to see that work on this issue must come from a governmental body, and that this body has the power. Mr. Engle recalls concern from homeowners in Bates about proposed setbacks and their existing homes. Wikle stated that a key fiberoptic line and switching box runs along the railroad in that area. Mr. Engle recalls the railroad crossing and how many accidents occurred there when the potato warehouse was there. Vermetten asked that the M72 Corridor plan as last discussed be placed on next month's agenda for discussion.

**Meeting adjourned at 9:16 p.m.**