



ACME TOWNSHIP PLANNING COMMISSION MEETING
Acme Township Hall
6042 Acme Road, Williamsburg, Michigan
7:00 p.m. Monday, February 25, 2008

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

Members present: M. Vermetten (Chair), B. Carstens (Vice Chair), C. David, R. Hardin, D. Krause, D. White, L. Wikle, J. Zollinger

Members excused: P. Yamaguchi

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

INQUIRY AS TO CONFLICT OF INTEREST: None noted.

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

1. Consent Calendar:

Motion by Wikle, support by White, to approve the Consent Calendar as presented, including:

Receive and File:

- a) Draft Unapproved Minutes of
 - 1. **02/05/08 Board** meeting
 - 2. **01/28/08 Joint Shoreline & Parks & Recreation Advisory** meeting

Action

- b) Approve minutes of the **01/28/08 regular Commission** meeting
Approve minutes of the **02/11/08 Special** meeting

Motion carried unanimously.

2. Correspondence: None

3. Limited Public Comment:

Andy Andres, Jr., Traverse City, asked if dialogue would be entertained regarding Planning Goals, it will be.

Doug Mansfield asked if he will be able to present during the Immanuel LLC rezoning item; he will.

4. Preliminary Hearings: None

5. Public Hearings: None

6. Old Business:

- a) **Discuss proposed draft Parks & Recreation Plan update:** Iacoangeli reported that there will be a public hearing regarding the draft plan at the March 4 Board meeting. He has not prepared a formal presentation, but will entertain discussion.

Carstens noted that on Page 13 there are five watersheds mentioned relative to the township. He believes that mentioning Chain O' Lakes is incorrect; Iacoangeli stated that he found this information in a County watershed study. Wikle understood the text to say that the listed watersheds were within a 24-mile radius of a circle centered on Acme. Carstens agreed that this is true, but still states that this watershed is not itself within the township as stated and is not depicted on the map.

David expressed surprise to see several pages at the end of the document regarding the promotion of tourism. He wondered to what extent the project feasibility depends on attracting tourism. If this were not a goal of the waterfront project, would it be as broad in scope? Iacoangeli stated that compared to the east side of the state, the west side lacks public access to the Great Lakes, particularly in urbanized areas. The concept is that as properties became available they could be acquired primarily for the use of township residents but also for tourists.

Carstens stated that page 23, about five lines down references Bayshore Park. He asked if this is supposed to be "Bayside" Park; it is. He also clarified that the assets and challenges pertain to the park system as a whole and not to any individual park.

Carstens expressed a concern with mention of Bartlett Park as a potential location for developed sports fields. This area slopes downwards significantly towards Acme Creek. He says that under at least half of this area there is a substantial clay layer close to the surface, and water takes several days to infiltrate after a rain. During the spring surface water is abundant and seeps appear on the hillsides. He acknowledges the need for developed recreation such as soccer fields and baseball parks, but to provide these amenities at Bartlett Park would require significant sand fill in his opinion, and this may not be desirable from an environmental/stream preservation perspective. Krause wondered if at least some of this 80-acre area might be suitable for developed recreation. Vermetten observed that some of the land area east of Bartlett Road belongs to Dick Erickson.

Zollinger noted that Yamaguchi e-mailed some comments he felt were appropriate, and asked if they have been included in the draft; they are included in a very minor revision that came just after the Commission packets were prepared.

Carstens at one time shared David's concerns about the scope of the proposed shoreline preservation project, but he appreciates the current preliminary waterfront park plan vision. He appreciated the future vision presented recently in the *Record Eagle* and feels like reclamation of the shoreline for public use will be a benefit to lifestyles and property values.

Carstens noted mention in the plan of the concept of an art park, which reminded him of the current controversy in Traverse City over the idea of placing a large sculpture in the Open Space.

Motion by Wikle, support by Krause, to recommend adoption of the proposed Acme Township Michigan Parks System Plan 2008-2013 to the Board of Trustees. Motion carried unanimously.

Carstens asked if the Board can modify the plan or if amendments would require Planning Commission action; the Board can perform this function.

Krause suggested that Shoreline Preservation Co-Chair Pat Salathiel, present in the audience, give an update on the shoreline preservation project. Salathiel reported that

several grant applications are in process, including requests for federal appropriations through Senators Levin's and Stabenow's offices and Representative Camp's office. We are also seeking an MDNR Trust Fund Grant, and a community fundraising campaign is moving forward. Wikle stated that another group she is aware of that is seeking to raise a large sum of money has asked people to include bequests to the project in their trusts and wills. Salathiel said that this concept has been explored. She also thanked Iacoangeli for putting together the proposed park plan amendment on an expedited time frame to enable the DNR Trust Fund Grant application to move forward on April 1.

- b) **Re-consideration of Amendment 141, Immanuel rezoning request:** Doug Mansfield, Mansfield Associates, and Kevin Vann, Immanuel LLC appeared on behalf of the application. Their rezoning proposal appeared before the County Planning Commission in January, where it received a recommendation for R-3 rezoning as requested, as well as for a finding of fact to be prepared. He noted that another rezoning request from Cherries R Us to reclassify some A-1 land to R-1MH on Brackett Road has generated some impact on the Immanuel application. At the February 5 Board meeting a finding of facts prepared by Iacoangeli was reviewed. Mr. Mansfield stated that he found the findings "upsetting," in error, and providing "mixed messages." He read from a written summary of a **written document** he provided when he arrived this evening. He stated that the corrections they feel are needed should be made to the findings of fact. Areas of concern are indicated by highlighting and red-colored insertions. Mr. Mansfield finds it particularly significant that the finding of fact stated that no significant changes had occurred to the M-72 corridor during the past 12 years. He asserts that this is not the case: that Turtle Creek Casino has seen major development, the Grand Traverse Resort has changed ownership and been enlarged, and several other major development have been approved or are under consideration. He asserted that the one major factor impacting their application – exclusionary zoning concerns – is the one item not addressed in the finding of fact.

Vermetten cited the Board motion, sending this matter back to the Planning Commission to explore the possibility of having the application amended to request only a partial rezoning of the property, and stated that the concerns raised about the finding of fact may not be relevant in this perspective. Grant stated that if a revised application is to be considered, he believes the first step should be for the applicant to present a revised application. He recommends that the Commission not start the rest of this process with a discussion or negotiation with the applicant about what might or might not be palatable, as this might verge on a poor application of contract rezoning. Vermetten stated agreement, and that the first step would be for the Commission to affirm that a partial rezoning amendment to the request would be suitable. Hull stated that he may have misunderstood the Board motion intent, and did not advise the applicant to have a revised site plan available for this meeting. David asked for advice on how a decision on a revised application would be processed. Grant stated that no particular "formula" for this exists or was suggested by the Board. He simply sees that the Board appears in the draft meeting minutes not to be open to a wholesale rezoning as requested but indicated willingness to consider a partial rezoning.

Krause stated that part of the property is subject to steep slopes and may be undevelopable. To arbitrarily say that particular parts of the property should or should not be rezoned is not something the Commission can do. He would recommend that the applicant review the site and determine which portions are topographically suited to mobile home park development and which are suited to

more creative design under a different zoning classification.

Vermetten asked for Hardin's input as the Trustee/Planning Commissioner. He confirmed that the Board discussed whether or not rezoning the entire 90 acres to R-1MH in 1995 was appropriate, and how land division could be used to divide the parcel into several smaller parcels, each developed into a technically separate but functionally singular, large mobile home development. The overall conclusion was that the Board was not amenable to the application as presented but willing to allow the applicant to amend the application in a more palatable form. Krause asked about the other parcel of land zoned R-1MH in the township; Hardin stated that it is currently state land and is reported to be the site of a former community landfill, so it seems unlikely to be developable as a mobile home park. Vermetten observed that the letter of the law may not require that each township provide for each use as long as the needs for the use are met on a regional basis.

Mr. Mansfield stated that the applicant has proposed a model that would allow R-3 uses in the R-1MH district – to change the regulations for the district rather than rezoning the parcel. He complimented the presentation of the Board discussion in the minutes. He stated that under this concept they could propose a development that would allow for a range of land uses, including a mobile home component. He interpreted the Board discussion to encourage creative discussion at the Commission level that did not cut off the current application process. Hardin stated his recollection that the Board particularly recommended exploration of a partial rezoning approach, rather than an amendment to the regulations for the R-1MH district. He recalled a potential objection to the latter idea from legal staff. Mr. Mansfield stated that he would be glad to work with township staff and legal counsel on both options.

Carstens has visited the site three times and noticed some flagging. He wasn't sure if they represented property lines. Mr. Vann stated that they may be from Consumers Energy, which is planning a substation expansion in Bates and may have flagged a potential high-voltage transmission line easement.

Motion by Krause, support by Zollinger to direct Immanuel LLC to work with township zoning and legal staff to discuss alternatives for the rezoning application.

Iacoangeli stated that he was asked to put together the findings of fact and disagrees with some of Mr. Mansfield's comments. This is not an unusual circumstance. He submitted his opinion before the Commission made its findings regarding the Cherries R Us application, and he did not base any of his opinions on exclusionary zoning issues. The community spent over a year working on its Future Land Use Map (FLUM), and he feels strongly that the rezoning decision must comport with the FLUM. An inconsistent zoning change could have implications for other future rezoning requests.

Motion carried by unanimous roll call vote.

- c) **Planning Goals for 2008:** Vermetten asked Commissioners to submit some planning goals in writing, in the hopes of putting together a pro-active action plan. As promised he will open the discussion to the public, with a goal of consolidating and refining the list down to about six items. Discussion went around the table with Hull making notes on an easel-sized flip chart.

Krause advocated for a section in the ordinance devoted to workforce/affordable housing and options for increasing housing density in the urban core.

David promoted the sewer district ordinance amendments under discussion, and particularly a methodology for responding to district expansion requests, workforce housing and revisiting proposed Amendment #138.

Zollinger would like to address the M-72 Corridor and access management, updating the township parking space requirements (as we consistently discuss reductions to the required amount as being excessive), affordable housing, revisiting Amendment #138 and pursuing training opportunities.

Carstens supports updated parking requirements, addressing the sewer district questions (particularly by strengthening the Master Plan, perhaps by the use of an “urban growth boundary” designation), a private road ordinance, preparation of a significant natural features inventory to update into the Master Plan, addressing the chemical pollutant aspect of stormwater runoff (beyond the current sedimentation regulations), mixed uses in commercial zoning districts, limitations on additional planned shopping center projects (several already having been approved or being under consideration), the M-72 corridor and affordable housing.

Wikle believes we should address both construction and removal of communication towers, the sewer district issue (particularly along the M72 corridor), affordable housing and Amendment #138.

Hardin would like to explore workforce housing, parking requirements, planned shopping center regulation (particularly becoming more specific regarding the requirements for appropriate “grouping” of buildings within such developments and market survey requirements – how are they useful when they are provided by the applicant?), how the township should deal with provision of water infrastructure in the long-run, Amendment #138, and exploring whether the R-1MH property on Bunker Hill Road that was a former dump should be cleaned-up and by who to make it usable or non-detrimental to township natural features.

Vermetten appreciated the idea of a detailed natural resources inventory, and would like to go through the zoning ordinance line by line in a detailed fashion to tackle some of the issues raised this evening and others. This may take some special meetings, and certainly much public input. Hull observed that while a complete ordinance overhaul might be wonderful, but there is a risk that one change desired by the community could be scuttled because of another one in the same amendment that is not desired. Vreeland reminded the Commission that the township budgeted this year to recodify the ordinance in a “neutral re-write.” The document is currently being reorganized by Grant, and items that are inconsistent with state law are being eliminated, but none of the current entitlements are being changed. She agreed with Hull that major entitlement change issues should be handled separately so that one does not become derailed by another, and noted that the line-item review changes to the Master Plan have yet to be adopted but could be under our upcoming intent to plan notice related to sewer district changes.

Yamaguchi’s e-mail indicated a desire to revisit communication towers, mobile home regulations, and a town center.

Vermetten noted the suggestions submitted by Gene Veliquette that Amendment 138 be revisited. Vreeland observed that we do have a clustered housing/open space

development ordinance in place; Grant noted that the one sticking point is that we only allow them as special uses and state law may indicate they need to be by right. Mr. Engle sent a letter also urging that Amendment 138 be revisited.

Vermetten opened the floor to additional suggestions from the audience. Mr. Andres feels that wind generation towers be addressed. He also suggested that more meetings such as the Amendment 138 public information session will be helpful as the township wrestles with “sticky” subjects. He feels that the Master Plan for the Bates area needs sincere revisiting, particularly in light of major projects such as the electrical substation expansion that can change the whole pattern of development pressure in the township. He is uncomfortable with the concept that essential services are not necessarily subject to significant township regulation. Perhaps we need some “mini-FLUMS” that provide more detailed land use direction for various sub-areas of the township. Mr. Andres cited the book “Suburban Nation” by Andres Duany, which he feels gets the point across about many of the issues raised this evening and faced by the township.

Pat Salathiel hopes the M-72 Corridor Overlay District refused by the Board could be “dusted off” and revisited, particularly before consideration of potential expansion of the sewer district east along M-72. While working on the shoreline plan, Russ Clark suggested looking at the zoning designation of properties on the east side of US 31, as he believes they will be impacted by the waterfront project. She is also concerned about a current provision in the ordinance that allows additional height to buildings in exchange for additional setbacks – it could yield some very tall buildings on very small pieces of property, particularly along the waterfront.

Mr. Engle supported his letter asking to have Amendment 138 revisited. He spoke to Krause’s call for higher densities in the urban districts in cooperation with farmland preservation initiatives. He stated that it is hard to keep farming as widely-spread housing encroaches on working lands. Many of his rural neighbors do not want to see agricultural district lot sizes reduced below the current five-acre minimum, but this is a contributor to sprawl that should be addressed.

Nels Veliquette believes that four subcommittees could take care of the entire package. One would deal with language and address the changes to Amendment 138, parking and the like; one would deal with growth issues, one would deal with infrastructure issues, and one with environmental issues. Some issues will take longer than others due to politics or the number or type of other agencies involved. He thinks this a positive step, but encouraged the Commission not to overload itself.

Vermetten believes staff should get together and consolidate and pare down the list. He asked for the timeline for the ordinance recodification; Grant believes he could set aside the recodification for a time and jump to a different issue such as Amendment 138. The recodification is a significant piece of work that may take some time before he has a draft ready for review.

Vreeland suggested that the Commission choose no more than five issues to set as goals to address between now and July 1, 2009 (the end of the coming fiscal year). She would give particular weight to any issues where our legal team sees an immediate legal danger to the township and would otherwise choose the top vote-getters from this evening. Carstens believes that the prioritization should be based in the tenets of smart growth and in such a way that recognizes our desirability as a location.

Vermetten directed staff to come up with a prioritization list based on tonight's discussion and charts and present it to the Commission for final approval at the next meeting.

Mark Lewis confirmed that the Infrastructure Advisory has a private road ordinance nearly ready to present to the Commission.

Mr. Engle stated that the voting regarding Amendment #138, particularly from the subset of people who would be most affective, may have actually supported it. He suggested that creation of a process that would include many of the members of the public that would be needed should happen quickly before the spring farming chore season. Vreeland asked why there is such a widespread public misperception that Amendment #138 pertained nearly exclusively to the agricultural zoning district; Mr. Engle agreed that this seems strange.

Mr. Andres suggested that the program of work should also be analyzed from the perspective of what can be done using only internal resources, and which might require consulting assistance.

Krause noted that in the past the use of subcommittees seemed beneficial. Vreeland observed that in the past this was seen as a secretive process and was a major campaign platform for the current administration. If subcommittees are to be used, this should be recognized, and all meetings will be held publicly in accordance with the Open Meetings Act and not in an informal fashion.

7. New Business:

a) Comment on Whitewater Township Master Plan:

David expressed surprise about the statement in the Whitewater plan that opposes any state investment in making M-72 "an even greater high-speed thoroughfare." This seemed counterintuitive to the group, as MDOT specifically views the function of M-72 as being a high-speed high-capacity corridor to move traffic from Grayling to Traverse City. There was uncertainty as to whether this is meant to encourage or discourage the creation of service drives to maintain efficient through traffic flow, and whether or not they actually intended to make a statement regarding additional development along the corridor.

David also expressed surprise about page 17, which would eliminate residential zoning along lakes and streams in the northern part of the township, which has apparently already been done on the southern portion of the township. Carstens stated they are suggesting an increase of no-build setbacks from surface waters from the current 50' to 100', and that they are seeking to strongly enhance water quality protection. He noted that there used to be 1-acre lot densities in the southern part of the township and sought to increase the minimum lot size to 5-acres, which seems to be the opposite way of controlling sprawl from what Acme is discussing.

Hardin noted sections discussing potential water and sewer infrastructure development. He would like to know whether they would be looking to the Tribe or the County DPW system relative to the sewer expansions, as this could have an impact on Acme decisions regarding the sizing of potential improvements if we allow expansion of our system eastward. Vreeland stated that some very informal and brief conversations with Whitewater Township Supervisor Larry Lake indicated to her that either option would be considered by them. He particularly told her that they were watching our discussions about possible expansion to Bates closely, as they might wish to connect at some point. Vreeland and Lewis both observed that once a service

area is defined a technical analysis and solution can be performed/created. Any upsizing of our systems required to facilitate service in Whitewater could reasonably be paid for by them. He is aware that Supervisor Kladder is promoting a regional capacity and needs study at the DPW, the need for which within a few years was recognized when the decision was made to defease the second half of the 2003 sewer improvement bond issue. Carstens noted that when there is a regional discussion of future treatment plant needs, there is a possibility that a new plant could be located on the east side of town, which would impact design requirements.

Hardin noted a reference to passenger rail service, which is a concept mentioned repeatedly during the Grand Vision session in January at the Resort. Perhaps future technological advancements will enable this to become a reality, and if Whitewater is going to recognize and promote this possibility Acme should consider doing likewise. Perhaps if the two townships joined forces they could be more effective.

- b) **Possible discussion of *January 2008 Planning & Zoning News*:** Hull noted that the well-respected PZN devoted an entire issue to the “new economy.” This is a hot topic the Commission may wish to address, despite the fact that he personally is skeptical about the concept. Some concepts have been brought up locally, such as a shift from pure agricultural production to agri-tourism frequently discussed by Nels Veliquette.

Hardin noted that many people talk about “land preservation” but rarely do they discuss the nuts and bolts of the economic realities and functioning of the agricultural industry. Hull stated that he found some contradictory references to some of the same existing downstate developments. Carstens recalled that when Dr. Soji Adelaja from the MSU Land Policy Institute visited here he focused on the importance of agriculture to our economy and ways planners can promote continuation of existing farming operations and perhaps the creation of new ones. Hull stated that if the township wishes to promote continued agriculture, it must promote regulations that make farming more profitable. He does not personally believe that one-time payments are the way to do this effectively; specifically he does not believe that purchase of development rights is a sustainable strategy. Vermetten believes that when it comes to “destination farming” regulations such as our winery ordinance are a positive factor.

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

Mr. Engle thought the PZN discussion interesting. He hadn't read the article, but he has been attending meetings on the topic for several years. From a historical perspective, people can form visions for the future that may or may not come to pass. He recalls being interviewed by a group of students some years ago about the use of a particular agricultural chemical and food safety. Back then he wasn't sure food safety was really an issue. Nowadays, people aren't always sure about farmland issues, but something he hears more and more about is the “buy locally” initiative, and that wasn't on the horizon 10 or 20 years ago.

Lewis stated that if the township wants to get into the water business, it could do worse than to try to work with the Tribe – it's uphill and gravity is always an advantage. It would not be difficult to install a master meter on the water main where it enters the township, and doing so could save significantly on infrastructure development costs. In every township he has worked with the water system has been a money maker. Vermetten has a neighbor who is a fire inspector and constantly comments that having a public water system could lower our insurance rating and save our property owners significant amounts in premiums.

Mr. Veliquette supported Hull's statements about the need for sustainable agriculture-friendly regulations beyond the one-time PDR payments. If we are successful in preserving farmland a non-development economy will grow – a shift in the local economy will occur. People need to understand that the program is not about preserving open space but working agricultural land – there's a significant economic component involved. People also need to realize that agriculture comes in all forms, whether its fruit orchards or pig farms.

Grant provided an update on the manufactured housing ordinance draft. He spoke to someone at the state manufactured housing agency, their "gatekeeper." He is performing an informal review of the proposed ordinance that Grant believes will be extremely valuable in setting realistic expectations for what can be approved and what most likely will not be. He hopes to have substantive feedback for the March meeting. One thing he has heard already as to inclusion of references to some of our supplemental regulations (dark sky, landscaping, etc.) is that they may not be likely.

Vermetten stated that he cannot be at the meeting on March 31, and proposed moving the meeting up one week to March 24. This would also work better for Iacoangeli. Everyone except David would be available.

Motion by Carstens, support by Krause to move the March meeting to March 24. Motion carried unanimously.

Carstens told Mr. Veliquette that he always welcomes information that will further his education. They discussed Black Star Farms in Leelanau County, which is upheld as a highly successful mixture of agriculture and value-added agricultural offerings. Mr. Engle believes that one thing not listed on the priority list is an amendment to the sign ordinance that allows for some off-site directional signage that will direct traffic to agri-tourism businesses that are not located on major thoroughfares. Vermetten noted that from ages 12-20 he worked at Underwood Farms. He watched the variety of offerings develop there into a well-rounded destination.

Meeting adjourned at 9:38 p.m.