



ACME TOWNSHIP PLANNING COMMISSION MEETING
Acme Township Hall
6042 Acme Road, Williamsburg, Michigan
7:00 p.m. Monday, January 26, 2009

Meeting called to Order with the Pledge of Allegiance at 7:00 p.m.

Members present: M. Vermetten (Chair), B. Carstens (Vice Chair), C. David, S. Feringa, R. Hardin, D. Krause, D. White, P. Yamaguchi,
Members excused: J. Zollinger
Staff Present: S. Vreeland, Township Manager/Recording Secretary
J. Hull, Zoning Administrator
M. Grant, Legal Counsel

INQUIRY AS TO CONFLICTS 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 White, support by David to approve the Consent Calendar as presented including:

Receive and File:

- a) Draft Unapproved Minutes of:
- b) 01-06-09 Board Meeting
- c) 01-13-09 Farmland Advisory
- d) 12-9-08 Marina Advisory
- e) 1-16-09 Heritage Advisory
- f) Planning & Zoning December 2008
- g) Planning & Zoning for Wind Energy

Action:

- h) Approve minutes of the 12-22-08 Planning Commission Meeting
- i) Approve minutes of the 1-12-09 Special Planning Commission Meeting

Motion carried unanimously.

2. Correspondence: None
3. Limited Public Comment: None
4. Preliminary Hearings: None
5. Public Hearings: None
6. New Business: None
7. Old Business:
 - a) Amendment to Zoning Ordinance: General Special-Use Permit Provisions: Hull summarized his staff memo, noting that during the content-neutral zoning ordinance revision process there were a number of issues raised for future discussion. A list of these was compiled and sorted, and the discussion this evening centers on possible

revisions to the requirements and process for special use permits.

The first proposed amendment would clarify the provisions for when SUPs expire, and could also allow for a 1-year extension. Currently there is no provision at all for permit extensions if the permit is not used within a year. The clarification would be that the initial permit period would run for one year from date of approval, rather than one year from date of signing (which could be at any time thereafter.) Grant recommended a change to Hull's proposed language to eliminate reference to performing extensions as a minor amendment to the permit.

Motion by Carstens, support by Yamaguchi to set a public hearing for March 30 for potential amendment to the Zoning Ordinance provisions for SUP expiration and extension as presented in the January 23 staff report EXCEPT for the word "minor" in the last sentence.

The second proposed amendment would revise and clarify the three levels of potential SUP amendment – major, minor and insignificant. David noted that a request to add some uses at Highpointe golf course was turned down because the Commission did not feel that the type of uses requested were truly accessory in nature to the primary golf course use. This caused him concern about the suggestion in the memo that the addition of accessory uses to an existing use could be considered as a minor change. Carstens found some of the examples given for the proposed revised levels confusing, particularly the one referenced by David. Hull responded that the addition of a use not customarily accessory to an existing use should not be considered a minor change. Hardin asked how the addition of roofing over an existing patio footprint, such as that approved for the new coffee shop at the former Sand Trap building, would be treated under the proposed changes. Hull replied that assuming the property already had an operating permit he would treat this as an insignificant change because it would be a very small structural addition that would not exceed the existing land use footprint. Grant noted that the term "supplementary" uses as used by Hull do not appear elsewhere in the ordinance, and that accessory uses to primary uses are uniformly considered uses by right, so using the addition of a new accessory use to a special use permit situation may not be the best example. Hull gave an example of the cherry processing plant beginning to give tours; to him this is a commonly accessory use to a factory operation that would be insignificant. Grant reiterated that accessory uses are generally allowed by right; Hull noted that even by-right uses require site plan approval by the Planning Commission. David expressed that the provisions seem somewhat contradictory and he has concerns about how enforceable they would be.

Motion by Carstens, support by Yamaguchi to set a public hearing on March 30 for zoning ordinance language amendments regarding the three levels of SUP amendment based on the proposed language in the January 23 staff memo to be revised based on discussion this evening. Motion carried unanimously.

The third potential amendment would amend the language permitting residential uses on other than the main floor of a structure in the commercial districts as a use-by-right rather than as a special use. Currently the language of the ordinance for most of the residential districts specifies that residential dwelling units above the first floor may be permitted; Hull is suggesting that the township amend the language to also permit residential dwelling units below the main floor with appropriate ingress and egress meeting all applicable building and safety codes. Grant noted that there may be an additional language conflict to clear up with the existing language for residential uses in the B-1P district. There are very few properties with this zoning

designation in the township, and two properties where as a result of the settlement of a lawsuit between the township and the Ziebart and Smiths regarding the old Mercedes Benz dealership on the west side of US 31 North a mix of uses from several districts is permitted. Carstens believes that the Commission should entertain discussion about permitting residential uses in the B-4 district as well.

Motion by Krause, support by Carstens to schedule a public hearing for March 30 for a zoning ordinance language amendment affecting the permitting of residential uses in the business districts, subject to redrafting by Grant. Motion carried unanimously.

The fourth potential amendment would completely replace the schedule of required parking spaces substantially reducing the number of parking spaces required for various land uses. In recent years it has been widely discussed at the Commission that our current parking space standards require too much impervious surface, and the township had been asked for and has granted relief from the standards for most SUP permits in recent years. Carstens noted that various pervious/porous paving materials are available, while more study is needed on how well they work and what happens to fluids that leak from automobiles as they fall on the ground to prevent them from contaminating ground and surface waters. Grant asked about an appearance that no parking spaces are required for drive-through restaurants; Hull replied that the land use descriptions need modification and that there is no intent to require no parking for such uses. Grant also recommended that an amended Section 7.5.3 state that the minimum parking space provision standards must be provided according to the schedule and that the second sentence which provides a very low standard to be met if a ZBA variance is pursued should be removed. Krause recommended that the table be left long and that categories not be combined; Hull stated that all of the categories listed currently exist in the ordinance. Carstens asked for clarification on “group housing” standards, being confused about how the number of required spaces would be calculated. The standards are based on a number of spaces per employee; he is wondering how the fact that such facilities are staffed on shifts would affect the need. David noted that for some uses the number of spaces required is based on the number of employees on the largest shift. Vreeland asked about spaces for visiting family members, which are not included in the proposed group housing standard. Feringa appreciated Hull’s observation that generally business owners have a good idea of how much parking space they need, and that in too many cases businesses are located in large and largely empty parking lots. He is glad to see an effort to reduce the required minimums from generally excessive standards. David agreed, while also noting that on some occasions an applicant might seek to provide too little parking space. In some places the proposed table has maximum numbers for parking spaces; Hull observed that the Commission may or may not want to do this. Krause believes there may be times where applicants want to provide significantly more spaces than the minimum, but these would be few and could be dealt with on a case-by-case basis. Grant observed that having maximum numbers would be helpful for situations when a project is a use-by-right and subject only to site plan review. In such a circumstance the township would not have a limited ability to impact the number of parking spaces if there were not both minimums and maximums set. David asked about the parking standards for high schools, worrying about how provisions would be applied to private or charter schools and providing sufficient area for student parking. Hull’s findings were that the township can only subject private schools to the zoning process, and he could find no reliable standards for student parking or what percentage of the student population would require spaces.

Hull asked if he should redraft the proposed table to provide minimum and maximum

parking space ranges for each use, or to eliminate the mention of parking for accessory uses in favor of using the standards for each use combined at a facility as they appear in the chart. Grant and Hull will work together.

Motion by Krause, support by Yamaguchi to set a public hearing for March 30 on amendments to the standards for parking spaces required, with the table presented this evening to contain minimum and maximum parking levels for each land use.

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

Krause asked if it is known what the future use of Bertha Vos Elementary might be. Vreeland reported that Supervisor Kladder is in constant contact with Paul Soma from the school system, but that there is not yet a definitive answer. We do know that by law the school system may not sell the property for under its fair market value (such as a \$1 sale back to the township.)

Vreeland reported that there will be a public meeting at 7:00 p.m. at the township hall on February 12 led by Assessor Dawn Plude to answer many of the expected questions about this year's property assessments such as why taxable values may rise when property values are static or even decrease, and explain the appeal process.

Yamaguchi asked for an update on the initiative to see if the intersection of North Bates Road and M-72 can be realigned to improve traffic flow and permit future signalization. Vreeland reported that she, Carstens, Feringa (in his Tribal capacity) and Grant were at a meeting held January 23. It appears that all of the parties involved, including the township, MDOT, the Road Commission, Consumers Energy, the Tribe and Generations Management sincerely want to work out a solution, but at this point the questions generally come down to whether or not there is enough land in the right places to make an appropriate road alignment work in conjunction with the new Consumers Energy substation design plans. There are also concerns about the amount of land necessary to create a new road, both for a design with a sweeping curve rather than a stop at a 90 degree bend and to meet new Road Commission primary road right-of-way width standards that have increased from 66' to 100' wide. Future funding is also an issue; right now the only potential source identified are Bureau of Indian Affairs road funds in hand for previously-expected repaving of Bates Road and those that might perhaps be obtained through a subsequent Tribal grant request. Things need to move fast because Consumers Energy plans to complete their substation and power pole installations this year and to begin shortly, and it would be very difficult and expensive to move the poles once installed. Vreeland expects that another meeting will be held in February to review a conceptual design that MDOT has volunteered to prepare.

Meeting adjourned at 8:20 p.m.