



ACME TOWNSHIP PLANNING COMMISSION MEETING
Acme Township Hall
6042 Acme Road, Williamsburg, Michigan
7:00 p.m. Monday, April 27, 2009

Meeting called to Order with the Pledge of Allegiance at 7:01 p.m.

Members present: M. Vermetten (Chair), B. Carstens (Vice Chair), C. David, S. Feringa, R. Hardin, D. Krause, D. White, P. Yamaguchi, J. Zollinger
Members excused: None
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 Zollinger, support by Feringa to approve the Consent Calendar as presented including:

Receive and File:

- a. **Draft Unapproved Minutes of:**
- b. **03-27-09 and 04-07-09 Board Meeting**
- c. **03-24-09 Marina Advisory**
- d. **04-02-09 Parks & Recreation Advisory**
- e. **Planning & Zoning News March 2009**

Action:

- f. **Approve minutes of the 03-16-09 Planning Commission Meeting**

Motion carried unanimously.

2. Correspondence: None

3. Limited Public Comment:

Joe Quandt, attorney for Generations Management, the applicant for the Bates Crossings SUP, noted that their matter is not on tonight's agenda. They are scheduled for the May 18 agenda. They have provided additional information for the Commission's deliberation, pursuant to the deliberation at the February 16 meeting. They hope these materials answer any outstanding questions and issues satisfactorily and that their project will receive a recommendation one way or the other at the May 18 meeting. They have been frustrated by the process to date and differing approaches to the question by the applicant and the township's consultants. They hope that the Commission will keep in mind the basic questions of whether the project is appropriate, and whether any concerns raised by the township's consultants are reasonable questions or simply argumentative. They look forward to moving past the disagreements of consultants for both parties towards a conclusion. Vermetten stated that the discussion on May 18 will be run the same way as it was on February 16: there will be Commission deliberation, and if there are questions to be answered they will be specifically directed to an appropriate individual to answer without debate back and forth between consultants.

Gene Veliquette, 8369 Elk Lake Road in Whitewater Township, appreciates the opportunity to provide public comment at the beginning of the agenda as well as at the end. He believes that it is time for the township to “get on the ball and move things along.” The Central Lake Township treasurer works part time, and has told Mr. Veliquette that her township does not have an attorney present at every meeting and that their typical annual legal fees are less than \$100. Occasionally someone will have a question for legal counsel that can be answered over the phone. He believes that by relying less on outside consultants and more on themselves, the Commissioners can move business along more effectively.

4. Preliminary Hearings: None

5. Public Hearings:

a. Proposed Ordinance Amendment #2: General Special Use Permit Provisions:

Hull drew attention to a spreadsheet placed on the table this evening that was to have been included in the packets for this evening but could not be due to problems with the township printer. He stated that there are four basic changes to the ordinance proposed: the ability to obtain an extension to an SUP (not currently available); a reworking of the levels of SUP amendment and the standards for each (which Hull is recommending be removed from the proposed amendment because the problems with the language in the old ordinance was solved in his opinion by the ordinance amendments already adopted); allowing commercial districts where residential units are permitted to allow this use by right rather than by SUP; and the parking space standards (proposed to set both lowered minimum space requirements and new maximum space requirements.)

Grant stated that on page 3 of the staff memo there is some suggested language to deal with the proposed change to the dwelling unit in business district issue. Grant suggested a simplification of the list of various types of occupancies would be “dwelling units above the first floor” without listing each type of occupancy, since each is encompassed within the definition of “dwelling unit.” Grant concurred with Hull that at the January Commission meeting it was discussed that changes to the language about levels of SUP amendment is not required. Carstens noted that the words “of the revocation” should be removed from the last proposed sentence for 9.1.2.e for the syntax to make sense.

David questioned the syntax of the proposed change to Section 9.1.4.a; Hull noted that he is now proposing that the current language for this section remain without replacement.

Yamaguchi asked about the proposed change to 9.1.4.b. At her Citizen Planner class last week there was discussion about the “fuzzy” nature of the term “welfare.” She suggested using the term “public health, safety and welfare” instead when and if this section is later amended. Hull noted again that he is now proposing that Section 9.1.4.b remain as is and not be amended.

Public Hearing opened and closed at 7:25 p.m., there being no public comment.

Hull stated that under the category of “stadiums or sports arenas” in the proposed parking standards, the requirement should match that of “auditoriums and theaters” (minimum 1 per 6 seats or 1 per 50 sq. ft. if no permanent seating; maximum 1 per 4 seats or 1 per 30 sq. ft. if no permanent seating.) Zollinger asked if the proposed new standards have been compared to parking needs for existing land uses in the township to see if they would appear suitable in our environment for the uses. Hull has not; his proposals were driven primarily by the fact that every SUP applicant save 1 for the

past several years has asked for a reduction from the required minimum number of parking spaces. He used parking standards information from the Planners Advisory service, specifically the lower end of the recommendations for each land use.

Krause asked for the rationale behind having a minimum and maximum range of parking spaces per use rather than setting a specific number. Hull replied that many of the recommended standards came from the San Antonio Zoning Ordinance which uses this concept. It is not a concept he had seen much before but had presented the theory at an earlier Commission meeting and was asked to formulate minimums and maximums for all land uses because the idea was well-liked.

Vermetten reported one typo under parking requirements item B8 (private clubs, etc.) where it should say “such as” instead of “usch as....”

Motion by Carstens, support by David to approve suggested Zoning Ordinance Amendment #2 to the general SUP Provisions as amended and evidenced through the foregoing discussion. Motion carried by unanimous roll call vote.

6. New Business: None

7. Old Business:

- a. **Possible master plan amendment - viewsheds:** Vermetten gave some thought to possible viewsheds but does not have his working papers with him. Yamaguchi did as well, and felt that 4 or 5 of the currently defined viewsheds were no longer relevant. She e-mailed in her proposals for viewsheds to keep, change and add. David is concerned that the whole issue is possibly too subjective to be regulated. Krause believes that cell tower service providers will research the location where they feel will serve their network best, and that the township can review the precise location and decide whether there is a viewshed to protect at that time. Hardin did his “homework” and believes that while the township could try to regulate this matter, there are land uses (such as a home on a five acre lot in the agricultural district) that can be erected regardless of the aesthetic impact. How can we say that the aesthetics are to be regulated for one type of construction or land use but not another, particularly when aesthetic beauty is entirely subjective in nature. Carstens believe that one bona fide viewshed exists looking north-northeast near the cherry processing plant on US 31 North, and that most of the area along Bates Road is beautiful. Hardin observed that much of the view from Five Mile Road south from the Bayview Inn is lovely until you reach the part where you are seeing the rear of the commercial buildings along US 31 North. Yamaguchi does not believe there is a place in the Master Plan for these issues for all the reasons stated, because it is so subjective. Vermetten noted that the Master Plan is a statement of needs, wants and desires upon which our ordinances and analysis of whether conditions for a permit are met is based. Krause felt that the use of the property might dictate whether it is generally seen as visually objectionable; commercial uses are more likely to be a concern than residential uses. Vreeland disagreed, noting that there is a large house in Scenic Hills that raises concerns, and that nobody seems to particularly like the Srdjak condominium building which is a residential use. She also posed the question: if the Commission does not feel qualified to identify scenic viewsheds to protect now, why would they be any more qualified to identify them relative to a particular development proposal? Hull thought it might be possible to define the question as “what areas would the township want to add to a capital improvements plan for acquisition and protection if it could?” It was mentioned that there is a cell tower in the Yuba Creek Natural Area view despite the viewshed ordinance. Vreeland stated that this tower would have been several hundred feet south where it was proposed originally, but the ordinance and the public discussed the effect of the tower on the

valley viewshed and the township successfully had it moved as far north as possible. Grant stated that he would like to bring the revised ordinance language to the Commission for public hearing within the next few months. Right now the language prohibits location of a cell tower in a viewshed defined in the Master Plan, and it was his recommendation that from a legal standpoint such viewsheds needed to be more precisely defined to be defensible. If the township would like to remove viewsheds from consideration when it comes to cell tower siting, he can remove the language entirely. It is true that recognition of viewsheds is one factor in the perceived value of land.

David believes that most of the problem comes from trying to precisely define the boundaries of a viewshed. If it would be possible to put in more general language that the township will consider the proposed cell tower placement impact on viewsheds, he would prefer this. Grant stated that scenic viewsheds could be one factor in an SUP consideration for cell towers. If this term is to be otherwise left generally undefined, then any map or mention of defined viewsheds should be entirely removed from the Master Plan. Otherwise someone could point to the Master Plan as evidence of whether or not they truly are possibly within a protected viewshed. David noted that the Citizen Planner class has been discussing the use of the Master Plan as a big-picture vision statement and the Zoning Ordinance as the regulations to achieve the vision, so it would seem that viewshed definition belong more in the Master Plan than the Zoning Ordinance. Hardin observed that it's harder to define the boundary of a viewshed than of something such as a sewer district. Where does it stop and start, and why?

Vermetten does work in many surrounding townships, but does not recall encountering the question of defined viewsheds. Have we looked at how neighboring townships deal with viewsheds? Could we get some good ideas from them? Grant stated that Empire Township has regulations about not building above certain heights on certain ridgelines. He can do some additional investigation. Vermetten believes that we won't find much for comparison. Zollinger recalls asking Hull to examine some of the more technical aspects of towers, technology and tower design. A tower disguised as a tree might look good in some places, but would not make sense in others. He wondered about working more with height regulations. Vreeland asked if the Commission would generally prefer fewer taller towers, or more shorter ones, as this is the trade-off that normally occurs. Carstens asked if the cell tower has the ability to use eminent domain to place their tower on any private property they say is necessary to their network; it is not. Hardin is more concerned with the ramifications for wind generation towers than for cell towers. Both types of situations must be investigated.

Staff and counsel will gather information about the cell tower location and height policies and viewshed definitions of nearby communities and report back to the Commission.

- b. **Possible ordinance amendment - districts to allow cell towers**: deferred to a future meeting with continued discussion about viewsheds.
- c. **Continue discussion on affordable housing**: Hull distributed a **“Potential Affordable Housing Sectors Acme Township”** map from the Northwest Michigan Council of Governments (NWMCOG) of Acme Township where, in their opinion, affordable housing is currently available. NWMCOG prepared a document on “Barriers to Affordable Housing” in the area in 2007. According to their map, only a very small portion of the township in the southwest corner is “affordable” (under \$109,000). Most of the land south of Brackett and Dock Roads zoned for residential

use is deemed “somewhat affordable” (\$110,000 - \$149,000), while the rest of the township is deemed “not very affordable” (\$150,000 and up.)

Hull also drew attention to some pictures of density which demonstrated that the *perception* of density is strongly impacted by the land use layout/design. Some of the pictures that appear the densest are actually the least dense.

There are three ways to encourage affordable housing, and one way to compel it. The way to compel it is “inclusionary zoning,” where developers are required to provide a certain amount of affordable housing in their developments. This usually represents additional cost to developers. Methods of encouraging affordable housing include subsidies, or density bonuses for using certain design elements.

Hull discussed various points in the documents he provided to the Commission packets. Customary density bonuses tend to be in the 20-25% range, although there are some communities that allow up to a 100% density bonus under certain circumstances. This can be combined with the use of price-restricted units to provide for more affordable housing.

Yamaguchi is hearing that basically our ordinance language for our residential districts would need to be re-written to allow for greater land use densities, and perhaps density bonuses.

Hardin was reading about Dade County, Florida, where median house prices are \$380,000 and the median wage does not support that housing type. The County provided some subsidies for more affordable housing development.

David expressed concern about whether or not the Board will support the type of policies the Commission might recommend to create affordable housing. Carstens believes that it can be more beneficial to a community to intermix market-priced and price-controlled housing, and to locate affordable housing near the expected job centers at a town center, Turtle Creek, and our agricultural processing plant. Finding workers for these developments will be more difficult if there are not affordable places for them to live. He believes our ordinances should be amended to make this more feasible. Vermetten feels that these are beneficial discussions on a theoretical level, but perhaps premature from a practical standpoint. He does not see developers who are eager to create this type of development within the local marketplace, or within this township specifically. In other townships with maximum housing densities to Acme’s developers sometimes seek density dispensations. Brookside in Garfield Township argued that it needed PUD density because it is near the hospital and would suit the hospital workers. He does not hear people saying that if the opportunity were available in the township they would take advantage of it. Krause strenuously disagreed. He noted the number of people who pour into the Traverse City area from Kalkaska and Kingsley every day because they can’t afford to live where they work. Vreeland observed that the statistics on work and living locations and community are available. Krause believes we are perfectly situated to become an affordable housing center. Hardin asked if developers are not “beating our door down” because they have read our ordinance and see no opportunity, and they believe it is not worth the effort to seek a change that would allow affordable housing? Vermetten believes that developers first identify the marketplace, and then seek to obtain favorable conditions (density) within that marketplace. Hardin observed that if we had a favorable environment that did not need changing, would that make us more desirable automatically? Carstens is also excited by the possibility that the regional land bank could afford to provide a mixture of housing prices within neighborhoods.

Vreeland suggested that if the Commission is concerned about whether the Board would be amenable to ordinance amendments that would allow significantly higher zoning densities, they can ask the Board for specific direction on this issue. She and Grant have been looking at the current zoning map and thinking about the fairly limited number of properties that would truly be suitable for high density affordable housing, having or being where they could have water and sewer service and direct access to main thoroughfare roads that can support high density development access.

As far as approaching the Board, Hardin noted that the township has a stated goal of farmland preservation. For each bit of development rights preserved, and for every acre of farmland, the buildable area of the township is reduced. If we are going to funnel the lost density from these programs to centralized areas, and perhaps to transfer the density from those areas, we need an ordinance amendment. Otherwise, diminishing supply will drive land prices ever higher and reduce the opportunity for affordable housing. Krause agrees that density is the only real answer. Right now to afford an acre of land, the target client would build an over \$200,000 house. If we changed the allowable density per acre, then people could build more modest houses. Vermetten noted that the places where this would be possible are limited by topography and the availability of infrastructure.

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

Nels Veliquette, 311 S. Maple Street in Traverse City, is glad to hear that the discussion on affordable housing is moving along, but wishes it had been at least this advanced a year and a half ago when he was being “pilloried” for proposing a higher-density affordable housing project on Brackett Road. He agrees that the ordinance is currently constructed to prevent affordable housing. He believes the Board will not wish to follow up on this issue. He has a rental apartment in Traverse City that is among the most affordable at \$665/month. He supported the idea of accessory dwelling units (ADU) on owner occupied properties. As a live-in landlord he polices his tenants heavily and prevents them from being the scourge that those opposed to the ADU idea fear (“undesirable” people such as young adults, certain ethnic communities, etc.) The fight against affordable housing was so firm in Traverse City, he believes the township administration will not wish to take it on either. He believes this in part due to past comments he’s heard in public meetings, and he believes that if it came to a public hearing that many members of the public would come out to fight higher densities.

Vermetten is hoping to receive the reports about Bates Crossings back from our consultants “as early as humanly possible.” Yamaguchi asked if it would be worthwhile to review the materials for the February meeting; Vermetten believes that enough has changed about the application that this may not be the case. Retention basins have been moved and downsized, building locations have been moved, and the traffic study has been redone. His understanding is that the changes to their proposal are more extensive than originally expected. Vreeland stated that the Commission should be able to review the existing materials on the broader issues, as this will not change. Anything regarding the traffic study, stormwater management and possibly the wastewater management was changed, and to the extent it was changed we are performing the same level of review as was performed on the previous information. Other than that, if a condition of the proposal has not changed, it is not being reviewed or revised. Vermetten will conduct the meeting as he conducted the February meeting – the Commission will deliberate towards a recommendation to the Board and will call for input from consultants for the applicant or township on specific questions as needed only.

Meeting adjourned at 9:23 p.m.