



ACME TOWNSHIP PLANNING COMMISSION MEETING
SPECIAL MEETING
Acme Township Hall
6042 Acme Road, Williamsburg, Michigan
7:00 p.m. Monday, October 19, 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
N. Edwardson, Recording Secretary

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. **Limited Public Comment:** None

2. **Old Business:**

- a) **Motion as to whether to wave privilege on proposed “road map” for evaluation of VGT – Phase 1 SUP Application 2009-01P:** Vermetten noted that the memo states that it is currently exempt from disclosure as attorney-client privileged legal advice, but that the township may waive privilege and disclose the document to the public if they wish. It does not just report facts but provides analysis, so the decision deserves some thought.

Motion by Carstens, support by Krause to wave privilege on the proposed “road map” for evaluation of the VGT-Phase I SUP Application #2009-01P. Motion carried by unanimous roll call vote.

3. **New Business:**

- a) **Initial Bates Neighborhood Center Planning Meeting:** County Planning Director John Sych agreed at the township’s request to facilitate the planning process, and led the discussion.

*Meeting Objectives: Gain an understanding of a Neighborhood Plan
Determine if there is a need for a Plan
Planning Process Validation (?)
Identify Next Steps (?)*

1. **Background - Why are we here?** Currently the Bates area houses largely industrial development, but it seems poised for significant growth for which some advanced planning may be desirable. Sych introduced TC-TALUS Director Matt Skeels, who provided some deeper background. Skeels stated that perhaps at heart this process started with an M-72 East corridor access management plan created by MDOT in 2001. Controlling access to state highways is very important to MDOT for traffic safety and efficient flow,

and access management is increasingly important to Road Commissions and municipality as well.

The Bates/M-72 intersection is one of the oddest on a state highway in the state, as the north and south legs of Bates Road are not aligned and railroad tracks cross the intersection diagonally. MDOT provided feedback to the township in relation to the proposed Bates Crossing shopping center SUP application near this intersection beginning in 2007, and asked Sych and Skeels to help facilitate a process to discuss a potential redesign of this intersection to provide a long term benefit to everyone. Key stakeholders in the process included MDOT, the Road Commission, the township, Consumers Energy, Immanuel LLC (the potential shopping center developer), and the Grand Traverse Band of Ottawa & Chippewa Indians, all of whom had property immediately involved and/or a public interest in traffic safety.

At the same time, Acme and Whitewater Townships and the Tribe have discussed a long-range plan for eventual signalization at 1-mile intervals along the M-72 corridor at key intersections. A realignment for the North Bates-M-72 Intersection would fit into this plan nearly perfectly, affected landowners appear to have reached consensus on general design considerations, and one may be able to bring the needed funding to the table. This has been the rare large project that appears headed to a successful outcome.

2. **Introductions** - *What is your interest in Bates?* Sych asked everyone present in the audience to introduce themselves and briefly summarize their interest in this issue:

- Candace Shield lives on M-72 near the intersection along with several other homeowners, and to her this is a neighborhood. She is concerned about past and future effects of road widenings on residents of the area.
- Amy Potter works in the area
- Carolene Herman is a curious property owner
- Denny & Judy Hoxsie are residents and own Hoxsie's Farm Market in "downtown Bates".
- Nathan Moore is a lifelong resident of South Bates Road
- Ken Moore is a lifelong resident of South Bates Road
- Jeff Stanley is a township resident and business owner
- Andy Andres, Sr. is a township resident and landowner
- Andy Andres Jr. grew up in Acme Township and remains strongly interested in the township
- Glenn Arnold is a Bates area landowner
- Marc Krakow is a landowner
- Ken Engle is a landowner
- Jim Goss is a landowner
- Theresa Bak is a Bates-area landowner
- Donna Flees, represents the Wing Family, who own property on North Bates Road
- Joe Kuncaitis lives and owns property 2 miles north of the intersection of North Bates and M-72 East
- Chuck Walter is a resident property owner on North Bates Road

- John Rodgers is the Road Commission Traffic Services Supervisor
- Debbie Luehrs represents Immanuel LLC, the proposed Bates Crossings developer
- David Wylie formerly owned the 80-acre property purchased by Consumers Energy for a new substation at the northwest corner of Bates and M-72
- Mary Lajko is with MDOT
- David Langhorst from MDOT is concerned about potential growth in the Bates area and how to accommodate it.
- Jim Dixon is a township resident
- Tim Korth is a Bates area resident
- Dick Stevens is a Bates Road property owner
- Joe & Connie Pennington own property at the NE Corner of Bates & M-72
- Bob Gluszewski is the area manager for Consumers Energy, the owner of the 80 acres at the northwest corner of Bates & M-72
- Howard Yamaguchi is a township citizen
- Leslie Meyers is the Whitewater Township Planner/Zoning Administrator
- Rachelle Babcock is a township citizen

3. **Community Planning Awareness**

- a. **The Power to Plan** – The Michigan Planning Enabling Act (MPEA) empowers Planning Commissions to develop subplans for geographic areas less than the entire planning jurisdiction due to unique circumstances.
- b. **What is a Master Plan?** A guide for establishing desired amount, locations and relationships of future land uses within the community. This is a policy statement forming the basis for land use decisions
- c. **What is a Zoning Ordinance?** A police power granted to the township by the state that allows local communities to regulate uses of land and buildings according to districts or zones.
- d. **Relationship between Master Plan and Zoning Ordinance:** the Master Plan is a general vision statement; the Zoning Ordinance is the detailed set of regulations created to achieve the vision statement.

4. **Neighborhood Planning - What is it?**

- a. **Define a Neighborhood Plan - A Collaborative Process** creating identity, setting goals, policies and guidelines.
- b. **Reasons to Prepare a Neighborhood Plan:** it provides a communication link between citizens and township officials and involves them in planning and decision making as it affects development of their neighborhood; neighbors and townships receive valuable information about the neighborhood's needs, priorities and desired projects.
- c. **Relationship of a Neighborhood Plan to a Master Plan:** the neighborhood plan could guide future Planning Commission decisions, or it could become an amendment to the Master Plan itself.
- d. **Roles and Responsibilities of Participants:** Residents, Property Owners, Officials, Planners – all have a stake in the process for various reasons and should be engaged in the process. This is not usually something the County would become involved in; Sych has

been invited to participate as a neutral facilitator due to his past involvement with issues from the Bates area.

Vermetten opened the floor to the Commission to ask some questions or make comments. Krause is very interested in opening the floor to public comment about what Bates landowners would like to see happen in this area before the Planning Commission starts tinkering with it. Carstens is interested in promoting an area where a mixture of land uses can occur, where people can work, live and play without traveling far. David would like there to be a more detailed explanation of how the community will benefit from a neighborhood planning process. What would the Commission be doing for them? Vermetten believes this concern ties back to Krause's comments about needing to hear what the public wants for this area so the Commission can understand how it can assist. Everyone has experienced traffic difficulties related to the horse show, and he has found bicycling across M-72 very challenging to say the least. Perhaps something needs to be done; perhaps nothing. He opened the floor to brief public comments, beginning with MDOT.

Langhorst stated that MDOT's key concern is safety. Right now, barring special events such as the horse show, traffic flows fairly well. This will change as the area becomes more developed. They view the potential road realignment as a safety improvement in terms of getting traffic to and from M-72 to nearby properties and events. They are not in a position to consider adding additional capacity (lanes) at this time, and they are not seeking to direct or interfere in local land use policy decisions.

Mr. Gluszewski stated that Consumers has been involved in all the road realignment discussions and they are very willing to work with the effort. Vreeland noted that another Consumers representative that has attended the road realignment meetings, Bill Carlson, has indicated that they may wish to sell off much of the substation land they acquired for commercial development. However, this property is currently not zoned for commercial use. Vermetten added that the Bates Crossings shopping center application has also had a projected effect on traffic safety and efficiency in Bates, and that the landowner had expressed a willingness to work with their site design to match up with a new intersection alignment.

Mr. Walter's main concern is traffic control. Farmers need these roads to get their product to market. He would like to see future development of the area occur in an orderly fashion.

Theresa Bak would like more information about what Consumers and Bates Crossings plan to do with their properties. Vermetten observed that there have been numerous meetings about the Bates Crossings plan which is currently on hold, and Consumers does not have any known specific plans at this time. Zollinger observed that the southern portion of the Bates Crossings property has also been largely rezoned for residential use and this will have a significant impact on future traffic in this area.

Joe Kuncaitis stated that as N. Bates Road is improved, Bates and Saylor Roads will become even more of a bypass for US 31 than it is now. Consideration should be given to planning road improvements to Bates and Saylor Roads north of Brackett Road.

Rachelle Babcock asked if a map is available tonight of the proposed study area and roads to be affected, of where different existing and proposed land uses sit in relation

to one another. Vreeland pulled up a copy of the most recent potential road design for the North Bates realignment. There is some debate about whether or not the existing North Bates Road near M-72 would be turned into a cul-de-sac; this may be necessary for Tribal funding.

Denny Hoxsie observed that this area is the gateway to the township. There are some businesses there that are fairly attractive, and some remaining agribusinesses. He believes that the township needs a dangerous buildings ordinance to address some existing problem structures in the Bates area. The township is currently working to develop one.

Ken Engle likes the proposed road realignment, but his concern is the change that will occur if the new Bates/M-72 intersection is signalized. His experience is that when an intersection is signalized, it experiences additional commercial pressure, particularly for gas stations and convenience stores. He is concerned that this will put more commercial pressure on this neighborhood than the township is prepared for, and will have a detrimental effect on the neighborhood.

Thomas Shield observed that if there will be development on the south side of the Bates property of a residential/mobile home park nature, it should be required to use the new intersection. Vreeland observed that this could be problematic because it will be difficult to get approval for a railroad crossing to get to the residential portion of the property.

Ken Moore lives on South Bates and stressed that we need to think about the safety of people on both the north and south sides of M-72. Vermetten observed that traffic safety is the key remaining issue regarding the proposed shopping center project.

Vermetten's vision of the "Bates area" is specifically the area currently zoned for industrial use. Carstens has expressed strong interest in making this more of a mixed use area. We are already hearing that traffic safety is a key concern for the community; the Commission would also like to hear some thoughts on what sorts of land uses are desired for the area.

Candace Shield stated that right now Bates may not seem like much of a place, but it really is an old-fashioned neighborhood with neighbors who are close to and supportive of one another. She was involved in the original master planning process, and voted for the township promoting bike paths and recycling opportunities. Two weeks later the recycling center at the Holiday Shopper was put in place. She is thankful that in the past the township has been responsive to citizen input.

Mrs. Bak is an avid bicyclist and asked if the township is working on completing the portion of the TART between Bunker Hill Road and Lautner Road. Vermetten replied that this is a maddening situation for him too, and the township is working hard on this. Howard Yamaguchi stated that there was a problem in obtaining easements from landowners along the original preferred route; however, the township and TART have worked out a potential new route through The Village at Grand Traverse Property. Legal easement documents are being drafted now. The path must leave the railroad track due to the presence of wetlands. The Road Commission is going to hold the easement and design the path, but fundraising for construction will be an issue. Mrs. Bak volunteered to contribute.

Ms. Babcock noted that some landowners have already brought ideas to the township for potential land uses in the Bates area. She is concerned that there will be solid

development all the way from Turtle Creek coming west toward the Grand Traverse Resort. The public currently does not know how and how heavily the Tribe plans to develop the land recently placed into trust status, and what the impact will be on the surrounding lands. She hopes the Tribe will be able to give an indication of their plans in the near future. Krause and Feringa discussed the fact that the Tribe is currently engaged in a feasibility study for a vineyard on the portion of the Resort property called the “Hoxsie property” on the west side of Bates Road.

Zollinger encourage the public to give the Commission an idea of their definition of the Bates Area

Andy Andres, Jr., said there were several issues to address. There is the big picture with broad strokes or the details and there are causes and effects of all of these. We need to define the character. We have been so hard hit with development in Acme Township that we need to slow down and define what we want from the developers.

Joe Kuncaitis felt that there were questions on the railroad. He said there are usually two loads a week going back and forth.

Mr. Shield asked whether the Bates Crossing project is unable to proceed until traffic concerns are worked out, or if it is possible for the township to provide some incentive for the applicant to wait until MDOT widens the road. Mr. Langhorst stated that MDOT will not pay for road improvements necessitated specifically by this or any other development project. There are also complications with adding lanes and/or signals with the placement of the railroad crossing. All the agencies are working together as well as may be possible to provide a long-term solution to the traffic situation.

One person asked how the Grand Vision plays into this effort. Sych explained that the Grand Vision is a set of principles and not a master plan. The Grand Vision principles developed indicate that the regional community would prefer to see concentrated village/neighborhood development such as the township master plan discusses for Bates rather than strip development.

Ms. Babcock observed that it may be that the township would not like to see any or many zoning changes to the Bates area. Mrs. Bak asked if information about the existing zoning of the land is available; Vreeland stated that everyone invited should have received a packet of materials including the Zoning Map, the Future Land Use Map and specific other sections of the Master Plan. They are also loaded to a special project page on our website, and are available at the township hall.

Vermetten and Sych summarized the input received this evening as having significant concerns about traffic on M-72 and how to define the Bates area (possibly as one-quarter mile to either side of Bates Road), and questions about existing development plans at Bates Crossings, Turtle Creek and the Resort.

Mr. Walter asked who needs to be consulted and what has to be done to fix the road issues that seem to be the key concerns Sych responded that it seems that all of the key stakeholders are nearly in complete agreement about the potential realignment of North Bates Road. Mr. Walter stated that there are about 250-acres worth of landowners that have not been consulted in any way, those who are key users of the road within half a mile, and they should be able to have a vote to get the process moving forward. Sych noted that these people were invited to see the various potential plans and have a vote several months ago, and it is their preferred plan that

is being worked on right now. Mr. Walter asked if the planning process is going to affect the timing of the completion of the road realignment process. The planning process was started because of the road realignment project, and is trying to catch up to the road situation, but is not expected to delay the road realignment. Sych observed that creating a plan for the Bates area does not have to be complicated or lengthy, and he has provided an outline for the planning cycle. He believes it can be accomplished within a few months.

David is concerned that any viable commercial development will occur along the highway and not off the highway. Carstens feels that one of the purposes of planning a neighborhood at Bates is to avoid this outcome. He is also concerned because the community has invested significantly in farmland preservation and Bates is at the heart of our farmlands. He would like to know what the farmers would like to see and what their concerns would be, and he would like to hear from property owners in the Railway Commons Industrial Park.

White stated that farmers neither need nor want a highway-type road. They are content with a rural road with low traffic levels they don't have to worry about dodging. Vermetten sees the Bates area as extending from the Whitewater Township boundary to perhaps a quarter-mile west of Bates Road, and no farther north than Brackett Road. Zollinger agreed that there has to be consideration given to how planning for Bates will affect use of Bates and Brackett Roads in the agricultural areas of the township by traffic traveling to and from the neighborhood.

Yamaguchi feels that the first task is defining the boundaries of the Bates area, and that the Commission needs to follow the process outlined by Sych. Krause echoed Sych's statement: create a vision for the neighborhood. There is likely to be a traffic light at a state highway and a county primary road. Development will likely emanate out from there. What do we want to see there- neighborhood businesses leading to residential neighborhoods? What does the public want in this regard?

Hardin noted that several area villages such as Elk Rapids and even Yuba when the Trading Post was operating are able to thrive as close-knit neighborhoods even when they are divided by a highway. He wants to hear from Bates-area landowners what their sense of place is. Do they want to be a hamlet, or a village? There is already an industrial park, and there is zoning for shopping centers, housing, manufactured housing parks, agriculture – nearly every type of zoning the township has exists in this area. Unless the people who own land in this area come together to plan how their area should grow along with the Commission, a land use pattern will develop itself based on the desired of people who come along and buy up the property. What does Bates want to be? His action will be based by developing consensus on the direction the community wants to follow, rather than imposing restrictions based on the Commission's vision for Bates.

Feringa echoed Hardin's comments. He believes we are too early in the process to start working on the details of neighborhood layout and design, but he does perceive that there is strong interest in continuing the process to develop a subplan for the Bates area. We have to look at the big picture of what will happen down the road, and while he would love to say what the Tribe will be developing at Turtle Creek, he says the Tribe really doesn't know yet.

Vermetten agrees that it seems that there is desire to develop a neighborhood plan, and the question is what are the next steps. He would prefer to see the staff work with Sych and the commission to develop a system of a few more special meetings

through this process so far, there is every reason for the public to have confidence that the Planning Commission is working with the public to understand their goals.

Mr. Kuncaitis has heard that the County is expected to repave one mile of North Bates Road south of Brackett next spring. This would seem wasteful if the road is to be realigned.

Carstens thanked everyone for coming and sharing their thoughts tonight, and hopes that everyone will continue to participate in the process.

Hull suggested that the Commission ask the Heritage Advisory to step up their research into the Bates area.

Meeting adjourned at 9:19 p.m.