



ACME TOWNSHIP PLANNING COMMISSION MEETING
Acme Township Hall
6042 Acme Road, Williamsburg, Michigan
7:00 p.m. Monday, March 29, 2010

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

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

INQUIRY AS TO CONFLICTS OF INTEREST: None noted.

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

- 1. Consent Calendar:**
Motion by Feringa, support by White to approve the Consent Calendar as amended, including:

Receive and File:

- a) Draft Unapproved Minutes of:**
 - 1. 03/02/10 Board Meeting**
 - 2. 02/23/10, 03/02/10, 03/11/10 and 03/18/10 Farmland Advisory**
 - 3. 02/25/10 Parks & Recreation**
 - 4. 03/05/10 Heritage Advisory**
 - 5. 02/24/10 and 03/17/10 Shoreline Advisory Meeting Notes**
- b) Planning & Zoning News February 2010**
- c) Status Update – VGT-Phase I SUP Application #2009-01P**

Action:

- d) Approve 02/22/10 Planning Commission meeting minutes**

Motion carried unanimously.

- 2. Correspondence:** None

- 3. Limited Public Comment:** None

- 4. Public Hearings:** None

- 5. Old Business:**

- a) Status Update: Bates Neighborhood Planning:** Feringa reports that he and an engineer are working on the location of the new right-of-way, power lines and easements all on one easy-to-read document. Zollinger looked at the data provided by percentages, and it appeared to him that most issues related to roads. 94.7% seemed to like “room to grow.” This could mean that they would not like to have anything significant built in Bates. Many feel traffic is too fast in the area. The people who own businesses seem to want to see growth in the area, but the residential land users don’t seem to. Overall he did not see any clear guidance to the Commission at this stage. Overall he didn’t feel either the survey or the responses “hit the mark.”

Rachelle Babcock, Brackett Road, was at some of the early meetings about the proposed Bates Crossings project. She feels that many of the people who came to that meeting expressed a feeling that they lived in rural area and would like it to stay that way.

Noelle Knopf, 5795 US 31 North, asked if the blue house next to Hoxsie's Farm Market is inhabited and/or is planned for demolition as it appears dangerous. The township is working on a dangerous buildings ordinance that would allow us to address such situations.

Hardin observed that Bates has a mix of agricultural, residential, retail and industrial land uses. All of the discussion seems to be focusing on the land on the north side of M-72, but the area on the south side of M-72 needs attention as well. If we think about potential total buildout of the existing zoning, perhaps we should base our planning on what would occur if each property were developed to the maximum possible extent. Will we be ready to address the impacts, particularly traffic? Horseshows by the Bay is operating, and a new winery on Sayler Road will generate traffic through Bates as well. Vreeland added that in effect we have a "naturally" developing mixed use area, and the question is how we can tie it all together so that it functions well.

White stated that we have zoning in place, and to him this tends to dictate how things will happen. Hardin noted that since there are undeveloped lands, and people may wish to develop them as zoned or seek rezoning, we have a chance to decide how to shape those future land uses. If there is already a significant potential amount of retail space on the south side of the road, do we need some on the north side of the road at Bates? Perhaps not, but we need to ensure connectivity between both sides of M-72. The Tribe is considering options for the "Hoxsie Property" that are in keeping with its current agricultural zoning.

Carstens is uncertain that we should assume that there will be a shopping center on the Bates Crossings property, particularly if the Village at Grand Traverse ("VGT") moves ahead with its stated plans first. He noted that these are tough economic times, while Hardin observed that economic cycles come and go.

Vreeland will speak to County Planning Director John Sych about arranging a public visioning session to come to a conclusion on this issue and report back at the next meeting.

Ms. Babcock urged the township to consider not only the growth and land use patterns occurring within the township, but also those just over the border in Whitewater Township.

6. New Business:

- a) **Consider offer of Waterfront park redevelopment assistance from Parks & Recreation Advisory:**

Motion by Zollinger, support by Feringa to accept the offer of Shoreline Park planning assistance from the Parks & Recreation Advisory. Motion carried unanimously.

- b) **Discuss Planning & Zoning Staffing needs:** Zollinger believes that sometimes the lawyer is paid to perform functions that are largely planning functions. He perceives

that more of the ordinance drafting can be performed in-house by a qualified individual based on sample ordinances and other information than is currently done. This might potentially cut costs if staff is drafting and legal is reviewing. He also believes that Whitewater Township Planning/Zoning Administrator Leslie Meyers is well-qualified and is working part-time so perhaps she might be available to assist at least on an interim basis. Carstens agreed that she has done some good work in a difficult situation.

Carstens suggested that a good candidate would support the Grand Vision. The Commission views the planning as the more extensive job and the one we should focus on. Some of the basic enforcement (sign enforcement for example) could be delegated in terms of time spent in the field, with the person vested with the power of Zoning Administrator directing the work, and performing the follow-up and more intricate enforcement.

Hardin noted that some of the question involves having an in-house planner versus hiring consultants to do much of the work. Zollinger noted that even with an employee sometimes you need to hire outside assistance; nobody can specialize in everything. However, hiring an outside planning firm for all planning functions to him would likely cost more than paying a salary on an hourly basis. Hardin noted that one question is whether or not we need a planner all the time, or only some times.

Feringa would prefer to have as much planning work done in-house as possible, using consultants on a very limited basis if necessary. He agrees with Zollinger that it is better to have much of the drafting done in-house with the lawyers reviewing it rather than having drafting primarily done by the lawyers.

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

Ms. Knopf asked about question about the Wilhelm Landscapes on M-72. It was her feeling that the items along the highway frontage of his property might constitute outdoor displays and/or storage of retail materials that was, last she was aware, limited and/or prohibited by the Zoning Ordinance. Vreeland stated that this is a situation she has been monitoring for a long time. The property is zoned A-1, which requires a special use permit for greenhouses or nurseries selling product at retail, and is not appropriate for general business office use. Mr. Wilhelm has asserted to her and to the former zoning administrator in the past that he is occupying the property as a resident with a home occupation, and is growing plant materials on the property for the sole use of his landscaping business. Hull had conducted several investigations and was not prepared to deem any of the activity a violation of the zoning ordinance to date; however Vreeland has retained some concerns and continues to monitor the property fairly closely.

He has installed a significant amount of landscaping along his road frontage on M-72, and the township office has received a fair amount of questions and commentary, generally opposed to the aesthetics involved. It Vreeland's understanding that this is a matter of personal landscaping taste mixed with a way to demonstrate his professional abilities and that the specific materials along the roadway are not themselves for sale. The key problem that has arisen associated with them is that they were, and possibly still to some extent are, within the M-72 road right-of way. In particular Mr. Wilhelm installed a pond/waterfall features atop the Tribal water mains connecting Turtle Creek and the G.T. Resort. Feringa observed that this can increase the potential for frost to reach the mains and cause it to rupture, which he and Vreeland observed would shut down both the Resort and the casino and its hotel, plus it would disrupt water service to homeowners at the Resort and at the Cottages at Windward Ridge. When this was pointed out, Mr. Wilhelm relocated the pond to some extent, but

Feringa believes it still encroaches on the water main.

Feringa, Vreeland and possibly MDOT remain concerned that they have not achieved full compliance in having the landscaping removed from the highway right-of-way. They will seek to work together to have another meeting with Mr. Wilhelm to eliminate the remaining concerns about the landscaping. Additionally Vreeland will address the parking of his truck and some of Mr. Wilhelm's equipment on the neighboring Hoxsie property in a manner which appears to constitute an illegal off-site sign.

David Kipley is a long-time Springbrook Hills resident and his wife's family has been in the area since the 1920's. His law office has been in the township since 1983. He owns some vacant land on the south side of his wife's family farm in the area between Bunker Hill Road and M-72. He has had problems ever since the section of the TART between Lautner and Bates Roads was paved about 5 years ago. The trail bisects his property, and he is subject to ongoing trespass, theft and vandalism. He stated that he goes out to his property to protect it several times a day. Mr. Kipley understands that the trail is there to stay, but is distressed by what seems to be a general perception that he should be happy about it. He is a strong property rights advocate with a "zero tolerance" approach to trespass enforcement. He calls 911 every time he catches a trespasser and he does prosecute. He values the privacy and beauty of his property to a high degree.

Mr. Kipley stated that a week ago on Sunday he was on his property and thought he heard a vehicle approaching his cabin. It turned out to be an airplane, but nearby he saw a bicycle coming up his two-track. He yelled at the person several times but received no response, so he followed in his truck. When he reached the cyclist he was greeted cheerfully by township Trustee Frank Zarafonitis. They have known each other for 30 years and have nearby businesses, yet Zarafonitis was behaving in Mr. Kipley's view like any other trespasser. He tried to make excuse by saying that the property wasn't posted as private, to which Mr. Kipley responded that trespassers tend to tear the signs down. He almost called the Sheriff to turn Zarafonitis in.

Public trails through private lands pose problems, yet they are being expanded. Mr. Kipley does not believe that governments are doing enough to address the problems for property owners that are being created. When someone leaves the TART he takes their picture and sends it to the TART Executive director, including one occasion when an individual left the trail to defecate under one of his trees.

Mr. Kipley told of another occasion when he went to check on a hunting stand near the boundary between his property and the Bates Crossing property. He found one of his "no trespassing" signs shot full of holes, but no shell casings. He went into the hunting stand and found that a chair the stand owner keeps in there had been repeatedly shot through the back at about the height where a seated person's chest would be. He further found two coins laid on the railroad tracks right near the stand, a penny and a half dollar. These coins are the only two that contain the faces of assassinated presidents. He filed a report with Deputy Matteucci, who he says was concerned by this threatening set of circumstances.

Mr. Kipley also feels that TART does not do enough to educate people about respecting property rights or about personal safety. The trail passes through several properties including his that are prime deer hunting areas. One early morning during hunting season a cyclist came along the trail dressed all in black, no blaze orange, and carrying a white water bottle in a pocket of his jersey on his lower back. He could easily have been mistaken for a deer, but had no idea.

Mr. Kipley also received a promise from the Road Commission that they would place two gates at points along the TART in the Weatherholt property where there has traditionally been access. This occurred back when Mike Dillenbeck was still the Road Commission Manager. The gates have never been placed. Mr. Kipley had offered to pay for them at the time, but was told that they had to be erected according to Road Commission standards.

In summary, Mr. Kipley is very concerned when a township official can have disregard for private property, yet township officials deal with the creation of public trail networks that can have consequences for the private enjoyment of property. He noted that farmers also have problems with people trespassing on the property that is their business and livelihood.

White stated that he lives on his farm property and still has extensive trespassing. One of the individuals who rides her horse across his property (and complains when his dog barks at them) is a state police officer. He understands the difficulties Mr. Kipley describes, and this is the reason why he has refused to grant the trails systems easements across his properties when asked.

Zollinger noted that several meetings ago he asked that the staff provide an updated list of the items from the content-neutral ordinance re-write that were to be revisited at a later time. He renewed his request to keep moving forward on this issue while there seems to be a lull in other activity. At the least we can prioritize the updates and build on the good work already begun.

Carstens recalled that the township has been approached about making sure that ordinances are very clear and readable, and he has read about this as well. He hopes that at an appropriate time we will work on readability for the lay person as well.

Hardin was on the section of the TART along M-72 last weekend, and it looked to him as if there was oil in the water flowing under the bridge. He isn't sure where it was coming from, but there is a definite rainbow slick on the water surface. It is in an area looking over the railing where the water is still and there is a lot of wetland vegetation. It would be good if someone could investigate.

MEETING ADJOURNED AT 9:25 P.M.