



**DRAFT UNAPPROVED**

**ACME TOWNSHIP PLANNING COMMISSION MEETING**  
**Acme Township Hall**  
**6042 Acme Road, Williamsburg, Michigan**  
**7:00 p.m. Monday, August 30, 2010**

Meeting called to Order with the Pledge of Allegiance at 7:02 p.m.

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

**INQUIRY AS TO CONFLICTS OF INTEREST:** None noted

**APPROVAL OF AGENDA:** Motion by David, support by Yamaguchi to approve the agenda as amended change the order of the first two New Business items. Motion carried unanimously.

- 1. Study Session - [G.T. County Master Plan Update](#) – John Sych, Director of Planning:**  
Mr. Sych has been with the County in his current position for four years now. The current County Master Plan was adopted in 2002, and in a different economic environment where growth management was more challenging. The roles of brownfield redevelopment and land banking have grown as tools to achieve land use goals. Mr. Sych has also learned much about the differences between what each township in the County is facing in terms of land use planning. There are also opportunities to create better communication between the townships and the County regarding land use planning. There are approximately 120 Planning Commissioners in the County and 16 local land use plans that can be drawn on as the primary sources for input into County Planning.

Mr. Sych discussed the steps proposed for the master planning process as outlined in his May 26, 2010 memo. He hopes to better include the GIS Department at the County in this effort to minimize outsourcing of data gathering and mapping. He wants to bring together the wide variety of types of plans (township master plans, watersheds, recreation, solid waste, etc.) to identify conflicts and establish linkages. The first step involving the public will be an intergovernmental planning summit attended by township Planning Commissioners. A survey might be sent in advance of the meeting. The data gathered and analysis of it will be presented, and there will be discussion about land use issue priorities. This will lead to a definition of various planning areas, whether geographic (combination of several townships), traffic corridors, by initiative (townships seeking to develop village centers, or townships engaged in farmland preservation, even if they are not contiguous), etc. Priorities, goals and objectives will be developed, with County Planning facilitating meetings over the course of several months. The process is expected to begin in Spring 2011 and wrap up by year end. They would also like to hold annual planning summits to track trends, activities and progress towards meeting identified goals and objectives.

David asked if grouping discussion by common issues would involve changes to the structure of any individual municipality Planning Commission structure; it will not. Yamaguchi lauded the cooperative and collaborative spirit of the proposed process and hopes that it will promote realization of the principles expressed in The Grand Vision. Carstens believes that this effort will also help townships attract grant funding for a variety of initiatives and to be engaged in The Grand Vision. Tegel commended the initiative, and would be interested in seeing a copy of the survey that is to be administered as we consider creating our own. While townships are largely autonomous regarding land use and development planning, by working together through the County it should be possible to manage resources better across a broader landscape. Tegel asked when the Census 2010 data is due to be available; it should be ready

**DRAFT UNAPPROVED**

in January or February 2011. Hardin asked if the township Master Plans will be utilized in the County Master Planning process, and specifically if it will be possible to place all township zoning and future land use maps together on one master map to see how different township's plans match up along common borders. It will be possible; when it comes to future land use maps, since each township uses different categories and definitions they will try to create some generalized standardized categorization.

**2. Consent Calendar: Motion by Yamaguchi, support by David to approve the Consent Calendar as presented, including:**

**Receive and File:**

- a) **Draft Unapproved Minutes of:**
  - 1. [08/10/10](#) Board
  - 2. [08/18/10](#) Shoreline Advisory Notes
- b) [August 2010](#) Planning & Zoning News
- c) [Status Update – VGT-Phase I SUP Application #2009-01P](#)
- d) [Status Update – Staff Planner/Zoning Administrator Hiring Process](#)

**Action:**

- d) **Approve [07/26/10](#) Planning Commission meeting minutes**

**Motion carried unanimously.**

**3. Correspondence:**

- a) [08/02/10 e-mail](#) from Gordie LaPointe – **Points from oral presentation made at 07/26/10 meeting:** this issue will be discussed under Old Business.

**4. Limited Public Comment: None**

**5. Public Hearings:**

- a) [Proposed Zoning Ordinance Amendment 008](#) – **Private Road Traffic Control Signs:** Vreeland summarized the proposed ordinance amendment.

**Public Hearing opened and closed at 7:37 p.m., there being no public comment.**

**Motion by Yamaguchi, support by Tegel to recommend that the the Board of Trustees adopt proposed Zoning Ordinance Amendment 008 regarding signage regulations as presented.**

David asked if the proposed ordinance language is comprehensive enough, and will limit the placement of traffic control signs to standard varieties of signs; the proposed language specifically states that signs in public and private rights-of-way would be permitted according to state and federal traffic control sign standards.

**Motion carried by unanimous roll call vote.**

- b) [Proposed Zoning Ordinance Amendment 009](#) – **Fences:** Vreeland summarized her memo, noting a typographical error in that the proposed text should read that fences up to 7' are permitted except that in front yards and on corner lots they should be 4'. There is also a new sentence at the end of the paragraph prohibiting electric or barbed wire fences on residential properties unless an agricultural activity is being conducted.

**Public Hearing opened and closed at 7:43 p.m., there being no public comment.**

Carstens is aware that in a nearby township it is required that both neighbors be in agreement about the nature and construction of a fence before it is erected. He thinks this could be a good idea to help prevent disputes between neighbors. Vreeland believes the township Carstens is referring to is Whitewater Township's, and they require that landowners obtain land use permits for fences where we do not. Carstens is also aware some townships require a setback for fences from lot lines where we do not.

**Motion by David, support by Yamaguchi to recommend that that the Board of Trustees adopt proposed Zoning Ordinance Amendment 009 regarding fence regulations as corrected to specify that fences in front yards may be up to 7' tall and that fences in side and rear yards on all lots and anywhere on corner lots may be up to 4' tall. Motion carried by a vote of 7 in favor (David, Feringa, Hardin, Tegel, White, Yamaguchi, Zollinger) and 1 opposed (Carstens).**

**6. New Business:**

- a) **SUP Application #2010-03P, Minor Amendment to Great Lakes Trim Site Plan/SUP #2001-16P as previously modified:** A copy of the site plan was projected for common viewing and discussion. Great Lakes Trim co-owner Jeff Crandall was present. The proposed amendment to the Great Lakes Trim building at 6183 S. Railway Commons would enclose an existing loading dock on the south side of the building and add a new loading dock to the southeast corner of the building.

The staff review memo recommends that the only potential concerns regarding the site have to do with the proposed placement of the loading dock. The pad in front of the dock where a truck using it would sit will cause the docked truck resting area to extend into the front yard past the leading edge of the building, and staff expressed a concern as to whether this would represent parking in a front yard which is prohibited by the zoning ordinance. Staff also expressed concerns as to whether public health, safety, welfare, and access to the subject site and neighboring sites would be impaired by the need for trucks to use the road right-of-way for backing into the proposed new dock.

There was discussion about the wording and intention of Section 7.5.5 of the zoning ordinance, which states in part that "adequate room shall be provided for loading and unloading in order to avoid undue interference with public use of dedicated public streets." South Railway Commons is a private road, so this section of the ordinance was not seen by the Commission as strictly applicable. There was also discussion about the presence of many business locations in the county where the properties are small and trucks have to use public roadways for backing in to loading docks. There was discussion about the fact that the township does have the general jurisdiction to consider the safe and effective design and use of roadways whether they are public or private.

The site is currently configured with the loading dock near the center of the south side, and opposite the dock there is a connection between the Great Lakes Trim and Mariage Roofing parking lots. The loading dock was relocated from the west side of the building to the south about 6 years ago when the building was expanded. The connection was made between the parking lots to facilitate truck docking. However, Mr. Crandall reports that there have been several incidents of damage to cars parked on the Mariage property due to truck maneuvering. The Commission felt that this was one reason why it would be reasonable to interpret the proposed reconfiguration as safer than current conditions.

Great Lakes Trim purchased the building at 6220 S. Railway Commons after it was built for a different use. In 2006 they received a permit from the Zoning Administrator to convert a prior at-grade door for moving recreational vehicles into the building for storage to a loading dock which requires backing and maneuvering in the road to access. They feel that approval of their current application would be consistent with this prior approval. Staff is researching whether this approval precisely conformed to the Zoning Ordinance requirements, and whether an SUP amendment was approved for the change in use for that building from the originally-permitted seasonal recreational storage to the current industrial production and storage. Therefore staff is uncertain whether this property would present an appropriate precedent.

Some concern was expressed about the language in the portions of the ordinance under discussion being potentially subject to differing interpretations. There was discussion that the relocation of the dock would permit the closure of the link between the parking lots and that parking spaces eliminated by the new construction could be restored on the south side of the parking lot. A handicapped parking space will remain located as is, which is convenient to a man-door.

The Planning Commission found that the proposed location of the loading dock did not constitute creation of parking in the front yard of the property and that the use of the road for backing trucks into the proposed dock would not create a detriment to the health safety and welfare of the general public, site users or users of adjacent properties.

**Motion by Carstens, support by Feringa that the Planning Commission approve SUP/Site Plan Amendment Application #2010-03P as presented based on a finding of fact that all of the standards for site plan review and approval and special use review and approval have been met. Motion carried by unanimous roll call vote.**

**7. Old Business:**

- a) **Update on Plum Drive/Orchard Shores Intersection Visibility Concerns:**  
Vreeland summarized her memo, which indicates that most communities permit some form of illumination for housing development signs. Most permit external lighting, some permit internal lighting. Most regulate the positioning and character of the lighting.

Mr. LaPointe has ordered the recommended reflective road name sign and it has been installed and is helping. He still believes that the township ordinance regarding subdivision sign lighting should be reviewed, and permitted under certain circumstances. He believes would help with safer visibility and wayfinding, particularly for those making left turns in the dark. Mr. LaPointe recommends that the Commission at least consider permitting illumination of subdivision signs along high speed, multi-lane roads such as US 31 North and M-72 East. He needs to make a definitive report to his neighborhood association as to whether or not further action will be taken, and if so, what.

Hardin noted that most of the subdivision signs along US 31 North have been illegally illuminated. At Plum Drive the sign is not lit, but a large intersection streetlight is in place. Which is ultimately better? Carstens noted that even if a sign is lit, if there is too much vegetation growing in front it can be obscured. David posed the question: what is the township achieving by prohibiting lit signs? Is it to reduce the level of distraction for passing drivers? Zollinger noted that staff could be asked to propose language for ordinance amendments that might permit lighting of only

subdivision signs along state and federal trunklines, or specifying lighting qualities.

Mr. LaPointe noted that one way to get around the ordinance would be to place another streetlight near the sign that just happens to cast light upon the sign.

Yamaguchi believes that the ordinance should be reviewed for potential amendments.

Rachelle Babcock, Bartlett Road, stated that on M-72 near Turtle Creek there is an area where there are multiple high-speed lanes where there is more of a need for warnings or other assistance. She is also concerned about the Maple Bay area, feeling that it can be unsafe near the high-speed passing lanes there even in the daytime.

Ken Engle, Yuba Road stated that when he needs to get to Bates Road, he often chooses for the sake of safety to find his way there from Lautner Road rather than turning at Bates and M-72. He also wondered if it would be beneficial to explain to the neighborhood residents the spirit of the dark sky exterior lighting regulations.

Tegel wonders why there has been so little enforcement of the neighborhood sign lighting regulations along US 31 North, and is concerned that the township not enter a pattern of changing zoning regulations as a response that legitimizes public behavior that violates existing ordinances.

**Motion by White, support by Yamaguchi for staff to develop and present information regarding potential amended residential neighborhood sign lighting regulations for further consideration. Motion carried unanimously.**

- b) **Potential Zoning Ordinance Amendment(s) – [Wine Tasting Rooms](#) in the A-1 District:** Vreeland summarized the staff memo, with White and Mr. Engle confirming it as an appropriate characterization of the discussion that was held about modifying provisions for wineries and tasting rooms in the agricultural district. The farmers and staff working on this issue generally recommend that ordinance amendments be considered that would permit tasting rooms associated with significant agricultural land ownership and crop production within the township that can be physically separate from the wine production facility as currently required, and/or that are on smaller portions of the total land under ownership and cultivation than are currently permitted. Any new regulations should be designed to promote Acme-based agricultural operations rather than those primarily based in other locations. Non Acme-based wineries are eligible to have tasting rooms/retail establishments in the business districts; one example is the Chateau Grand Traverse tasting room on M-72 East. The group also recommends recognition of the difference between basic tasting room functions that are small in scale and non agriculturally-oriented larger scale events such as weddings or corporate parties that have a different type of impact on the land, roads and neighbors. It might be possible and/or desirable to make tasting rooms a use by right subject to site plan review but larger special events might remain subject to special use permit approval.

Carstens noted that Peninsula Township has a “remote winery tasting room” ordinance that has a lot in common with the elements the working group discussed. It may require up to 150 acres of land under cultivation in Peninsula Township to have a tasting room in the agricultural district. Mr. Engle feels that this ordinance may actually be designed to keep out wineries from the Leelanau Peninsula and other places, because it may be impossible at this point to assemble the 150 acres of agricultural land required to be able to operate the tasting room.

**Motion by Carstens, support by Tegel for staff to further develop the concepts**

**presented in the wine tasting room memo. Motion carried unanimously.**

- c) **Action List Update**: Carstens noted that the township is on the cusp of a Master Plan update and is concerned that any work performed on the Zoning Ordinance conform to the existing Master Plan and not get out too far ahead. Hardin asked that all of the ordinance references be updated from the old section numbers to the new section numbers. Zollinger asked everyone to thoroughly review the tool between now and the next meeting and be prepared to discuss it at that time as a high priority item under Old Business. He would like to continually review and update the list.

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

Ms. Babcock has heard that biomass plants in the Grand Traverse region might be trying to find a new location. Some power companies are also looking to site new coal-fired power plants. What does Acme have on the books relative to such facilities? Have we looked at them. Vreeland believes that at the current time this would be regulated as an “essential service.” Right now such development applications are approved by the Zoning Board of Appeals and are not subject to extensive standards of review. This issue is on the action list for review; the Commission should advise at the next meeting as to where it should fall in the priority ranking.

Mr. Engle has thought about the subdivision sign discussion. He lives on a rural road and has realized that he has a hard time finding people’s houses because they say they live in a certain subdivision but don’t always refer to their road name. One issue not discussed is “road rage” between through travelers and people who are slowed or stopped to turn.

David referred to one of the township law e-mails commonly distributed. A recent edition discussed new case law regarding “exclusionary zoning.” This is an issue that has been discussed from time to time by this Commission. According to the case, a person must make application for a use and be denied or be unable before being able to sue.

Yamaguchi, Tegel and Carstens are creating a tabulation of how well the Master Plan, Zoning, Ordinance, New Designs for Growth Guidebook and Grand Vision match up with one another. They hope to have the preliminary table ready within a few months (Master Plan comparison to NDG and the Grand Vision by September; Zoning Ordinance comparison much later) and that it will help inform a community preference survey. Their estimation is that a full update to the Master Plan should be ready in 2012.

Yamaguchi noted that there is a training session regarding capital improvement planning being held on September 27, the date of the next Planning Commission meeting. She asked if there was a possibility that the date of the next meeting could be changed so that interested people could attend the training. Three or four Commissioners plus Vreeland have had recent training in or significant experience with CIP, so it appears only a few Commissioners might be interested in attending. Consensus was expressed that if a small number of individuals miss a meeting that business can still be conducted by the remainder and it is preferable for meeting dates to remain as scheduled if possible.

**MEETING ADJOURNED AT 9:35 P.M.**