



ACME TOWNSHIP PLANNING COMMISSION MEETING
Acme Township Hall
6042 Acme Road, Williamsburg, Michigan
7:00 p.m. Monday, March 28, 2011

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

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

APPROVAL OF AGENDA: Motion by Feringa, support by Yamaguchi to approve the agenda as amended to add a recap of the recent Placemaking Summit by attendees. Motion carried unanimously.

INQUIRY AS TO CONFLICTS OF INTEREST: None noted.

1. Continuing Education: None
2. Consent Calendar: Motion by David, support by D. White to approve the Consent Calendar as presented, including:

Receive and File:

- a) Draft Unapproved Minutes of:
 1. [03/01/11](#) Board
 2. [03/11/11](#) Farmland Advisory Meeting
- b) [February 2011](#) Planning & Zoning News
- c) [Status Update](#) – VGT-Phase I SUP Application #2009-01P
- d) [Planning, Zoning & Administrative Update](#) – S. Vreeland
- e) [2010 Preliminary Census Statistics](#)

Action:

- f) Approve [02/21/11](#) Planning Commission meeting minutes

Motion carried unanimously.

3. Correspondence:
 - a) March correspondence with [Great Lakes Helping Hands](#): received and filed.
 - b) March correspondence with [Sun Compassion](#): received and filed. Vreeland reported that today she also provided Sun Compassion with a letter stating that their new freestanding sign face is non-compliant with the ordinance and must be replaced within 10 days. David asked for verification that Sun is open for business; Vreeland stated that all three establishments are operating.
 - c) March correspondence with [Collective, Inc.](#): received and filed.

Great Lakes Helping Hands has asserted in one of the attached letters that they are a retail sales business. Jocks responded that until and unless the township has reason to find otherwise we will accept that assertion. The other two businesses have been asked to provide similar explanations of their businesses but have not done so yet. If our information or the overall situation changes, the matter will be reassessed.

There was discussion about the property where Sun Compassion is located, which has a somewhat unusual SUP. The site has very limited parking with no ability to expand within the same parcel. Their SUP is based on several pre-approved scenarios for how the interior space can be allocated between office and retail uses, and each time the uses in the building change the conditions have to be reassessed and approved to ensure that the parking required for the mix of uses does not exceed the parking available. The situation will be eased somewhat by the township's new lower parking space ratio requirements. The most recent reassessment allowed for office space in the south quarter of the building and retail space in the remaining portion, but the medical marijuana business has located in the south quarter of the building. The building owner and business operator have been contacted by Jocks to ask them to provide additional information to determine compliance with the SUP. Vreeland stated that with no other uses currently located in the building, she currently would like approve a retail use in the south portion of the building. The landowner is responsible for adhering to the ordinance. Their leasing decisions are their choice, and if those choices lead to a need for a portion of the building to remain vacant to meet parking requirements that is their option.

4. Limited Public Comment:

Charlene Abernethy, 4312 Westridge Drive, is excited by some of the changes occurring in the community. The Shoreline project is making this a place to be proud to live in. The Planning Commission has choices to make, such as those between state-of-the-art stormwater runoff control features or those that may not prevent pollution of our surface waters. We can choose between options that will manage traffic effectively or create bumper-to-bumper traffic. We can choose to accommodate and promote multi-modal transportation or not, or to attract businesses that provide liveable wages for employment, or those that create minimum wage jobs that people need two or three of to survive. The Planning Commission makes a significant difference to the type of community in which we will live.

Rachelle Babcock, 4261 Bartlett Road asked the Planning Commission to be mindful as they review the VGT Phase I SUP that the township is entitled to pay particular attention to questions of traffic generation, environmental protection and market demand.

5. Public Hearings: None

6. New Business:

a) **Discuss [potential amendments to B-2, General Business Zoning District allowable uses](#):** Matthew Vermetten was present on behalf of Bill Clous, owner of the Gold Coast Inn. The property is zoned B-2, General Business and is surrounded by properties zoned B-2, R-2 and B-1S. Mr. Clous is contemplating remodeling the building and reducing the number of units, converting the property from a motel to an adult assisted living facility. He already owns similar facilities in other parts of town. Assisted living facilities are not an allowable use in the B-2 district currently, although small adult assisted living facilities are permitted by right in the residential and B-1S districts that surround the property. The people living in the facility would not themselves drive as a rule, and they would provide a BATA bus stop and connectivity to the adjacent TART. The building would be remodeled to a nautical theme. There would be three full-time employees on shift at any time, the parking lot area could be reduced and landscaping could be enhanced. This district already permits adult day care centers where care is given for a maximum of 12 hours out of any 24-hour period. Therefore, they are asking if the township feels it would be appropriate to add adult assisted living to possible land uses in the B-2 district.

Vreeland reported that the other districts mentioned allow for a specific type of state licensed residential facilities that house 6 or fewer individuals. She began researching

the various categories of residential facilities under state law, but quickly discovered this to be complex and deferred the bulk of the effort until she could find out whether the Commission is interested in possibly adding this use to the B-2 district. She and Jocks have had some preliminary discussions and may recommend that adding residential facilities as a use to this district remain very generalized rather than having different standards for each different type of facility recognized by state law. It was also noted that review and revision of township requirements for Housing for the Elderly per Section 9.9 is already on our PC Action Plan, so this would be a good time to thoroughly review and update our ordinance for these uses.

Vreeland also noted that when the township revised our business district allowable uses in 2006-07, we accidentally eliminated hotels and motels from the allowable uses in the B-2 district. That it was an accident is confirmed by her memory, and by former Commissioner Vermetten and consultant John Iacoangeli.

B. White feels that looking at this issue is extremely timely. More and more as the “baby boomers” age this type of facility will be needed. We have a responsibility to our seniors to provide services they need, and to the community to ensure that services and facilities are placed and designed appropriately for the community.

Tegel suggested that the township avoid labeling residential facilities as being specifically elder-oriented. There can be a broad range of people and ages in need of such services. She agreed with B. White’s comments and appreciates someone coming forward with such a project. She feels that as the township reviews the Master Plan we should be more pro-active rather than reactive. Yamaguchi agreed with Tegel about being broad in our definition of residential facilities and with Vreeland about updating the design requirements in Section 9.9.

Carstens would like to learn more about definitions for residential facilities as well as any limitations that may exist on local regulation of them. His initial reaction to the specific proposal to remodel the Gold Coast Inn was positive in terms of access to the TART and other amenities, but concerned by the proximity of the facility to a federal highway.

Hardin noted that if we are talking about allowing hotels back into the B-2 district, and if we already allow residential land uses in this district above or below the first floor by right, the only difference in allowing assisted residential facilities in the district is that we would be allowing residential uses on the first floor as well. He would favor allowing assisted residential facilities by right. D. White concurred with Hardin.

Ms. Babcock is currently caring for a 90-year old person, and she tends to think of it as caring for someone with ever-changing special needs. She supported the concept of not using language that limits such facilities to a certain age group.

The Planning Commission consensus was for staff and legal counsel to provide additional information about adding hotels and motels and assisted residential facilities to the B-2 district.

- b) Impact Statement for Master Citizen Planner Capstone Project – Tegel:** Tegel thanked the township for allocating funds for continuing planning education in general and for her Citizen Planner studies specifically. She is seeking Master Citizen Planner designation, and her capstone project will be her service as a Planning Commissioner and *ex officio* member of the Zoning Board of Appeals. Her training

has given her a more formal theoretical and legal background in community planning. As a member of the Commission and the ZBA she has also developed a better appreciation of the complexity of service as a citizen planner to the community.

- c) **Placemaking Summit Feedback:** Tegel asked for discussion on this point because she believes in the importance of discussing and implementing what is learned at seminars. She, Carstens and Vreeland all attended the recent Placemaking Summit.

Carstens has been to many similar training sessions before. While this session reinforced what he has learned before, he did not feel he gained much that was new from attending. He still felt it worthwhile to attend.

Vreeland felt the session was good, and she found Fred Kent, the keynote lunch speaker, particularly thought-provoking. In general the day was very oriented towards economic development and the built environment as opposed to natural landscapes, and she was struck by a particular lack of discussion of universal accessibility components to placemaking. A quote from his presentation included the statement “Get out of the way of the young people and allow things to change.” It made her reflect that overall the residents of Acme tend to be older. The average age of members of our boards and commissions is fairly high as well. It is difficult to get busy young people engaged in the public process. So it made her wonder: is Acme’s leadership too “grey” to easily achieve the goals we have set for making this an ever more vibrant and attractive community? Another thought mentioned by Mr. Kent and throughout the day was that the evolution of cool places is largely an “organic” process. In the course of an ordinary workday, there are many people who say positive things to Vreeland about the township’s policies and helpful atmosphere, and there are many who express a feeling that the township is too restrictive in its policies. Without feeling negatively about the township or its policies, these thoughts caused Vreeland to wonder if our current ordinances and approaches provide sufficient flexibility to allow a unique and enjoyable character to flourish in the community. If someone wanted to put a few outdoor café tables at their restaurant, would they be able to do so easily? Vreeland also thought about how people approach land that they own. It is often from the perspective of an asset in a portfolio that is expected to produce a profit. People often seem to feel that they need to make their land produce as much money as other people’s land produces. This is not necessarily evil; self-interest is one basis of capitalism. But at the same time, how does this basic attitude relate to placemaking? How can placemaking harness that self-interest in a way that is positive to the whole community? There was talk about “attractions” in a community; the reasons why people go where they go and do what they do. Mr. Kent asked people to think about why they go downtown and what they do once there? He discussed the importance of creating the extraordinary rather than the merely adequate. Do people go there for the retail shops, or is it for the restaurants, or the theater, or the general atmosphere? Many people, particularly in Acme, speak of retail establishments as being the reason to go to a place, but are they the primary drivers, or are there other community places or features that are really the attractions? Is there something to be gained by the business community in helping to develop and promote those other attractions that will benefit their businesses by association? Overall Mr. Kent’s message seemed to be that you need to have a plan for how to develop your place, but if you hold on too tightly you may stifle the things that help you make it a special place. Do we hold on too tightly sometimes? Vreeland has held these as open-ended questions without answers for now.

Tegel found Mr. Kent’s presentation to be attention-getting. He has a website called

“Projects for Public Spaces” that showcases his work internationally and that Tegel highly recommends. A key idea she came away with related to economic strategy and the idea of creating places where young people between ages 25-35 can come to live and make good money and enjoy themselves. Michigan and Acme need to create places that people want to come be a part of, which in turn will boost our economy. So how do we make Acme unique? We have many different issues and ideas on the table. The new shoreline parkland and its possibilities are amazing. Mr. Kent talked about having 10 great things going on and “the power of 10.” She has been thinking of a variety of things that the former Knollwood house could be used for by the community. She believes Mr. Kent could be a fabulous resource as we look ahead for our community, and perhaps this among others could be discussed by a revitalized New Urbanism committee.

David expressed a different point of view. He feels a community has residents who are there for a reason; in many cases by choice. It is in their interest and is their duty to do what they can to preserve whatever drew them to the community initially and to create an environment pleasing to themselves rather than painting the community up to appeal primarily to outsiders. He feels that as a society we have experimented with letting the children run things, and that it hasn’t worked so well. Experience is valuable.

Yamaguchi offered that one doesn’t have to dress things up to appeal to others, but that it is natural for things to be constantly changing, and that the absence of change is stagnation, atrophy and death. New people need to come along to replace the people who die. Young people will come when they see things happening that are dynamic, interesting, good for the community but that also happen in a controlled and organized way. She could see a benefit to having a few younger people in office.

Carstens offered that the 2010 Census results show that the Grand Traverse Region is growing even as the rest of the state is losing population. To him this is because of our greatest asset and the reason he came here – our natural resources.

7. **Old Business:**

- a) **Discuss Zoning Ordinance Amendment 013 - [Medical Marihuana regulations](#):** Redman introduced the first draft of potential medical marihuana regulations, which is based in discussions at last month’s Commission meeting and as requested is largely based on the City of Traverse City’s relatively relaxed requirements. The draft allows and regulates medical marihuana dispensaries in the B-2 district and limits cultivation facilities to the B-4 district. One question is how to address the “manufacture” of marihuana, which is distinct in state law from “cultivation.” Manufacture might include things like making baked goods including marihuana. Jocks’ draft also has a proposed set of medical marihuana-specific requirements for potential addition to our home occupation regulations.

One key aspect of the potential home occupation regulations is that modification of a home for a medical marihuana business in such a way that would render the home unusable as a home would be prohibited. There is also a requirement that only one business operator and one client be present in a home occupation at any given time.

Tegel asked if a home occupation would need a business permit, and how the township would be aware of the presence of a business or able to enforce. Vreeland stated that home occupations are generally a use by right rather than by special use permit. It would be possible for the township to have zoning ordinances and also a police power ordinance that requires application for and issuance of business licenses

and perhaps background checks for business owners.

There was some discussion about the potential requirement for a 750' separation distance between medical marijuana businesses and churches and schools. David suggested that perhaps the spacing would be needed for dispensaries in the business district but not for home occupations. Hardin believes that there should not be a separation distance at all, as he is uncertain what would be accomplished. Individuals under the age of 18 cannot be in a dispensary without a parent or guardian and a valid card. Tom's Market is very close to our former elementary school, and they sell alcohol – now even on Sunday mornings. Nobody has been worried about student access to alcohol, so why would it be a worry with marijuana? Tegel suggested that there might be federal regulations related to drug free school zones that should be observed. Redman indicated this can be researched. David believes that the idea of separation zones was related to reducing the possibility of public concern or outrage. There was general consensus that if there is a federal guideline for separation from schools to be obeyed it might be reasonable to mirror it, although since the federal government would enforce this we might not want to take on the responsibility to additionally enforce it if we regulate it as well. There was also general agreement that there was no apparent reason to create a separation distance from churches.

Returning to a limitation of no more than two patients and/or caregivers on site at any one time, Hardin asked whether this might unintentionally limit the number of people who live in a house. What if there is a family where 3 or 4 individual all have cards? How would this impact their rights under state law? Would the local regulation be enforceable in such a case? The concept was to prevent dispensaries in the residential districts. There was consensus to stick to the existing limit of no more than one non-family employee of the business.

There was also consensus to eliminate mention of a maximum amount of marijuana to be present because this is already covered by state law. Tegel asked if the three operating medical marijuana dispensaries in the township would comply with the proposed ordinances; Vreeland stated that she has not made that evaluation.

- b) **Update: Comparison of Master Plan principles to Zoning Ordinance regulations (Tegel/Yamaguchi):** Yamaguchi reviewed the comparison to date. The goal of the project is to evaluate how many of the recommendations of the Grand Vision, New Designs For Growth Development Guidebook and GT Bay Watershed Protection Plan are found in our Master Plan goals, policies and objectives. Also being evaluated is how well the Zoning Ordinance is currently drafted to promote accomplishment of the goals, policies and objectives in the Master Plan. Yamaguchi and Tegel are finding that many of the planning guiding principles are reflected in our Master Plan, but so far despite their searching they are having a hard time finding the Master Plan tenets reflected in the Zoning Ordinance. They are continuing to try to fill in this column and would welcome help from everyone. Yamaguchi is also feeling like one key objective of this exercise is the preparation of an updated community survey to help inform the 2012 Master Plan update. When Yamaguchi mentioned that she has been unable to find zoning ordinances that support the Master Plan goal of purchase of development rights, Vreeland observed that there is a separate ordinance that addresses this issue and governs the township's ongoing PDR program. So, it may be that we will want to add yet another column for stand-alone township ordinances.

Tegel observed that informing a new community survey to inform a Master Plan update might be in keeping with the original goals for the New Urbanist funds and

that perhaps the Tribe would support repurposing some of the funds in this way. Feringa offered that Whitewater Township is currently approaching the Tribal Council to have a previous 2% grant reallocated to the same purpose, and his feeling is that the Tribe would be very open to an appropriate repurposing request. Vreeland stressed the importance that once the township comes up with a well-thought out approach to repurposing the funds that we make a presentation before the Tribal Council.

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

Ken Engle, 8114 Saylor Road stated he was recently in Portland, Oregon after attending a fruit conference in eastern Washington state. There are many 20-somethings in Portland without jobs. He suspects that current 20 year-olds are much like we were at that age, not wanting to have much to do with people over 30. It's natural and easy to say that it would be nice to have some younger people at the table as we work on placemaking. He is not seeing many young people who want to become agriculturalists. There is also a growing local food movement. However, how many local food growers are needed to support a local population. Isn't there some value to exporting some food out of the region and having money returned? Much of what the township and Conservancy are working on right now is returning natural resources to the community from private ownership. He recalls that at the recent Greenbreaking event at the first phase of the shoreline project, local Chamber of Commerce president Doug Luciani said "the first time around, we didn't get it right." To Mr. Engle this is one of the good things about planning, and one of the cautions. You always want to get it right, but sometimes you don't, and sometimes the following generations want to make changes. One thing that we have done as an older generation is to evaluate our natural resources, ensure they are not squandered, and make them available to everyone. Mr. Engle feels it is important to do something important for somebody, but that it is ineffective to try to do everything for everybody. One thing we don't have much of here are "good" jobs, and this is an important starting point to attracting younger people to a vibrant community. Mr. Engle observed that New Hampshire is relatively close to major eastern cities. They encourage people to come up, spend their money, and leave. This area can do the same. David is just wary of chasing after and trying to attract people that wouldn't otherwise come here. To him this seems artificial rather than organic. He favors creating things that benefit ourselves and our community members. If others from the outside find them attractive, that's a bonus.

David asked about a pending application for rezoning of some land along the west side of US 31 North south of Dock Road. Vreeland provided a quick summary of the application and its status in her planning, zoning and administrative report. When she returned from vacation to prepare the Planning Commission packets the application for rezoning of approximately 47 acres of land from R-3 to B-3 had been submitted. After a brief review she determined that the application is not complete yet. The applicant is working to complete the packet with a goal of being prepared for a preliminary hearing at the April Commission meeting.

Meeting adjourned at 9:24 p.m.