



ACME TOWNSHIP PLANNING COMMISSION MEETING
Acme Township Hall
6042 Acme Road, Williamsburg, Michigan
7:00 p.m. Monday, June 27, 2011

Meeting called to Order with the Pledge of Allegiance at 7:00 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: B. White
Staff Present: S. Vreeland, Township Manager/Recording Secretary
J. Jocks, Legal Counsel

INQUIRY AS TO CONFLICTS OF INTEREST: Tegel expressed a possible conflict of interest regarding the campground ordinance. She has a small business and she is planning to approach them about doing business. The contact has not been made yet. The Commission and counsel indicated there was no existing pecuniary relationship at this point and that they felt there was no conflict of interest. Tegel will participate in the discussion.

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

1. **Continuing Education/Special Presentations:** None
2. **Consent Calendar:** Motion by Tegel, support by David to approve the Consent Calendar as presented, including:
 - a) **Receive and File:**
 1. **Draft Unapproved Minutes of:**
 - a. [06/07/11](#) Board
 - b. [05/18/11](#) Shoreline Advisory
 - c. [06/06/11](#) Farmland Advisory
 2. [April 2011](#) and [May 2011](#) Planning & Zoning News
 3. [Planning, Zoning & Administrative Update](#) – S. Vreeland
 - b) **Action:**
 1. Approve [05/23/11](#) Planning Commission meeting minutes

Motion carried unanimously.

3. **Limited Public Comment:**

Gayle Hanna, 3000 Mt. Vernon Drive, Midland owns property in Acme Township. She expressed strong distress that three medical marihuana collectives are operating in our borders. In Midland they have enacted ordinances preventing such businesses. She is concerned that marihuana is being used for non-medical reasons, is a stepping-stone to larger drug problems, and that it leads to increased impaired driving.
4. **Correspondence:**
 - a) [Grand Traverse County Master Plan Update](#) – **John Sych:** received and filed. Carstens noted that the success of the county master planning initiative and an upcoming planning summit depends on active participation by Planning Commissioners throughout the county. Zollinger asked that we provide a permanent link on the township website to the materials provided this evening.

5. **Reports:**

- a) **Status Update – VGT-Phase I SUP Application #2009-01P:** Vreeland summarized her report. Staff, consultants, and road and fire agencies have been reviewing the May 23 submission specifically for completeness, as distinct from whether or not they feel they can recommend approval. Once these entities find the application to be administratively complete, staff will bring the application to a preliminary hearing to ask that a public hearing date be set. Vreeland had hoped that the preliminary hearing would be tonight; however she has yet to receive feedback from the Road Commission or the environmental subconsultant. Her new goal is to work towards a potential preliminary hearing at the July 25 meeting. The purpose of the preliminary hearing would be the setting of the public hearing only, with no expectation of substantial discussion or deliberation until the public hearing.

6. **Public Hearings:**

- a) **Zoning Ordinance Amendment Request 014 – Rezoning Application Staff Report:** Zollinger noted that the applicant has indicated that they do not wish to make a presentation this evening. The public hearing will still be opened as published and there will be some initial discussion by the Commission. The public hearing will probably be continued to an additional date.

Zollinger asked Jocks for any guidance he might have for the Commission in considering rezoning requests. Jocks noted that in 2007 former township counsel Mike Grant from his firm provided a memo containing six questions the commissioners could ask themselves when they consider a rezoning request. Jocks has some additional items for consideration, some of which are offshoots of Mr. Grant's original suggestions. They will be discussed in more detail next month. Zollinger noted that rezoning are different from other zoning applications because we are not considering a specific development or potential property tenant.

The questions from Grant include: is the current zoning reasonable? Was there a mistake made in the current zoning? Have the circumstances in the local area near the proposed rezoning changed in such a way as to make rezoning reasonable? Does the proposed zoning provide for public health safety and welfare? How does the proposal match up to the Master Plan and reflect the long term goals of the township?

Public Comment opened at 7:18 p.m.

Sue Zell-Steinmetz, 4143 Wolverine Drive is speaking on behalf of herself and her husband. She is a recently-retired local school administrator and her husband is an executive. They moved here because they love the land, the minimal noise, lights and the local beauty. They oppose the rezoning request because of how they believe it would change the character of the area. If people want to shop in a large area they can go to available locations on the West side of town. She shops at the local Tom's and K-Mart for her needs. They feel the rezoning represents an opportunity to for people to make this area a metropolitan area and this is not the type of place they want to be.

Cynthia Whitaker, 9199 Bayridge Drive and her husband moved here because it is beautiful, and they support the rezoning. People living north and east of here have to travel a long way to access shopping opportunities. They feel few people use the local K-Mart and that it may not be viable for long. One of the buildings on the land proposed for rezoning has been vacant for a number of years and a subdivision in the proposed rezoning area has not thrived. She feels it is becoming an eyesore because it is not being maintained, and that the whole area near there could become an eyesore.

If the site planning and landscaping are pleasant she feels it could be a good thing for the township. The added tax base would benefit emergency systems and the parks program.

Marie Mankin, 8915 Crockett Road says there is no problem for her to drive to Elk Rapids or in to Traverse City to shop. She strongly opposes the rezoning, being concerned about the amount of vacant commercial property already in Acme Township. She believes the Tribe may be planning a large commercial development at Turtle Creek, and the VGT project is proposed to contain a variety of businesses.

Rachelle Babcock, 4261 Bartlett Road, noted that the requested rezoning is to B-3, Planned Shopping Center. The land in question is on the perimeter of our existing commercial area and would create asymmetry in the community. The applicants believe that the presence of the GT Resort across US 31 supports their proposal. She believes that they have offered some interesting reasons to support their rezoning, but she takes exception to section 4 in their application narrative where they assert that the property does not have any significant natural features, viewsheds, value as farmland or scenic preservation value, among other things. To her, this sounds like an argument that the “cup is half empty and needs to be filled,” but she believes that the cup is already $\frac{3}{4}$ full. Ms. Babcock does not believe that we need a second shopping center in Acme, along with the proposed VGT project. She is excited about the concept of a potential new placemaking initiative along the waterfront and involving a marina. In the absence of a full time staff planner, she believes that developers are attempting to shape the township in their image, one similar to Garfield Township, rather than in ours. She does not believe that a shopping center at this location would be walkable, feeling that it would be highly automobile dependent. She feels that new jobs there would rob people from other similar jobs in the same area rather than employing additional people. She would prefer the township to remain of a more natural character. Ms. Babcock opposes the rezoning request, and noted that there may be continued efforts to develop a shopping center in the Bates area and that the Tribe may pursue additional large-scale development on their properties.

Denny Sabin, 3459 Greenwood Drive, has lived in the area for 40 years and has seen many businesses come and go. He would like to have the rezoning approved, and would prefer shopping locally in the township rather than going across town to existing larger shopping areas.

Bob Bacigalupi, 4255 Wolverine Drive, is concerned that this is a proposal to devalue the residential properties surrounding the property in question, and put that value into the pockets of the owners of the property requested to be rezoned.

Paul Brink, 9617 Winter Road has approached this question from the perspective of the Future Land Use Map (FLUM). Members of a good cross-section of the community worked hard together to produce this tool, and the area proposed for rezoning was designated for future urban residential use. The area of the township designated for future commercial development is east on M-72, with the US 31 corridor to remain residential. How can the Master Plan be enforced if a proposal inconsistent with one of its key components is approved?

James Hanna, 3000 Mt. Vernon Drive, Midland, owns property near the property proposed for rezoning, and asked the Commission to be careful in their consideration. While the applicants assert there are no significant environmental features there, it contains two ponds that have been there since he was a child. Species of birds that once were there are disappearing.

Gayle Hanna stated that it is hard for her husband Jim to speak of this. His great-grandfather farmed that land as far back as the 1870's. To think of it becoming another paved-over strip mall that could soon become obsolete is hurtful to them. They noted a significant amount of wetlands in the areas on or near the property that aren't noted in the application. The applicants appear to want to "trade" conservation easements on the property, but this concept does not make sense to her. She encouraged the Commissioners to walk this property, which she feels is valuable for an ecosystem that is fast disappearing.

Charlene Abernethy, 4312 Westridge, thought about the questions about rezoning discussed by Jocks. One of them was: is it good for the community? She believes that approval of the proposal would be one step towards destroying the township as we know it. The rezoning would be inconsistent with the FLUM and the Master Plan. The Town Center area has been set aside for this type of development. If this rezoning is approved, more landowners will ask for similar consideration and the community will end up looking like areas along South Airport Road – what she thought we wanted to avoid. If people want to live closer to that kind of development, she feels they should move to the west side of town. She chose to come back to the community of her childhood after her schooling because it is a special place, and she is distressed by the concept of its potential destruction. Already she feels some negative changes have occurred.

John Dickerson, 5084 Arrowhead Court, suggested it would be difficult to make a decision about the rezoning proposal when there has been no resolution to attempts to develop in the Lautner Road area for an extended period of time. He doesn't know whether to think the proposal is good or bad without knowing what would happen in the Lautner area. Do the proposed developers already own the property? Do we know how they want to develop it? How can the township know if the rezoning request would be beneficial if we can't see the big picture. Mr. Dickerson feels that overall in Michigan planning and zoning is highly procedural, and that it would be inappropriate to suggest that the FLUM should never change. He agrees with those who are concerned about making way for additional development when so many commercial properties are sitting vacant, but feels that there is just not enough information yet. Perhaps the township needs to restructure how it does business, because it seems as if people who want to work within the township experience prolonged periods of time when "their plans are dragged through the mud."

Dale Mankin, 8915 Crockett Road, stated that he purchased his home in 1977 and feels fortunate to live on a wonderful property in a beautiful area. The one thing that distressed him was driving past Gene's Auto Parts for years. He was glad when that business closed and the "mess" was cleaned up, and he would not like to see something similar happen in that area again.

Beth Whiting, 6772 Deepwater Point Road, wonders why developers would seek a rezoning or to build something new when the township is tearing old buildings down and opening up the waterfront to the public. There are so many empty structures, so why do we need new ones? She prefers the wildlife and dark night skies.

Public Comment closed at 7:47 p.m.

Because the applicant has requested more time to prepare its presentation, it may be appropriate to continue the public hearing. The developer may be prepared for the July 25, meeting. We expect a significant workload for the next meeting, which may

be lengthy, and it is possible that another meeting date would be required. White noted that at the end of July the farmers will be bringing the cherry crop in, which might speak in favor of continuing the public hearing to the August meeting. Jocks stated that it very appropriate to continue the process until the applicant's presentation can be heard before even preliminary deliberations. The township has generally been very flexible in the past in allowing applicants to postpones part of their process. Hardin noted that if there will be several preliminary hearings next month, the following meetings may be even longer as those matters reach public hearings. Zollinger noted that for this reason planning the continuation for July 25 might make sense.

Motion by David, support by D. White to continue the public hearing on proposed Zoning Amendment 014 to the August Planning Commission meeting. Motion carried by a vote of 5 in favor (Carstens, David, Feringa, D. White, Yamaguchi), 3 opposed (Hardin, Tegel, Zollinger), and 1 absent (B. White).

Tegel thanked everyone to attended this evening's meeting and staff for an extensive report. She suggested that everyone read the report before the next meeting.

Mr. Dickinson is concerned that the continuation of the process won't occur until August. Delay can result in cost to the applicant. Perhaps the Commission should consider holding a special meeting as soon as the applicant is prepared.

- b) **Zoning Ordinance Amendment 015 – Campground SUP Requirements:** Vreeland summarized the proposed amendment. Hardin noted that there has been discussion about the accessory structures on the campsites not being usable as self-contained habitation. It will be possible for them to be usable as both storage and semi-occupied space. Fred Campbell, JML Design Group, reported that when the SUP was first proposed several years ago there was a state campground licensing prohibition against any permanent structures. This regulation has been modified. The "coach houses" are proposed to have some plumbing to supplement the in-RV bathroom units, but the development has strict limits on the number of people per site.

Public Hearing opened and closed at 8:06 p.m., there being no public comment.

Motion by Yamaguchi, support by Carstens to recommend adoption of proposed ordinance amendment 015 to the Board of Trustees. Motion carried unanimously.

7. **Old Business:**

- a) **Amendments to B-2 District – Elderly housing, Schedule of Regulations, Hotels/Motels:** Jocks noted that he provided some proposed amendments to the B-2 zoning regarding hotels and motels last month, and that substantial discussion about it was deferred until the proposed elderly housing amendments were ready. The elderly housing draft he prepared provides definitions for a variety of types of this use which are drawn from state law. His initial proposal is to allow them in all residential districts, B-1P, B-1S and B-2 by special use permit. He has also proposed some specific requirements for larger-scale nursing homes or multi-building complexes with or without a range of levels of care.

The proposed ordinance amendment also contains corrections of typographic errors in the Schedule of Regulations that provides setback and other dimensional requirements for all zoning districts that crept into the draft during the 2008 Zoning

Ordinance rewrite.

David noted the five living type definitions. The “family” and “group” definitions differ by the number of residents (above or under 6). However, he did not see a reference to the “family” level anywhere in the draft. Jocks thought it was already in our ordinance.

Carstens was confused about the inclusion of the schedule of regulations corrections, which largely address the planned shopping center requirements, with a packet largely about senior housing. Vreeland noted that the error in the schedule of regulations poses serious problems because it is not strictly enforceable as currently presented. When the ordinance was amended in 2008 some typographical errors occurred that cause the dimensional requirements for some zoning districts to be cited incorrectly. This has no relationship to the proposed elderly housing ordinance amendments. Staff wants to get the table corrected as quickly as possible and has asked for it to be included in other ordinance amendments under discussion rather than having a completely separate process.

Tegel and Yamaguchi both expressed concern about the continued use of the word “elderly” in the proposed draft. Staff and legal counsel heard the Commission’s call for not using age-limiting language, but the way the state laws are written for such types of facilities and trying to work with those definitions rather than creating conflict with them. There were questions about what age a person has to be to be “elderly.” Jocks will continue his research on the matter.

Matthew Vermetten spoke to the proposed ordinance draft as the attorney for Bill Clous, the owner of the Gold Coast Inn who would like to convert the motel to an elderly housing facility. They are concerned about room sizes in the ordinance being set at a minimum of 350 sq. ft. Facilities across town have rooms that have as little as 150 sq. ft. At the larger size projects might not be viable. Another area of concern is a proposed minimum lot size of two acres, while the Gold Coast Inn is on 0.7 acres. They are planning 27 units – less than the number of motel units now – for this property and expect it to create enhanced traffic safety with fewer people pulling into and out of traffic. Most of the residents of elder care facilities don’t drive, and many don’t get many visitors. In Garfield Township 0.5 parking spaces per unit are required rather than the higher ratios proposed in the ordinance draft. The ordinance contains language about outdoor recreational areas, but Vermetten stated that many people at such facilities don’t use such areas and his client’s proposed project does not contain such a space. The ordinance asks for 200 sq. ft. per residential unit in common area space, while Vermetten feels that 100 sq. ft. per residential unit would be more appropriate.

Jocks felt that the “housing for the elderly” section would be more applicable to the type of development Mr. Clous is proposing for semi-independent living, as opposed to the convalescent/nursing home/assisted living group facility portion which would be more for semi-skilled and skilled care. He saw the assisted living facilities as more dense and less independent, and tried to think in terms of his personal experience with a grandmother in care. Zollinger suggested presenting some of the information in table form to help explain the differences between the proposed regulations by type of facility.

Hardin suggested that Jocks review the Michigan Building Code for definitions, because this will discuss how the Fire Department looks at these types of facilities and how builders must construct them. NFPA 101 also references the International

Fire Code as well.

Tegel asked where the proposals for square footages came from. Jocks reviewed other ordinances and tried to propose a middle-of-the-road figure. Tegel wondered if there is an industry expert we could consult with as opposed to being somewhat arbitrary with space size standards. She also disagrees with Vermetten and feels that outdoor recreational areas should be an integral part of any such development as it is at the GT Pavilions. Once parking standards are determined, when it comes to a specific project review she would look for having any excess impervious surface removed. Zollinger noted that this is an application-specific comment rather than an ordinance-level comment.

Vermetten noted that the Pavilions and such places are very different from the largely un-regulated assisted living industry such as his client wishes to pursue. MSHDA has some guidelines that builders are supposed to follow strictly. Hardin noted that some of the workforce housing units at the Village at Grand Traverse Commons are studio units that are only about 160 sq. ft.

In general, discussion lead to the clear need to clarify the proposed ordinance structure, definitions and get more expert direction on dimensional requirements for a second draft.

David asked for thoughts about whether such uses are appropriate for the residential districts in general, and R-1 in specific. He expressed concern about a level of traffic different from that of surrounding single family residences. Hardin expressed that the impacts are similar to those of any apartment building, which David noted would be our R-3 district. D. White observed that there is such a facility near Elk Rapids. It looks like a home and other than more frequent than usual visits from ambulances you would never know that it was other than a home. Feringa reported a similar experience as well.

- b) **Medical Marihuana – Potential Moratorium Extension**: The proposed ordinance amendment 13 that would create zoning regulations for medical marihuana realted land uses was reviewed by the County Planning Commission on June 21, and will be considered for adoption by the Board on July 5. Based on some recent conversations, and without knowing for sure what may happen, staff suspects that the Board may have some concerns and that the ordinance will not sail easily through the final stage of the adoption process. If the Board’s concerns about the ordinance are significant enough that they return it to the Planning Commission, there would not be enough time for a new deliberative and public hearing process prior to the end of the current moratorium on September 8. In case this should occur, staff is recommending that the Commission set a public hearing for an ordinance amendment that would extend the moratorium through December 31 or the date medical marihuana zoning regulations are adopted, whichever should occur first. If the Board approves the proposed ordinance amendment, the public hearing need not be held.

Motion by Carstens, support by Yamaguchi to set a public hearing on a potential extension of the medical marihuana-related land use moratorium for the July 25 meeting.

David asked if we are getting pressure and if could be litigation about extending the moratorium. Jocks is comfortable that an extension of the moratorium would not be litigated.

Motion carried unanimously.

8. New Business:

a) **Discuss street vendors:** Vreeland summarized the staff memo. Tegel stated that Traverse City charges \$50/day to street vendors except for veterans. They require a city vendors license rather than it being a zoning ordinance issue. Feringa stated that the Tribe has an annual vendor licensing program with a fairly moderate fee for any vendors on Tribal Land. Zollinger noted that as things are in the township right now people would be accessing such places largely by car rather than as pedestrians. This could lead to more congestion and accidents. Would they try to locate on property where they are not welcome, or would they perhaps attract more business to struggling places? How would established township restaurants feel about cart-based food vendors? Jocks noted that it is unlikely someone would locate on a property without the property-owner's approval, and in any event if we adopted an ordinance he would recommend requiring that approval. There is always a risk of the perception of a land use being excluded from the township and suing on the grounds of exclusionary zoning. He doesn't know if there's enough money to be made in that business to prompt a lawsuit. Given this concern, Zollinger suggested it might make sense to review sample regulations from a variety of places to see how they deal with it. Garfield is also looking at this situation right now. David feels they add character and he would not want to prohibit them or make the regulations too prohibitive, at least hot dog carts. When asked about vendors of "velvet Elvis paintings" there was somewhat more concern.

b) **Citizen Planner Advanced Academy**

1. **Congratulate Bob Carstens, MSUE 2011 Distinguished Citizen Planner**

2. **Discuss whether Commission would like a presentation of the information at: http://www.communitywalk.com/acme_mi/map/1237206**
Tegel attended a session involving walking through Lansing neighborhoods and using detailed checklists to assess community conditions: thing such as sidewalk conditions, awning conditions. Photos can be taken to help document the findings. She thought this might be a good tool for Acme to use to evaluate current community conditions, including the evaluation of scenic viewsheds from public rights-of-way. This is a mapping tool that can be used to share information such as points of interest, distances between places. There was discussion about how this could interface with GIS mapping for the township that Howard Yamaguchi is performing, and that this item would perhaps be of more interest when more data is loaded to it. While just looking at the data isn't bad, but there was concern about spending much time unless it has some utility for analysis. It could be useful for community asset inventory. A brief presentation will be scheduled for the September meeting.

9. Public Comment/Any other business that may come before the Commission:

Carstens stated that at the Citizen Planner Advanced Academy there was a lot of information he felt would be helpful to the township. Much of the information from the presentations can be downloaded from their website. Much of the planning and zoning legislative update information was very valuable.

At the Advanced Academy Tegel saw a presentation by three developers who have been engaged in placemaking, including Ray Minervini from the Grand Traverse Commons. She hopes we will keep in mind the elements he has employed. Carstens stated that these developers provided a list of eight key placemaking elements they felt were important, and he

can provide them.

Vreeland noted an [e-mail from Marianne White](#), 6173 Brackett Road that she should have noted for the record during the public hearing. Copies have been provided to the Commissioners and the applicant. Ms. White is opposed to the rezoning request.

Karen Bolhuis, 4159 Williamston Court, mentioned that the Horse Sports By the Bay horse show is beginning later this week and will be running for 5 weeks. This event attracts millions of dollars to the community every year and is excellent for our community.

Mrs. Hanna thanked the Commission for the time they put in. She is a Planning Commission member and knows how much work must be dedicated to each agenda item and how communities are built and improved through these efforts and public inclusion in the process.

Meeting adjourned at 9:37 p.m.