



ACME TOWNSHIP PLANNING COMMISSION MEETING
Acme Township Hall
6042 Acme Road, Williamsburg, Michigan
7:00 p.m. Monday, July 25, 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, K. Wentzloff, P. Yamaguchi

Members excused: D. White

Staff Present: S. Vreeland, Township Manager/Recording Secretary
P. Kilkenny, Deputy Zoning Administrator & Planner
J. Jocks, Legal Counsel

Vreeland introduced new Planning Commissioner Karly Wentzloff and new Deputy Zoning Administrator and Planner Patrick Kilkenny.

INQUIRY AS TO CONFLICTS OF INTEREST: None noted

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

1. **Continuing Education/Special Presentations:** None
2. **Consent Calendar: Motion by Yamaguchi, support by Tegel to approve the Consent Calendar as presented, including:**
 - a) **Receive and File:**
 1. **Draft Unapproved Minutes of:**
 - a. Board [06/20/11](#) and [07/05/11](#)
 - b. Shoreline Advisory [07/13/11](#)
 2. [Planning & Zoning News](#) June 2011
 3. [Planning, Zoning & Administrative Update](#) – S. Vreeland
 - b) **Action:**
 1. Approve [06/27/11](#) Planning Commission meeting minutes

Motion carried unanimously.

3. **Limited Public Comment:**

Rob Evina, owner of three Acme Township businesses and Vice President of the Acme Business Association, expressed support for the proposed Meijer project. He realizes that there is a division of opinion on this project. At his store he had over 100 applicants for minimum wage jobs this summer. A new Meijer store would encourage new jobs and additional growth in the community. He feels they create quality developments around the state. Mr. Evina asserted that the building that was formerly the House of Denmark sold at about a quarter of the original listing price, and that other property values have decreased significantly as well. He has spoken to various real estate experts who believe that a quality new development would enhance property values.

her research about low impact development (LID). Biodetention/rain gardens are one innovative technique that is viable for stormwater management in residential or commercial settings. Cisterns can collect stormwater for use in toilets and irrigation. Constructed wetlands can provide for on-site water infiltration using natural vegetation that may be more effective than infiltration through turf grass. Pervious paving materials can be substituted for traditional asphalt. Increased vegetative filter strips in entrance areas can also absorb runoff. Green roofs are also used, including at Ford plants, to minimize runoff and insulate buildings.

Rachelle Babcock, Bartlett Road recently downloaded Dr. Grobbel's most recent review of the environmental aspects of the proposed Meijer development. She is concerned with stormwater runoff and the possibility that it could reach and degrade the water quality of Acme Creek. Her impression of the report is that it recommends that the environmental application materials are largely incomplete. Is his report going to be taken seriously before public hearing, or are these issues going to be addressed at public hearing?

David asked about the July 5 board minutes mention of Immanuel LLC, and asked who they are. Immanuel LLC is the owner of a large property at the southwest corner of M-72E and S. Bates Road and applicant for the proposed Bates Crossing shopping center project.

4. Correspondence:

- a) [07-18-11 Dr. Lanny Johnson Letter](#) regarding proposed Zoning Ordinance Amendment 014 (rezoning): received and filed.

5. Reports:

- a) [Proposed Zoning Ordinance Amendment 013 – Medical Marihuana](#): Vreeland summarized the status of the proposed medical marihuana regulations as presented in the meeting materials. A public hearing on revised regulations that would require a 1,000' separation distance between dispensaries, or between dispensaries and public parks, playgrounds, churches and libraries will be held by the Board on August 2. Vreeland also distributed a reprint of an article from the July 14 *Midland Daily News* entitled "Judge to Decide on Restraining Order Against Pot Dispensary" at the request of township landowner Gayle Hanna.

6. Public Hearings: None

7. New Business:

- a) **Preliminary Hearing, [SUP Application 2011-02P –Shoreline Fruit Expansion](#):** Shoreline Fruit President and CEO Ken Swanson was present. Vreeland summarized the application for an approximate 43,000 sq. ft. expansion of the Shoreline Fruit processing plant to allow addition of a new fruit dryer, freezers and storage. The entrance to the building would be relocated to Angell Road. The existing facility was constructed in 1969 prior to enactment of the first zoning ordinance in 1970. Also, over time the US 31 road right-of-way has been expanded. For both these reasons the building and land use are grandfathered non-conformances, and the grandfathered non-conformances will largely need to remain in place.

David commended the owners of the business on their new project, and are glad to see that cherries remain a viable product. He asked if solid wastes from cherry processing will increase. Mr. Swanson said not as the cherry pressing capacity is not being increased. Production wastewater production will increase with the new fruit dryer. The current treatment system was sized to accommodate just such an expansion, and there is sufficient drip irrigation capacity in place. David asked if there have been any complaints about odors or other problems from the wastewater lagoons. Mr. Swanson indicated that there may or may not have been complaints but none have been followed up as serious. The plan manager is one of the nearest

residential neighbors to the plant and he has had no complaints.

Yamaguchi also feels this is a good project and appreciated the updated landscaping plan. She asked about several existing driveways on Angell Road. A new driveway will be added on Angell Road for truck traffic. There might still be some truck traffic using US 31 where some loading docks remain. Yamaguchi asked if any landscaping could be added to the US 31 side of the property; Shoreline is looking at it but there is little space to do so outside of the right of way such that it would not interfere with the loading docks.

Carstens feels this is a beneficial project. He mentioned concerns regarding product wastewater with a different processing facility. Mr. Swanson observed that they submit monthly reports to the DEQ. Carstens also noted that the disposal system at this site is more sophisticated than that for the other processing facility.

Tegel complimented Shoreline Fruit on their proposed expansion. She also would like to see some upgraded landscaping along US 31, particularly at the southeast corner of US 31 and M-72 where it appears there may be a patch of grass. Mr. Swanson has thought of that but expressed concerns about maintaining a clear vision area on the corner. Zollinger noted that since this issue has been raised twice this evening it may be ripe for further discussion at the public hearing.

Motion by David, support by Yamaguchi to set a public hearing regarding SUP Application 2011-02P for the August 29 regular Commission meeting. Motion carried unanimously

b) Preliminary Hearing, SUP Application 2009-01P - VGT Phase I:

[Staff Memo](#)

[Updated Environmental Analysis](#)

[Application Materials](#)

[07-12-11 VGT Letter requesting Sewer Benefit Purchase Reconsideration](#)

Vreeland quickly recapped the history of the staff review for this project since the original application materials were submitted in July 2009. She stated that the most recent staff work regarding the third version of the application has been focused to date on whether or not the materials are “administratively complete:” whether all required application elements have been provided in appropriate form and a public hearing date can be set. Staff work will turn to a detailed analysis and recommendation as to whether the application meets all applicable approval standards in preparation for a public hearing.

Earlier in the meeting, Ms. Babcock asked about Dr. Grobbel’s letter and his statements that he felt the application was not administratively complete as to its environmental aspects Vreeland noted that he is a sub-consultant to key consultant John Iacoangeli of Beckett and Raeder, and that the work of both gentlemen is subject to review and final determination by the township. Iacoangeli and the township project management team including Vreeland, Jocks, Zollinger and Supervisor Kladder reviewed Dr. Grobbel’s letter closely, and reached consensus that the concerns he raises about the application materials are geared towards whether the application is complete and more towards the substantive issues of whether they appropriately meet applicable requirements that will be discussed at the public hearing level. We believe that Dr. Grobbel’s concerns will be carefully reviewed and evaluated at that time.

substantially administratively complete, and they recommend that a date to begin the public hearing process be set.

Tegel feels that perhaps there may be high level of attendance at the meeting(s) where this public hearing is scheduled. She wondered if there has been discussion about relocating the meeting to a venue that might better accommodate a larger audience.

Zollinger noted that staff proposed a process for the public hearing that would start with a presentation by the applicant.

Motion by Carstens, support by Yamaguchi to set a public hearing regarding SUP Application 2009-01P for the August 29 Commission meeting.

Tegel noted that Jocks will be unable to attend the August 29 meeting. Kate Redman, an associate from his firm will attend in his stead.

Motion carried unanimously.

Ms. Babcock asked if the meeting is likely to be relocated to a larger venue. Zollinger stated that the decision has not been firmed up yet. Tegel read an article about a hearing process in the Saugatuck area that was very crowded and hot, and a gentleman ended up being arrested. It may be very warm, and there is potential for a crowd beyond the fire capacity of the building. If the number of people wanting to attend exceeds the building capacity, the public hearing would have to be continued to a different date.

8. Special Presentations

- a) **Discuss LED Lighting and “Dark Sky” Ordinances - Brian Buchler, CoolLED Inc. and Jerry Dobek, NMC:** Carstens attended a meeting recently regarding LED lighting. It has sometimes been a controversial topic. Two individuals have been invited this evening to present [information](#) about the outdoor use of LED lighting. Based on the discussion this evening, the goal would be for the Commission to express an opinion as to whether it wishes to consider amendments to our existing exterior lighting regulations which prohibit outdoor LED use.

Mr. Buchler from CoolLED Inc is present with a goal of removing what he sees as some “minor inconsistencies” from the existing exterior lighting ordinances and “updating” the document. He provided information about dark sky lighting and model ordinances from the International Dark Sky Association, including a new BUG (backlight, upright and glare) rating being implemented for light fixtures. Mr. Buchler stated his goal is not to promote any specific lighting type, but to promote lighting efficiency for commercial and industrial developments in Acme Township.

Zollinger asked for information relative to cost differences between lighting sources. Mr. Buchler stated that LED or induction lighting sources can provide 60% or more in cost savings. He estimated cost savings at about \$200/year/fixture by moving from traditional fixtures to LED fixtures. The model ordinance provides regulatory examples for a variety of settings and lumen levels. Use of sensors and timers to turn lights off soon after business closing and turn them on just before business opening are included in the concepts. Down-directed lighting is an important concept.

The Village of Elk Rapids is using LED lighting in its set of streetlights. Acme Township spends about \$11,000/year on streetlighting currently. Use of more cost-effective alternatives can save public and private money. Use of the appropriate

amount of light for needs is critical.

Jerry Dobek, professor of astronomy at NMC and a nationally-recognized dark-sky lighting expert, drew a picture of three light fixtures. One was assumed to have a globe-style fixture that allows light to travel in many directions, and approximately 65% of the light from those fixtures reaches the ground. If the same fixture is shielded with a full-cutoff shield, 100% of the light reaches the ground. Since more light reaches the ground per fixture, fixtures can be eliminated while decreasing costs and increasing usable light. He asserted that downshielding alone can save 35% of energy costs related to any light sources. He favors local ordinances that require full cutoff shielding and having lighting engineers provide site-specific lighting plans that maximize efficiency and effective light use.

Zollinger asked about the light spectrums emitted by light sources. Mr. Dobek reported that early LEDs were used for very low lighting sources. In following decades energy efficiency in LEDs was increased and larger scale applications were developed. To achieve these energy efficiencies, the light spectrum emitted has been pushed increasingly into the blue range. Studies have shown that bluish light sources are very disruptive to human health. Some studies have focused particularly on how light can interfere with sleep cycles and the production of melatonin. Melatonin has been shown to have many positive health effects, including possible protection from cancer. Studies involving the use of CRT screens and LED screens have shown that LED users can experience rest disturbance hours after the screen usage. The LEDs are farther into the blue spectrum.

Mr. Buchler reported that his company uses three different spectrums. He also has seen the circadian rhythm studies, and stated that they generally address the effect of any light on sleep rather than pinpointing any one lighting source. Lights other than high-pressure sodium can tend to generate more bluish spectrum light. Both Messrs. Buchler and Dobek indicated that they are awaiting more conclusive results overall. Mr. Dobek stated that it has now been demonstrated that more exposure to bluish light can be related to increased incidence of breast cancer.

Mr. Dobek stated that the human eye is more attuned to the orange range of the spectrum. Incandescent light emphasizes the yellow light, with little red or blue. High pressure sodium lights tend towards the red side of the spectrum, while metal halide tends towards the blue. When LEDs tend towards the yellow and red areas of the spectrum they do lose efficiency.

Mr. Dobek against stressed the importance of moving to full cutoff light fixtures. Eighth Street near the Garfield intersection and heading west, and at the Garfield and Munson intersection one can look in different directions, and in one direction see LED lights and in the other more traditional light sources for comparison. NASA is conducting experiments involving the use of bluish lights when they want people to wake up and be active, and switching to yellower light a few hours before desired sleep times.

Zollinger thanked both gentlemen for being present. Mr. Buchler stated that LED lights have just been installed at Deering's Market on Barlow Street, and have dropped power usage significantly while still lighting the whole parking lot. Mr. Dobek noted that LEDs can run well on backup battery power, and Mr. Buchler indicated that LEDs have generally a fuller spectrum than fluorescent lights and can be easier on eyes in an office setting.

- a) **Amendments to B-2 District:** Jocks noted that information was just provided tonight, after a meeting this morning with attorney Matt Vermetten on behalf of the Gold Coast Inn property owner. The draft is intended to be responsive to comments from last month's meeting. The title "elderly housing" has been changed to "independent housing facilities" for all zoning districts. Last month's draft had four different categories of related land uses under one ordinance section. This month's draft breaks the four into separate sections, the first to occupy the existing section number in the ordinance for nursing homes and the others to be assigned new numbers as available.

Jocks spoke about the proposed ordinance with both planning and zoning staff members as well as Mr. Vermetten today. The current ordinance has a minimum acreage requirement of 2 acres, but Jocks couldn't think of a good reason for such a provision, and has proposed its removal. All four of the different land uses would require SUP approval. Two of the types of use are similar, but differentiated by one being for a single building and the other for a larger multiple-building development. He is also proposing a change to the amount of open space required per bed. To him it seemed like the unnecessary mandating of a business model. Some people might want or need open space and some might not. People choosing such facilities will base their decision on their preferences. There is a provision for a maximum of 45 units per acre or 45 beds per acres if multiple unrelated individuals share rooms. The concept is to allow couple to share a room but discourage too many unrelated people being concentrated in too few rooms and generally packed in too tightly. He also provided for some updated parking space standards.

Mr. Vermetten declined comment.

David referred to 9.9.1.a, requiring at least 350 sq. ft. per unit in an independent housing facility. It would only apply to that category, and not to the nursing homes, convalescent homes or assisted living facilities. Independent housing facilities might have in-room kitchen facilities or other spaces that units for people who are less able to live independently don't have or need. David is concerned that this may be too large a minimum space. People can choose facilities based on factors important to them, and to some people this size might be small. Staff and a member of the audience marked out a 20' x 18' space in the meeting room for observation, and it was generally decided that for a unit with a bedroom, sitting area, kitchen area and bathroom facilities this was not a huge amount of space. Hardin noted Jocks' earlier comments about dictating the business model. Higher population densities are also necessary to support good public transportation service that can be useful to people living in such facilities in particular. He isn't sure there is a need for an additional month of review prior to public hearing.

Tegel noted discussion at last month's meeting urging staff and legal counsel to seek some expert advice. Jocks does not have a copy of the applicable literature, and it is very expensive to obtain. Feringa indicated he might have some to loan out at his office.

The Commission indicated that the staff should prepare a clean draft of all the components of the proposed B-2 district and schedule of regulations amendments for review and possible setting of a public hearing.

Tegel recommended Building 50 as an excellent example of a development that promotes a high-level quality of life. Some of their units are extremely small, but there are large areas of open space that seem to be one of the major attractions. She would be interesting in identifying objective and/or industry standards for the

amounts of living space and open space we require. Carstens suggested asking Sarah Lucas at the NW Michigan Council of Governments, who heads the Affordable Housing Network. A representative of MSHDA attends those meetings and might be a useful contact. He agrees that the township should not dictate an unreasonably restrictive business model. Jocks did not see standards in the MSHDA documents. If there are any requirements in licensing provisions they would trump local ordinances. Some fairly minor dimensional changes could be made after public hearing is held without requiring additional public hearings.

Motion by Hardin, support by David to set a public hearing for the B-2 district and Schedule of Regulations ordinance amendments for the August 29 meeting. Motion carried unanimously.

- b) **Continued discussion – potential street vendor regulations:** Jocks’ research indicates that very few zoning ordinances deal with street vendor land uses. Some municipalities look at them only as constantly moving operations as opposed to portable businesses locating at fixed locations. Many municipalities license street vendors as “solicitors” or “peddlers.” The Board would address a licensing police power ordinance rather than the Commission, but the Commission could make a recommendation that the Board look into this. Customary fees vary widely; Traverse City charges \$50/day, whereas some municipalities charge \$25/year. Often such licenses are granted by an upper-level staff person.

Jocks also reviewed this type of land use in terms of the zoning ordinance as it exists today. He found it would be a special use in the B-2 district, and going through the SUP process would be daunting for a seasonal/temporary business. However, it could be accomplished under that basis so without further action he does not perceive an exclusionary zoning concerns. He would recommend it be treated under the category of “restaurant, carry-out only.”

Zollinger suggested that the information developed be forwarded to the Board to see if they are interested in having further action on this matter or not. There was discussion about how this type of land use might be similar to or different from special events at businesses. There has been some preliminary consideration of how to address special events on commercial properties and perhaps these can be combined. Tegel noted that these types of events can be part of placemaking and that she would rather see a lower level of regulation of such events to allow more community character activities to occur. David concurred. The importance of the landowner being involved in and permitting any type of request for permission for a cart vendor or special event on their space was also discussed.

Consensus was reached to forward this discussion to the Board level with a Commission recommendation that any licensing cost, process and limitations be minimal.

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

Tegel complimented the Tribe for their participation in the Film Festival; tonight they are screening “The Blob” in a drive-in format.

Vreeland reminded everyone that there will be a webinar about hybrid form-based zoning ordinances at the township hall on Wednesday at noon. She also mentioned that a classroom session of the Citizen Planner course will be offered in Traverse City in September and October. A minimum of 20 individuals is needed to run the course; Wentzloff and Kilkenny are expected to sign up. Zollinger recommendation that board consider paying for likely candidates for future Commission appointments to go if interested, since most

Commissioners and staff have already obtained the certification.

Steve Smith, Village at Grand Traverse LLC, appreciated having a public hearing set for August 29's Commission meeting. He noted Tegel's concerns about space for the meeting, and stated that before Dan Kelly left he offered use of The Williamsburg Dinner Theater at no cost for the meeting. It will be a full agenda and this could be a helpful offer.

Chuck Walter, 6584 Bates Road, asked whether anyone had been to Horse Shows By the Bay this year. He feels it important the township officials attend to support what is one of the largest events in the region. He said that he hasn't seen any officials out there and that management there hasn't noticed any either. Tegel reported that she and her granddaughter did attend this year's event and enjoyed it immensely. She is very glad that chose to locate permanently in Acme Township. Mr. Walter reported that event participants say this is one of the top three events and venues east of the Mississippi. Zollinger observed that unless one of the officials attending the event identifies themselves to event management they wouldn't be recognized. Mr. Walter also said that he found out earlier this evening that the VGT application would be discussed. Hew as a member of the Baord that approved the Conceptual SUP, and the validity of this SUP has been upheld in court. Mr. Walter feels it is a shame how long the process has taken. He feels the applicants are good people and that they would provide a beneficial development for the community

Meeting adjourned at 9:24 p.m.