



ACME TOWNSHIP PLANNING COMMISSION MEETING

Acme Township Hall

6042 Acme Road, Williamsburg, Michigan

7:00 p.m. Monday, August 22, 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, D. White, P. Yamaguchi

Members excused: None

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

INQUIRY AS TO CONFLICTS OF INTEREST: None noted.

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

1. **Continuing Education/Special Presentations:** None
2. **Consent Calendar:** Motion by Yamaguchi, support by Carstens to approve the Consent Calendar as presented, including:
 - a) **Receive and File:**
 1. **Draft Unapproved Minutes of:**
 - a. Board [08/02/11](#)
 - b. Zoning Board of Appeals [08/11/11](#)
 2. [Planning & Zoning News](#) July 2011
 3. [Planning Commissioners Journal Summer 2011](#)
 - b) **Action:**
 1. Approve [07/25/11](#) Planning Commission meeting minutes

Motion carried unanimously.

3. **Limited Public Comment:**

Jim Goss, 4105 Bay Valley Drive, stated that he attended the party at the Garvey barn last weekend and that Mr. Garvey should be commended on preserving some of the township history. Mr. Goss and his partners wanted to preserve the barn at its original location on the proposed Village at Grand Traverse property but found they could not. Mr. Goss and his partners feel that what Mr. Garvey is proposing for the agricultural district is commendable.

4. **Correspondence:** None
5. **Public Hearings:**
 - a) **SUP Application 2011-02P –Shoreline Fruit Expansion:** Nels Veliquette presented the application on behalf of Shoreline Fruit. Shoreline Fruit CEO Ken Swanson was also present. Mr. Veliquette noted that a new landscaping plan has been provided this evening in response to concerns raised at the preliminary hearing.

Mr. Veliquette displayed a CAD drawing of the property demonstrating where the

US 31 N and Angell Road rights of way exist and intersect. MDOT requires maintenance of a clear vision area on the corner so that traffic at all portions of the intersection can be seen by other traffic. He displayed a picture of existing roadside vegetation as well. The proposed landscaping plan is intended to address Commission concerns about aesthetics while respecting the required clear vision areas by keeping taller landscaping east of the intersection corner. Two clusters of vegetation are proposed to shield views of the building from the road at the south end of the property. Mr. Veliquette demonstrated how the actual easterly edge of the road right-of-way cuts through the asphalt areas on the west side of the existing building and actually cuts through a northwestern corner of the building.

One thing not shown on the updated landscaping plan are required treed and vegetated islands every 10 spaces throughout the parking lot. The proposed/approved renaissance zone is located where the parking lot is shown along with new building areas. The precise layout of the building may still change, and Mr. Veliquette asked that they be permitted to provide a final parking lot configuration with landscaping that meets requirements prior to final permitting.

David asked if the portion of the plant in the US 31 N right-of-way is scheduled to be removed. It is not, but an existing separate scale house in the right of way is planned to be removed. The right-of-way line now goes through the oldest part of the building which dates back to the mid 1940's according to family history, and the highway right-of-way was subsequently realigned and straightened. The building predates the 1970 zoning ordinance and is a grandfathered non-conformance.

New driveways to the new parking areas and a new truck service area to the east of the building will be provided on Angell Road. This will reduce the amount of turning movements on US 31 North, which MDOT finds beneficial.

Tegel asked if existing trees along the roadside will remain; the healthy ones will.

Kilkenny confirmed that treed islands need to be added to the parking area, and they can be added to the existing parking lot footprint without reducing the number of spaces below the minimum number required by the zoning ordinance. He also reported that since the landscaping plan was just received, the plans have not yet been submitted to MDOT, the Road Commission, MESA and the Drain Commission for review and confirmation of ability to issue necessary permits. This will occur tomorrow.

Public Hearing opened and closed at 7:20 p.m., there being no public comment.

The Commission could recommend approval of the SUP contingent upon satisfactory reports from relevant local agencies.

Yamaguchi commended the applicant for the additional landscaping plan. Carstens expressed that his primary concern was the process wastewater treatment facility, but he understands it has already functioned well for over a year and was oversized to handle expansion of this nature. He will keep an eye on this system, and it if continues to function well over a 3 year period may recommend that it be used elsewhere. Tegel asked if tours of the new facility will be available when it is complete. Mr. Veliquette replied that there isn't an ongoing public tour, but they do make tours available on a periodic basis for special events. Zollinger asked what the total employment will be at the facility after expansion; the total expected number is 110-120. Mr. Swanson indicated that 28 new jobs have been added since July 1.

Motion by Yamaguchi, support by Carstens to recommend approval of SUP Application 2011-02P to the Board of Trustees contingent upon all applicable requirements being met and receipt of local agency indications that needed permits are likely to be approved. Motion carried unanimously.

6. New Business:

- a) **Proposal for zoning ordinance amendment** to allow special event spaces in the A-1, Agricultural district: Bob and Kathleen Garvey were present in support of their request. Kilkenny provided a summary of the question. The Garveys would like to be able to market a barn on their Lautner Road property for public functions such as weddings. This use is not currently allowed by right or special use permit in the A-1 district, so they are asking for consideration of an ordinance amendment that would add it to the list of possible uses.

Zollinger noted that tonight is for a preliminary discussion about the concept, and invited Mr. Garvey to speak. Mr. Garvey stated that when they originally moved the barn to their property they had no intention of opening it to commercial use. A neighbor had a wedding at the facility last weekend, and she approached him rather than him approaching her. The Grand Traverse Resort would also like to be able to market the facility as an option through their wedding planning service. Many brides seem to want a pastoral barn setting for their weddings. He could envision using it up to 12 times a year for such functions, perhaps less because he enjoys the quiet of the property personally. He has discussed offering 12 dates per year to the GT Resort for weddings, and some additional dates to Dan Kelly at the Williamsburg Dinner Theater/Catering by Kelly's. People who want barn weddings don't want to use his building or tent, but would perhaps use his catering service at the Garvey location. Mr. Garvey feels that such a use of the property would be consistent with farmland preservation and would allow his family to be able to pay the current taxes and to keep the property after he is gone.

Zollinger asked for clarification as to whether the Garveys are seeking to use the barn for functions other than weddings. There have been several other events including non-profit fundraisers. Mr. Garvey stated he built it originally for non-profit fundraisers and they would still like to do this in addition to weddings.

Zollinger asked if the Garveys have considered the need for restrooms and fire protection facilities that meet the standards for public assembly buildings. Mr. Garvey stated that there is no indoor plumbing in the building and it would be their preference not to add restrooms. They would prefer to rely on porta-potty use, and they do come in handicap-accessible versions.

David stated that a wedding was recently held on the property attended by 130 people. He is assuming that this came with approximately 70 cars worth of traffic, and asked how the parking was handled. Mr. Garvey stated that he modeled how it was handled based on how special events are handled at the Ciccone barn in Leelanau County. He mowed a meadow and placed traffic cones to help direct traffic. David stated that traffic would be one of his primary concerns. He hopes that we can find some way to allow this type of use to happen, but indicated that there would be some hurdles.

If the township proceeded to investigate this idea, Vreeland indicated that staff would investigate the standards for commercial construction for public assembly buildings.

Wentzloff asked how big the barn is; it is 40' x 60'. Garvey invited anyone to visit the site to look at the barn. He noted that the man picking up the porta-potties after

the wedding today indicated he received more revenue for his services than the Garveys received for the barn rental.

White noted that other events have been held at the facility, and asked if he had obtained appropriate approvals from the township. Mr. Garvey asserted that he was given permission for the events including last week's wedding. Vreeland stated that this was not the case, and that he had been directly told that such events would be in violation of the ordinance. Mr. Garvey indicated that he had e-mail correspondence from Vreeland stating that he had permission; Vreeland indicated that she is confident that the e-mail record will prove to the contrary. Mr. White stated that his is not totally opposed to the idea, but to him it appears that Mr. Garvey moved the barn to his property to purposefully hold public assembly events at the facility and is asking for a change to the zoning ordinance amendment to allow public assembly events to be held there after the fact. He stated that when the building was moved there it was moved so that the Garveys could hold both private parties and fundraiser events. Mr. Garvey acknowledged building it "to be a social place."

Vreeland looked up and provided to the commission the [e-mails](#) referred to previously between her and Garvey. She acknowledge that her prior statement was incorrect, and that she had agreed that she would look upon the Dobry fundraiser and the Farro wedding as personal entertainment events held by the Garveys while indicating that other such events would not be permissible at this time.

David expressed that if special events are allowed in the agricultural district the township should possibly require developed parking. Tegel feels that this proposal is an example of placemaking and is glad it was made. She assumes that since Mr. Garvey is an attorney he did not intentionally violate the ordinance. She also noted that the discussion is not just about the Garvey barn, but about any barn or potential barn in the agricultural district. Her daughter wanted to be married in a barn and they looked at many facilities in Leelanau County, so she suggested that the township should have a look at ordinances in that area. She said that when Horse Sports By The Bay began the township had no idea of the positive economic impact on the community and she hopes we can be open to similar new ideas. Feringa feels that overall the proposal to expand the ability to have special event space in the agricultural district is a good idea that can support agricultural preservation beyond just being associated with wineries. Tegel suggested that some Commissioners and/or Kilkenny look at some of the facilities on the list provided by Garvey to learn more about them.

There was some discussion about when the staff might be able to provide some additional information to the Commission, and when the Commission might have time on a future agenda when there can be significant discussion. Kilkenny agreed with Tegel that this is not just about the Garvey barn but about the whole agricultural district, so time to investigate and provide appropriate recommendations is warranted. Zollinger asked if the staff thought it could have some information ready for additional discussion on September 26, and staff responded affirmatively. Zollinger suggested that page 3 of the staff memo contains a suitable list of issues the staff should specifically research and report back about.

Wentzloff asked if Mr. Garvey intends to continue holding special events at his building pending the ongoing discussions. Mr. Garvey stated that the township has been officially aware of every event held on his property because at least one member of the township has been invited to each event. He would hope that he would not need permission to hold personal events, but he committed to not holding commercial events while discussions are pending. He stated that he and Vreeland had

held discussions to the effect that events for friends and neighbors and for events for causes or politicians he supports would be considered private entertainment. Zollinger stated that no commercial events should be held at the Garvey property. Vreeland stated that whether or not there is a charge for use of the property for a charitable event, it would be clearly a personal use if the Garveys are personally connected to the non-profit involved.

Tegel and David posed the concept that “commercial” use perhaps should be viewed in light of whether or not the primary attendees are personally connected to the property owners. Perhaps even non-profit events should be viewed as “commercial” because they are large gatherings of people that raise the same types of concerns and questions.

Motion by Tegel, support by Yamaguchi that the discussion regarding the suggested ordinance amendments be continued to a future meeting pending township staff research according to the GAAMPS for “barn functions”, at the state and local level, how the zoning ordinance might be amended. Motion carried unanimously.

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

Tegel expressed appreciation for the township subscription to the *Planning Commissioners Journal*. She drew attention to an article on page 10 about affordable housing.

Gene Veliquette, Elk Lake Road in Whitewater Township, commented on the Garvey proposal. He feels the township needs more people that are proposing similar initiatives that would promote economic activity. He feels that it is unfortunate that the zoning ordinance is so detailed that it causes processes to grind so slowly. When something is so obviously desirable for the community and could create perhaps more jobs than we can imagine, it is difficult that the process is so discouraging to entrepreneurs. Mr. Veliquette believes that the township should not make people get approvals from all other agencies before they can get an SUP approval. He believes that the township requires too much from applicants before they are entitled to a public hearing, particularly for simple things.

David asked about the minutes for the last Planning Commission meeting on page 3 where it says that he made a motion to set a public hearing on the Shoreline Fruit application for August 29th. The motion was voted and approved unanimously. If this is the case, why was this hearing held tonight instead? Why was there a change after the fact? Is it legally possible to do this? Redman stated that it is as long as legal public hearing notice requirements are met it is legally permissible to change the hearing date. Vreeland stated that Shoreline Fruit requested a special meeting date as is their right to do. The township has full discretion over whether to grant or deny such a request. The township staff called each commissioner and asked if they would be available for and willing to attend tonight’s meeting and received unanimous favorable responses. David suggested that in similar future circumstances it would be helpful if staff would not just ask about availability for a certain date, but would also indicate the specific proposed purpose(s) for a potential special meeting..

David also asked why the search for our newest staff member was said to be for a Planner/Zoning Administrator, but now that the new employee is on board his title is Deputy Zoning Administrator/Planner instead. Vreeland stated that the Board felt it would be prudent to append the “deputy” designation while our new hire comes up to speed on his new responsibilities and the township in general. He has been told that he will receive performance and salary reviews after his first six months and first full year of service, and that as soon as he is felt to be sufficiently basically up-to-speed the “deputy” designation will be dropped.

Carstens appreciated having the workload divided between the two meetings. When meetings are too long and too full it becomes more difficult to make good decisions. He also asked when the staff, consultant and agency analysis of the VGT Phase I application would be available for review. Vreeland reported that it is scheduled to be distributed to the Commission, applicant and public during the first week of September. The road agencies were not able to provide their comments sooner, and the project committee felt it would be more effective to provide all the materials at once. While it is unusual for this information to be provided after the public hearing process has started, the committee felt that it could be very beneficial to have the first presentation from VGT to be purely from their own perspective and how they want to represent their project, rather than being more of a response to the staff and consultant analysis. This application is unusual because it is expected to take more than one public hearing meeting to review and for the Commission to arrive at a recommendation. The current process proposal has the VGT delivering their initial presentation on August 29, after which the floor would be opened to public comment. The public hearing would be recessed until a following meeting, at which time the township's consultants will present their analysis of the level to which the application conforms to applicable standards for approval. The floor would be opened again to public comment. At that meeting or a subsequent one the applicant would have an opportunity to address the township's analysis, and after this the Commission would deliberate towards a recommendation.

Tegel noted that at the last meeting there were motions made to set public hearing on five items for the August 29 meeting, and the Commission perhaps didn't fully realize how much load they were putting on one meeting. She is wondering how the staff can perhaps help keep the Commission aware of the expected flow of upcoming events to allow for better agenda planning as hearing dates are set. She also noted that the Barefoot Triathlon will be starting from Bayside Park on Labor Day for the third year.

Zollinger noted that the Beckett & Raeder report will come largely in the form of a matrix as to how staff and consultants view the question of whether the conditions for SUP approval for the proposed VGT Phase I are met or not met. Hardin suggested that it would be helpful if, in the matrix, there is a clear indication if conditions appear not to be met whether they are major or minor issues. A minor issue might be a question of whether or not an agency approval is already in hand but it anticipated; a major issue might be a question of an aspect of the project design that is viewed as not conforming to the applicable standards for approval.

Carstens asked if anyone has been able to gain additional information on suitable room sizes for various types of assisted living facilities? He was thinking of asking some of his contacts through MSHDA. Feringa noted that he sent Vreeland some information on construction codes, which do have some standards for minimum habitable spaces. Staff and legal counsel will continue their research using this information and any other information they can develop.

Meeting adjourned at 8:29 p.m.