

**ACME TOWNSHIP PLANNING COMMISSION MEETING**  
**ACME TOWNSHIP HALL**  
**6042 Acme Road, Williamsburg MI 49690**  
**7:00 p.m. Monday, April 26, 2004**

**Meeting called to Order at 7:04 p.m.**

**Members present:** H. Smith (Chair), B. Carstens, D. Hoxsie, D. Krause, P. Salathiel, O. Sherberneau, M. Vermetten

**Members excused:** None

**Staff present:** S. Corpe, Recording Secretary

**1. Consent Calendar**

**Motion by Hoxsie, support by Sherberneau, to approve the Consent Calendar as amended to add Receive and File item and remove consideration of approval of minutes for further discussion:**

**Action:**

- a) ~~Approve minutes of March 29, 2004 meeting (Attachment A included and incorporated by reference)~~
- b) **Review and approve agenda, inquiry as to conflicts of interest:** Approved with no conflicts noted.

**Receive and File:**

- a) Article from the May 2004 *New Urban News* entitled “Big Box Debate: are New Urbanists Elitist?”

**Motion carried unanimously.**

**2. Public Hearings:**

- a) **Continuation of Public Hearing on Application #2003-11P made by Michael & Sheryl Hedden for approval of a 16-unit, single-family dwelling Open Space Development on property located at the intersection of Kay-Ray Road and US 31 North (Attachment B included and incorporated by reference— recommend hearing be continued to future meeting):**

**Public Hearing opened and closed at 7:07 p.m., there being no public comment.**

**Motion by Carstens, support by Sherberneau to continue the Public Hearing to the May 24, 2004 regular meeting. The Chair cast an unanimous ballot, there being no objection.**

- b) **Continuation of Public Hearing on Special Use Permit/Site Plan Approval Application #2003-16P to amend SUP #94-4 for Mercedes Benz of Traverse City (aka Acme Motors or Black Forest Motors), 6060 US 31 North, to permit expansion of an existing car dealership on property currently zoned B-2, General Business (Attachment B included and incorporated by reference— recommend hearing be continued to future meeting)**

**Public Hearing opened and closed at 7:09 p.m., there being no public comment.**

**Motion by Hoxsie, support by Vermetten to continue the Public Hearing to the May 24, 2004 regular meeting. The Chair cast an unanimous ballot, there being**

**no objection.**

- c) **Public Hearing on Application #2004-1P made by Dave Fielstra for Special Use Permit/ Site Plan Review to allow for the development of an office/warehousing/storage building for Concrete Cystems on property located at 6127 South Railway Commons** (Attachment C included and incorporated by reference): Corpe reported that Mr. Fielstra has asked that the hearing be continued to the May meeting, as he is still working on a community-wide answer to the fire protection issue.

**Public Hearing opened and closed at 7:10 p.m., there being no public comment.**

**Motion by Sherberneau, support by Carstens to continue the Public Hearing to the May 24, 2004 regular meeting. The Chair cast an unanimous ballot, there being no objection.**

**3. Preliminary Hearings:**

- a) **Pre-Preliminary Hearing on Application #2004-7P by Ken Engle for SUP/Site Plan Approval to construct a Winery with Bed & Breakfast Inn and Special Events on property located at 8114 Sayler Road** (Attachment D included and incorporated by reference): Ken and Jan Engle, along with John Walter, architect with Clark, Walter & Sirrine, and his partner, Ray Kendra, presented a concept plan for a the proposed winery, bed & breakfast and special events venue on property at the corner of Sayler and Bennett Road. Mr. Walter began by reading the intent and purpose section of the township winery ordinance verbatim. He stated that the Engles have expressed their desire to create a project that retains the character of an active Northern Michigan farm.

The proposed site is a quarter-quarter section equivalent. There is an existing farmhouse and outbuildings that would be retained and would continue to be used for the farmland operation with minor renovations. The main entrance to the property would be located on Sayler Road a few hundred feet north of Bennett Road. Mr. Kendra displayed a character sketch showing a long driveway surrounded by rows of grapevines. The existing farm and the winery and B&B buildings would be visible in the distance. Existing windbreak trees would be retained. The driveway is winding and designed to take advantage of some bay views as visitors enter the site. The B&B would be located on a driveway spur to the south of the winery facilities.

The required setback from property lines for a winery is 100'; a proposed 400' setback is depicted on the concept plan in an attempt to control traffic noise and parking views from neighboring properties. Having the improvements on the extreme interior of the property should, in conjunction with the existing orchards (which would be retained and farmed for the duration of their working lifespan and replaced with vineyards later) and the topography of the site. Some semi-pervious surfaces are being considered for parking areas, as is a shuttle system that would bring the bulk of the visitors to the site from an off-site parking area to attempt to minimize the additional traffic on neighboring roads.

The production facility character sketch shows a multi-level barn-type structure built to work with the natural topography. Public activities would be on the highest grade level, with production facilities built into the land, providing natural temperature control. It would appear that the structure is only one level tall at the highest grade,

with the rest of the building in an existing gravel pit.

The Planning Commission expressed general approval of the concept as depicted to date. Mr. Engle stated that he sought the pre-preliminary meeting to ensure that he is planning along a desirable path before committing serious time and funding to a full presentation package. Carstens stated that he feels that the proposal provides for an excellent project, and that Mr. Engle is known for quality work. Sherberneau and Salathiel agreed. Hoxsie concurred as well, noting that he can understand possible concerns from nearby residents regarding possible traffic flows. He suggested that a traffic impact assessment might be appropriate as part of the Commission's deliberations, as Sayler Road is currently very rural in character. Vermetten likes the idea of semi-pervious parking and driveway surfaces, and the creativity involved in re-using the gravel pit to build in a winery.

Salathiel noted that the Commission has been provided with portions of a Phase I Environmental assessment document. She hears the terms "impact assessment" and "environmental impact assessment" used quite a lot, and is somewhat confused as to what precisely each term suggests. Mr. Engle stated that that the "phase 1 environmental survey" is a broad overview of the site to identify potential environmental concerns. Some issues for this property involve the presence of a former gravel pit and former dumping site, and that there used to be gas storage as well. A phase 2 study would go more into depth about things like this and like site drainage.

Mr. Engle further stated that the state places limitations on the hours the winery can operate. Acme's zoning ordinance has also been created such that hours of operation are required that should keep late night or very early traffic from accessing the site to any great degree. He is also a resident of the area who is concerned about these issues.

Smith stated that he has known Mr. Engle for some time, and that his help was invaluable when it came to developing the winery ordinance (Section 8.27). He encouraged interested individuals to look at the ordinance on the township's website, and noted that it took over a year to write it as the committee assigned to the task wrestled with many difficult questions. More questions may arise during the course of this, the first application to be brought pursuant to it. Smith asked when the application might be forthcoming. Mr. Engle responded that he and his team will continue to plan through the summer, which is generally a busy time for him as a farmer. They recognize that they will need to add individuals to their team, which will affect their timeline as well.

Smith invited the public to comment. Jo Collins, Shaw Road stated that she feels the project will be an asset to the community. Bill Boltres, Scenic Hills, asked what "special events" means. Mr. Engle stated that he contemplates weddings, private dinners, and wine tasting events. The term "special events" is further defined in the ordinance. Mr. Boltres had asked if a rock concert might be one type of special event; Mr. Engle noted that the ordinance specifically states that music can be an incidental part of an event but cannot be the main focus. Smith gave a page reference to the public for the ordinance, and noted that every year the winery operator must submit a list of expected special events for township approval. Carstens noted that the gravel pit may serve as somewhat of a natural amphitheater in terms of amplifying sound.

**Motion by Hoxsie, support by Sherberneau to receive and file the information**

**provided until a completed application is brought forth. The Chair cast an unanimous ballot, there being no objection.**

- b) **Preliminary Hearing regarding proposed Zoning Ordinance Amendment #127: M-72 Corridor Overlay District** (Attachment D1, provided by e-mail included and incorporated by reference): Corpe noted that a map depicting the lands subject to the ordinance is forthcoming. Salathiel expressed concerns that the minimum building setbacks proposed by the new ordinance are not large enough in light of the expected boulevard that will come for M-72. The Commission discussed the difficulties involved in trying to provide for building setbacks along the M-72 corridor that are large enough so that after the road is widened the buildings won't be too close to the road, yet that don't represent a "taking" now. It is also difficult because the road will not be widened symmetrically on either side of the current centerline, but will vary in place to place due to geography and land use in place. Perhaps as plans to develop individual properties are presented, MDOT may be helpful by discussing with the property owner the likelihood of how the future widening will impact their particular parcel – they provided this type of input to Meijer's several years ago. Vermetten also noted that developers do build "at their own peril;" if they use a minimal setback they choose to increase their risk that their improvements will be impacted later on.

Most commissioners have not yet had the opportunity to thoroughly review the proposed ordinance.

**Motion by Hoxsie, support by Krause to continue the Preliminary Hearing to the May 24, 2004 meeting. The Chair cast an unanimous ballot, there being no objection.**

3. **Old Business:**

- a) **Status Update on Application #2004-3P made by Grand Traverse Resort and Spa for Special Use Permit/ Site Plan Amendment to allow for the development of a new boat dock and operation of a water sports equipment rental business on said dock on the waterfront at The Shores Condominiums, on property located off Shores Beach Road:** A public hearing on this application was set for this meeting; however Corpe reported that she did not receive any revised information in time to make the necessary publications and recommends continuance to the May meeting. Carstens would like to know what specifically the Department of Environmental Quality (DEQ) and Army Corps of Engineers (ACE) permits will allow before we grant approval. Vermetten stated that the ACE works for the EPA, which has instructed the ACE to watch DEQ closely. MI and NJ are the only two states that assume some oversight over federal waterways independently of the federal agencies.

**Motion by Carstens, support by Hoxsie to set a Public Hearing on Application #2004-3P for the May 24 meeting. The Chair cast an unanimous ballot, there being no objection.**

- b) **Status Update regarding proposed Zoning Ordinance Amendment #126** (Attachment F included and incorporated by reference): Smith summarized the memo and the status of the project. **There being no objection, the Chair ordered the hearing on this amendment continued to May 24.**

4. **New Business:**
- a) **Proposed Resolution #R-2004-PC1 regarding the proposed Grand Traverse County Farmland and Open Space Preservation Ordinance:** Smith stated that several individuals associated with the township have attended recent hearings regarding a proposed County ordinance that would enable a purchase of development rights (PDR) program. If the ordinance is adopted, each township would then choose whether to participate in the resulting program or not. He has prepared a resolution for the Commission to consider adopting that would encourage the Board to openly support the county ordinance process.

Vermetten asked if the township would lose some control if it participated in a county program. Smith reported his understanding that the township would still be very involved in helping to select among applicants to the program.

Rick Sayler noted that the proposed county ordinance this doesn't address the question of how to pay to preserve farmland. It tries to provide some element of continuity of preservation efforts and standards between counties, which is particularly beneficial as many farmers own lands in several different jurisdictions. He feels the proposed ordinance is a good way to organize the farmland preservation process.

Lewis Griffith, S. Lautner Road, asked if a farmer who chooses to participate would still be allowed the opportunity to farm if he transfers the development rights? Yes. What happens tax-wise – is the land taxed on its farm use only? Smith stated that this would be a good question for Dawn Plude, our assessor.

Vermetten believes that PDR is a good tool for focusing development and he supports it wholeheartedly. He is concerned that the language in the proposed ordinance may be too vague. Carstens supports the concept of farmland preservation, but is not familiar with the proposed ordinance and is therefore reluctant to adopt a resolution supporting it. All agree that a PDR program would give farmers some sorely needed options for making continued farming more viable.

Salathiel read the proposed resolution for the public and the record. Mr. Engle was concerned with the word "prime," as the definition discussed for this term at the last meeting may or may not suit the characteristics of Acme's particular lands. Vermetten encouraged greater simplicity than the proposed resolution language affords. Hoxsie agreed, stating that the Board probably just needs a simple statement stating that the Commission supports the farmland preservation concept and would like the Board to do so as well. The proposed resolution was modified to retain the first and last paragraphs only, and to specify support of the concept rather than the actual proposed ordinance language.

**Motion by Hoxsie, support by Salathiel to adopt Resolution #R-2004-PC1 as amended. Motion carried by unanimous roll call vote.**

**The regular meeting of the Planning Commission was recessed at 8:25 p.m. and reconvened at 8:35 p.m. as a committee of the whole.**

- b) **Recess regular Planning Commission Meeting to meet as a Committee of the Whole to discuss potential revisions to the sections of the Master Plan entitled "Visions & Goals" and "Trends, Problems and Potentials":**

Denny Rohn and David Kipley joined the committee as the public representatives designated to assist with review of these chapters.

Corpe informed the committee that she has spoken with Megan Olds, NW MI Council of Governments (NWMCOG) to see if updated data are available for the Master Plan maps. It appears at this time that updated data are not available. However, Megan will provide information about other maps in which we might be interested. Corpe has asked John Hull, Zoning Administrator, to work on the statistical updates.

Some general discussion regarding proposed changes to the Master Plan is directly included in these minutes. Actual suggested changes to the Master Plan are in boldface in a working update copy of the plan.

The committee generally agreed that the vision statement on page 50 of the existing plan remains unchanged. Discussion turned to the four bullet-pointed goals.

Dan Hanna asked about the second goal and the wording “appropriate areas.” He wondered if this term should be expanded upon. Smith stated that he sees this goal as being defined in relation to our zoning map and the future land use map which needs to be developed as part of this process. Rohn asked when and how the future land use map will be developed as part of this review process. The precise when and where has not been set, but it is expected to occur later this summer. Vermetten asked for a definition of the future land use map versus the existing zoning map. Smith noted that Don Hamilton, the township’s consulting planner during the original Master Plan creation process, tried a “density approach” but it was too hard for the Commission to visualize at that time.

Smith pointed out goal 3 and the reference it contains to an “Acme village center.” He recommended changing the wording to “Acme town center.”

Salathiel referred back to goal one, and suggested adding “shorelines” to the list of other important natural features to be protected. The committee concurred. Rohn observed that some areas have not been sustained well but have and really need to be reclaimed at this point.

Krause suggested that protecting the visual integrity of the US 31 and M-72 corridors should be added as an additional goal, along with appropriate access management. We have demonstrated a strong concern for these concepts through the proposed M-72 Corridor Ordinance.

Carstens suggested that the Master Plan should recognize how valuable the VASA trail system, much of which exists within the township borders, is to the community. He views it as a unique and special recreational opportunity, whereas he sees the TART as being primarily a non-motorized transportation facility. Corpe suggested that if a bullet point for a goal is inserted regarding the VASA in this section, additional information in terms of objectives, policies and actions to support the goal should be inserted in the Transportation, Public Facilities and Services Section. Hoxsie, Sherberneau and Krause suggested that the goals in this vision section are broader, so a specific reference to the VASA might not fit here, and that the goal and policies for this resource should be placed later on in the document where they would have more impact.

Turning to Trends, Problems & Potentials, Krause noted that as development pressures on the west side of Traverse City have resulted in significant buildout, he believes that over the next five years Acme can expect to feel a dramatic increase in these same pressures.

The committee discussed adding a mention of PDR/TDR programs to the vision bulletpoints on page 52.

Smith questioned the percentages set forth in the bottom portion of the fourth paragraph on page 51. Hoxsie pointed out that this language indicates that 10% high density and 90% low density was a discussion point. Rohn expressed concern about how people answered survey questions, and how their responses may have been grouped into the resulting percentages. The question of how one would approach downzoning land in the township, since the document states that 20% of the land is currently zoned for high density uses (all zoning districts other than the agricultural) but only 10% was desired. Kipley asked whether the depiction of all zoning districts as high-density fits with the word "rural," also used in the same paragraph. Rohn stated that in reading the survey answers, it has always bothered her that since hard statistics do exist, why weren't they used? It would seem to give a clearer, more specific answer. Smith raised the question of whether a new survey should be considered, and Kipley concurred. How reliable can an 8-year old survey be? Sherberneau agreed with Rohn that either the actual figures from the existing survey should be used or a new survey should be performed. Rohn asked if every member of the commission has a copy of the survey; most indicated that they had one in their possession "somewhere." Vermetten offered the opinion that perhaps the paragraph was poorly written, as it does not clearly attribute the source for the figures. He suggests that the source be either clearly defined, or that the figures be dropped.

Rohn suggested that the statement that 20% of the land is currently zoned high density is based on researched fact, but is concerned about the 10%/90% figures. Carstens noted that the main point of the paragraph is to state that the situation as it currently exists may not match the situation the general population desires. Smith asked if 10% is a realistic figure; Rohn and Hoxsie stated that this is not relevant. The statement refers to what the people wish, not what is realistically possible. Smith noted that some projects have come along that might affect the 20% high density figure; Corpe stated that these projects did not involve rezoning requests. The projects have developed per the underlying zoning densities permitted. Kipley noted that a 300-unit RV park can be created on an agriculturally-zoned parcel, so high-density uses are permitted in a theoretically low-density zoning category.

There was some discussion again about adding mention of PDR/TDR to the bullet points on page 52, but Krause pointed out that these statements were designed to be concise and broad. It was decided to provide specific reference to PDR/TDR in the Agriculture and Rural Preservation section of the plan. Kipley suggested adding a short phrase about general open spaces to the third bullet point. A reference to shorelines was inserted in bullet point #2.

In bullet point four, the words "singled out" should be eliminated. There was debate about whether to remove the words "large, intrusive" which were eventually left in place.

Paul Brink suggested stating something about increased recreational opportunities such as ball fields. Corpe stated that this information is contained in the township's

recreation plan, which can be tied into the section about public facilities. He also expressed concern about the possibility of having a casino in the township and asked if this should be referenced as a potential problem in the master plan. Salathiel stated that this concept was mentioned for being inserted in the history narrative. Corpe also suggested that rather than defining the casino concept itself as a problem dealing with the different resulting concerns, such as traffic, in various separate sections.

**Committee of the whole adjourned and regular meeting reconvened at 9:54 p.m.**

**5. Other Business:**

- a) **Approve minutes of March 29,2004 meeting** (Attachment A included and incorporated by reference): Salathiel noted several typographical errors for correction:
- page 1, item 2, 2<sup>nd</sup> paragraph. 3<sup>rd</sup> line from bottom, “frill” should read “fill”
  - Page 2, 2<sup>nd</sup> large paragraph, 4 lines from bottom. “economic” should read “environmental”

**Motion by Hoxsie, support by Sherberneau to approve the minutes of the March meeting as amended. The Chair cast an unanimous ballot, there being no objection.**

**6. Any other business that may come before the Commission:** None

**Meeting adjourned at 10:10 p.m.**