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**ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
7:00 p.m. Monday, December 12, 2005**

Meeting called to Order at 7:01 p.m.

Members present: O. Sherberneau (Chair), B. Carstens, R. Hardin, D. Krause, E. Takayama, M. Vermetten

Members excused: C. David, D. Morgan

Staff present: S. Corpe, Township Manager/Recording Secretary
J. Hull, Zoning Administrator
J. Iacoangeli, Consulting Planner
K. Zopf, Legal Counsel

- 1. Review and approve agenda, inquiry as to conflicts of interest: No conflicts of interest noted.**

Motion by Carstens, support by Vermetten to approve the agenda as presented. Motion carried unanimously.

- 2. Limited Public Comment:**

Bob Roden, 4164 Cranberry Lane, sent an e-mail with some questions about the future land use visioning session. He received some information in response from Corpe, and additionally spoke to Lee Grant from Wade Trim. While many of his questions were answered and the process was well-defended, he does believe that there are some flaws in the process that could result in some skewed outcomes. He recommends that some facilitation and statistical training be taken by some of the public officials, as he believes these skills are not being used but could be to better serve the community.

- 3. New Business:**

a) Discuss potential zoning ordinance amendments:

- 1. Sewer District:** Zopf stated that the Zoning Ordinance, Section 6.11.1(1)(o) constitutes the township's current sewer district ordinance. It is scant at best, and revisions are recommended that spell out the responsibilities of both landowners and the township.

Carstens expressed no concerns with the ordinance itself as drafted, but does have concerns about its potential impacts. Zopf stated that the majority of the proposed language is standardized. She suspects that of most interest will be the question of which areas in the township should or should not be included within the district. She directed attention to the Master Plan, which indicates that the sewer infrastructure should be limited to areas to which future growth will be directed.

Takayama asked if the ordinance is somewhat premature since the future land use map has not yet been finalized. Zopf stated that there is a need now for improved language regarding rights and responsibilities, as well as required legal documents. The question of whether or not the area currently within the district should change is completely open for discussion.

There was some general discussion about the areas currently within the sewer district and those that would be within the district based on Christopherson and Zopf's ordinance draft, which were represented graphically by Corpe on

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two attached maps. It was noted that there are areas that are currently served by sewer, such as the west side of US 31 North south of M-72 and Deepwater Point, that are not currently within the sewer district as described by Section 6.11.1(o)1 and 6.11.1(o)2 of the Zoning Ordinance. There was also discussion of the fact that any structure that generates septic waste that is placed within 200 of a sewer main must be connected to the sewer system by County and/or state regulation. Corpe also noted that while the sewer line extends up Deepwater Point Road, not all of the houses it passes are hooked in. Some are more than 200' away from the line and did not want to participate in the sewer assessment district, and still use septic systems today.

General consensus to move forward with the proposed language of the sewer ordinance as applicable only to the areas currently described by the Ordinance plus areas where sewer service is already in place. Any extensions would be discussed as future amendments.

The Commission asked how the proposed new district areas were determined and why they seemed to skip over some areas. For instance, the proposed district area includes the K-Mart, but skips over the area immediately south of Dock Road before including LochenHeath again. Corpe stated that over the past year there has been significant discussion at the Planning Commission and/or Board level about the possibility of including LochenHeath and/or the Meijer property within the district. Based on these discussions, Christopherson and Zoph drafted the ordinance to include those specific areas that have been discussed. Again, the draft was presented for discussion purposes only and the area to be defined initially is at the Board's discretion subject to Planning Commission recommendation.

Corpe further mentioned that the township, LochenHeath and the DPW have been working together to have the current LochenHeath water and on-site septage systems turned over to the township. All three parties are interested in exploring having LochenHeath abandon its current common septic system and move to the regional sewer system. She asked Marc Krakow, partner in LochenHeath, if he wanted to comment; Dr. Krakow indicated that LochenHeath would prefer to make progress in this direction over the next 3-4 months. Corpe respects the idea that long-term decisions about the shape of the sewer district should not be made until the future land use map is finalized. However, she provided an estimated timeline as follows: the proposed future land use map may be ready for the Planning Commission to begin the formal, state law-specified process for amending the future land use map into the Master Plan in late January. First the township will need to send notification to surrounding communities that they intend to amend the Master Plan; then the amendment will be distributed for their review. After that there is a waiting period while those communities have an opportunity to comment that will last 75 days, after which time a public hearing within the community can be held and the map can be adopted. So, this process will take 4-5 months. If amendments to the sewer district are undertaken after that process is complete, and ordinance amendments generally require 3-4 months to process according to legal requirements, it could be 9 months before LochenHeath and/or other properties could achieve a resolution to the situation.

Takayama asked where there is language about sewer service to areas outside of the sewer district. Zopf replied that there is none. The Commission, particularly Carstens, Vermetten and Hardin, asked how enforcement could

be reasonably accomplished in terms of buildings within the sewer district that still use septic systems on a grandfathered basis and ensuring that they ultimately hook up to the regional sewer system when they should. Corpe indicated that whenever a permit to create or remediate a septic system is issued, the township receives a copy. Staff would review these before filing to see if structures should hook in to the regional system instead. Hull observed that as far as inter-agency cooperation is concerned, land use permits provide a model. The Construction Code department is aware of each township's requirements for issuing land use permits, and will not issue a building permit unless those requirements can be demonstrated to have been met. It should be possible to interface the same way with the Health Department regarding sanitary sewer issues.

The Commission expressed consensus that Zoph and Christopherson should prepare a revised draft of the ordinance that includes only the areas currently within the sewer district as defined in Section 6.11.1(o) of the Zoning Ordinance plus any other areas already served by sewer. Discussion about whether or not to add other areas can occur after the future land use map is finalized. The draft will come back to the Planning Commission for their review and further consideration in January.

2. **Other potential amendments** pursuant to Board of Trustees Resolution #R-2005-20: Iacoangeli noted that the township Board has asked him to work with the Planning Commission at potential ordinance amendments that would address mixed use and/or planned unit development requirements, as well as other items that would bring the zoning ordinance more closely into conformance with the Master Plan without getting ahead of the current processes related to creation of the future land use map and the initiative of the New Urbanism Advisory.

Iacoangeli provided a memo containing his observations about the current ordinances relative to mixed use and planned unit developments. He would like to explore elimination of the Mixed Use Development designation and returning to a separate chapter of the ordinance for Planned Unit Developments. He suggests that the PUD not have a minimum required land area, as he has seen some very creative PUDs on very small properties. There could be a described difference between residential, commercial and mixed use PUDs, each with their own separate requirements. He recommends that PUDs be placed in a separate chapter that is not subject to, but is similar to the Special Use Permit requirements. Subjecting a PUD to SUP requirements is somewhat redundant.

Iacoangeli stated that, as with the previous discussion about the sewer district, it might be well to defer some use of this nature until the future land use map is complete and the Commission is better aware of what tools will be required to accomplish those goals. The use of development clustering within lower density residential areas will assist with preservation of open space and/or agricultural production areas.

Iacoangeli noted that the New Urbanism Advisory is working towards identifying a planner who can help develop a conceptual plan for a mixed use development area on 450 acres of property owned by five different landowners. The study area is shown on all of the maps that will lead to a future land use map. As this project progresses further, it may become desirable to create an overlay district specifically for this development. All of

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the innovative tools proposed by Iacoangeli could be put in a new chapter of the ordinance called “Land Development Options.”

Iacoangeli observed as a peculiarity about the ordinance the fact that there are few if any uses by right in the business districts.

The Commission generally appreciated the approach being suggested. Hardin observed that it seems like the Ordinance has become a patchwork of rules leading to a complex process that is difficult for developers. Vermetten feels it would “level the playing field.” Pulcifer appreciates the idea of creating some uses by right. Carstens stated that he would like to see greater “congruity” between the ordinance and the Master Plan. He observed that there were ideas in a memo submitted by Corpe that might help move the process along while the future land use map and New Urbanist advisory. Iacoangeli feels that many of these issues will fit together well with adoption of the future land use map, and while we work towards adoption he can conduct dialogue with the Commission about the techniques to be used. After the future land use map is adopted, the decision can be made as to where to apply them.

Sherberneau asked for the difference between an MUD and PUD. Iacoangeli stated that in an MUD there must be a mixture of uses, whereas in a PUD the uses can be mixed or of a single type. Corpe added that PUDs also enable the use of the transfer of development rights concept.

Vermetten feels that while we await addition of the future land use map to the Master Plan it would be good to have Iacoangeli work with the Commission on what the tools are and how to use them and start bringing the ordinance into better shape.

Takayama asked if a town center ordinance is needed to tie separate PUDs together cohesively. Iacoangeli replied that a town center could be developed through the PUD process. An overlay district could be used to provide requirements for certain areas in addition to the underlying zoning.

Hardin said he has had discussions with Hull before about the way the ordinance is written in general, and asked if now would be a good time to also clean up some of the language throughout the ordinance. Iacoangeli agreed that there could be some general housekeeping. Hull noted that the ordinance is basically 30 years old. It may not be necessarily true that Iacoangeli would be looking at comprehensive revisions as part of looking at the PUD ordinance.

Carstens asked what would go into determining when an application would require administrative review and when it would require Planning Commission review. Iacoangeli replied that it is generally dependant on the scope of the project and indicators such as the amount of traffic flow change or level of changes to parking lots. Rules would be written for each development option. Generally projects that would not come before the Commission would be very small in scope. Krause felt that this would help both the community and the Commission. Iacoangeli stated that there could be differentiation between site plans (and then between administrative and Commission review) and plot plans (a simpler format that could be handled strictly administratively).

Carstens also noted mention in Corpe's memo about impervious surfaces and a current lack of standards for impervious surface coverage in the business district. He feels that something of this nature would be useful, particularly since the Master Plan discusses a need to protect water quality. He would like to see something that would trigger a review of impervious surface coverage as part of the review process.

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

Ken Engle, 6754 Yuba Road found the discussion very interesting. He encouraged that priority be given to issues related to transfer of development rights to add to the farmland development rights discussions already underway.

Lewis Griffith, 5181 Lautner Road, said that for many years he has felt that a business use in a business district should not require a special use permit. Years ago there was a PUD ordinance when the Resort was built, and there was no problem. He feels that he and others in the past who called for a decrease in special use permit reviews are now hearing some of the same people who said "no" then saying "yes" to the idea now.

Corpe noted that there will be another meeting of the future land use map steering committee Wednesday December 14 at 7:00 p.m. at the Bertha Vos Elementary cafeteria, and that anyone interested should attend. There was some general discussion about the future land use map following up on Mr. Roden's earlier comments about whether or not the process used will result in an outcome acceptable to everyone. Vermetten asked about whether significant public input will and should be permitted at the meeting, noting that a steering committee was appointed and each of those people brought in 10 more people into the process through focus groups. Corpe observed that 50 people were originally invited to the steering committee membership, but many have never attended and some have attended only rarely. Meanwhile, other individuals not invited to be on the committee have attended and participated faithfully, becoming members of the committee. At each meeting she and Lee Grant from Wade Trim have looked over the room, and have felt that generally the key sides of the public land use debate have been fairly evenly represented throughout the process. At this point we are welcoming any and all public input. The goal has been to reach a decision through a process recognized as fair that represents something everyone can live with as a consensus position. Hull remarked that the process has not been scientifically or statistically rigorous; however, the process has not pretended to be such. It is not intended to be a statistically valid sampling of community opinion, but an expansion of the political process whereby community members representing the widest possible variety of opinions are brought together to reach a workable middle ground.

Meeting adjourned at 8:24 p.m.