



DRAFT UNAPPROVED

ACME TOWNSHIP PLANNING COMMISSION MEETING
FUTURE LAND USE MAP WORK SESSION
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
7:00 p.m. Monday, January 22, 2007

Meeting called to Order with the Pledge of Allegiance at 7:00 p.m.

Members present: M. Vermetten (Chair), B. Carstens, C. David, D. Krause, J. Pulcifer, E. Takayama, L. Wikle, P. Yamaguchi

Members excused: R. Hardin

Staff present: J. Hull, Zoning Administrator
S. Corpe, Recording Secretary
C. Bzdok, Township Counsel

1. **Consent Calendar:** No items.

2. **Correspondence :**

3. **Limited Public Comment:**

Ron Reinhold, 4446 Westridge, stated that the former Board had a variety of committees similar to the advisories the current administration uses. Some members of the community became upset about this, particularly as minutes were not regularly kept. Minutes began to be kept, and this practice continues today. The minutes are available on the website. Members are volunteers from the community. The township hired Wade Trim to conduct community meetings at a cost of \$17,000 to hold meetings. Mr. Reinhold asserted that no minutes were kept of the proceedings, and public comment was not called for at them. He says that therefore people cannot look back and see what really happened, and believes that the people participating in the process were not truly given the ability to be heard. When people came to believe the outcome was predetermined, some chose not to continue participation. Mr. Reinhold has not been able to attend some of the other hearings regarding this matter, but he understands that the majority of people who have spoken at them have "deep concerns" or are opposed to the proposed FLUM. He believes the records of the process are flawed to the point of non-existence. Judge Rodgers gave the township Master Plan a lot of weight in his decision last week. If the map becomes part of the plan with flaws, it will be a difficulty. He recommends recommencing the process to ensure a proper outcome.

Margy Goss, 4105 Bay Valley Drive presented a two-page letter containing her thoughts regarding the FLUM. She complimented the Commission on the proposed new language to go with the map, which she feels is clearer. She read her letter.

Andy Andres Jr. wished Vermetten a happy birthday and asked if public comment would be welcomed throughout the evening (Vermetten said it would be on a limited basis.)

Jim Johnston, East Timberwood has been a township resident for 30 years. His property backs onto a recreational area and he hopes it will remain as such. People bike, hike, hunt and ski there. There are not many recreational opportunities for children in the area, but kids use this area extensively. Vermetten stated he backs up to the property Mr. Johnston mentions and that the land is privately owned. The owners encourage public use if done responsibly.

Dan Rosa, 4707 Hampshire Dr. expressed support for concerns expressed that the FLUM will become an immediate future land use map. He is uncertain that the township has done an adequate job of notifying property owners of the changes it will impose on them, particularly

larger tract owners or elderly individuals. People who look to large land holdings as a form of retirement fund could be unpleasantly surprised to find usage restrictions changed in a way that diminishes the land value or causes it to appreciate more slowly.

Elizabeth Cook, GT Band of Ottawa & Chippewa Indians, stated that there wasn't a revised definition for "resort residential" on the new draft. Bzdok stated that the category was eliminated from the proposed map. The designated area was changed to a mix of residential designations.

Copies of a new very rough revised FLUM map were distributed to the public.

- 4. Discussion of Future Land Use Map:** Vermetten offered hearty thanks for Yamaguchi's extensive work on the map language revisions. He stated that he met with staff and legal counsel last week to discuss various issues related to the map and the ongoing process. Concerns expressed by Mr. John Kennedy and Mr. Roy Challenger were specifically discussed.

Vermetten stated that this evening is not a formal public hearing, although he wants to encourage give-and-take discussion, and is one part of an ongoing process. Once the Planning Commission is ready to begin a formal public hearing process, perhaps as early as this evening, it will ask the Board to make a motion approving distribution to neighboring municipalities, townships and certain other bodies as required by law. Those entities have a period of 75-90 days during which to comment. At the end of this period a public hearing is held, and finally a Master Plan amendment can be adopted.

The township has received a disk containing an electronic copy of the map, and will be asking the GT Regional Land Conservancy for assistance with adding the PDR Eligibility Map area as needed for grant program eligibility and perhaps changing a few map colors. He has prepared a very rough map for discussion purposes this evening.

Yamaguchi reported that she received few responses to her proposed changes. One related to the possibility of inserting some language in the industrial and commercial descriptions mentioning the township's historic interest in access management for properties along M-72 and US 31, including possible use of access roads. She believes these concepts might work better under circumstances than others. Vermetten asked Jim Goss, partner in The Village at Grand Traverse LLC what his plans contained in terms of access points from M-72; Mr. Goss replied that the Fire Department asked for three access points off M-72 and one on Lautner. Krause had a different recollection, but Mr. Goss was firm in his recollection. Carstens is aware of a plan for M-72 that promotes limited access points. Mr. Goss stated again that the Fire Department requested three access points due to the proposed housing density. Hull confirmed that access management is important to MDOT for traffic flow and safety. He feels it should be fairly simple to put some basic language encouraging the township to pursue appropriate access management strategies during plan reviews for properties that are designated for commercial, industrial or town center use.

David noted the township paid a considerable sum to Wade Trim for their assistance. Whether or not we appreciated their categorization or description of different map areas, each was brief and generalized. This would be in keeping with the nature of a FLUM as a general future visioning tool and not a specific current zoning tool. The proposed language may be venturing too far towards zoning and use of the word "shall" creating commandments, all of which will create future problems. Carstens agreed to a point, and stated that the Master Plan mentions in other portions that M-72 and US 31 should be safe and effective transportation corridors. The proposed additional language might be redundant. Vermetten concurred, and felt that perhaps the Wade Trim language was overly broad, causing some discomfort. Krause

feels that both a bit more breadth and brevity would be helpful. Pulcifer felt a more concise approach would be more fitting with the rest of the Master Plan. Yamaguchi felt the Wade Trim language was not descriptive enough, and that one could tell it was written by a down-stater who was reporting on the visioning sessions but had never gone out and looked at the land and local land use character themselves. She agrees that some of her text could be trimmed, and noted that Hull has already performed some editing. The language should contain a statement of the land character, the land use character and the community's intentions for future use. Hull stated that during his editing he tried to link the language back to pre-existing portions of the Master Plan, but it was not always possible to link them directly back to specific policies and actions. Takayama also expressed concern that a visionary map should be careful how it uses certain terms that will be used on the zoning level so as not to unduly limit the township's future deliberations. Bzdok stated that the map and descriptions in question would not be used to decide on an SUP application. They would be used to consider rezoning requests or future zoning ordinance amendments. If specific uses are put in the language, those uses would be up for discussion relative to a rezoning request or an ordinance revision – you couldn't exclude a use from a commercial district if it is listed in the commercial map descriptor. Vermetten felt the discussion might be becoming stalled, with too much concern being expressed over whether a potential applicant will insist upon a certain land use because it is used as an example of the sort of land uses available – that's not a valid use of Master Plan language.

Bzdok stated that he has reviewed the potential language from the standpoint of the various concerns being raised through discussion. He suggested a few changes that were inserted. He is comfortable that as presented, the descriptions are not specific enough to represent zoning or open the "Pandora's Box" of inappropriate use. Wikle recalls that when the rewriting began the charge was to describe what could happen where without using or creating terms such as "viewshed" that raise more questions. She thought it had to be somewhat specific so that future users of the document could understand and apply it in more detail through the zoning process without excessive discussion or a need for one of the original writers.

Bzdok held up the proposed FLUM and the zoning map in succession to make a point about what each is or is not and that they are not identical. Pulcifer asked for clarification about whether the FLUM could become the zoning map; Bzdok responded that the FLUM would be used to evaluate zoning changes, whether requested by a landowner or discussed on a more township-wide basis, to guide the zoning process but not necessarily replace it.

Carstens asked if the language regarding commercial and industrial areas should encourage mixed uses. Vermetten personally felt that mixed uses should be encouraged in the town center designation but not in the commercial or industrial areas. Takayama feels that mixed uses could be beneficial. He feels certain properties along US 31 are ripe for redevelopment. Carstens believes that by encouraging the possibility of residential uses in light industrial and commercial areas may be appealing to people who need affordable housing and could make those areas good development rights sending zones. Vermetten asked what the current zoning ordinance contemplates for the commercial districts. Hull reported that currently residential uses are not permitted in commercial or residential districts, but the proposed zoning ordinance amendments to be discussed next week would allow for some. Bzdok suggested a one-line addition to the commercial descriptor that mixed uses could be considered would dovetail well with the discussion about the proposed ordinance amendments. Carstens believes this would be beneficial to the township's agricultural PDR program.

Ken Engle, Saylor Road, observed that agriculture is a form of commercial use, and that Michigan has a Right to Farm Act to address the conflicts that arise when houses are too close to working farm. He urged caution that an unintended consequence does not occur. To address this, Vermetten suggested that industrial descriptive language stated that mixed uses

could be considered.

Yamaguchi discussed the town center concept with various community members as well as consulting the Town Center portion of the Master Plan. For the descriptor, she felt three things are key: a good road system, a core shopping area, and the development of residential neighborhoods. Some of the language presented could be condensed. Wikle asked if handicapped accessibility is addressed, as she sees a town center as a place where people should be able to meet their needs easily and quickly. Bzdok replied that this topic is covered extensively in federal law and it would be imprudent to repeat the exercise locally.

Mrs. Goss stated that she only saw cell towers mentioned in the industrial language, but she wonders if they should be considered in other areas such as within a town center where coverage would be necessary. Vermetten believes it would be difficult for the township to designate only certain areas where cell towers can be. Bzdok noted that the township has a Wireless Services Ordinance that addresses this situation, and that federal law drives the situation. Hull observed that the coverage of the most recent cell tower in Acme Village will be limited by topography to the US 31 corridor. It will likely not cover the Bunker Hill Road area well, but cell towers are not permitted in residential districts. He asked if the Commission would want to consider language contemplating a tower in a residential area if enough residents desire enhanced service. The Commission felt that this would be best addressed by residents when and if they desire the service rather than through the FLUM.

Mr. Andres has previously requested through a letter to the township that the community hire an expert to create an RF propagation map we can use to decide where wireless towers will be needed and where they should be located to effectively meet the need with minimal negative impact to landowners. Vermetten believes that a different avenue is more appropriate than the FLUM.

The Urban Residential category includes language regarding multiple-family residential uses. Yamaguchi wonders if mention should also be made of modular homes. She read from a portion that refers to the GT Resort, but offered the opinion that an entity should not be called out by name. Vermetten felt one desire expressed was to recognize that the Resort wishes to pursue a range of uses. Yamaguchi has the impression that while there is significant residential development at the Resort and there might be more in the future, she believes the Resort is more geared towards commercial recreational opportunities. Vermetten noted that the Resort has a PUD designation which allows for operation of a variety of commercial uses.

Shoreline Residential: Krause disputed the first-paragraph assertion that shoreline residential areas carry speedier traffic; the balance of the Commission felt it was an out-of-place statement. Vermetten asked Bzdok if he felt that some of the language was too firm; Bzdok replied that he felt much of the section as presented was too specific-requirement oriented, particularly the second paragraph. Krause hopes that the document at least strongly encourages public sewer use in the shoreline areas. Wikle suggested that language regarding the character of signage be stricken as too specific as well.

Carstens felt that an area previously designated as shoreline residential just under Petobego Swamp has been re-designated for conservation to be more in keeping with the Master Plan, but on the new rough draft it is designated shoreline residential. Pulcifer does not recall that the designation was changed; it was discussed several meetings ago. The property belongs to his family. Wikle asked if it is a conflict of interest for Pulcifer to discuss this issue; this question was raised at the former meeting. Bzdok noted that the designation on the FLUM would not constitute a zoning change, but it would be a significant factor in a future zoning decision. Nels Veliquette thought perhaps Carstens felt the change had been made because County Planning recommended it. Carstens thought the decision was made at the last

meeting, but Corpe's review of the minutes indicated that the conversation at the December 11 meeting was similar to the discussion so far this evening with no conclusion reached one way or the other. With respect to the Pulcifer family, Takayama believes the land in question should be designated for conservation in keeping with its sensitive nature. He does not wish to remove value from the land, but nor does he believe the township is responsible for actively enhancing land values. He does not believe anyone would advocate for its development. Krause opined that if the land is as sensitive as Takayama believes the future use and/or zoning designations would be irrelevant because it would be physically unbuildable. Pulcifer stated that just because his family has yet to develop the land, why should they be penalized now. They have been good stewards of the land. The rest of the shoreline is residential, and he feels they should have the opportunity to do so in the future. Bzdok and Vermetten both cautioned that the nature of advocacy for a specific parcel brings the matter close to the line of conflict of interest. Pulcifer stated that he wants to be very careful and respectful of this boundary. Speaking from a general perspective, Vermetten sees the parcel discussed as an "island of blue in a green area" and perhaps it should be redesignated. Carstens believes his recommendation by the County should be followed, although he expressed sensitivity to the Pulcifer family's rights.

Vermetten feels that the shoreline residential language as currently written describes the way areas such as Deepwater Point that are already developed used to be, rather than how they are today, and that the Pulcifer property doesn't fit the description of the land use. Wikle observed that the FLUM is a planning matter and not a zoning matter. Overall she believes the property should be redesignated conservation. Yamaguchi agreed but observed that the land is currently zoned agricultural, so perhaps the future land use could be designated as such. Carstens has some literature that mentions Petobego as a globally important area, and believes ideally it would be conservation and at worst should be agricultural. Vermetten observed that whatever the FLUM might say, if the landowner wants to develop he would have to conform to the existing zoning or seek a rezoning. Takayama stated that there is a 12-acre parcel of land he owns that is proposed to be recreation/conservation. His entire life savings is in that land. He thought of having it be residential or developed someday, but he is not complaining about it. This is a vision statement. He believes the Pulcifer property should be designated residential.

Mr. Engle stated that the piece of property that cuts off the Pulcifer property from the rest of the shoreline which is designated for shoreline residential was sold to the Conservancy for a large sum of money because it seemed a prime development target. He feels it would be unfair to cause the owners of the cut-off property to suffer because they became a separated property through circumstances out of their control.

Mr. Andres asked if any other properties in the township have been given designations for higher intensity use than they are currently zoned for; Bzdok believes more property has been elevated than demoted. Mr. Andres stated that he suspected nobody would ask for their development ability to be diminished; Corpe replied that she is aware that this request will be made by the people in the Kay Ray Road area. They are unhappy with the ability to develop their area densely and have indicated a desire to have the density area reduced. She suggested that over the past 10 years development requests along the shoreline have been entertained and approved at the current zoning designation, but she's never heard anyone say that it ought to be possible to pack houses in more densely on the shoreline. She asked why a reference to medium or high density should be in the shoreline residential language; why can't it be indicated that people will want to develop it residentially and should be able to but care should be taken because of the sensitive natural features. Bzdok suggested that perhaps the shoreline residential designation could be eliminated, with the current blue areas redesignated conservation with appropriate language amendments.

Vermetten suggested moving along with several other sections and returning to a discussion of the shoreline and conservation sections later.

A recess was called from 9:10 p.m. to 9:20 p.m.

Rural Residential: This is a combination of the former “country estate” and “rustic reserve” designations. Feedback from one commissioner questioned the use of the term “large-scale parcels” but the group agreed to leave it as is. Hull added a statement near the end regarding the use of clustered housing and open space developments and used the term “conservation-development designs.”

Mr. Veliquette suggested that language from the agricultural section of the ordinance should be mirrored in this language regarding good land stewardship near wetlands, and also used in other categories. He would prefer that it be stricken, as he feels it implies that agricultural land users do not already employ good stewardship. He is also concerned because the protection of agricultural operations and their ongoing viability is not addressed at all. He quoted from page 116 of the New Designs for Growth design guidelines regarding the need for setbacks and buffers between agricultural and residential uses. In past practice the farmer has been forced to provide all of the needed setbacks; last year his company had to take 20 acres out of fruit production to reduce complaints from residential developments that grew up around them to their longer-term farming activities. The residential developments that come up around the farms should provide more of these setback areas. If the township values farming, it needs to recognize that farming and residential uses are largely incompatible and do something to help the farmer remain viable. He is surprised that so much of the currently agricultural area is being shown as rural residential – he feels it is like “giving up” on the farmer.

David asked if the word “shall” should be removed from the sentence about use of private septic systems. He feels public sewer use should be encouraged, but Carstens and Krause feel that any pressure to spread public systems that far should be discouraged. David believes it reads right now to require use of private systems rather than recognizing that they are largely used now out of necessity. Bzdok agreed that “shall” sounds like a requirement, while reminding the group yet again that this is a planning project and not creation of zoning language. He recommends that the sentence be stricken.

Mr. Engle asked for clarification about the term “large-scale parcels,” which was left in. He asked why this would be desirable. He is next to a subdivision full of houses on very large lots that seem very isolated from one another. It is not a walkable neighborhood and it seems as if large areas of land are wasted. Hull observed that the sentence describes the current situation but not future desires; the latter are described lower in the section and include clustering of houses on smaller lots. He also suggested that the section include a statement that this area could be a sending zone for development rights.

Richard Erickson asked about two parcels on the map on the south side of Bunker Hill Road that are colored for rural residential between existing subdivisions and why they are not colored for urban residential like the surrounding areas. Vermetten replied that this is a future land use map intended to depict the goals of the Master Plan and is not a zoning map. The land could still be developed according to the current high density zoning.

Agricultural: Krause observed that the township wants to encourage farmland preservation, and he would like to discourage the placement of single family homes on five acre parcels. He feels that the cluster and open space development housing options should be recognized in this section; Vermetten felt the same language from the rural residential designation could be employed.

Mr. Veliquette suggested that this section again promote the development of buffers between residential and agricultural properties. Development next to him dramatically affects the productivity and value of his land. Bzdok stated that both sections could have a statement indicating that new residential uses will defer to existing agricultural uses.

Mr. Engle stated that if the language emphasizes that the first and foremost purpose of the agricultural area is to create a long-term business environment for farming, the rest follows naturally. The Commission concurred.

Attention returned to the shoreline residential and conservation recreation designations. Vermetten believes the shoreline is one of our community's key assets. He believes the conservation recreation description describes goals for the shoreline as well as some other areas of the community. There was a suggestion that the dark blue areas along the shoreline be changed to green and he believes this makes sense if additional language recognizes the area as a highly sensitive ecosystem where development can occur using the cluster, open space housing and PUD options. He also suggested recognizing that much of the area is already developed. The balance of the Commission concurred. Takayama asked if a desire for public sanitary systems should be mentioned; Vermetten feels this would not be required as the sensitive nature of the area is being discussed.

Mr. Engle stated, as a former member of the Groundwater Stewardship Team, that some mention of groundwater issues should be made. Concerns should not be just about sanitary systems but also the use of fertilizers on lawns and gardens. There should be a mention of groundwater protection.

Mr. Andres asked if the FLUM should demonstrate whether lands are under public ownership. Bzdok believes that such an inventory might be addressed under a different process.

Mr. Erickson asked if recreation conservation is the proper term for the revised/combined category. Hull suggested that because this is a future vision map, the term might not be inappropriate even if the uses are currently high-density residential.

A proposed two-sentence segment that integrates the proposed FLUM into the Master Plan was acknowledged.

Vermetten suggested that the revisions discussed this evening could be made and the map revised by next week's regular Planning Commission meeting. It is his hope that it could be reviewed and a motion made to ask the Board to begin the legally-required distribution process at their February 6 meeting.

Motion by Carstens, support by Wikle to continue discussion of the proposed FLUM at the January 29 meeting. Motion carried unanimously.

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

Mr. Erickson suggested that publicly-owned lands could be cross-hatched on the map for demonstrative purposes. The January 2003 Parks & Recreation map already demonstrates these areas, and one concern is whether we would have to undertake a full Master Plan amendment process every time land entered or exited public ownership.

Mr. Andres thanked the Commission for allowing the public to freely interact with them during the process.

Mr. Engle asked if we have a map demonstrating lands under permanent conservation easement, and if we should.

Bzdok stated that he, Hull and John Iacoangeli will be discussing the proposed zoning ordinance amendments later this week. The results of their discussion will be provided for next week's meeting, although he will be unable to attend personally.

Meeting adjourned at 10:08 p.m.