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**ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
7:00 p.m. Monday, May 21, 2007
6042 Acme Road, Williamsburg, Michigan 49690**

Meeting called to Order at 7:02 p.m.

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

Members excused: None

Staff Present: S. Corpe, Township Manager
J. Hull, Zoning Administrator
J. Jocks, Legal Counsel

1. Consent Calendar:

Motion by Wikle, support by Takayama to approve the Consent Calendar as amended to remove for the 04/23/07 minutes for further discussion, including:

Receive and File:

- a) Draft Unapproved Minutes of:
1. 05/01/07 Regular Board of Trustees Meeting
 2. 04/25/07 Shoreline Advisory Meeting
 3. 05/10/07 Zoning Board of Appeals Meeting
 4. Planning & Zoning News April 2007
 5. Planning & Zoning News May 2007

Action:

- b) ~~Approve minutes of the 04/23/07 regular Commission meeting.~~
- c) Review and approve agenda, inquiry as to conflicts of interest: agenda approved with no conflicts of interest noted.

Motion carried unanimously.

2. Correspondence: None

3. Limited Public Comment: None

4. Special Presentations:

- a) **R. Clark Associates presentation & discussion re: Shoreline Master Plan:** Ken Ockert from R. Clark Associates gave a brief PowerPoint presentation to introduce the Planning Commission to the process that will be used to develop a shoreline master plan the community can use to plan potential shoreline acquisition projects. Paul Brink and Pat Salathiel, Shoreline Advisory Co-Chairs named the advisory members who have been working on the project as Board of Trustee appointees. Ms. Salathiel mentioned that a year ago the group came up with a vision and mission statements, and are working on fundraising and public relations initiatives currently. Mr. Brink noted that the shoreline master plan costs are being supported by a planning grant from Rotary Charities and through private citizen donations. The advisory hopes to attract additional grant funding and private donations to support the ongoing project. This is a long-term project; it took Traverse City 40 years to complete public acquisition of all the downtown area waterfront properties. Krause observed that a master plan is essential to the additional fundraising efforts, which is why it is the first order of business on the advisory's agenda.

5. Preliminary Hearings:

- a) **Preliminary hearing for SUP/Site Plan Application #2007-04P, a**

clubhouse/inn/banquet/sports complex on the Highpoint Golf Course at 5720 Bates Road: Hull reported that the request to begin considerations of a permit for a new clubhouse was presented at the last minute; the Commission must determine this evening if sufficient information has been submitted to allow scheduling a public hearing for the June meeting. This request is independent of the ongoing considerations of a potential joint planning district leading to development of a new Highpointe PUD. Jason VanderKodde from Nederveld Associates presented the concept plan.

Mr. VanderKodde displayed a proposed neighborhood center including a community building which is the subject of the SUP application. They would like to prepare this facility for a 2008 tourist season opening while working on the larger neighborhood project over an extended period of time. The building would be 2-story, with the lower level as a sports complex/banquet hall and the east end with a locker room and fitness area.

David asked how the proposed parking lot configuration fits with ordinance requirements that parking lots not be within a front yard. Hull replied that the township Zoning Ordinance defines the "front" yard as being the area between the road from which access is gained, in this case Arnold Road, and the main structure on the property. A portion of the parking lot would be in the area thus defined as a front yard, so either the plan would have to be amended or the Planning Commission would have to exercise its authority to permit a deviation from this requirement.

Yamaguchi asked why the address on the application documents is a Bates Road address. The particular portion of the extensive Highpointe properties may have a Bates Road address.

Hull stated that Terry Sanford from Nederveld Associates verbally confirmed to him that regardless of whether or not a joint planning district is accomplished, Highpointe will want to construct this new facility.

Carstens does not believe this sort of facility is allowed either by use or by SUP in the Agricultural zoning district, which is the designation of the subject property. Would allowing the development be setting an unwise precedent? Jocks replied that if the use is not allowable in the zoning district it should not be granted a permit. Hull replied that the property is currently used as a golf course as a permitted special use. Vermetten asked if the proposed facility goes beyond being strictly a golf clubhouse and should be permitted as an amendment to the SUP. Krause, Carstens and Vermetten felt that the proposed facility was conceived as being completely separate from the existing golf course and not primarily serving the course, and should more properly be considered as part of an SUP.

It was generally agreed by Hull, Jocks and Vermetten they felt that there were several issues about the most appropriate way to proceed with the proposed application, which perhaps might be through a PUD, and that time is needed to research these questions before a public hearing should be scheduled. Yamaguchi concurred. Mr. VanderKodde asked how long before a public hearing required legal notices must be made. Hull believes the question is whether or not a matter should go to public hearing when substantial questions as to whether or not the application meets requirements are outstanding. He observed that the applicant is responsible for the costs for the project, and that going to public hearing does not imply that a recommendation will be made by the Planning Commission to the Board at the first public hearing-related meeting. Whether or not the matter proceeds to public hearing

in June or later, the matter may take several months to resolve.

Hardin wonders if a single building should be approached as a PUD that would be amended later, or how an approval for the single building might play into a PUD application under a joint planning district? If a full PUD never develops and this building is approved, it must be able to stand on its own as a single structure.

Krause asked what the ordinance has to say about the application material that needs to be submitted and the review performed prior to setting a public hearing. Corpe read from Sections 8.1.2(2) and 8.1.2(3) of the ordinance regarding this matter; they provide a list of at least 14 elements required of an application and indicate that the application must be provided complete and that the Commission must have adequate time for review prior to conducting a public hearing. Vermetten does not feel this requirement has been met at this time.

David understands that the current request is to amend an existing SUP to include the proposed structure. He asked if the SUP amendment request is for the entire proposed neighborhood center; Mr. VanderKodde replied in the negative, indicating the entire center would be the subject of a possible PUD application to the proposed joint planning district.

Motion by Krause, support by Carstens to continue the preliminary hearing regarding application #2007-4P to the June meeting. Motion carried unanimously.

6. Public Hearings:

- a) **Continued Public Hearing regarding SUP/Site Plan Application #2007-01P, a cheese factory for Bart Nielsen at 9018 US Highway 31 North:** Hull stated that the applicant has received MDOT approval for a driveway for his site plan, but wastewater treatment plans and fire department approval have yet to be provided. Hull is requesting that the public hearing be continued to the June meeting.

Motion by Carstens, support by Takayama to continue the public hearing regarding Application #2007-1P to the June meeting. Motion carried unanimously.

7. New Business:

- a) **Proposed Draft of Joint Planning Agreement with Whitewater Township and ordinance to enact said agreement for development of the Highpointe Golf Course at 5720 Bates Road:** Hull recapped that several years ago the state adopted legislation that allows municipalities to engage in joint planning. Highpointe would like Acme and Whitewater Townships to form a joint planning district, as they have contiguous property in both townships that they would like to develop under one cohesive PUD plan under one set of rules and processes. It happens to be likely that the total allowable development would be aggregated mostly on property within Acme Township. The Planning Commission has been informed about the process in the past and recommended that the Board of Trustees consider the possible joint district formation. The Board has agreed to examine the matter further, as has the Whitewater Township Board.

Hull is uncertain if any two communities in the state have ever been fully through the joint planning process, although several are at least part way through the process. His understanding is that the two townships would proceed to form a joint planning commission with five members, 3 from Acme and 2 from Whitewater. The joint

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planning commission would undertake a planning process and create a master plan for the joint planning district, following the full master planning process as set forth in statute. When a master plan is adopted, he believes Whitewater Township would need to amend its zoning regulations to permit the Acme Township zoning ordinance to apply to a portion of its township. When and if this is consummated, the joint planning commission would be operational and in a position to consider an application for a PUD from Highpointe.

Hull noted that Highpointe is still in the process of designing its PUD proposal, just as Acme Township is still in the process of tweaking its proposed new PUD ordinance, which may change further before final adoption and is still subject to the right of public referendum. Vermetten stated that he thought the joint planning commission proposal would be site-specific to Highpointe and would cease to exist once a PUD was approved. Hull agreed that the joint planning area is considered to include only Highpointe at present, but the joint planning commission would be a continuing body that would need to continue to meet at least twice a year and would hear any requests for amendments to any development plan approved. There are provisions for potential dissolution of the joint planning district as a possibility.

Yamaguchi asked if the joint planning district could consider other joint projects between the two townships if desired; it could if the district were to be expanded. Carstens asked if the eventual development application would be brought under an open space development ordinance; right now the expectation is that the application would be pursuant to the PUD ordinance currently working its way through the process. Hardin asked if the proposed project could lay the groundwork for additional project. Hull feels the situation is advantageous because it provides the two townships the opportunity to become more comfortable working together in the future. Perhaps there could be benefits to developing a partnership regarding the M-72 corridor or in working with the Tribe.

Takayama understands that a joint planning district being active could be at least four months into the future given public input requirements. Hull did not want to estimate the length of time it might take, but feels it will be substantial as two townships must work out joint regulatory expectations, then a master plan must be developed and adopted, and zoning regulations must be established. After all this the PUD application could be made and discussed. At a minimum of two points during the process the right of referendum will apply. This is definitely a long-term project.

David asked if the developer would be responsible for developing a master plan for the joint planning district. Hull believes that in this case, since the entire district is expected to belong to the applicant, he expects that the applicant will be a prime mover in development of the master plan. David sees this as a large project...almost like creation of a mini-township. Hull noted that a master plan must be supported by competent evidence.

John Sych, County Planning Director, observed that the proposed joint planning district document is being reviewed by the Planning Commissions of both townships. Each will make a recommendation to its respective Board of Trustees as to adoption. At present it is planned that the Acme Township Zoning Ordinance will be adopted as the joint planning district ordinance, so current revisions to the zoning ordinance must be completed before the process moves forward. The process will take time to work through. If the joint planning district is to be amended or enlarged in the future various agreements and ordinances relative to it will have to be amended by both township boards.

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Hull is seeking input from the Commission as to the proposed joint planning agreement, which has been reviewed by township counsel. Whitewater Township's Planning Commission will review the document in several weeks and Mr. Sych is uncertain if their legal counsel has reviewed it yet. Mr. Sych drafted the original document and township counsel has reviewed and suggested revisions along with Hull. Mike Grant from Olson Bzdok recommended fairly minor and non-substantive changes. Mr. Jocks stated that generally the documents provided meet statutory requirements; many of the details are matters of local policy.

Wikle is concerned about looking at a new building for the Highpointe property when the overall planning and development of the property may end up subject to a joint planning district. Hull noted this is why he asked the applicant if they would want to build the building even absent the rest of a PUD application and they replied they would. Wikle is concerned about the plan the applicant displayed that puts the proposed new building in the context of a larger group of buildings. Hull supported the idea that if they want to request the building one way or the other, it is prudent for them to consider it within a larger context that may be created.

Vermetten noted that the concept has been under discussion for over six months. He likes the possibility that a joint planning district could be amended to include the whole M-72 corridor at a later point in time.

Motion by Krause, support by Pulcipher to recommend approval of joint planning district agreement #4. Motion carried by a vote of 8 in favor and 1 opposed.

- b) **Approve minutes of the 04/23/07 regular Commission meeting:** Noelle Knopf, 5795 US 31 N asked that the minutes be removed from the Consent Calendar for discussion before approval. She arrived after the end of the meeting. She noted the statement on page 2 of 3: "Krause countered that a local Acme survey indicated that shoreline preservation was a top priority, and suggested we point this out to the County." Her question is that if a survey already exists, why are we paying more for Russ Clark to conduct a new one?

Krause stated that public input sessions related to creation of a new future land use map indicated strong participant desire to open up and preserve the shoreline for public use. Corpe stated that this desire is also strongly represented on a list of community recreation priorities established in 2003 in the township Parks & Recreation plan. In both places it is expressed as a public desire, and the point of the work being done by R. Clark is to create a specific plan for how to use public shoreline if it is acquired in answer to those stated values. Ms. Knopf expressed concern about the expenditure of approximately \$17,000 to do work she believes has already been done in the past. Corpe stated that the cost for R. Clark to do the shoreline master plan is \$7,900 and is not being funded by township tax dollars. \$5,000 of the cost is being paid by a grant from Rotary Charities, with the balance coming from private donation dollars received.

Motion by Takayama, support by Carstens to approve the minutes of the April 23, 2007 regular Planning Commission meeting. Motion carried unanimously.

8 Old Business: None

- 9. Public Comment/Any other business that may come before the Commission:**
In reviewing last month's minutes preparatory to discussion about approving them, Corpe

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noted that last month the Commission asked for an update on what is happening with litigation between the Johnson Family Limited Partnership and the company that erected a cell tower in Acme Village behind the Holiday Inn Express. About a week ago the township was informed that the Circuit Court ruled in favor of the Johnson Family Limited Partnership and that the tower should be removed. We do not have a copy of the opinion, and the possibility of an appeal by the cell tower company certainly exists. The basis of the suit as the township understands it was not related to local zoning regulations or aesthetic concerns, but rather to certain deed restrictions in the sale by the Johnson family to the owners of the Holiday Inn Express that were in a sales agreement but not the final deed to the property. Nothing more is known at this time.

Meeting adjourned at 8:29 p.m.