



Planning and Zoning Board Memo

6042 Acme Road | Williamsburg, MI | 49690

Phone: (231) 938-1350 Fax: (231) 938-1510 Web: www.acmetownship.org

To: Acme Township Board of Trustees

From: Lindsey Wolf, Planning & Zoning Administrator

Date: January 3, 2024

Re: Zoning Ordinance Amendment 004 –Lautner Rezoning Application; parcel 28-01-101-015-00

Applicant/Owner: Eric Nuffer
5400 Lautner Rd
Williamsburg, MI 49690

Parcel Address: 5400, Williamsburg, MI 49690

Parcel Number: 28-01-101-015-00

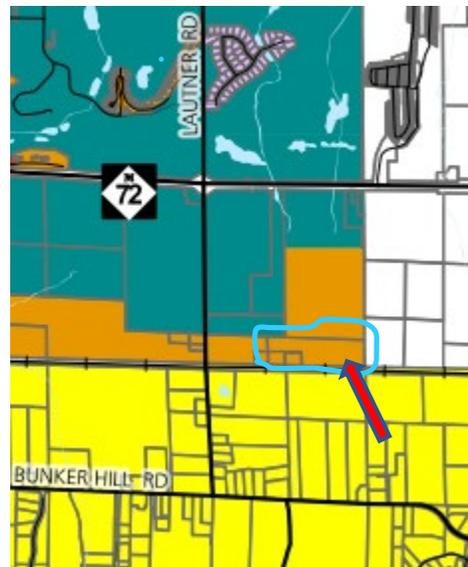
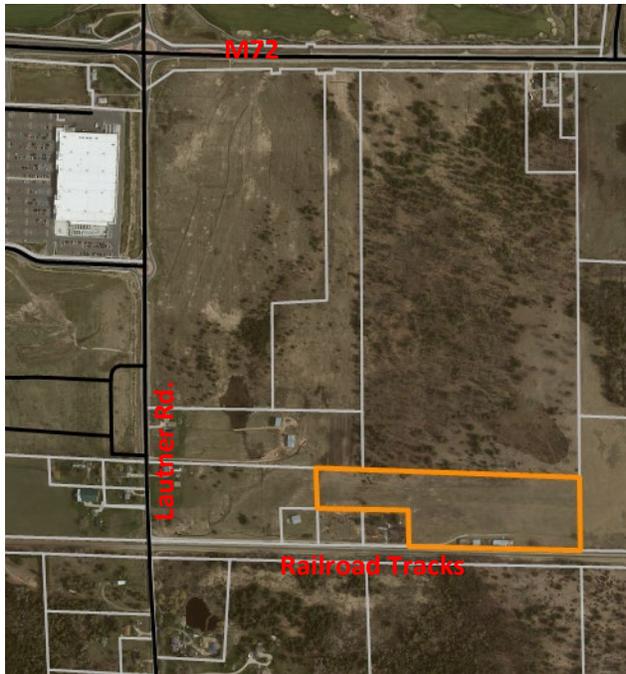
Legal Description: E 1596.97' OF N 1/2 OF SW 1/4 N OF RR R/W EXC S 224.45' OF W 550.62' SEC 1 T27N R10W

Current Zoning: MHN: Mixed Housing Neighborhood District

Amendment Request:

The Applicant/Owner is seeking a rezoning of a 13.13-acre parcel along the east side Lautner Rd (just north of the railroad tracks) from MHN: Mixed Housing Neighborhood to A-1: Agricultural District. The property is currently home to the Acme Skyport. The owner would like to rezone the property to bring the current use into compliance with the zoning ordinance. Currently, as it is zoned (MHN) the use is considered legal nonconforming.

Subject Property:



The Planning Commission reviewed the request and held a public hearing at their December 11, 2023 regular meeting. The staff report and application are enclosed with this memo for reference.

At the December 11, 2023 meeting the following motion was made:

Motion by Feringa, support by VanHouten to recommend to the Township Board to approve the proposed Zoning Ordinance Amendment 004 to rezone approximately 13.99 acres from MHN:Mixed Housing Neighborhood to AG: Agricultural for the property located at 5400 Lautner Road, Parcel ID 28-01-101-015-00, owned by Eric Nuffer.

Motion carries unanimously

Key Points:

- This parcel was previously zoned AG prior to the current July 31, 2022, adoption.
- This parcel is over 13 acres in size and meets the 5-acre minimum for the AG District.
- It has historically been used for airfield purposes – formerly owned by Louis Griffith.
- This would bring the current use from a legal nonconforming to a conforming use in the district. Any addition to the property that serves the airfield would require the applicant to come before the Planning Commission and Township Board for approval under a special use permit.
- The AG district is the only district where this type of use is allowed in the Township. The Township does not have the authority to grant use variances.
- There is no water and sewer within proximity to this parcel that would accommodate high density housing.
- The current owner wishes to utilize the property for the existing and active Acme Skyport – a new owner may decide to have a completely different use. It is important to consider all the uses this will open in the district, as one will have a different impact than the other (health, safety, welfare). When considering a zoning change it is important to consider the uses allowed in the district, and not the use that the current landowner may or may not make of the property. The uses within the two districts are similar (as shown in Table 3.2 in the staff report p.8). However, higher intensity uses within the AG district are required to go through the special use permitting process.

Suggested Motion(s) for Consideration:

Motion to Approve proposed Zoning Ordinance Amendment 004 to amend the Acme Township Zoning Map by rezoning approximately 13.99 acres of land from MHN: Mixed Housing Neighborhood to A-1: Agricultural located at 5400 Lautner Road, Parcel ID 28-01-101-015-00, owned by Eric Nuffer.



Planning and Zoning Staff Report

6042 Acme Road | Williamsburg, MI | 49690

Phone: (231) 938-1350 Fax: (231) 938-1510 Web: www.acmetownship.org

To: Acme Township Planning Commission

From: Lindsey Wolf, Planning & Zoning Administrator

Date: December 5, 2023

Re: Zoning Ordinance Amendment 004 –Lautner Rezoning Application; parcel 28-01-101-015-00

Applicant/Owner: Eric Nuffer
5400 Lautner Rd
Williamsburg, MI 49690

Parcel Address: 5400, Williamsburg, MI 49690

Parcel Number: 28-01-101-015-00

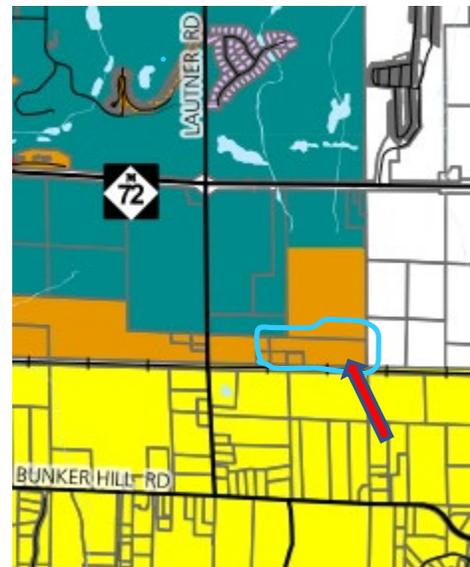
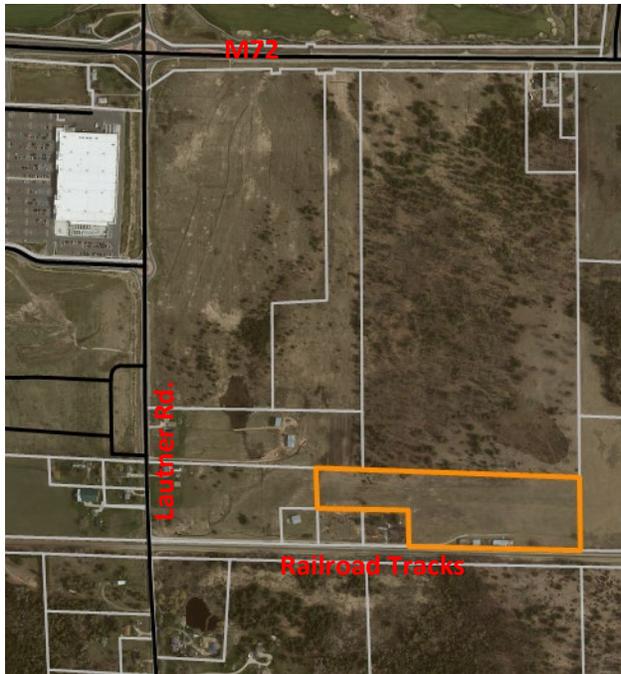
Legal Description: E 1596.97' OF N 1/2 OF SW 1/4 N OF RR R/W EXC S 224.45' OF W 550.62' SEC 1 T27N R10W

Current Zoning: MHN: Mixed Housing Neighborhood District

Amendment Request:

The Applicant/Owner is seeking a rezoning of a 13.99-acre parcel along the east side Lautner Rd (just north of the railroad tracks) from MHN: Mixed Housing Neighborhood to A-1: Agricultural District. The property is currently home to the Acme Skyport. The owner would like to rezone the property to bring the current use into compliance with the zoning ordinance. Currently, as it is zoned (MHN) the use is considered legal nonconforming.

Subject Property:



Analysis:

The applicant wishes to use the area proposed for rezoning to accommodate the Acme Skyport. An airport or airfield are not an allowed use under the MHN: Mixed Housing Neighborhood District but would be permitted through a special use permit in the A-1: Agricultural District §3.2.

13.1.3 Amendment Review Procedure

D. Planning Commission Consideration and Recommendation: Subsequent to the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all relevant factors and shall report its findings and recommendation to the Township Board. ***In considering an amendment to the Official Zoning Map (rezoning) or Ordinance text, the Planning Commission shall consider the following factors in making its findings and recommendations, although not all standards must be met in order to recommend approval of an amendment:***

- 1. Consistency with the Master Plan’s goals, policies, and future land use map, including planned timing or sequence of development. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered.**



Future Land Use

Data Sources: Michigan Geographic Data Library, Grand Traverse County Equalization

Agriculture	Residential - Rural	Resort Residential
Commercial / Business	Residential - Urban	PDR Eligible Areas
Light Industrial & Warehousing	Town Center	
Recreation / Conservation	Mixed Use Villages	

The future land use map designates this parcel as Residential Rural. The Acme Township Community Master Plan defines Residential Rural as:

*The rural residential category encompasses areas in Acme Township with special natural features that shall be preserved in the environmentally significant areas as identified on the Future Land Use Map. This category also encompasses those areas of rolling hills and open spaces that were formerly agricultural or are in a transitional state from agriculture to residential and complementary uses. **The density is generally low to medium, with single-family houses built on large-scale parcels.** The land features in this category include level fields, gently rolling hills, steep slopes, thick woodlands, wetlands, creeks, and streams. In all new residential construction, conservation-development designs shall be used to retain the vegetation, natural features, and open space existing on the developed sites. **Land uses***

adjacent to the streams and wetlands of Yuba Creek should use sound environmental stewardship and ecological practices in order to conserve natural resources and protect highly sensitive ecosystems as well as ground- and surface water.

The objectives of this category are to provide limited and low density residential development in the rural areas of the Township where sensitive ecosystems and special natural land features such as steep slopes, creeks and streams are prevalent. However, conservation-development designs will be strongly encouraged to prevent sprawling development that undermines the integrity of open space and agricultural uses, and appropriate buffers should be planned to minimize the impact on existing agricultural uses. Another important objective is to encourage responsible stewardship among landowners in the development of the land so that the natural features are preserved to the fullest extent, especially in the areas with highly sensitive ecosystems and where special natural features abound, through the use of cluster housing, open-space development, and planned-unit development.

In the areas with highly sensitive natural features and ecosystems, the Township shall insist on conservation development in order to protect the most sensitive land by clustering housing on the least sensitive land. Land uses in the Rural Residential areas should comport with the policies and actions of the Cornerstones.

The current zoning designation of MHN conflicts with the future land use category, as this allows for 12 dwellings units per acre/3,630 SF minimum lot area vs. 0.2 dwelling units per acre/5-acre minimum lot area in the AG district. This parcel is also directly south of some significant wetlands and a branch of Yuba Creek. There are no water and sewer services to this parcel that would support high density development.



2. Compatibility of all the potential uses allowed in the proposed zoning district(s) with the site’s physical, geological, hydrological, and other environmental features.

The current owner wishes to utilize the property for the existing and active Acme Skyport – a new owner may decide to have a completely different use. It is important to consider all the uses this will open in the district, as one will have a different impact than the other (health, safety, welfare). When considering a zoning change it is important to consider the uses allowed in the district, and not the use that the current landowner may or may not make of the property.

The uses within the two districts are similar (as shown in Table 3.2). However, higher intensity uses within the AG district are required to go through the special use permitting process.

3.2 REGULATED USES TABLE

REGULATED USES	ZONING		REGULATED USES	ZONING		REGULATED USES	ZONING	
	AG	MHN		AG	MHN		AG	MHN
Adult Daycare Facilities			Kennels	S*		Small Distilleries	P*	
Agricultural Assembly Space	S*		Livestock Auction Yards	S*		Small Wineries	P*	
Agricultural Processing Facility	P		Live/Work Units			State Licensed Residential Facilities:		
Agricultural Tourism < 5 acres	S*		Manufactured Homes			- Adult Daycare Home	P	P
Agricultural Tourism > 5 acres	P*		Manufactured Home Parks			- Adult Foster Care Congregate Facility		
Airports or Airfields	S		Manufacturing, Light			- Adult Foster Care Family Home	P	P
Amusement Parks			Marinas			- Adult Foster Care Small Group Home		S
Assembly Facilities:			Medical Marihuana Establishments:			- Adult Foster Care Large Group Home		S
- Principal Use			- Grower	P*		- Family Childcare Home	P	P
- Accessory Use	P	P	- Processor	P*		- Group Childcare Home	P	P
Assisted Living Facilities		P	- Provisioning Center			- Foster Family Home	P	P
Automobile Repairs, Major			- Safety Compliance Facility			- Foster Family Group Home	P	P
Automobile Repairs, Minor			- Secure Transporter			- Nursing & Convalescent Home		P
Automobile Sales & Rentals			Micro Breweries	P*		- Senior Living Facilities		P
Automobile Service Stations			Mixed Use Developments:			Support Laboratories		
Bars, Taverns, Lounges			-Under 2 Acres			Tasting Rooms	P	
Breweries	S		-Over 2 Acres			Temporary Lodging Establishments:		
Business Services			Multiple Family Dwellings		P	- Bed & Breakfast Homes	S*	S*
Campgrounds	S*		Open Space Preservation Developments	S**	S**	- Bed & Breakfast Inns	S*	S*
Catering Services			Outdoor Service (accessory to a principal use)			- Tourist Homes	P*	P*
Cemeteries	P		Personal Services			- Vacation Homes	P*	
Central Cleaning Facilities			Personal Wireless Service Facilities	S*	S*	Theaters		
Childcare Centers			Professional Services			Transportation Equipment Storage		
Community Kitchen	P		Public or Private Off-Street Parking			Transit Stations		S
Computing & Data Processing Centers			Public Transit Stops	P	P	Veterinary Services	S	
Contractor Retail Establishments			Public Uses:			Warehousing & Distribution		
Contractor Storage Yards			- Critical	P	P	Wineries	S	
Cultural Institutions	P	P	- Essential	P	P	Wholesale Activities		
Customary Agricultural Operations	P	P*	- Supporting	P	P	Wind Energy Generation Systems		
Distilleries	S		Recreational Facilities			- On-Site Use Systems < 66 Feet Tall	P*	P*
Domestic Pet Services	P		Recycling Collection Stations	P	P	- On-Site Use Systems > 66 Feet Tall	S*	S*
Drive-In or Drive-Through Services			Recycling Facilities			- Utility Grid Systems	S*	
Dwelling Units Above 1st Floor Commercial			Religious Institutions	S*	S*			
Educational Institutions	P	P	Research & Development Centers					
Equestrian Arena, Commercial	S*		Restaurants					
Equipment Rental Establishments			Retail Establishments:					
Extractive Industries	S*	S*	- Department					
Farm Markets	S		- Food & Beverage					
Financial Services			- General					
Food Production			- Products Produced On-Site					
For-Profit Educational Institutions			Riding Stables	S*				
Freight Terminals			Private Clubs & Fraternal Organizations					
Golf Facilities	S*		Self-Storage Facilities					
Greenhouses & Nurseries			Sexually Oriented Businesses					
Health Care Services & Clinics			Single Family Detached Dwellings	P	P			
Home Occupations	P*	P*	Solar Energy Farms	S*				
Hospitals								
Hotels, Less Than 120 Rooms								
Hotels, More Than 120 Rooms								
Industrial Parks (as a planned development)								

P: Permitted Use S: Special Use *: Use Standards

As stated, this parcel is also directly south of wetlands and a branch of Yuba Creek. Any change in use or additional development would be subject to Planning Commission/Administrative review and approval to further ensure protection of any environmentally sensitive features (unless permitted under right to farm or meets the following).

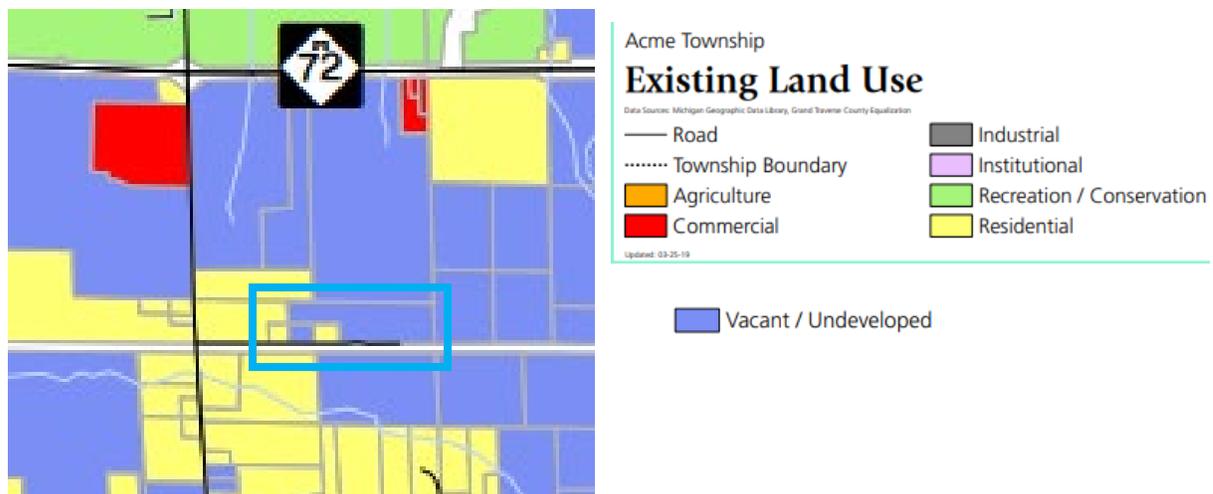
Further, for any development would be subject to site plan review unless it meets the following:

8.2.2 Site Plan Not Required Site plan approval is not required for the following activities, however, payment of any or all applicable bonds is required for issuance of a land use permit.

- A. Construction, moving, relocating or structurally altering a principal residential structure in the AG, SFR, SFN, MHN, RMH and CS districts, including any customarily incidental accessory structures.
- B. Excavating, filling, or otherwise removing soil, provided that such activity is normally and customarily incidental to single family uses described in this subsection for which site plan approval is not required.
- C. A change in the ownership of land or a structure.
- D. A change in the use of a structure to a use allowed by right in the zoning district in which it is located, provided that no modification to the site is proposed or required by the standards of this Ordinance and that the site maintains full and continuing compliance with these regulations.
- E. Permitted home occupations.

3. Compatibility of all the potential uses allowed in the proposed district(s) with surrounding uses and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure, and potential influence on property values.

The Existing Land Use Map from the Acme Township Master Plan illustrates the current uses that surround the property. The current designation for this parcel is not correct, as it is listed as vacant/undeveloped. There are currently hangers that occupy the site and an active airfield recognized by the FAA. The other parcels reflect the current land use(s).



To further develop this property for airfield/airport services (addition of hangers, club house, etc.) the subject parcel would be required to go through the special use permitting process. Through this process suitability, intensity, traffic impact, etc. would be further addressed to limit any potential negative impacts on property value. The applicant stated at the previous meeting that the airfield is seasonal and generates about 3-4 cars on the weekend(s).

Please note the items listed in criteria #2 also apply.

4. Capacity of available utilities and public services to accommodate the uses permitted in the district(s) without compromising the health, safety, and welfare of Township residents or burdening the Township or Grand Traverse County with unplanned capital improvement costs or other unplanned public expenses.

The current request is low impact in nature and would not require any significant additions or changes.

There are no water and sewer services to this parcel that would support high density development as it is currently zoned MHN (12 dwelling units per acre). Agency approvals would be required for any that triggers a special use/site plan review to further ensure the protection of health, safety, and welfare.

5. Capability of the road system to safely and efficiently accommodate the expected traffic generated by uses permitted in the zoning district(s).

The subject property currently has an easement that accesses the parcel from Lautner Road. Any future land division and development would require approval from the GTC Road Commission as the parcel accesses from a county road.

6. The apparent demand for the types of uses permitted in the district(s) in relation to the amount of land currently zoned and available in the Township and surrounding communities to accommodate the demand.

Prior discussions have occurred about expanding the LIW District due to the limited number of undeveloped parcels in the district and the interest expressed by parties wishing to establish businesses of light industrial character, but without available options.

There has not been any recent discussion on the incorporation of more agricultural land. The AG district is the only district where this type of use is allowed in the Township.

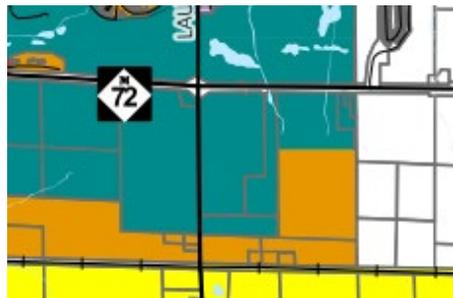
7. The boundaries of the proposed district(s) in relationship to the surrounding area and the scale of future development on the site.

This seems misleading as it implies that we know exactly what development will be taking place on the site. As stated in #2: The current owner wishes to utilize the property for the existing and active Acme Skyport – a new owner may decide to have a completely different use (ex: Kennels, Livestock Auction Yard). It is important to consider all the uses this will open in the district, as one will have a different impact than the other (health, safety, welfare).

The rezoning request would be adjacent to other AG designated parcels to the east. The scale of intensity from future development would be less than those uses allowed within the current zoning of MHN and Corridor Flex Zoning District to the north and west.

8. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.

The rezoning request would be adjacent to other AG designated parcels to the east and would not create a spot-zoning scenario. There is a dual zoned parcel to the north that encompasses around 40 acres of MHN land (as noted this parcel contains wetlands and may be worth exploring rezoning it to its previous zoning designation of AG in the future).



9. Other factors deemed appropriate by the Planning Commission and Township Board.

Whether the current zoning was a mistake and whether the surrounding area has been changed to an extent that the current zoning no longer makes sense.

Items to Consider:

- This parcel was previously zoned AG prior to the current July 31, 2022, adoption.
- This parcel is over 13 acres in size and meets the 5-acre minimum for the AG District.
- It has historically been used for airfield purposes – formerly owned by Louis Griffith.
- This would bring the current use from a legal nonconforming to a conforming use in the district. Any addition to the property that serves the airfield would require the applicant to come before the Planning Commission and Township Board for approval under a special use permit.
- The AG district is the only district where this type of use is allowed in the Township. The Township does not have the authority to grant use variances.
- There is no water and sewer within proximity to this parcel that would accommodate high density housing.

Suggested Motion(s) for Consideration:

Motion to Recommend Approval

I move that the Planning Commission send proposed Zoning Ordinance Amendment 004 to rezone approximately 13.99 acres from MHN: Mixed Housing Neighborhood to AG: Agricultural for the property located at located at 5400 Lautner Road, Parcel ID 28-01-101-015-00, owned by Eric Nuffer.

Or

Motion to Recommend Denial

I move that the Planning Commission recommend denial of proposed Zoning Ordinance Amendment 004 to rezone approximately 13.99 acres from MHN: Mixed Housing Neighborhood to AG: Agricultural for the property located at located at 5400 Lautner Road, Parcel ID 28-01-101-015-00, owned by Eric Nuffer, to the Township Board as it does not meet the requirements:

List any of those that apply:

Petition for Zoning Change

Eric Nuffer and Willow Myles-Nuffer

Phone: 231-649-6663

Email: givingwings@gmail.com

Primary Residence:
722 East State St.
Traverse City, MI 49686

Secondary Residence:
5754 Ridge Rd.
Williamsburg, MI 49690

Narrative:

The current zoning designation for Parcel Number 28-01-101-015-00 is Mixed Housing Neighborhood. The zoning designation was recently changed from Agriculture with the adoption of the Acme Township Zoning Ordinance in July of 2022. I am requesting a rezoning of the parcel back to an Agriculture designation.

We believe the rezoning is warranted for a number of reasons:

- The Mixed Housing Neighborhood designation is designed to support and encourage a higher density of housing that is impossible to achieve due to not having city water, sewer and natural gas available. Furthermore, the parcel is only accessible via legal two track easement.
- The prior owner, Mr. Lewis Griffith, was not aware that the property was going to be rezoned. The township is not required to notify individual property owners, however had this been done there would be no question Mr. Griffith would have challenged the change.
- Our parcel is located adjacent to property that is zone Agricultural. We wonder how it was decided that our parcel would change but the adjacent parcels to the east would not be changed.
- We are currently a Legal Non-Conforming parcel. We have been working hard to repair the existing buildings and to clean up what was once an eyesore to all that passed by on TART trail. It is important to us to have it rezoned so that we may work with the Acme Zoning Administrator to continue to improve our property, without having to initially work through the Zoning Board of Appeals.

The natural features of the property include level grasslands, one beautiful oak tree and a small clump of birch trees. The property is accessible through a legal easement which runs parallel to the TART trail. There are no deed restrictions on the property. The neighboring parcels to the east are zoned Agricultural and are vacant. To the south lies the TART trail and the Railroad. No public railroad crossings are permitted along the length of the TART trail. The land to the north is vacant as well. The land to the west of the parcel has a single-family home on it.

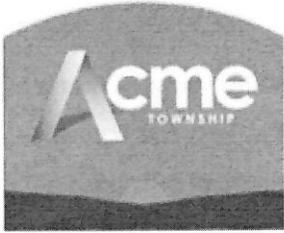
Thank you for your time and attention to this matter.



Eric S. Nuffer



Willow Myles-Nuffer



Petition for Zoning Change

Township of Acme, Grand Traverse County, Michigan

6042 Acme Road, Williamsburg, MI 49690

Phone: (231) 938-1350 Fax: (231) 938-1510 Web: www.acmetownship.org

Planning & Zoning Administrator: Lindsey Wolf Email: zoning@acmetownship.org

Please fill out the following application as completely and legibly as possible:

A. Owner/Applicant Information:

Owner/Applicant's Name: Eric S. Nuffer & Willow Myles - Nuffer

Owner/Applicant's Current Mailing Address: 722 East State St.

City: Traverse City State: MI Zip Code: 49686

Phone Number: 231-649-6663 Email: givingwings@gmail.com

B. Required Information (attach additional pages as needed):

1. Property Address/Location: 5400 Lawtner Rd.

2. Parcel Number: 28-01-101-015-00

3. Proof of current property ownership. If applicant is not the current property owner, also provide written and signed permission for applicant to act as agent of, and complete contact information for, the current property owner.

4. Sealed survey and legal description for property proposed for rezoning.

5. State the current zoning designation, proposed zoning designation and why you are petitioning for and believe that the property should be rezoned.

6. Describe the natural features and characteristics of the property.

7. Describe the existing land use on the property and on all immediately neighboring properties.

8. State whether deed restrictions exist on the property. If so, provide documentation. Discuss how they do or would affect the use of the property.

C. Submission Requirements (additional items may be requested depending on the circumstances):

1. Signed original copy of this application form.
2. Signed original copy of Fee Escrow Policy Acknowledgement
3. Initial fee as required by Acme Township Schedule of Fees
4. PDF files for all application materials and attachments
5. CAD and/or GIS shapefiles for area proposed for rezoning
6. If you have prepared any oversized site plans or documents, provide 10 copies of each

D. Affidavit:

The undersigned affirms that ^{we are} ~~he/she~~ is the OWNERS (owner, agent, lessee, or other interested party) involved in this petition and that the foregoing answers, statements and information are in all respects true and, to the best of ^{our} ~~his/her~~ knowledge, correct. By making this application, the undersigned grants all officials, staff and consultants of Acme Township access to the subject property as required and appropriate to assess site conditions in support of a determination as to the suitability of the proposed project and/or current or future special use permit and zoning ordinance compliance.

Signature: *E.S. Puffer* *Willem Weyler - Duff* Date: 10/30/2023

FOR TOWNSHIP USE ONLY

Application No.: _____ Date of Advertising: _____
Date Received: _____ Date of Hearing: _____
Fee Tendered: _____ PC Recommendation: _____
Board Action: _____ Effective Date: _____

NOTES

