



**ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
7:00 p.m. Monday, July 10, 2006**

Meeting called to Order with the Pledge of Allegiance at 7:01 p.m.

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

Members excused: D. Krause

Staff present: J. Hull, Zoning Administrator
S. Corpe, Township Manager/Recording Secretary
J. Iacoangeli, Planning Consultant

1. Consent Calendar:

Motion by Carstens, support by David to approve the Consent Calendar as presented, including:

Receive and File: None.

Action:

a) Review and approve agenda; inquiry as to conflicts of interest

Motion carried unanimously.

2. Correspondence: None

3. Limited Public Comment: None

4. Old Business:

a. Study-session discussion regarding potential Zoning Ordinance amendment that would amend existing clustered housing options and subdivision open space plans and add Planned Unit Development provisions: Iacoangeli provided a brief overview of some proposed zoning ordinance amendments he has prepared. He first drew attention to series of drawings provided this evening depicting an existing 158 acre farm and how it might be developed into varying numbers and configurations of dwelling units. He gave a brief discussion of how providing incentives that would allow more units to be built than would be customary by right in exchange for clustering of homesites on smaller lots can protect open spaces and maintain rural character.

Cluster Housing:

One facet of the proposed Cluster Housing ordinance revision that differs from the current Open Space Development (OSD) ordinance is that the current ordinance permits an automatic 20% density bonus for every development that is clustered on 50% or less of the development site, while the proposed ordinance would only provide for a density bonus if two of eight conditions under a section labeled "conditions and qualifications" are met. The bonus would vary according to the existing zoning classification of the development parcel.

Carstens asked if the proposed cluster housing ordinance could be used on properties containing waterfront to get around the township's existing ordinances regarding shared waterfront usage or "keyholing." Corpe and Hull observed that the standards

of other sections of the Ordinance that are relevant would still apply to developments created under the cluster housing ordinance, so part of the site plan review would include ensuring that the existing provisions of Section 7.6.8 are met.

Hardin asked if there are any situations in which clustered housing would not be a publicly desirable option. Wikle observed that placement of infrastructure would be less expensive and simpler in a clustered situation because fewer junction boxes and less footage of cable or piping would be required. Iacoangeli observed that clustered housing would not be well suited to a town center environment. Clustered housing can create neighborhoods that have little or no connectivity to other developed areas of the township, and a town center environment is specifically geared to promote connectivity, integration and accessibility of uses.

Iacoangeli noted that an ordinance concept that is broad can and should be tailored to the circumstances and goals of the community in which it is used. He was very interested at the last Planning Commission meeting to listen to the discussion about the importance of viewsheds to our community, and as an example noted that one answer to this desire would be to provide density bonuses to developments that do not place houses atop the ridgeline where they will be highly visible. Some communities use density bonuses to encourage continued agriculture; this concept has been proposed for applicability to Acme by providing density bonuses to properties using clustering that are within the PDR eligibility zone defined in the Master Plan.

Vermetten concurred that an ordinance must be designed to attract developers towards the type of development valued by the community. He also suggested, based on experience as an attorney for developers in other communities, that it isn't enough to make broad statements about "preserving important natural features;" those natural features that are considered "important" must be clearly defined and enumerated.

There was discussion about better defining our protected viewsheds and incorporating a density bonus for protection of woodlots. Pulcipher expressed some concern about how viewsheds are defined; he noted that the Master Plan listed points and the directions in which the important views from those points lies, and what is seen within those viewsheds. At the last meeting, discussion about the cell tower revealed that some people feel that viewsheds are broader than they seemed to be defined by the ordinance. Pulcipher noted, for example, that some viewsheds are currently defined as being views of a certain orchard. If that orchard is removed, does the protected viewshed cease to exist? All agreed that viewsheds are both changing and subjective; some people like to remove closer trees to get a better view of more distant trees. Vermetten observed that it might be unreasonable to try to prevent an orchard from being removed if the farmer wants or needs to just because some people find it beautiful. David observed that the question may not be the breadth of a viewshed but the depth. Pulcipher is concerned that carried to the extreme the entire township will become considered a protected viewshed. Takayama noted that prime views of the bay or some other natural feature are a significant factor in the economic value of land.

Iacoangeli offered the example of two people living five miles apart. Each likes to look towards the other's home and considers it a valuable viewshed. Who considers which view is more valuable? Perspective is key. Hardin noted that key viewsheds along main arteries have been defined in the Master Plan, and feels that only those viewsheds should be addressed through the ordinance. Iacoangeli opined that it might be difficult to "hang your hat" on the viewsheds as defined in the Master Plan; he

finds the descriptions vague. Currently viewsheds are defined by using orthophotography, meshed with topography and examined closely to determine whether protected views are looking up or looking down and what precisely they are looking at. Iacoangeli ended recommended against using density bonuses to encourage viewshed protection.

Vermetten noted that the clustered housing option would be available by Special Use Permit and not by right, so each application would come before the Planning Commission for evaluation. Takayama agreed, referring again to the idea that it is a site-specific decision. Hull noted that the existing OSD ordinance requires the applicant and township to prepare a conservation analysis to determine which are the features of each specific site that are most desirable for preservation.

Hardin asked about the situation concerning regulation of stormwater control. Corpe reported that Drain Commissioner Kevin McElyea is working with the County Board and the Prosecutor's office to develop a stormwater control ordinance that can be enacted by individual township which could then expect County enforcement support. On the one hand, increased density could result in a need for larger water retention areas through increased housing impervious surface, but on the other hand it could result in a decreased need for retention and decreased impervious surface because less land area is required for roadways to get to clustered homesites than for widespread sites.

Density bonuses should be granted in ways and areas where the township wishes to give an incentive to a certain development format.

Wikle asked what might happen if a clustered housing development were approved and built, and then oil or gas was found below the surface. Would oil or gas wells be permitted if they impinge on the preserved open space? This not so far-fetched, as many properties are already being approached for mineral rights and wells in Antrim County, and Acme and surrounding townships. Gas wellheads are very small – little more than pipes painted green emerging from the ground – as opposed to oil extraction rigs.

Iacoangeli asked if the township would like to provide woodland preservation density incentives; the Commission was in agreement that they would. Even though it might mean more density in the township, it could also mean increased woodlot protection.

Hardin asked about item b.4 under the "Open Space and Transition" section and what the precise definition of "densely planted buffer" would be. Iacoangeli will work on some more clearly defined standards. Vermetten spoke of a situation in a nearby township where the word "development" was not defined relative to a buffering requirement and provoked a debate between township and developer. Acme's ordinance does not define the term "development;" however, the ordinance states that when a term is not specifically defined that the common dictionary definition is applicable. Hull also reported that passages referring to buffering generally do not refer to the term "development."

Pulcifer asked for clarification of Permitted Densities item c. Water bodies referred to must be entirely within the property boundaries.

Subdivision Open Space Plan

This ordinance would permit a reduction from standard lot sizes in a way similar to

the cluster housing ordinance. The clustered housing option would be pertinent to a wider range of developments including semi-detached or multiple family housing, whereas the SOSP would be more specific to traditional subdivisions or site condominiums with single family units.

There was some discussion about buffer areas between residential development and active farms, and Iacoangeli provided an article from Queensland, New Zealand regarding a study performed regarding effective and reasonable buffers relating to agricultural spraying. Pulcifer advised extreme caution in creating buffers between uses, both because overlarge buffers will reduce available farmland below financially sustainable minimums. Also, orchards as are common here are highly dependent on effective air drainage that allows heavier cold air to flow downhill and away from the trees in freezing conditions. It is all too easy to create detrimental blockages to critical air drainageways inadvertently. Air drainage patterns are entirely site specific. Hardin also noted that it would be inadvisable to gear ordinance requirements entirely towards orchard farming because agriculture is constantly evolving and crop choices changing as market conditions change. He asked if it would be possible to allow changes to buffers over time as adjoining agricultural uses change, and it would.

At present any existing buffering or setback requirements in our ordinances put the burden on the farmer to place equipment sheds or animals or manure piles at a certain remove from common property lines. There is a delicate balance that must be achieved.

Hardin referred to Purpose item a., saying he didn't understand the meaning of the language. Iacoangeli gave an example whereby a stub street exists adjacent to a proposed development parcel. A proper relationship would be for the new development to be accessed via an extension of the stub road. New development should be sensitive to the context already in place around it. One would not necessarily create a road along the rear lot lines of existing houses; one might instead seek to create lots that back up to the existing lots with roads on the other side.

Hardin asked questions about Modification to Standards items a.(2) and a.(3). Regarding the former he asked if the township. Regarding the former, he confirmed that the township would be retaining discretion over how land set aside to offset reductions in lot sizes beyond minimums outlined would be used. Regarding the latter he asked for clarification; Iacoangeli observed that the intent is that land set aside for recreation must maintain natural drainage patterns; however, the entire set aside area may be within a floodplain.

The Chair declared a recess from 8:40 p.m. to 8:48 p.m.

Planned Unit Development

Iacoangeli characterized PUDs as the development option that provides the maximum level of flexibility to a developer. There are no minimum land acreages to qualify for this development type, but as proposed six qualification criteria and three of nine Township objectives must be met.

Iacoangeli used the proposed Lautner Commons project as an example, noting that if the six criteria and three of nine objectives were met and the ordinance were adopted, Meijer could have applied for a PUD. He noted that he spoke to a downstate residential developer recently who said that Meijer does, from time to time, entertain residential development as a component of their overall site plans.

First a developer would show the township a general schematic showing how various uses in a PUD project would be laid out. The township would review it and tell the developer whether or not they qualified for PUD consideration. If so, they would be invited to submit an application and a preliminary plan that is more specific than the schematic but less specific than a site plan. This master plan would be subject to a two-part review process: preliminary and final approvals during which review will focus on how well the plan promotes the goals of the township's Master Plan, each step subject to specific conditions. Before any actual construction could begin there would also be preliminary and final site plan approval steps, during which technical details are considered.

Carstens feels it is important to require an environmental impact assessment, which was not included in the draft as something the township could require along with traffic and market studies. Vermetten agreed that an environmental impact assessment should also be required.

Vermetten noted that the ordinance used to contain a PUD ordinance section. Corpe stated that it was replaced by the OSD ordinance in December 2002, although she doesn't recall why the OSD replaced the PUD rather than being inserted along side the PUD. The OSD ordinance was added because state law was amended to require that townships of our size provide a clustering option to developers. One reason it is important to add a PUD component back in to our ordinance now is that the only way that state law specifically enables transfers of development rights between parcels is by making the parcels part of the same PUD, so it adds another creative tool for shaping land use patterns within the township to preserve rural open spaces while maintaining density. PUD applications can be subject to Special Use Permit (SUP) approval.

Carstens referred back to the Cluster Housing section, Conditions and Qualifications item b, listing the range of professionals who may prepare documentation supporting a request for cluster housing development. He noted that during the first Meijer application in late 2000 an environmental professional hired by Meijer made assertions about the site's suitability for development with which the township's consultant, Dr. Chris Grobbel, disagreed. Corpe observed that the township retained Dr. Grobbel to review the applicant's expert's submissions, and there is nothing to prevent the township from doing so going forward in new situations. Iacoangeli is inserting language in the proposed PUD ordinance that specifically permits the township to require environmental studies as it deems warranted.

Iacoangeli placed in the requirements that applicants must provide AutoCad drawing files as part of their original submission, and also provide digital "as built" files as well. These files can be used by the township's consulting engineer(s) to review the plans in detail; Iacoangeli had asked for the digital files for the Lautner Commons application and was denied them, and they would have made his work run more smoothly and quickly.

Carstens referred back to the cluster housing ordinance again, asking questions about language stating that the inclusion of wetlands that might be impacted may trigger an environmental review. Iacoangeli referred to page four of the draft where item d says "Site plans presented under this option shall include information sufficient for the Planning Commission and the Township Board to make an informed decision. The Township will provide the applicant with a checklist outlining the contents for the site plan submission."

Hardin asked for Vermetten's perspective on the proposed PUD ordinance, as his work as an attorney is often to represent developers. Vermetten feels that a PUD is a very useful tool that developers by and large like. From a township perspective he feels it provides flexibility and control.

Corpe asked what provisions for transfers of development rights could and should be included in the PUD ordinance; Iacoangeli will look into this. Corpe would be particularly interested to know if the township can resell development rights it purchases through the PDR program, and if so, how.

David referred to item c at the top of page 3 in the cluster housing ordinance and the language referring to a minimum 25' setback distance for buildings from pavement edges of interior private drives or private places unless waived. Iacoangeli stated he would clarify the language; the intent was a setback from things such as culs-de-sac and other travel easements, but not from other buildings or private outdoor decks or patios. Iacoangeli will change the term "private places" to "private roads."

Iacoangeli and Hull will work on revisions based on this evening's discussion and there will be review of a revised draft at the regular August meeting.

Hardin recalled that at the last meeting there was discussion about looking at smaller minimum lot sizes for the agricultural district, and he wondered when the time would be right to hold discussion about this. Corpe reported that the time is coming soon, and that Iacoangeli has provided a proposal to the township for some more extensive ordinance revisions.

6. New Business: None

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

Meeting adjourned at 9:38 p.m.