



**ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
7:00 p.m. Monday, June 25, 2007
6042 Acme Road, Williamsburg, Michigan 49690**

Meeting called to Order at 7:03 p.m.

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

Members excused: E. Takayama

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

1. Consent Calendar:

Motion by Wikle, support by Yamaguchi to approve the Consent Calendar and approve the agenda as presented, including:

Receive and File:

- a) Draft Unapproved Minutes of:
1. **06/05/07 Regular** Board of Trustees Meeting
 2. **06/13/07 Shoreline Advisory** Meeting
 3. **06/14/07 Zoning Board of Appeals** Meeting

Action:

- b) Approve minutes of the **05/21/07 regular** Commission meeting.
- c) Review and approve agenda, inquiry as to conflicts of interest: no conflicts of interest noted.

Motion carried unanimously.

2. Correspondence: None

3. Limited Public Comment:

Margy Goss, 4105 Bay Valley Drive stated she was attending in response to the matter under old business, the shoreline master plan. She reviewed the information placed on line for the meeting, recognizing that it is asking if the cart is before the horse and the public should be informed and asked questions before the Planning Commission develops it further, or whether the Planning Commission should develop the plan further and then present additional information to the public. She has an answer and a reason. Two summers ago she attended a fairly full meeting at which the Recreation Advisory was presenting various options for boat launch improvements for public discussion and consensus-building. She recalls that Saylor Park was chosen as the most likely place for boat launch improvements for various reasons. She believes the Advisory considered up to 19 different spots between M-72 and Bunker Hill Road. The parcels are very expensive, and the landowners will be in "la la land" until a plan is put in place, which she believes is an uncomfortable situation to place them in. She believes there are parcels around Saylor Park that are less expensive and less subject to traffic than the central areas of the township. The plan put forward two summers ago cost the township \$22,000, and she believes it was "dropped like a dead herring." She would like the public to be well informed before we go down such a road again. At this point Vermetten suggested that the remainder of this discussion would fit well under the actual old business agenda item.

4. Preliminary Hearings:

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

clubhouse/inn/banquet/sports complex on the Highpoint Golf Course at 5720 Bates Road: This preliminary hearing is continued from the May meeting. Jason Vander Kodde from Nederveld Associates was present in support of the application. At the last meeting some procedural questions were raised for staff and legal counsel review over the past month. Hull reported that their findings are summarized in the staff report regarding the question of how Highpointe was originally approved and is the golf course a legal use in the Agricultural district. He found that in 1987 Highpointe was granted a “special conditions” permit, a type of permit which is no longer recognized by state statute, as a “special open space use.” Special open space uses were later changed under the ordinance to be a type of special use permit, and the Highpointe approval was then changed to an SUP approval. This is a legally-permitted golf course as a special open space use, and the request in this application is permissible if it meets ordinance conditions. The question is whether the application is sufficiently complete to allow for a public hearing to be set and if the proposed use is part of what can be reasonably considered as part of a golf course.

David noted that the application would be for consideration of an amendment to the existing SUP. He noted the section of the ordinance that allows insignificant changes to an SUP to be approved administratively by staff, and that other changes must be processed as new applications. He asked how this would be accomplished; Hull replied that the amendment request is brought to the Planning Commission and works through the same preliminary and public hearing process that a brand new application would follow. Vermetten echoed these sentiments.

Mr. Vander Kodde began his presentation of a proposed new clubhouse, which he characterized as necessary to the continued profitable operation of the golf course. The facility would contain 11 hotel-type rooms for “play and stay” guests. There is also a banquet facility that could serve during the non-golfing season as well. Mr. Vander Kodde displayed some elevations and basic site plans.

Krause asked to see the proposed plan for what could eventually become a PUD application brought forth under a joint planning agreement between Acme and Whitewater to see how the clubhouse might sit in context if the full plan moved forward. It was demonstrated that the clubhouse would be served by a temporary driveway until such time as the rest of the plan might be accomplished. Krause wished to make a point that the clubhouse appears to be a focal point or key to the PUD master plan and seems to relate more closely as a PUD anchor with or without a golf course rather than relating directly to the golf course itself. He believes it would be an asset to the community and the facility but is uncertain that as proposed it works well as a stand-alone feature of the golf course. Carstens echoed these sentiments, feeling that the structure placement relative to the golf course design and the existing clubhouse does not necessarily make sense. However it would facilitate use of the clubhouse in a country club-style throughout the year. It’s too early to talk in terms of the PUD because the preliminary stages of the process are not in place, but the building matches his knowledge of the workings of a country club from working at one as a youth. Krause echoed that he simply wants to see the land use placed in an appropriate context.

Mr. VanderKodde agreed that the clubhouse is designed as part of a larger development scheme that is in a very early stage of development. Regardless, it will be part of a larger plan. Even if the PUD as proposed does not come to fruition Highpointe would seek the proposed facility in the proposed location.

Vermetten raised an additional concern about having two clubhouses in place on the

course. Mr. Vander Kodde confirmed that the existing clubhouse would remain in place and in use; the new facility would enlarge their evening banquet hosting opportunities.

Wikle expressed concern about the temporary driveway and parking locations. She also noted a concern about the fact that as proposed the parking is between the building and the road from which primary access would be gained, and parking in the front yard such as this is not permitted in the ordinance unless an exception is granted by the Planning Commission. Hardin noted that there has been some confusion because the PUD application has been generally discussed with the Planning Commission prior to the application for the individual clubhouse being presented. Hull stated that he also shares concerns that approval of this application might be used to inappropriately leverage the joint planning PUD into place. He stated a commitment to preventing such a situation. The proposed joint planning agreement and any application that might be presented pursuant to it are far from certain to come to pass at this point in time. The landowner has assumed a calculated risk in pursuing the matter, but in the meantime he does not feel that the standalone application is not intended to apply inappropriate leverage.

Carstens asked if cars in the parking lot as proposed would be visible from M-72, and if so what could be done to prevent this from occurring. Mr. Vander Kodde believes that the natural slope of the land does not make this an issue, or that if the parked cars were visible it wouldn't be by much. Some sort of screening would be appropriate. The parking area would be about 1,000 sq. ft. from M-72.

David asked which functions would move entirely from the existing clubhouse to the new clubhouse. Mr. Vander Kodde does not know but can find out from course management for the public hearing discussion.

Motion by Krause, support by Pulcifer, to set a public hearing regarding Application #2007-4P for the July meeting. Motion carried by unanimous roll call vote.

5. Public Hearings:

- a) **Continued Hearing regarding SUP/Site Plan Application #2007-01P, a cheese factory for Bart Nielsen at 9018 US Highway 31 North:** Hull indicated that the applicant is again not ready to proceed with his public hearing and is asking for a continuance. The applicant is still working with various consultants and agencies to complete the detailed application package requirements.

Motion by Carstens, support by David to continue the public hearing on SUP Application #2007-1P to the July meeting. Motion carried unanimously.

6. New Business: None

7. Old Business:

- a) **Shoreline Master Plan – discuss possible land uses:** Russ Clark from R. Clark associates gave a brief PowerPoint presentation regarding possible land uses that could be included in a public use master plan for the shoreline between the MDOT roadside park and the M-72 intersection. He has identified four sub-areas along the shoreline based on the depth of the land available between US 31 and the water. There are a total of 3,700 linear feet of frontage, 21.3 acres of land, and 25 parcels of land with 25 curb cuts on US 31 North. Some of the land is above the road grade and some below. Sub Area A extends from the northern end of the study area to the Bay

Villa Condos. Area B picks up from there and extends south to Mountain Jack's. Studies of existing vegetative cover have been performed using existing aerial photography.

The presentation moved on to a list of potential land uses for each sub-area based on the natural features of the land and the opportunities and challenges they present. Mr. Clark was clear that this list is not intended to be a "closed" list; it is expected that the list may be expanded or narrowed through public and Planning Commission input. They also suggest that ultimately as land is acquired the number of access points should be reduced from the current 25 to no more than four. TART connections should be made.

R. Clark's proposed next steps are to develop the conceptual park master plan, present that plan to the public and gather public input, and from that input develop the preliminary master plan.

The Commission felt that the list of possible uses was generally very complete and may actually be ready for narrowing down. Yamaguchi suggested adding art fairs and similar civic functions to the list of possible uses. Krause believes that open space subject to a variety of uses is another critical component.

Vermetten characterized the process as visionary, and welcomed Shoreline Advisory Co-Chairs Paul Brink and Pat Salathiel to comment. Brink feels the advisory is seeking to promote two objectives: that the public have true and meaningful input, and that some sort of preliminary sketch be available in a fairly short timeframe that they could use for fundraising purposes. Salathiel noted that 37 slips at the marina are currently for sale. The advisory membership is divided in opinion as to whether the township should explore potential opportunities to acquire some or all of those boat slips. She believes this could be a net revenue generator for the township. If all were acquired the township would have a majority stake in the marina. She asked that the Commission specifically discuss this concept. David believes the slips are offered for about \$40,000 each.

Carstens drew attention to the memo Corpe provided in the file. He also stated some agreement with Mrs. Goss regarding her previous statements. He believes some people view this project as a potential for Acme's open space, similar to Traverse City's open bayfront space. He would not favor overloading the space with specific use options. Carstens would favor a process where citizens can evaluate and add to the land use list; Mr. Clark indicated that facilitating this process is a key part of the project scope.

Wikle stated that she has just returned from Key West. There is a place called Smathers Beach that she feels has been well-developed in terms of public use, access and access safety. One key is bringing in the TART and providing a remote parking area for that use.

Krause asked if the question is whether or not there should be public input before even a preliminary concept drawing is made. Corpe replied that this was the essential thrust of her memo. This has been a very contentious 4 years, and in particular there were accusations that the Future Land Use Map (FLUM) was based on a preconceived outcome. She is raising the question as to whether a process that the whole community should be able to get behind could be unintentionally derailed by a perception that there is a predetermined outcome that will not reflect community values. Vermetten understood the concern and expressed appreciation that it has been

brought up, but also feels that “running scared” is not appropriate. There was general consensus that there has to be some sort of starting point plan to focus public input in an effective manner. Krause feels that people will be ill-equipped to deal effectively with an initial list without a vision to accompany it.

Wikle noted that not only do we want to provide recreational and water access opportunities to our citizens, we want to encourage visitors to come and stay and spend their dollars here as well.

Hull agreed with Vermetten’s comments regarding the FLUM. He stated that communities seem to be over-eager to perform surveys, and he stated he can prove mathematically that this is a poor approach that will not generate the needed information. Processes such as this expand the planning process to include as many people as possible. He believes a survey would do a disservice to the community. Vermetten agreed, indicating he would also support doing a mailing and/or advertising in the newspaper to be sure everyone feels invited to participate. He does not want to interfere with Mr. Clark performing his service as a professional.

Corpe spoke to Mrs. Goss’ earlier comments, clarifying that the Parks & Recreation Advisory initiative to improve a boat launch and the shoreline master planning process are separate, distinct and both ongoing. She confirmed that the public chose Saylor Park as the most likely launch improvement site. The township received a DNR grant several years ago that would pay up to half of up to \$36,000 to complete a study and a concept site plan. The township has proposed a mid-project change in engineering consultants which has never happened with a grant of this type before. Our DNR contact said he wanted to review the work done to date and the proposed plan for completion of the project before confirming that we were still meeting the grant requirements. This has been a slower process than anticipated, although our contact did come to the township in November and was taken on a tour of the sites under consideration for improvement of a launch and gave the impression that he concurred with the Saylor Park choice. Further, Governor Granholm has placed a moratorium on distribution of state grant funds of this nature until the current budget crisis is resolved. She has not cancelled the grants, but has deferred any payments. Mrs. Goss indicated she was glad to hear that the boat launch process was continuing, as her family has found the Saylor Park launch site to be the only really usable one for them but that it does need some work.

Mr. Clark will introduce a concept plan at the July meeting, and at that meeting a date will be set for public input on that plan. The public input session will be held at the regularly scheduled August 27 meeting. Vermetten has asked that we try to hold both meetings off-site at a larger venue that can accommodate more people.

Mr. Clark stated that the Commission needs to have a hard look at the zoning ordinance. Creation of the shoreline master plan and the beginnings of its implementation is likely to make the land across the street more valuable and affect its development and redevelopment patterns.

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

Vermetten noted that Takayama is stepping down as the Board representative to the Planning Commission, and that his contributions have been valued. It is anticipated that Wayne Kladder will be appointed in his stead. Pulcifer has also chosen not to seek reappointment as his term as a Commissioner is coming to an end after this evening’s meeting. Vermetten thanked him for his service and input and indicated he will be missed. Corpe noted that Vermetten’s position is also up for reappointment and that he has indicated willingness to

continue to serve if reappointed.

Krause asked for a new item to be placed on the agenda; Vermetten felt that this should have been done when the agenda was being approved but allowed the addition. Krause indicated that he feels that the development options ordinances which will be considered by the Board for final adoption on July 3 should be revisited, and that a mistake was made with them. He noted that the new ordinances do not allow for density bonuses in exchange for providing certain minimum levels of open space/clustering. He believes that there is no incentive for their use by a landowner. Corpe noted that the Board will be considering final adoption on July 3, and they are free to make changes during the adoption process. If the situation could be resolved through a minor language change perhaps this would work. If the needed language is more complex, then it might be prudent for the Commission to ask the Board to send the ordinances back to them for further work, which means returning to the beginning of the whole long adoption process. Many of the Commissioners were surprised that they had chosen not to provide for density bonuses, while staff indicated they raised the question numerous times and were surprised by the desire expressed by the Commission to eliminate density bonuses that already existed in the Open Space Development Ordinance.

Motion by Krause to ask the Board to continue the public hearing on the proposed development options ordinances to the August meeting. Motion failed for lack of support.

Motion by Wikle, support by Yamaguchi to recommend to the Board that Hull and Vermetten meet with legal counsel and develop amended language to provide for density bonus amendments for the proposed development options ordinance amendment.

Carstens is concerned that any potential amendments considered be consistent with the township Master Plan, and is worried that there may be other changes that need to be considered. Hull believes the motion is overly complicated, suggesting the Commission simply ask the Board to amend the proposed development options ordinances to provide for density bonuses.

Motion withdrawn by Wikle.

Motion by David, support by Hardin to request that the Board consider amending the proposed development options ordinance amendments to include density bonuses. Motion carried by unanimous roll call vote.

Vermetten thanked Andy Andres, Jr. for assisting with placing some pasteboard over the windows on the west side of the township hall. During the evening the sun can shine in and blind members of the audience at meetings.

Nels Veliquette indicated he'd be interested in knowing how Krause came to his realization and concern about the proposed zoning ordinance amendment. He asked to address the statements made that "somehow this got by" the Commission. He felt that the situation was brought up many times by himself and staff and that he was largely ignored. He agrees that if the township does not provide a preferred route to a desired outcome that landowners will continue to use the easiest, cheapest way to their end.

Mrs. Goss stated that she felt somewhat "scolded" by making her points this evening. She still hasn't heard anything about how public shoreline acquisition will be accomplished financially. Will she be asked as a citizen to support a millage? Has it been demonstrated that we need additional parkland, or that existing parkland is being fully utilized? How much

expense will we expose residents to in the long run? Will a charge to them be raised 47% because paying for it has become problematical over time? She as a taxpayer does not want to see a huge increased tax burden to support a dream she doesn't share and about which she wasn't asked. She recalls that at boat launch improvement meetings someone mentioned that the Elk Rapids marina doesn't pay for itself. She loves Acme and some of the ideas being brought up, and dislikes being a naysayer, but the township is hurting and sewer users are about to feel a big pinch.

Brink spoke to Mrs. Goss' questions about funding. The Advisory hopes that funding will come largely from granting sources. The township has applied for a federal allocation through Senator Levin's office and so far he seems enthusiastic about the project. There have been discussions with the DNR Trust Fund as well, and there will be a campaign for voluntary private donations. No township funding has been expended to date on the project and he hopes there will not be a millage increase. Salathiel stated that if Mrs. Goss feels there's a rush, it's because a fair number of the properties in the project area are for sale right now. If sold to private entities they might be redeveloped for the foreseeable future, so this may be a once-in-a-lifetime opportunity. Mrs. Goss stated a belief that the landowners in the project area may feel that their options are limited for obtaining economic value from their land if its known that the township wants the land to become public.

Andy Andres Jr., Barlow Street, Traverse City stated that this evening he is representing himself. In the past he has generally represented his family interests in the township. Mr. Andres is an industrial designer, and provided some materials that he hopes will start a public discussion about how the community can begin a meaningful and productive conversation about the shape of development in the community. He provided each Commissioner with some written materials and encouraged them to contact him further.

Vermetten stated that from time to time receiving a scolding from the public can be a positive reminder. He is curious to review meeting minutes to refresh his memory on the discussions about the proposed ordinance amendments. Carstens thanked Mr. Veliquette for his comments and offered an apology.

Meeting adjourned at 9:10 p.m.