



ACME TOWNSHIP PLANNING COMMISSION MEETING
Acme Township Hall
6042 Acme Road, Williamsburg, Michigan
7:00 p.m. Monday, January 21, 2013

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

Members present: V. Tegel (Chair), B. Carstens (Vice Chair), S. Feringa, B. Finch, T. Forgette, M. Timmins, K. Wentzloff, D. White

Members excused: D. Rosa

Staff Present: S. Vreeland, Township Manager/Recording Secretary
J. Iacoangeli, Planning Consultant
J. Jocks, Township Legal Counsel

APPROVAL OF AGENDA: Motion by Carstens, support by Wentzloff to approve the agenda as presented. Motion carried unanimously.

INQUIRY AS TO CONFLICTS OF INTEREST: None noted.

1. Continuing Education/Special Presentations

- a. **Storm Water Control** – Kevin McElyea, Grand Traverse County Drain Commissioner: Materials for this presentation were provided today and placed on the table. Mr. McElyea is speaking to the current situation with stormwater control ordinance administration and options for the future. He offered to handle stormwater control ordinance administration, including permit reviews, at no charge for 6 months while the future is sorted out. He read from the first two pages of the handout in his spoken comments, stressing the need for cost-effective, easy-to-navigate regulations and appropriate fee schedules which are consistent throughout the region. In mid-February he will be asking the County Commission to support county-wide collaboration on stormwater control and to reunite stormwater control and soil erosion functions under his office.

2. Consent Calendar: Motion by Carstens, support by Timmins to approve the Consent Calendar as amended to remove items 2 and 3 for further discussion, including:

a) **Receive and File:**

1. **Draft Unapproved Minutes of:**

1. **Board 01/08/13**
2. **Planning, Zoning & Administrative Activity Report**
3. ~~**Planning & Zoning News November 2012**~~

b) **Approval:**

1. **Planning Commission 12/17/12 and 01/07/13**

Motion carried unanimously.

3. Limited Public Comment:

Gene Veliquette, Elk Lake Road in Whitewater Township, found Mr. McElyea's comments confusing. He believes that individuals he characterized as encouraging the township to waste time and resources for the past 8 years should be dismissed from township service.

4. Correspondence:

5. **Public Hearings: None**

6. **New Business:**

- a) **VGT Extension Request:** Anderson Real Estate has requested an extension of SUP 2009-01P while they put together requisite financing for various aspects of the project. Iacoangeli is supporting the request for a 1-year extension. Steve Smith was present on behalf of the applicant and confirmed Iacoangeli's summary. The plan is still to break ground in 2013. VGT is responsible for delivering a prepared site to Meijer for store construction.

Motion by Carstens, support by Wentzloff to approve a minor amendment to SUP 2009-01P granting a 1-year extension of time to commence the project to March 6, 2014. Motion carried unanimously.

- b) **Planning & Zoning Activity Report:** Tegel asked to have this removed from the Consent Calendar to discuss the Bravo Zulu brewery project. Proprietor Jeff Brooks was present. He was approved for a minor SUP amendment to convert the former Fox Motors building to a brewery, but has run into various challenging conditions and is planning to relocate the brewery to the Highlite Plaza building (recently previously occupied by the Dollar General store). Staff is administratively processing an insignificant change to the existing SUP for the Highlite Plaza, which already allows for a mixture of office and retail uses for the property. Mr. Brooks has a goal to be open by around April 15.
- c) **Storm Water Control Ordinance:** In 2007 there was a county-level stormwater control ordinance; however, the county prosecutor determined that state statute did not authorize counties to have such ordinances. The County offered the townships a uniform stormwater control ordinance for adoption, and offered to administer them for us. The township adopted both the ordinance and a 5-year intergovernmental agreement for the administration. This agreement expired on December 31, 2012. The ordinance itself remains in force; however, it is currently up to the township alone to administer and enforce it.

There are three basic decisions for the township to be approaching in the near future: how to continue to administer the stormwater control ordinance we have; and whether or not to amend the ordinance to encourage or require the use of "low-impact development" (LID) design. One example of the latter would be the type of innovative stormwater treatment train provided by the VGT for Phase I of their project. Also mentioned in the monthly staff report is a need to decide whether the ordinance would remain a police power ordinance or become a part of the Zoning Ordinance.

Carstens noted that The Watershed Center is promoting the use of LID design. He is concerned about the provisions of our current ordinance, but also has concerns about some potential LID best management practices. He noted accounts of places around the country that are seeing storms that generate more than 3 times the volume of stormwater in a short period of time. Are the currently-recommended LID practices sufficient to handle the larger storm events that are occurring with greater frequency?

Wentzloff asked to what extent this issue is under the jurisdiction of the Planning Commission. Jocks noted that the Planning Commission has no formal part in review of a police power ordinance. If it becomes a zoning ordinance then the Planning Commission would more formally help create the ordinance and might be involved in administering it. This is also to some extent a community values issue that might be

reflected in the Master Plan. Carstens suggested that it would be helpful to have the results of the Master Plan survey in considering these questions.

Tegel asked for thoughts about the relative merits of using a police power ordinance vs. a zoning ordinance. Jocks offered that if a zoning ordinance is used then review of stormwater control may become a larger part of the township's review for special use permits. Whichever type of ordinance is employed, review and enforcement could be handled by a variety of people, whether on staff or contracted.

Iacoangeli offered that historically stormwater control measures have focused on quantity of water retained or detained. LID stormwater control adds a focus on the quality of released water by using the retention/detention system to also cleanse the water before it returns to the environment.

Currently if there is a need for a stormwater control permit to be issued, the township would refer it to Iacoangeli. The question was asked as to the cost differential between using a consultant and using the Drain Commissioner's office. Mr. McElyea replied that when his office was handling the permits jointly with the soil erosion permits, both were handled concurrently for one fee. Since the soil erosion permit responsibility has been transferred to the Construction Code office they have been charging the customary fee. This is why Mr. McElyea is offering to process stormwater control permits at no additional charge, so that the public will not incur additional cost because of the situation.

Wentzloff asked if the township would have to use a standardized ordinance with other communities if it utilizes the Drain Commissioner's office for administration. Mr. McElyea is open to working with multiple different ordinances if he is authorized to do so by the County Prosecutor. However, he hopes and expects that multiple townships working together could come to an agreement on a common ordinance. A preliminary draft provided would incentivize LID stormwater control design.

Tegel asked why the 2007 ordinance was a police power ordinance rather than a zoning ordinance. Jocks and Iacoangeli reported that it has historically been more common for this type of thing to be in a police power ordinance rather than a zoning ordinance. Vreeland noted also that in 2007 the township did not have a municipal civil infractions ordinance that allows tickets to be immediately issued for violations as can occur under a police power ordinance. The ability to immediately ticket for a problem with stormwater control may have been seen as desirable, rather than waiting to work through a process of communication and/or filing a lawsuit to address what could be a critical situation. The township now has a municipal civil infractions ordinance, and has added municipal civil infractions tickets as an enforcement option in the zoning ordinance.

McElyea stressed that he hears that stakeholders want four key items: predictability (particularly as to costs and review times), innovation, flexibility, and site specific treatments. Soil conditions on each site may not be well-addressed under the current ordinance. Mr. McElyea offered that engineers may take an easy way out by designing a large hole to contain water, and he would like to simplify the ordinance and educate engineers on the use of site-specific applications and treatment trains that work with soil conditions.

Tegel asked if there is an urgent need for the Commission to recommend a course of action to the Board, or if a recommendation could await additional study and the results of the master plan survey. Vreeland does not believe there is an emergency

situation, as there is a stormwater control ordinance still in effect for the township. It is simply a matter of how we administer it in the interim. The Watershed Center has asked if the township would be interested in joining them and some other townships for an exploratory discussion to see where there may be common ground for cooperation and perhaps an ordinance that is standardized across several jurisdictions. So far Garfield, Peninsula and Long Lake Townships have indicated interest in a preliminary and non-binding discussion. The Watershed Center would find value in a cooperative scenario, believing it would promote their water protection goals more uniformly. It would provide area developers with fewer different ordinances to have to know and navigate and promote a common approach to a common concern.

Timmins asked about the relationship between the master plan and a stormwater control ordinance, and whether the terms of the ordinance would dictate some of the content of the master plan or if the master plan would “trump” the ordinance. Carstens . The master plan is a vision statement that contains principles, goals and objectives that inform the creation of ordinances which is used to achieve the vision.

Mr. McElyea mentioned that Garfield Township has expressed interest in incentivizing LID stormwater control. One concept they are exploring is allowing additional development density if LID is used. He noted the opportunity to recommend to the township Board that it sign a proposed intergovernmental agreement to have the Drain Commissioner’s office again enforce the stormwater control ordinance while the longer-term and broader issues are worked out. He noted that either party can terminate the proposed agreement on 90-day notice.

Carstens wondered if engineers are trained during their education to understand how to use LID principles. Mr. McElyea offered that he would want to hold workshops to improve the level of education or implementation of the skills involved. Carstens feels like he needs to learn more about LID design principles.

The Commission will wait to make a recommendation until information comes from the intergovernmental meetings fostered by the Watershed Center and from the Master Plan survey.

7. **Old Business:**

a) **Master Plan/John I Update**

Survey: A survey version update reflecting the work done by the Planning Commission through the special meeting on January 7 was provided. Iacoangeli would like to give it to NMC for final review and implementation. Tegel had a question about the appropriate date to fill in for potential PDR millage renewal. The current millage will be collected for the last time with the Winter 2013 tax bills. Any potential millage renewal request will likely come in late 2013 or at some point in 2014.

Wentlzoﬀ asked if there were ways to tighten up the language of the survey to eliminate unnecessary length. Iacoangeli noted that one of the key things NMC is bringing to the table is analysis of the question language to ensure it is clear and unbiased. He will inform them that there are concerns about question length and ask them to remove words wherever possible while retaining effectiveness and neutrality. A statement thanking people for their time will be added to the end of the survey.

White noted that “air quality” should be removed from question 8 per previous discussion as something that would be difficult or impossible for the township to control even if doing so is a high priority. Timmins countered that one way to impact

air quality in a positive way would be to require a higher number of trees to be planted. Carstens noted that the Watershed Center promotes the use of trees for this purpose.

Finch suggested that the final column in question 9 (no opinion/don't know) should be more significantly set apart from the other columns. When taking a survey some people go on "autopilot" and might not read the heading carefully, assuming that the column is for a higher level of desirability.

Motion by Feringa, support by Carstens to approve the form of the community survey with corrections as discussed and putting the PDR renewal date as "2013-14." Motion carried unanimously.

Dashboard: Beckett & Raeder prepared "dashboards" for the township and the County as an aid to looking at demographic data. This is one way to pull information together for the Master Plan. This information is linked to the meeting agenda, will be linked to the minutes, and will be on the master plan project website after tomorrow. Tegel was intrigued to see how much higher than the County average Acme Township stands in terms of property values, wages and level of citizen education. White also noted that the township unemployment rate was higher than the County average, at least as of the 2010 Census from which this information was derived.

Tegel asked if a dashboard for what types of food are produced in the township could be created. There is an agricultural census taken by the federal government that goes down as far as the County Level. The MSUE Extension agent might now on a township level, and asking the agricultural community members in the township would be the best way to find out. Tegel feels this would be an extremely valuable type of information to have, particularly given the township's farmland preservation program and the local foods movement. Iacoangeli believes that it is most appropriate to view these issues on a regional level rather than by township. One region of the township may be best for a particular type of crop and another is best for a different crop. The Acme microclimate seems best for orchards, but the better question is what is the range of local foods available regionally.

On February 5 there will be a master plan focus group meeting with regional agencies regarding their plans and programs that might have an impact in and be impacted by the township. On February 6 Lennox will facilitate a focus group meeting with the business community. The agricultural community is being invited to a similar focus group meeting on a date to be determined. Iacoangeli will bring some base maps to the next Planning Commission meeting for Commissioners to divide up and use for a "windshield survey" of existing land use inventory. He has been using this technique for about 2 years now rather than doing the inventory himself, as he has found that it creates a better appreciation and understanding of the community in Commissioners when they visit the landscape themselves. He would like to have a joint meeting of the Parks & Recreation and Shoreline advisories to begin work on the parks and recreation plan and portions of the master plan.

Lennox has spoken with the representative for the Water's Edge project. The township Board approved the project with the same conditions recommended by the Commission. The applicant is still working on the final materials required to be submitted.

8. Items Removed from Consent Calendar:

- a) **Planning & Zoning News November 2012:** Tegel noted a summary on page 7 of a

study performed by the MSU Land Policy Institute. One question had to do with the importance of intergovernmental collaboration, and she was impressed by the number of people surveyed who stressed this activity. She feels the Commission should remain mindful of this.

9. Reports:

- a) **PlannersWeb evaluation form:** Tegel drew attention to an article about making good use of meeting time. It contains a survey which she asked everyone to fill out before they leave tonight relative to today's meeting.

10. Planning Commission Items for Discussion (*items must be submitted one week prior to the scheduled PC meeting. Discussion limited to 5 minutes for each item listed.*)

- a) **Bob Carstens/Beth Finch** <http://www.thegrandvision.org/presentations>: Carstens attends a variety of Grand Vision network meetings both for personal interests and to represent the township and/or County Planning. In particular one he attends is the Growth & Investment Network, because he feels it important to understand as much as he can about a wide variety of issues to improve his decision-making for the township within the regional context. Finch also attended the Growth & Investment Network meeting on January 8 and found it more informative than she could have imagined. Carstens agreed because he has been persuaded to think that high density development is an optimal use of resources, and that using centralized water and sewer systems to serve them was ideal. The presentation was about the potential desirability of using decentralized public infrastructure, and long-term economic and environmental sustainability problems that can come from expansive centralized systems. One concern the presenter expressed is that the engineers who design these systems are not trained to consider their broad impacts.

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

On April 29 there will be a master plan work session similar to the January 7 session. At the March Commission meeting Sarah Lucas from the Council of Governments will make a presentation about Food Hubs.

Noelle Knopf, 3585 Lookout Point in East Bay Township, thanked the Commission for approving the extension of SUP 2009-01P.

Dave Hoxsie also thanked the Commission for approving the SUP extension and invited everyone to a fundraiser for the Hoxsie House preservation this Sunday January 27 from noon – 4pm at the Williamsburg Dinner Theater.

Tegel encouraged Commissioners to share information of general interest as they come across it. One example is a grant opportunity through the Project for Public Spaces. Vreeland recommended to her that if the township were to apply for this community planning grant a recommendation could be made to the Board of Trustees.

Meeting adjourned on a motion by Wentzloff with support by Finch at 8:42 p.m.