



**ACME TOWNSHIP PLANNING COMMISSION MEETING  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
7:00 p.m. Monday, March 28, 2005**

**Meeting called to Order at 7:00 p.m.**

**Members present:** O. Sherberneau (Chair), B. Carstens, C. David, R. Hardin, D. Krause, D. Morgan, E. Takayama

**Members excused:** J. Pulcifer, M. Vermetten

**Staff present:** S. Corpe, Office & Planning Coordinator/Recording Secretary  
J. Hull, Zoning Administrator  
C. Bzdok, Legal Counsel (left at 7:31 p.m.)

**1. Consent Calendar**

**Motion by Carstens, support by Takayama to approve the Consent Calendar as amended to remove the Acme Township Sexually Oriented Business Ordinance and approval of the agenda to follow Limited Public Comment for further discussion under New Business and , including:**

**Receive and File:**

- a) Minutes of the March 1, 2005 Board of Trustees Meeting ([Attachment A](#))
- b) Article from the 03/03/05 edition of *The Leelanau Enterprise*: "First attempt to zone county began over 55 years ago." ([Attachment B](#))
- c) Invitations and schedules for Joint Planning Workshops sponsored by NW MI Council of Governments ([Attachment C](#))
- d) ~~Acme Township Sexually Oriented Business Ordinance~~ ([Attachment D](#))

**Action:**

- e) Approve February 28, 2005 meeting minutes ([Attachment E](#))
- f) ~~Review and approve agenda, inquiry as to conflicts of interest~~

**Motion carried unanimously.**

**2. Correspondence:**

- a) E-mail dated 03-23-05 from Bryan Roth, 4222 Circle View Drive ([Attachment F](#)): read into the record by Corpe.
- b) E-mail dated 03/28/05 from Dan Rosa, 4707 Hampshire Drive: read into the record by Corpe

**3. Limited Public Comment:**

Steve Hayward, Planner for The Village at Grand Traverse and Lautner Commons stated that there has been a significant amount of correspondence between Meijer, Inc. and the township regarding scheduling of a hearing regarding the Lautner Commons applications. The applicant feels that since their application was provided to the township 2 months ago and in their opinion is substantially complete, it should be scheduled for public hearing on April 25. Mr. Hayward asserted that no new information will be brought forward between now and the end of April and that the application should be found to be substantially incomplete. They believe there is no basis in state law or the ordinance for a preliminary hearing to be held first.

Sherberneau asked Bzdok for some feedback regarding the township's practice of holding preliminary hearings. Bzdok quoted a section of the SUP section of the ordinance which calls for the Planning Commission to hold a public hearing after appropriate review and study. He

interprets this to be the genesis of the preliminary hearing process step usually undertaken. He disagreed with the assertion made in various e-mails and by Mr. Hayward that state law does not allow for a preliminary hearing. It is each community's choice whether or not to have preliminary review performed entirely by staff or with Commission involvement. Some sort of a study step is required prior to a Public Hearing being set. The Commission is free to decide whether or not to waive the preliminary hearing requirement in this case. It is neither prohibited nor required.

Sherberneau stated that the township experienced difficulties because it needed time to retain a planner to review this project. One has been retained and is in the process of reviewing the application. In this one case only he would be amenable to making an exception to the standard practice of holding preliminary reviews. He is unaware that anyone in the township has expressed a desire to delay the process.

Chris DeGood, Gourdie Fraser Associates stated that an application was delivered to the township two months ago for distribution. He listed a number of agencies that have provided input to date, and stated that the only agency that has yet to provide feedback. He asserted that the application has been deemed complete and that the applicant would appreciate furtherance of their process.

Scott Nowakowski, Meijer, Inc. stated that Meijer, Inc. has needed to replenish their escrow account several times due to costs for ongoing staff review;

Jim & Krista Johnson, Bates Road, provided a letter to be read into the record, which Corpe did.

Dan Hanna, 7239 Lautner Road stated that he realizes that the moratorium is not on the agenda. He thought it would be back before the Planning Commission tonight and asked for clarification of the process. The Commission and Corpe responded that consideration of the proposed moratorium is scheduled for public hearing before the Board of Trustees at their April 5 meeting.

Sherberneau asked for the Commission's decision regarding scheduling for the Lautner Commons application. He noted that in November the Commission was asked if they wished to eliminate the preliminary hearing process step and that the Commission indicated that they did not. He would support eliminating the step in this one case only.

David stated that the township has received a letter from Meijer stating their perception that a number of individuals on the Commission have a conflict of interest and should not review their application. It was his expectation that this question has been presented to the court for decision along with similar allegations made regarding The Village. Bzdok responded that the same set of allegations has been made regarding both applications and that therefore the court has been asked to decide both sets.

Krause asked if the litigation prevents scheduling a hearing regarding Meijer. Bzdok replied that there is nothing to prevent scheduling, but a determination from the Court is regarding the allegations is important.

Carstens is one individual who supported retaining preliminary hearings as part of the process. He has not yet seen the Meijer application materials, and feels a need to study them before he decides whether or not a preliminary hearing is necessary. The township has allowed six years to pass without ensuring that the zoning ordinance conforms to the master plan.

Mr. DeGood questioned Carstens' statement that he had not yet seen the Meijer application

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