



**ACME TOWNSHIP PLANNING COMMISSION MEETING**  
**NEW HOPE CHURCH**  
**5100 BETHESDA COURT, Williamsburg MI 49690**  
**6:30 p.m. Monday, May 23, 2005**

Meeting called to Order at 6:30 p.m.

**Members present:** O. Sherberneau (Chair), B. Carstens, C. David, R. Hardin, D. Krause, D. Morgan, E. Takayama, M. Vermetten  
**Members excused:** J. Pulcipher  
**Staff present:** J. Hull, Zoning Administrator  
S. Corpe, Office & Planning Coordinator/Recording Secretary  
J. Iacoangeli – Beckett & Raeder, Consulting Planner  
J. Christopherson, Consulting Counsel

**Roll Call of Planning Commission Members**

**1. Consent Calendar:**

**Motion by Vermetten, support by Morgan to approve the Consent Calendar as presented, including:**

**Receive and File:**

- a) **Draft unapproved minutes of the May 10, 2005 Board of Trustees meeting**
- b) **RFP/RFQ for Planning Consultant** to assist with visioning/Master Plan Future Land Use Map

**Action:**

- a) Approve **April 25, 2005** meeting minutes
- b) Review and approve agenda, inquiry as to conflicts of interest: approved with no conflicts noted.

**Motion carried unanimously.**

**2. Correspondence:** None not related to the later agenda items.

**3. Limited Public Comment:**

Bill Castle, 1349 West Kalkaska Road asked if the Commissioners are appointed. Sherberneau responded that all Commissioners are appointed by the Board of Trustees. Mr. Castle asked if all have sworn an oath to uphold the constitutions of the state and nation; Corpe replied that this has not been done and she does not believe it is required of appointees. Mr. Castle believes it is a requirement and urged the Commission to investigate further.

Margie Goss, 4105 Bay Valley Drive, stated that at the Board meeting last week she spoke about the matter of hiring a planning consultant for visioning and production of a future land use map for the master plan. She questions the need for doing so, which seems to her to be duplicative of existing efforts. She believes that other business on the table is moving slowly because obstructions have been placed in their path and questions the need for a consultant for a visioning process for the second time as waste of money and time. Sherberneau stated that the Board of Trustees would be a better source for information in this regard.

**4. Preliminary Hearings – 6:30 p.m. to 7:30 p.m.:**

- a) **Application #2005-6P by Breakout Vending/Susan Brosch, 3254 Holiday View, Traverse City MI 49686 for SUP/Site Plan approval to construct a warehousing facility at 6101 S. Railway Commons (Lot 1, Railway Industrial Park) on property currently zoned B-4, Material Processing & Warehousing (continued from 04/25/05 meeting):** Ms. Brosch and John Urbain, Elmer's Engineering were present in support of the application. Breakout Vending sells and services a variety of vending machines and games, and their proposed building would serve as a facility to warehouse and repair their wares as well as office space.

A copy of the site plan was displayed. There are three employees and the site plan provides for seven parking spaces plus loading/unloading spaces. Private well and septic systems will provide necessary services to the property. An enclosed trash receptacle area and a retention basin as required by the Soil Erosion Department are provided as well. To the east, west and north the land is zoned B-4, to the south the land use is residential. Therefore, along the south property line enhanced landscaping is required.

Hull noted that since the time his report was written approval has been received from the Soil Erosion Department. Everything else that is required is in hand. Earlier there was a required berm or hedge missing from the site plan, but a berm/hedge combination has been provided and he believes the plan is ready to move to the public hearing phase of the application process. The appropriate berm size is shown on the grading plan for the site, as opposed to the size notated on the landscaping plan page of the application materials.

Takayama asked if an elevation drawing for the building is available; they were presented to Hull. A copy was passed along the table. Corpe noted that Railway Industrial Park does have an active neighborhood association and an architectural review board which must approve the design.

**Motion by Vermetten, support by Takayama to set a public hearing regarding Application #2005-6P for the June 27 meeting. Motion carried by unanimous roll call vote.**

- b) **Application #2005-7P by New Hope Church 5100 Bethesda Court, Williamsburg MI 49690 for amendment to the existing church Special Use Permit/Site Plan #97-3P to allow for construction of a new administration building on property located at 5100 Bethesda Court and currently zoned A-1, Agricultural:** Josh Standfest, Elmer's Engineering, was present in support of the application. Phase II of the original SUP for the property proposed a parking lot on the south end of the property to the west of the softball field. New Hope seeks an amendment to the SUP to replace some of the parking with a church staff administrative building to house staff offices, counseling rooms, and a few multi-purpose meeting rooms. This facility would serve eight existing staff members with no addition to staff expected. The building would be 8,900 sq. ft., single-story wood frame construction with brick veneer to match existing structures. Slightly more parking spaces than required will be provided, and the building would have independent well and septic systems. Landscaping would be provided in accordance with existing plans that respect concerns raised by neighboring orchardists about maintaining appropriate air drainage. For this reason they would favor use of smaller flowering varieties of trees. The facility would only be used on weekdays, and will have restrooms but no kitchen facilities. The staff has outgrown existing administrative facilities in the main church building; this space would be converted to classroom/meeting space. No additional programs are planned to be added to the church's available offerings; right now even storage areas are being used to meet current space needs. Mr. Standfest stated that no additional traffic flow to the site is expected to be generated. There are currently 420 parking spaces with 116 new spaces proposed. There will be an overall decrease in impervious surface as compared to the original SUP site plan. Preliminary approval for the site plan has been received from the Soil Erosion Department and will be provided prior to public hearing.

In his report Hull expressed concerns regarding whether or not the proposed use of the new structure as an administrative building would be permitted according to the ordinance. Churches are an allowable institutional use in the agricultural district along with a list of accessory uses such as clergy housing that does not include administration. He viewed the building as strictly an office building that would not be permissible, although Corpe disagreed and felt that the use was for a portion of the church operation. Pastor Standfest from the church has assured Hull that the proposed structure is entirely for ministry use which has made him somewhat more comfortable with any decision that might be made in this regard.

Carstens is concerned with the proximity of the proposed structure to the boundaries of the

Yuba Creek Natural Area. One concern would be with site runoff into the YCNA. He is uncertain of the hydrology in this area and whether a clay area exists underground. Mr. Standfest pointed out the retention features provided on site.

Takayama noted Hull's discussion about an unclear record in the files as to whether or not the auditorium portion of the church in which the meeting is being held was ever formally granted an SUP. Hull's review of the file seems to indicate that the auditorium was displayed as a non-permitted future phase on a 1994 permit, but was referred to by Sherrin Hood, former Planner, in a report for the 1997 SUP as having been previously approved. Hull stated that the configuration of the existing structures is permissible according to the ordinance. He has conferred with legal counsel and both are comfortable that the matter can be addressed through language in the SUP under consideration should it be proposed.

Takayama noted that there have been traffic concerns related to the church and asked if input has been received from MDOT. The church has experienced rapid growth and on Sunday mornings there are traffic delays. The Church has moved from one Sunday service to two to spread out the traffic flow. MDOT has not yet been consulted regarding the amendment application, but Takayama feels this would be advisable. Mr. Standfest noted that a deceleration/turn flare is provided that is longer than customarily required for a property the size of New Hope's. Takayama and Vermetten both feel that the northbound right deceleration/turn lane is rather short and may need revision. Vermetten also noted that the new building is proposed to be growth-neutral and to generate no new traffic, and that the purpose of this hearing is to consider whether or not it is appropriate to move to public hearing. David felt that since a concern had been raised by staff it is important to note and discuss it. Hull has spoken with Rise Rasch from the MDOT Traverse City service center, who has informed him that traffic issues are not engineering related but must be controlled by how Sunday services are scheduled.

**Motion by Vermetten, support by Morgan to set a public hearing on Application #2005-7P for the June 27 meeting.**

David raised the question of what might happen in the future if the Church fell on less prosperous times and needed to shrink its operations. Could they rent out the structure to another use or user? Hull indicated that some thought should be given to this matter. Corpe stated that a condition of SUP approval could be limiting use of the structure to church administrative functions only, although this does place an ongoing enforcement onus on the township.

Carstens noted that in the past some facilities have been allowed to develop fewer parking spaces than required by ordinance to minimize impervious surface. Krause stated that this has largely been in retail use situations. Carstens feels we should take every opportunity possible to reduce impervious surface if parking needs are met.

**Motion carried by unanimous roll call vote.**

**A recess was declared from 7:17 p.m. to 7:30 p.m.**

**5. Public Hearings – 7:30 p.m. to 10:00 p.m.:**

- a) **Application #2004-3P by Meijer, Inc., 2929 Walker NW, Grand Rapids MI 49544 for SUP/Site Plan Approval for development of a 232,360 sq. ft. grocery/general merchandise store, 2,400 sq. ft. convenience store with 10 gas pumps, and 100,041 sq. ft. of additional commercial space on property located at 5896 Lautner Road (the southeast corner of M-72 East and Lautner Road) and currently zoned B-3, Planned Shopping Center**

1. **Applicant presentation – 7:30 p.m. to 7:50 p.m.:** Scott Nowakowski, Director of Real Estate for Meijer, Inc. began the presentation with a recitation of the property's history. His company purchased the property in 1988 and made SUP application in 2000. This application was withdrawn in the Spring of 2001 in response to concerns

raised by township citizens, largely regarding environmental issues. In the early Winter 2004 they submitted an SUP application to be part of Phase I of The Village at Grand Traverse on the opposite side of Lautner Road; this application has been delayed due to litigation. Meijer, Inc. is firm in its resolve to build a store in Acme Township on one site or the other, and has therefore submitted a new SUP application for their property on the southeast corner of M-72 and Lautner Road. The proposed architectural design is of minimalist, modern nature. Mr. Nowakowski stated that the proposed store is set back more than 250' from M-72, and would include a separate gas station and several outlot buildings.

Chris DeGood, Gourdie Fraser Associates, continued the presentation by displaying a site plan revised from that submitted for previous meetings. The number of proposed outlots has been reduced by one, and sidewalks have been added as well as cross-walk to provide connectivity to The Village at Grand Traverse. Mr. DeGood asserted that stormwater management areas are larger than required. Runoff management areas are mingled with wetlands mitigation areas on the north side of the property between the proposed store and M-72, and Mr. DeGood described how water would flow through the system.

Mr. Tim Stoepker, legal counsel for Meijer, Inc. addressed the assemblage next regarding a memo from Christopherson regarding whether or not the Meijer property would have rights to access the regional sanitary sewer system. He expressed surprise that the township would assert that they do not, since the potential Meijer development is mentioned in the Town Center report of the Master Plan and the township has expressed concerns regarding whether the site is suitable for on-site wastewater treatment. Mr. Stoepker stated that he is unaware of any sewer district ordinance adopted by the ordinance or any special assessment districts for sewer improvements/service that have been set up within the township. There is a defined sewer district in the Master Plan; Mr. Stoepker asserts that this alone is not sufficient to establish a service district from which they are excluded. Meijer understands that Acme Township is currently using half or less of the capacity available to it at the regional treatment plan, and expects to be able to extend a sewer main from The Village property to the Meijer property at their expense, to purchase benefits and hook up to the regional system and pay monthly user rates as other users do. For all of the foregoing reasons, Mr. Stoepker finds it unusual that the township would wish to or can preclude Meijer from connecting to the regional sanitary sewer system.

Matt Smith from URS, Meijer's traffic consultant, spoke to discuss revisions to the traffic studies that have been presented previously that presume complete buildout of both The Village and Meijer properties. Mr. Smith stated that they began by examining existing traffic volumes and considering adjustments for peak periods such as summer weekdays. They also factored in background growth for area properties other than The Village or Meijer to provide a complete traffic model through 2008. Achieving/maintaining acceptable levels of service, creating adequate access to the site for the general public and for emergency services were the three key goals of the study. Mr. Smith discussed the level of service (LOS) ratings and what they mean, and noted that they refer to peak hour traffic flows. The applicant's PowerPoint presentation displayed tables discussing existing and proposed LOS for existing and proposed curb cuts for Meijer and The Village. Mr. Smith stated that an LOS of "D" is considered acceptable and that with proposed road improvements this level would be maintained on public roads. There might be some LOS "F" ratings (unacceptable), but these would be internal to the site for people queuing to exit the property and not for those on the public roadways. Mr. Smith displayed a slide detailing proposed public road improvements, including a traffic signal at M-72 and Lautner and possibly a signal at the proposed main entrance to The Village, along with the addition of several lanes to both roads.

Stu Kogge, Wetland & Coastal Resources, was asked by the applicant to review

Gourdie Fraser's designed stormwater detention and wetland mitigation systems. Mr. Kogge is a former DEQ officer, and stated that that the proposed plans exceed County requirements for 25-year stormwater management, being at approximately a 100-year storm level. The design is multi-chambered, which is also favorable in their eyes. They have proposed a few changes which Meijer has agreed with them to incorporate. Mr. Kogge also stated that the proposed wetlands mitigation is expected to improve the quality of wetlands on the site and water that leaves the site along with increasing the wetlands area on site. They believe that the 1.5:1 ratio of new wetlands to mitigated wetland will be exceeded significantly. Mr. Kogge supplied a map displaying the proposed pathway of surface water discharge from the development site and how it would or would not impact the quality of Yuba Creek. He asserted that the site is over a mile away from Yuba Creek at Brackett Road where water discharged from the site would enter the creek after traveling through an extensive treatment chain. They also assert there will be no impact on Acme Creek.

2. **Township Consulting Planner's Report – 7:50 p.m. to 8:10 p.m.:** Mr. Iacoangeli expressed pleasure at seeing that a number of recommendations from the report he provided last month have been incorporated. He proceeded to highlight the contents of the report he delivered to the Commission and the applicant this evening. He began with statistics about property size and size of proposed developments (64.5 acres of site and somewhat over 17 acres of parking lot development along with buildings). He noted that Phase I of the Lautner Commons project under immediate review includes the Meijer store and gas station/convenience store but not the proposed outlots.

Next, Mr. Iacoangeli provided an outline of the extensive portions of the Zoning Ordinance applicable to this project. It is his opinion that the proposed project is not consistent with the intent of the B-3 Planned Shopping District zoning designation of the property. Supplemental market information justifying the grocery store and gas station has not yet been provided, although he was advised by the applicant that Anderson Economic Group was updating its market study. Their initial report indicates that the proposed Lautner Commons would consume 67% of the supportable retail square footage for the Grand Traverse Market, and combined with The Village both developments would exceed the supportable retail square footage for the region. Mr. Iacoangeli developed a picture that incorporates both The Village and Lautner Commons to provide a meaningful picture of the scope of the proposed development combination.

When the report was written a revised traffic study had not been submitted. A joint letter from MDOT/Road Commission indicated that they also had not received the information required for them to perform their assessment of the two projects. Mr. Iacoangeli also noted that in the B-3 district all operations must be conducted within wholly enclosed buildings, so as designed the proposed Meijer garden center would not be permissible. He further noted that clearly demarcated sidewalks within the Lautner Commons development are not provided as required and that automobile and pedestrian areas are not sufficiently separated.

The site plan calls for a drive-up pharmacy window that requires traffic to run counter to general site traffic and again does not provide sufficient automobile/pedestrian separation. Many of the perceived design flaws are due to the fact that the applicant is trying to place a big box store in an area that is designed for a planned shopping center, which is a different type of development.

Mr. Iacoangeli pointed out that the ordinance requires landscaping and parking transition strips between commercial and residential zones and uses. In this case a 200' area along all three sides of the property would be required for landscaping and parking buffers and would necessitate moving all of the outlot structures. All structures along the M-72 corridor must be setback 100' from the right-of-way;

currently the underground storage tanks for the gas station would not meet this requirement. The ordinance also requires only one curb cut per property on M-72, and the plan does not meet this requirement either.

Sign ordinance requirements for shopping centers requires that the main signage for the project must reflect the shopping center name/nature of the development with smaller slots for the names of the component businesses. At present the main sign proposed is a sign for Meijer alone which would not meet the ordinance requirements.

Parking has been provided at a rate of 1 space per 100 sq. ft. according to the ordinance, requiring 17 acres of land. The ordinance is excessive compared to industry standards of 1 space per 250 sq. ft. and can be reduced by the Planning Commission. Loading/unloading space requirements in the ordinance have not been met. The ordinance prohibits placement of parking spaces within a front yard and if outlots are not constructed as planned there would be parking spaces in the front yard of the property.

Landscaping requirements were found not to have been met; irrigation requirements were found not to have been met. It is recommended that parking rows be re-oriented to allow parking lot landscaping islands to better screen the lot from M-72 and control traffic flow. Lighting is proposed to be 33.5' above grade which is excessively high. Dark sky lighting would provide more lightpoles that are shorter. Aiming for lighting at the gas station is critical to avoid amplification and direction off-site.

Mr. Iacoangeli agrees that the issue of whether or not sanitary sewer service will be provided to the site must be addressed. All area agencies must provide input as applicable, and whether sanitary service will be on-site or regional impacts the agency input required.

Mr. Iacoangeli discussed general special land use approval concepts. The applicant is asking to do something that is not permitted by right in their zoning district. The township is therefore looking for innovation in design. The township also has a responsibility to provide for reasonable flexibility in the process.

In summary, Mr. Iacoangeli has found that the proposed plan is inconsistent with the intent of the Master Plan to discourage traditional suburban strip commercial development. The Plan does anticipate development of the site but in a more innovative manner. He has found that there has been minimal regard for existing site conditions and there are significant unresolved infrastructure impacts (sewer and traffic). It has not been demonstrated that the local market can support the proposed level of development. Mr. Iacoangeli provided some graphic examples of innovative designs of the type the township should hope to see from an application of this nature. He displayed a site plan for an Ohio Meijer store taken from their corporate website to demonstrate that the plan presented is from their typical template for development. Discussion between township and applicant is necessary to make the design more context and design appropriate for this setting.

Dr. Chris Grobbel, Ball Environmental was retained by Beckett & Raeder to assess the environmental impacts of the proposed project and to represent the township's interest at the May 11 DEQ public hearing regarding the requested wetlands mitigation permit.

Seven monitor wells are in place on the property and a study has been done with interesting findings. They stated that the majority of construction will encounter shallow ground water that might be managed by sump pumps. All topsoil would have to be removed from the site where construction would occur, which might











