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ACME TOWNSHIP PLANNING COMMISSION MEETING
Acme Township Hall
6042 Acme Road, Williamsburg, Michigan
7:00 p.m. Monday, December 19, 2011

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

Members present: J. Zollinger (Chair), B. Carstens (Vice Chair), C. David, S. Feringa, R. Hardin, V. Tegel, K. Wentzloff, D. White, P. Yamaguchi

Members excused: None

Staff Present: S. Vreeland, Township Manager/Recording Secretary
P. Kilkenny, Deputy Zoning Administrator & Planner
J. Jocks, Legal Counsel

INQUIRY AS TO CONFLICTS OF INTEREST: None noted.

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

1. **Continuing Education/Special Presentations:** None
2. **Consent Calendar:** Motion by Wentzloff, support by Carstens to approve the Consent Calendar as presented including:
 - a) **Receive and File:**
 1. **Draft Unapproved Minutes of:**
 - a. Board [12-06-11](#)
 - b. Parks & Recreation Advisory [12-01-11](#)
 - c. Zoning Board of Appeals [11-10-11](#)
 2. Planning & Zoning News November 2011
 - b) **Approval:**
 1. **Minutes of the [11/28/11](#) Planning Commission Meeting**
 2. **[2012 Planning Commission regular meeting schedule](#)**

Motion carried unanimously.

3. **Limited Public Comment:**

Cheryl Walton, 11613 Topview Drive, Williamsburg spoke regarding the VGT Phase I application. She stated living in this area since 1979 and moving to Whitewater Township in 1985. She has had children in the Elk Rapids school system for many years. She read in the paper that the township intended to continue studying this application for an additional 6 months. She spoke to the Elk Rapids school Superintendent and obtained some statistics she found notable. She provided [copies of a spreadsheet](#). The school census has dropped by 127 students or 8% of the student body over the past two years. She asked the Superintendent where the students went and asserted being told that 3% of those leaving moved to a surrounding district (3.8 students), with the remaining students left the area for financial reasons. This affects every student in the district because less funding is available. 56 students were lost from Mill Creek Elementary, or 18% of their student body. Elk Rapids has cut their Industrial Arts program and Mill Creek's principal was laid off. Ms. Walton asserted that the layoff was directly attributable to the drop in student population. She is concerned about the need to study the project for six more months because what the township does or doesn't do affects this township and surrounding townships. She feels that new jobs at a

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Meijer store will positively impact school enrollment, and she would like to see construction get under way.

Rob Evina, Woodland Creek Furniture at 4290 US 31 North, stated that the *Detroit News* reported that starting pay at Meijer is \$12.75/hour, with an average between \$13-\$15/hour with benefits. How many people would have remained in our community if those jobs were available here? Mr. Evina believes that there are people behind the scenes that are “pulling strings” to try to prevent the project from moving forward. He believes that the community wants the Meijer store. He stated that over 200 people applied for jobs at his ice cream store this summer at a much lower wage. He asked who set the six-month timeline. Zollinger stated that the township did not set a firm six-month timeline, and that the process could take more time or less time. Mr. Evina stated that he spoke to someone at a Whitewater Township meeting recently who felt that the Meijer would never be built here because Acme would never allow it. He asserted that this community is a “laughing stock” and that business people do not want to do business here because the ordinances are overly restrictive. Mr. Evina asserted that 9 out of 10 people he speaks to at his businesses are in favor of the Meijer store.

Paul Turowski, 3040 Wild Juniper Trail, wrote a [letter](#) in response to the news that an additional six months might be needed for VGT project review, which he read. The letter questions the stated intentions of township officials to serve the community well. It says that the approval process is taking longer than the clean-up of the Twin Towers in New York City. Mr. Turowski asserts it is a well-known fact that Wal-Mart would like to purchase the VGT Property, and implied that Wal-Mart would be much less friendly to the community. He urges township residents to be concerned about the expenses of the review process to date that are covered by taxpayers, and what services could have been provided instead. The letter notes that township board elections are coming soon.

Bob Garvey, 6377 Deepwater Point Road, stated that people seem to forget that a Meijer store was approved on a property on the southeast corner of Lautner Road 5 years ago. It appears that the store was never built due to concerns over a requirement for a raised sidewalk and the location of a gas station. Many of the people speaking tonight have not been present at the last several meetings. He has witnessed a lot of progress throughout those meetings, particularly on the key issues of traffic and environmental impacts, but some details still need to be addressed. Mr. Garvey stated that Meijer deserves to have a store there, but the township needs to take the time to get things right

Darryl Nelson, 7466 Sayler Road and owner of the Holiday Shopper, stated that he is unaware of the details of the current review process. However, he urged moving the project along. He has a 17 year old daughter who will need a job, and a younger son as well. In 2004 he renegotiated the lease to the post office, and they needed comparables for leasable space in the township. At that time there was no available retail space in the township, but now there are many vacancies. Some people tell him that Meijer will kill his business, but he sees it as his job to compete well in the marketplace. He needs traffic to stop into his store, and in the current economic environment it has been difficult and frustrating to operate. He urged being pro-growth and pro-business with both residential and business development managed appropriately.

Dawnette Wessell owns Epiphany Salon at 3997 M-72, She has a downtown location as well. She located here in 2006 thinking that there would be a Meijer store here. She asserted that since that time her property value has dropped by more than \$200,000. She feels the township is doing a good job of stopping growth but that it needs to stop and allow the township to grow.

Gayle Hanna, 300 Mt. Vernon Dr in Midland and owner of 6715 Deepwater Point Road, stated that Acme is not the only area seeing high unemployment, loss of school population or

loss of jobs. The entire state is suffering, and more than most states in the nation. In Midland, there are empty spaces available for any type of business – no new construction needed. She appreciates that the township takes the time to do things right.

Dave Hoxsie, 6259 M-72 East is the fifth generation of his family to live and work in the township, and one of his ancestors founded the Village of Acme. He asserted that Leonard Hoxsie would be very disappointed by the state of the township today. There is an opportunity to help the township flourish and he would like to see this happen.

Gordie LaPointe, 6375 Plum Drive, moved here 6 years ago and says he is free of the “baggage” that many people have about this issue. He feels that it is embarrassing to drive down US 31. Perhaps these problems exist in other places in the state, but he feels that the appearance of the economic downturn in this region is most noticeable in Acme. He is unfamiliar with the entire planning review process and how detailed it should be. Perhaps it could be drawn out indefinitely. At what point should one say that sufficient information is in hand, and that trust can be placed in the project so it can move forward. He would like to have the project “get off the ground” and generate additional traffic for existing and future businesses. He was shocked to read that the process could take another six months, particularly after the progress that seems to be made at the first few meetings.

Rachelle Babcock, 4261 Bartlett Road, expressed appreciation for the work the Commission has performed. She has attended most of the meetings on the VGT issue and has followed the steps and progress of the discussion.

Mr. Garvey clarified that he doesn’t hope for the process to take an additional six months. Perhaps there should be special meetings so that the process is complete sooner. Nobody is trying to stop the Meijer store; it’s just a matter of what the conditions for moving forward will be.

Mr. Nelson says he is afraid that the store won’t go in.

Toni Morrison, 6394 Angell Road, feels she represents a large portion of the taxpayers who don’t come to meetings every month but understands that there is a process. She believes many in the community are looking for the process to be moved along diligently.

4. Correspondence:

- a) [12/06/11 Letter from CCAT](#) urging additional Commission Meetings with staff response: received and filed.
- b) [12-06-11 Jim Heffner e-mail regarding non-motorized access to the VGT Project](#): received and filed.
- c) [Training Survey Invitation from NW MI Council of Governments](#): received and filed.
- d) [12/19/11 Letter from Dan Kelly](#) regarding SUP 2009-01P (VGT) Review Process: received and filed.

5. Reports: None

6. Public Hearings:

- a) [Proposed Ordinance Amendment 017 – Public Land Uses \(continued from 11/28/11\)](#): Kilkenny summarized the proposed zoning ordinance amendment. David asked why the amendment doesn’t propose also allowing public land uses by right rather than by special use permit in the B-1P district. Kilkenny replied that there are

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very few B-1P district parcels. Wentzloff agreed with David that public uses should be by right in the B-1P district. Carstens feels that public uses should be by SUP because they can encompass a wide variety of uses, and the proposed use and the context need to be reviewed. His thinking is influenced by the recent discussion about locating public bathroom facilities in downtown Traverse City. Zollinger also feels that public uses should be by right in the B-1P district. He feels that wherever we can appropriately eliminate a need for the SUP review process it can be beneficial. Carstens wondered if most “public uses” would be taxpayer-funded.

Public Hearing reconvened at 7:37 p.m.

Ken Engle, Saylor Road, asked if public land uses are truly compatible with the agricultural district, particularly given the township’s efforts towards active agricultural preservation. He is mainly concerned about the possibility of daily traffic to and from a site in an area where agricultural chemical spraying occurs.

Mr. LaPointe echoed Mr. Engle’s concerns in relation to locating public uses in the residential districts. He understands the aim and intent of the ordinance, but is concerned that it is overly broad. He asked why the issue would be coming up now. Vreeland explained that with Metro Emergency Services looking for a new fire station location the township looked at its ordinance about where one could be located and discovered that legally the only place would be along the shoreline. Mr. LaPointe suggested that perhaps it would make more sense to specifically open certain locations to public land uses when the desired location is identified rather than broadly opening areas of the township to an array of possible uses.

Public Hearing recessed at 7:41 p.m.

David asked if it would be sound planning practice to simply rezone a chosen piece of property to a designation that allows public uses. Jocks does not recommend case-by-case rezoning for this purpose, particularly because it can open up the risk of “spot zoning.”

Yamaguchi feels that by requiring the SUP process in some districts the township is exercising some reasonable control over the location of public uses based on context.

Wentzloff noted that SUPs can be approved or denied based on whether a particular use is appropriate to and compatible with its surroundings. Hardin felt that perhaps we should think about where most public land uses would want to locate – in or near business districts or in high-density residential areas. Then perhaps we should limit public uses to that subset of districts. Carstens again stressed use and context and the desirability of examining each individual situation.

John Iacoangeli from Beckett & Raeder stated that the definition of “public uses” that has been constructed is very broad, and this may be causing some of the concern. By narrowing down definitions by the character of different uses perhaps better decisions can be made. “Critical public facilities” are determined by need and response time (ambulance, fire station, police station.) They should be regulated by population distribution, patterns of calls for service and response times rather than by land use. “Essential Services” are location-driven (infrastructure pump stations, gas lines, electrical substations) and determined not by land use but by location relative to the entire grid. “Supporting public facilities” (libraries, township halls) could be in any zoning district based on the master plan.

Dr. Chris Grobbel also noted that there are land uses that are exempt from zoning

regulation that should be considered as well, and the conversation indicates that perhaps some Commissioners are unclear on what they are.

Motion by Carstens, support by David to continue the public hearing at a subsequent meeting. Motion carried unanimously.

7. **New Business:** None

8. **Old Business:**

- a) **Continued discussion – special events in the Agricultural District:** Kilkenny summarized the discussion on this topic to date. Also provided is a comparable Solon Township, Leelanau County ordinance.

David referred to page 8 of the packet materials, where the idea of allowing additional event building size if additional open agricultural space is provided. To him the issue is allowing pre-existing agriculturally-used buildings to be repurposed, but that the township should not encourage new buildings to be built specifically for “barn weddings.”

White asked David what he considers a “barn,” to which David replied a building that has been used to house livestock or agricultural equipment in the past. White observed he could erect a pole barn for this purpose. White also believes that requiring fire suppression provisions suitable for public gatherings would be a good idea. There was discussion about construction and fire codes being based on factors including buildings size, building occupancy, and type of use occurring in the facility. On page 7 of the proposed document one item on the checklist for approval is demonstrated compliance with applicable fire codes.

Feringa asked a question about the licensing option discussed, and whether it would be instead of or in addition to the proposed ordinance. Kilkenny stated that the licensing option would be for one-time or infrequent events such as car shows. The proposed ordinance would be for ongoing, frequently recurring events. Feringa is concerned that the proposed ordinance is highly complicated for just arriving at the ability to have supplemental uses in a structure in the agricultural district for an expanded range of uses. He referred to the regulations the Tribe has in place for reviewing such events on Tribal land, and the various factors for the review process. The approval process could be too time consuming to be practical. Kilkenny stated that the proposed ordinance would be a special use permit that would run in perpetuity with the property and allow ongoing events without individual approval of each event.

Yamaguchi would appreciate a simpler approach to accessory uses of buildings on agricultural properties that would still provide for appropriate review.

Hardin referred to the Solon Township Ordinance, page 66, item c. He feels that this really speaks to the genesis of this issue and that something along these lines can get to the goal in an appropriate fashion. Hardin also noted that the proposed new ordinance language process is inconsistent with the provision for special events associated with wineries and wondered why. He also noted that the list of allowable uses in the agricultural district includes places of assembly and “institutional” uses.

Feringa said he would forward the Tribal ordinance to Kilkenny to review in case it is helpful. David asked if there would be any support for considering only the use of an existing agricultural building for a new purpose rather than allowing new buildings for this purpose. Jocks stated that there would be a presumption that the building had

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to have been originally built for a different purpose, and he would be uncomfortable limiting the land use to a pre-existing building. Then one would have created two different categories of people: those who used to have a barn and are entitled to use it for something else, and those who didn't have a barn and can't have the land use, and he is not comfortable that this is a valid basis for allowing the use. Wentzloff observed that this would in effect create a whole new range of grandfathered land uses and a need for the township to track which properties already had barns and which don't.

Carstens' main concern is that whatever is done does not diminish the ability of active farmers to carry out the business of agriculture. If the land use can coexist without making operations difficult for farmers then it can be suitable and there should be an expedited process. Kilkenny asked if there should be a requirement that there be an active agricultural use on the property. White stated that he has talked to several of his neighboring farmers, and that they feel that they would not like having such a land use on a property neighboring theirs. It seems like opening a "Pandora's Box" of possibilities. If the land use were to be allowed they would want to have the number of allowable events per year limited to one per month.

Tegel referred to packet page 9, item 11 where there is discussion of staff review. One thing the Commission has discussed is the potential for leaving room for new and currently unimagined land uses to flourish while ensuring that the overall land uses are managed properly.

Carstens wonders to what extent the proposed land use fits the pattern of agritourism. Kilkenny repeated the question of whether the land use should be tied to active agricultural, or should anyone be able to purchase acreage in the agricultural district, erect a nice barn, and use it exclusively for weddings and similar gatherings?

Chuck Walter, 6584 Bates Road, stated he is reminded of the federal government and how it can go around in circles. He asked what the township would think if he had 5,000 people visit his property for a free cookout. He would not be willing to apply for a township permit to hold such an event. He feels that the proposed permitting process goes too far because it limits what an agricultural entrepreneur can do with his property. He believes that all farmers will utilize the buildings on their properties effectively.

Kilkenny will continue refining the draft based on discussion this evening for further discussion with the Commission.

b) SUP/Site Plan Approval Application #2009-01P - Village at Grand Traverse LLC (continued)

- [Potential deliberation process outline](#)
- [Beckett & Raeder Process Update](#)
- [UPDATED Resolved/Outstanding Review Issues Matrix](#)
- [Updated Traffic Impact Study and TIS Appendix](#)
- [OHM Review of Updated TIS](#)
- [General Site Plan & Environmental/Stormwater Management-Related Application Materials Submitted by Applicant on 12/09/11](#)
- [TART-related information UPDATE](#)
- [Planning Commissioner-submitted feedback and questions with partial staff/consultant responses](#)

Vreeland addressed the commission regarding the potential deliberation process

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outline. While the *Traverse City Record Eagle* stated that the review process might take many more months or until June, neither Vreeland nor Zollinger when interviewed made those statements. We referred the reporter to the memo, which we e-mailed to him. The memo was crafted by the entire project management team and a lot of thought went into it. We specifically avoided referring to “months” and “meetings,” choosing “discussions” instead. We knew that people would unavoidably read more into the memo than was put into it; however, we felt it necessary to provide suggestions for some additional structure for the rest of the process. The memo was not intended as a statement that the process should or absolutely would last 6 more months, but rather as a best guess at a possible timeline and suggestion on how to focus discussions so that everyone could prepare and participate effectively towards a conclusion. The guess was based on how the last few meetings had gone, and Vreeland hopes it is in an inaccurate guess.

The project management team has heard concerns that it is attempting to unnaturally speed the process, and that it is attempting to unnaturally delay the process. The team is not attempting to do either; it is attempting only to facilitate the process. The team is hearing that various Commissioners are confused about how to go about the process. This is, at heart, an SUP application like any other except for the fact that the standards for approval are unlike those for any other project and it is, overall, a huge project. We want to help everyone reach consensus on the flow of the discussion to avoid the type of friction that occurred at the last meeting when some people wanted detailed discussion on certain issues while others wanted to run through a broad overview of all the issues.

Zollinger noted that people think of this as a Meijer application, but in reality it is an application for the first phase of a much larger project. The shape and character of the entire project will be impacted by the outcome of this Phase I process. Additionally, the applicant has encountered unexpected conditions or issues that required revisions to the application mid-process.

Gourdie Fraser Engineer Terry Boyd, a contractor for VGT, commented that the application team understood the 2009 “road map” to be the document guiding Commission deliberations. They don’t understand why it is being revisited now, and believe that they have submitted everything required of them. They believe the site plan to be already approved by the existing SUP.

Zollinger continued that the township has had to wait for critical information, and that the township does not want to draw out the process any longer than it needs to be. This is not an easy process, and nobody wants for it to continue any longer than necessary.

Iacoangeli stated that it’s easy to think just about the Meijer store proposed for Phase I, but in reality this is a 182-acre project and the court rulings and the existing SUP require that certain site-wide considerations be addressed at Phase I of the project. The SUP signed by the township and the applicant contains no less than 105 items that have to be reviewed as standards for approval. Iacoangeli stated an opinion that about 75% of the items have been addressed, but the remaining 25% require additional detailed discussion. The Planning Commission has to take a look at three key issues with each phase: traffic, market and environmental. Once those have been addressed, then the Commission needs to look at the site plan specific criteria. There are 105 items on our review matrix. The project management team feels it would work best for the township, applicant and public to work through the issues in order, from big picture to minute detail in an outline fashion rather than having a random mixture of discussion at each meeting.

During the Lautner Commons project review the Planning Commission held some special meetings requested and paid for by the applicant for the sole purpose of discussion this application. Regular meeting agendas are packed with other issues and application that need to be addressed which reduces the amount of time available to address this application. The applicant has the ability to request that the Commission hold special meetings for the exclusive purpose of making project on this application.

Ken Petterson, attorney for the applicant, agreed with Mr. Garvey's earlier comments and with Iacoangeli's and Vreeland's comments that special meetings may be an option. The applicant is deeply concerned with the notion that the review could take up to 6 more months, particularly after all of the time that has been dedicated to date. We are in year 3 of the Phase I site plan review process. The idea at the outset was to work closely with staff to have the application reviewed and analyzed to facilitate the Planning Commission decision process. Over the past several years he would have assumed that the Commission would be kept up to speed on everything that was happening as it happened. The applicant is willing to hold special meetings every week if necessary to complete the process and reach a vote.

Iacoangeli stated an opinion that the applicant and consultant/staff team are in conceptual agreement regarding 75% of the key concerns about the project. For the remaining 25% there appears to be agreement in principal but the details are still being worked out. Checklists have been implemented to facilitate the process. Based on the procedure memo provided he suggests that the Commission begin this evening by addressing the broader traffic issues of the project.

Vreeland stated again that the proposed discussion outline is an educated guess, largely hers, based on working for the Commission and being at nearly every meeting since late 1996 and on the nature of the discussions and progress over the last 4-5 meetings. She pointed out a document placed on the tables this evening which is 14 pages long excluding the attachments, which contains questions from one Commissioner and detailed responses from the staff and consultants. Commissioners clearly still have many questions that require so much to answer at 2.5 years into the process, when the staff has done its best to work with the applicant by reviewing materials and recommending how they could be made complete in terms of applicable requirements and reduce the level of questions or concerns the Commission has. The staff did its best to get the application to a point where there could be fairly few questions or concerns about approvability, but has clearly not reached this point.

David recalled being told that the way the process went for the 2004 SUP was inefficient, and he does recall many long meetings. He understood the plan this time around was for staff and consultants to work with the applicant to iron out as many things in advance of public meetings as possible. There was to be a provision for the Planning Commission to be kept informed every step of the way, but he doesn't know what it would have been and does not feel the Commission has been kept informed. At most of the meetings to date the Commissioners have listened to staff and consultants talk but have had little chance to ask their questions. The staff is confused by the Commission's confusion, but is not realizing that the Commission is not intimately acquainted with all the details as they are. When some people read the article in the paper, they felt it was the culmination of how the project has been taken out of the Commission's hands and they haven't had an active role, which has been frustrating.

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Vreeland disagreed strenuously with David's asserting that the Commission has not been kept informed, stating that they have been given all of the information that the staff has been working with as it has been given to them. The layout of the first four meetings was intended to summarize and update the Commission and public on everything that had happened and the status of the application as it currently stands, and then for the staff and consultants to be quiet except when asked a question as the Commission deliberated on the information provided. It was our original goal to do what the staff does with every other SUP application: analyze it in comparison to applicable standards, work with the applicant and provide the application and analysis to the Commission for a decision. We have done our best over the past 2.5 years to advise the applicant on what the application needed to contain to make the deliberation process as short and smooth as possible, but we do not have the ability to compel the applicant to take that advice. If the Commission felt the application was clearly in compliance with the applicable standards, the meeting process would not be taking as long as it is.

Mr. Petterson disagreed, stating that the applicant has provided a significant volume of information and that he has never seen a public approval process take as long. Vreeland noted that volume of application materials has nothing to do with whether or not the materials comply with required standards. Mr. Petterson went on to say that he believed that the appropriate scope of review for this application is limited to the site plan, and that all master plan related issues had been resolved in 2004 and need not be considered again at this time. Jocks urged the Commission to end the debate about the past and future of the process and move on with deliberations on the key issues related to the project.

Iacoangeli stated that he believes the information required to address traffic concerns has been sufficiently provided. He does not feel the Commission should concern itself with the minute details of required easements to adjacent properties or for the TART and should rely upon the township attorney to review them and work to obtain final documents in acceptable format.

Iacoangeli stated that as a consultant they have no difficulty with the market viability of the proposed Meijer store. They would have difficulty finding that the local economy at the current time could support much more than the proposed store size, or the project as a whole.

Dr. Grobbel stated that for 2 1/2 years he has been trying to nudge the storm water control features of the site towards a model that will protect Acme Creek. 5 days ago he received a proposed plan from the applicant that comports with his suggestions. He has some concerns with some of the technical details; however, he is comfortable with the overall approach to the storm water management plan concept. He would recommend conditional approval of the storm water management document. Zollinger stated that he would prefer to follow the suggested discussion outline. Dr. Grobbel feels that based on the three major Master Plan issues he believes that the SUP application will be approvable with certain conditions placed on the approval. He stated that he didn't feel the Commission should be concerned with those details at this time.

David asked whether there are proposed to be traffic signals associated with the project. Mr. Dearing stated that there will still be a traffic signal at the US 31/Bunker Hill intersection. At points throughout the traffic network signals will still exist.

Beginning the detailed traffic discussion, Iacoangeli reported that traffic impacts need to be considered in light of the Master Plan. The discussion needs to be about the

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acceptability of the projected traffic impacts of the proposed development in light of the proposed road improvements to manage those impacts. The TIS looks at impacts to the larger traffic network based on Phase I construction and on total project buildout. One solution to expected impacts that has been discussed is the use of roundabouts to manage traffic on M-72 in lieu of signalized intersections.

Tegel has raised concerns regarding the impacts of the project and changing traffic patterns on Bunker Hill Road. She has been informed that the township can't require improvements to Bunker Hill Road, but she is concerned about expedited road deterioration and impacts on traffic and safety for Bunker Hill area residents. Mr. Dearing stated that the Road Commission will have to decide how to prioritize road improvement needs, including those on Bunker Hill. He is aware that the township has unsuccessfully tried twice recently to raise a road repair millage to address these concerns. To date it appears that the concerns about road conditions are not sufficient yet for the community to allocate resources to improving them, particularly in light of all the other demands on the community and individuals.

Yamaguchi has been focusing on what the Master Plan has to say about traffic concerns to prepare for this meeting. She noted a statement that the township should seek to maintain safe and efficient traffic flows on trunklines. She feels that the discussions about roundabouts pursuant to the TIS have addressed this question. The township is still in the process of also addressing traffic needs for non-motorized vehicles and pedestrians, including interior bike paths and walking paths and the provisions for an easement for the TART. Yamaguchi feels comfortable that the commission has appropriately covered traffic impacts in light of what she has read in the Master Plan.

Zollinger noted that the applicant and TART are in negotiations about the final form of the TART easements. The applicant stated feeling close to a successful resolution. Julie Clark from TART stated that at the current time the Road Commission had indicated that they cannot accept the easement language as offered by the applicant. This is critical because it is the Road Commission that will actually hold the easement.

Mr. Dearing stated that he does not seek to minimize the potential impacts on Bunker Hill Road, but he has much experience with what he calls "rat running." People will naturally take the route that is the best developed, with the widest lanes and the highest speeds. They will tend to gravitate towards using a state trunkline if it is functioning well. If the trunkline gets congested, then the local people will find back-door routes, such as Bunker Hill Road. This is one reason that the staff and consultants worked with the applicant team towards the best possible configuration for the trunklines.

Yamaguchi noted that the Master Plan talks about preserving scenic corridors along our roadways, and about using divided highways. If a vegetated median of some sort can be employed in the final design this will go a long way towards meeting Master Plan guidelines. Iacoangeli stated that the area between roundabouts at Lautner and at the main entrance to the project will have a median to control left-turn movements. He continued to ask for any questions about both motorized and non-motorized traffic.

Tegel complimented the applicant for adding bike lanes and a separate walking path along the main interior roadways. She has found 9 references to sidewalks in the Master Plan during her review, including a call for determining traffic routes for non-motorized trails. She continues to be concerned about the lack of immediate

connection to the TART north and east of Bunker Hill Road and the lack of proposed sidewalks along the side of M-72. Often non-motorized traffic is left out of traffic studies. Once one reaches a destination they still have to get out of their car and walk about a site. Tegel feels that the scale of the project warrants the TART connection and sidewalks along M-72.

Iacoangeli believes that MDOT has expressed a desire not to have sidewalks along M-72, largely for safety reasons. He does not personally agree, although he does not agree with the idea of building “sidewalks to nowhere.” He suggested that the applicant could easily show an easement along the M-72 corridor where a sidewalk can be placed at a future point in time. Perhaps it would be built by the applicant, or perhaps it would be constructed pursuant to a federal highway grant. The applicant has proposed sidewalks along the north and east side of the main interior road corridor. The applicant has created a significant sidewalk area along the front of the proposed store as requested. The non-motorized infrastructure skeleton is beginning to take shape. One element still lacking in the discussions is where the connection to the M-72 corridor for pedestrians that will lead to the Resort property on the north side of the road will be. Iacoangeli supports denoting an easement on the map for a future M-72 sidewalk but does not believe construction should be required at Phase I.

Tegel asked for thoughts on requiring a sidewalk along the west side of Lautner Road. Iacoangeli reiterated that he does not support “sidewalks to nowhere” so it shouldn’t be built at this time unless it would connect to something, but he does support the applicant providing an easement for a future sidewalk. Carstens noted that he lives on Bartlett Road, and if he wanted to ride his bicycle to a Meijer store at this location it would be unsafe because there isn’t a complete dedicated pathway. Iacoangeli stated that with many projects there is a desire for the first person to come along to solve all the problems of the community. Perhaps it would be more desirable to apply pressure to the local Road Commission to adopt a complete streets approach to all future road improvements. Carstens noted that the zoning ordinance requires landowners along M-72 and US 31 to develop sidewalks where the cost of doing so would be no more than 20% of the cost of their other planned improvements and he supports upholding that standard. He stated that the Master Plan already calls for providing for multi-modal transportation. Iacoangeli continued to suggest requiring that space be reserved for future multi-modal features that would not be required to be constructed in Phase I. He recommended that a future non-motorized trail plan map be created in the upcoming Master Plan update.

David does not see how we can require later developers to install a sidewalk required by the ordinance if we don’t require the earlier developers to do so. Carstens perceives that there would be an immediate benefit to such a sidewalk for residents of the Resort condominium developments.

Iacoangeli stated that standards for evaluating level of service (LOS) for non-motorized trail systems are not well-developed yet. Carstens counted that the principles of planning for placemaking are more advanced in terms of the importance of non-motorized infrastructure to a vibrant and economically successful community. Carstens asked if the 2004 SUP requires sidewalks along M-72; Jocks replied that it does not, but the 2004 zoning ordinance requires one. Carstens asked if anything in the SUP or court order preclude enforcing this provision of the ordinance, and Jocks replied that it does not. Jocks observed that Iacoangeli is suggesting that as a condition of Phase I approval the Commission require an easement for a sidewalk to be developed as part of a later development phase, rather than requiring actual sidewalk construction in Phase I.

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Zollinger asked if it might be appropriate to ask for a show of hands to get an idea of where the majority of the Commission is standing on an issue. Jocks urged the Commission to work all the way through the discussion of the issue now while we are discussing it so that we can move on to other portions of the review. The question at hand is whether sidewalks along M-72 and Lautner Roads should be required to be constructed as part of Phase I or as part of a later phase. He suggested having a motion and vote on key issues so they can be decided.

By show of hands, 2 Commissioners indicated that sidewalks on M-72 and Lautner should be constructed as part of Phase I, with the other 7 indicating that the sidewalks should be required to be constructed as part of Phase II. David observed that at the outset there was an expectation that the interior roads would be fully completed in Phase I. Recently the Commission was asked to approve allowing those roads to not be fully complete in phase I. There is a lack of faith on the part of many commissions that future phases of this project will ever be constructed. Tegel stated that many current township residents use their bicycles to travel, including on Lautner Road. She had read materials indicating that good walkability promoted higher property values and economic prosperity in a community. She asked the applicant if it would commit to a sidewalk on the west side of Lautner Road in Phase I. VGT Partner Steve Smith stated that to put in a sidewalk on Lautner Road at this time along their property frontage would create a “sidewalk to nowhere” in an area he believes people would not use to walk or bike to the development. Mr. Smith expressed concern that it would encourage bicyclists to use a road that is largely unsafe for their use.

Feringa’s experience is that the Tribe has installed sidewalks anticipating future use and they have deteriorated and not been maintained or used. The Tribe now only installs sidewalks where they are needed and used at the current time. Tegel indicated that there is simply a difference opinion on what is needed now and what is needed later.

Motion by Yamaguchi, support by Carstens that the Commission recommend that the Township Board find that the traffic impact study for Phase I and suggested improvements to M-72, Lautner Road, the key interior roadways and the TART satisfactorily address the principles expressed in the Master Plan, conditioned on the applicant providing easements along M-72 and Lautner Roads for sidewalks to be constructed as part of Phase II of the VGT project.

Feringa asked if MDOT will approve this concept. The Tribe has wanted to build sidewalks along M-72 and been asked not to do so. Mr. Dearing stated that if the sidewalk is on private property and not in the MDOT right-of-way, they should have no objection or say in the matter.

Motion carried by a vote of 8 in favor (Carstens, Feringa, Hardin, Tegel, Wentzloff, White, Yamaguchi, Zollinger) and 1 opposed (David).

Iacoangeli asked the Commissioners if they had any concerns relative to the market study provided for Phase I of the project. David recalled that the market study projected needing a market area radius of at least 75 miles; Iacoangeli stated that this figure is for the entire five phases of the project. The market study for the first phase alone does not indicate such a figure, but does anticipate a market area extending east at least as far as Kalkaska and that approximately 45% of the customers at the Garfield Township store will transfer their business to an Acme location. Yamaguchi cited a Master Plan goal that there be sufficient economic development to serve township residents and guests. Iacoangeli recommended that the Commission recommend that the market study provided satisfies market concerns in the master

plan for Phase I of the overall VGT project.

Motion by Wentzloff, support by Feringa that the Commission recommend that the Township Board find that the market study for Phase I of the VGT project satisfies the market concerns in the Master Plan relative to Phase I only.

David feels that the support Yamaguchi sited from the Master Plan is a “stretch” and that the project represents a shopping center rather than a town center.

Motion carried by a vote of 8 in favor (Carstens, Feringa, Hardin, Tegel, Wentzloff, White, Yamaguchi, Zollinger) and 1 opposed (David).

Iacoangeli asked Dr. Grobbel to lead the Commission through the discussion of whether or not the proposed project features uphold the Master Plan standards for environmental protection. Dr. Grobbel’s initial recommendation is that the township should accept the storm water management plan on a conceptual basis conditioned upon final township approval of the resolution of the following technical details:

- Baseline stream study should include, in addition to below water quality parameters, macroinvertebrate study at both proposed monitoring locations using US EPA wadeable streams rapid assessment method.
- Proposed water quality monitoring stations on Acme Creek (up & down stream of VGT parcel) for DO, temp, spec cond & pH should be augmented as follows:
 - A) Add analyses total VOCs; eColi; TOC; TDS & TSS.
 - B) Add velocity and levels (i.e. flow) monitoring and reporting at both permanent sample locations - requiring installation & monitoring of stream gauges at both locations.
 - C) Agree to MDEQ Rule 57 surface water quality standards to define "degradation."
 - D) Commit to monthly creek monitoring/reporting as described for year 1, Quarterly thereafter for term of SUP
- Provide engineered plans for constructed wetlands including ground water conditions, structure elevations, minimum hold times, hydrograph for each Phase I wetland basin.
- Include exotics/invasives management in monitoring/maintenance plan.
- Propose monitoring/reporting frequency as monthly for first year, quarterly in years 2-4 and semi-annually thereafter for SUP period (i.e. summer & fall) per MDEQ methods/protocols.
- Enhance the two phase I discharge ditches/conveyances to grassed waterways.
- Propose educational/public access project components (similar to Inland Seas constructed wetland stormwater management project in Suttons Bay)
- Add woody debris and floating nesting islands to open water basins
- Add more shrubs (native) to each wetland basin berm to naturalize berms and enhance habitat.
- Reshape each Phase I wetland basin to appear more natural vis a vis the drawing Grobbel shared with the applicant last night.

Zollinger asked about the temporary or permanent nature of the proposed constructed wetlands, and the definition of “temporary.” He asked what would be the defining action for when the wetlands would be moved. Terry Boyd, the applicant’s consultant from Gourdie Fraser, stated that it could be that the buildings and other features proposed for the portions of the Conceptual Plan in the proposed “temporary” wetland locations would be displaced by them. Mr. Boyd stated that Phase II might include having the wetlands expand in the same place. Jocks stated as to Dr.

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Grobbel's recommendation that he is uncomfortable with the idea of approving the proposed storm water treatment plan with conditions, and staff may be as well. Jocks asked what the time frame for completion of the documentation demonstrating the proposed conditions would be. The applicants (Boyd, Schooler, Smith) stated they would agree to the suggested conditions and provide documentation by the end of the question. Iacoangeli stated that Dr. Grobbel has identified suggested conditions but the consulting team can't recommend that this item is complete until the documents are received and reviewed for a future meeting. Iacoangeli also noted that constructed wetlands are not something you build and take apart as a general rule. He would recommend that the final plans have to show the final location and shape of the wetlands. They need to be looked at as permanent features and it will modify the future design and phasing of the development. They should be looked at as a permanent natural feature. Mr. Boyd said that he would work with some sub-consultants to review and incorporate the items discussed into a plan within a week.

Jocks noted a serious issue; that based on discussion about the wetlands construction and the concept of considering them likely in their proposed location for a long time or permanently, and the fact that they would displace portion of the existing approved plan. The developer and the township have committed that the plan is the plan, and any change to the plan must be approved. This would appear to be a fairly significant amendment, that would literally overtake buildings and parking areas. The question becomes how to deal with this. The location of the key interior road and the initial construction of the main interior road were treated as minor amendments, but this appears as more serious matter. Applicant attorney Ken Petterson opined that the addition of the new features will potentially cost the applicant some retail space, and they are willing to commit to them because the township's applicant desires them. He posed this issue as not being an amendment to the Conceptual Master Plan, but as an amendment to a future phase.

Jocks pointed out Section 8.0 of the 2004 SUP, which states that said SUP cannot be changed in any way except upon majority vote of the Board of Trustees. This SUP modifies the 2004 zoning ordinance requirements in many ways, and possibly the requirements that would normally require a complete SUP amendment process.

Wentzloff asked why the new type of basins can't go in the locations proposed for the basins originally. Dr. Grobbel is assuming that some portions of the system won't ultimately be constructed. He said that a mixed use development approval is a give and take process.

Mr. Boyd indicated that the two proposed water features on the western side of the overall project area would not be built, having the proposed new wetlands locations substituted to move them farther away from Acme Creek to protect the surface water quality.

Tegel expressed appreciation for the movement towards better storm water management. She asked for clarification that they are approving the storm water management for the entire project at this time. Dr. Grobbel indicated that the applicant has only presented the storm water management improvements for Phase I, and that they will have to be amplified for future phases. Tegel asked how the township will be assured that best management practices will also be used in future phases. Jocks stated that the applicant initially indicated it would build the entire storm water management system in Phase I. However, this is not a strict requirement of the 2004 SUP. Dr. Grobbel suggested adding a condition in the approval that future phases would follow the same approach.

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Tegel mentioned the implementation of a comprehensive water quality monitoring and management plan. She asked how enforcement would be carried out, what the consequences would be for non-performance, and what would be done if there is water quality degradation. Dr. Grobbel stated that on an overall planning level, if the conditions of an SUP were violated the maximum penalty would be revocation of the SUP. There is also the question of how much water quality degradation should trigger some sort of remedial action or penalty.

A special meeting exclusively for the VGT Phase I application review was set for Thursday, January 12 at 6:00 p.m. at the township hall.

Tegel had a question about things being “green” or designated acceptable on the review matrix. She wanted to clarify that just because staff and consultants recommend that an issue has been addressed does not mean that the Commission has discussed and made a decision about an issue. Iacoangeli stated that if an item is “green” the recommendation is that the requirements and standards have been met. The Commission still needs to make final decisions on these recommendations. Tegel stated she wanted to clarify because she is concerned about not having enough time allotted to discuss issues that are important to various Commissioners, whether their opinion is ultimately in the majority or minority.

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

Mrs. Hanna felt that tonight’s meeting was the most constructive she has attended and that it was largely positive. She also wished everyone a merry Christmas.

Messrs. Smith and Schooler thanked everyone for their time and effort. It can be a difficult discussion process but the discussions usually have positive outcomes.

Meeting adjourned at 10:55 p.m.