



Memo

To: Acme Township Planning Commission
From: Sharon E. Vreeland, Township Manager
CC:
Date: 09/17/09
Re: Village at Grand Traverse – Phase I Special Use Permit/Site Plan Review

This memo, while lengthy, is intended to assist both the Commission and the general public in understanding what has occurred regarding the VGT – Phase I SUP application to date and how we plan to conduct the process going forward.

In November 2004, the Village at Grand Traverse LLC (“VGT”) filed SUP/Site Plan Review application #2004-19P for approval of Phase I of the mixed use development plan approved as Conceptual SUP #2004-11P. Phase I was to include the installation of perimeter landscaping for their 182-acre parcel, construction of internal main road corridors, and construction of a 232,000 sq. ft. Meijer store on the southeastern corner of the property, which is also in general terms at the southwestern corner of the M-72 East/Lautner Road intersection.

At its December 13, 2004 meeting, the Planning Commission voted to table the Phase I application “until the Circuit Court decides the validity of the Conceptual SUP and its validity within the process” because litigation was pending on the Board of Trustees approval granted on October 20, 2004. The conditions of the Commission’s tabling motion - a final decision regarding the validity of the Conceptual SUP and the process – were met on February 26, 2009 when Circuit Court Judge Philip Rodgers issued his final order pursuant to the order from the Court of Appeals.

During the period ranging from March through July of this year VGT asked what the township required for their application to be taken from the table. On June 5 Zoning Administrator John Hull sent a letter to the VGT with a list of items that had to be updated from 2004 or that had not been provided in order to meet at least minimal requirements for application according to the approved Conceptual SUP. The materials submitted in response have been given a cursory review, and staff finds that the applicant has provided documentation in response to each item on the list while noting that those items have yet to be reviewed in terms of content.

I recommend the Planning Commission adopt the following motion:

I move that SUP/Site Plan Review application #2004-19P for The Village at Grand Traverse – Phase I, re-numbered as application #2009-1P be taken from the table and staff be directed to begin processing the application.

You are no doubt curious as to why your packet for the September meeting does not contain a complete copy of the application, and how you may best prepare yourselves for the task at hand.

Supervisor Wayne Kladder and I, in conjunction with Matt Vermetten, John Hull, the dictates of various documents, the lessons of history, and advice from legal counsel have worked to design an efficient, effective and fair process. I hope that bullet points below will answer most of your questions, and trust you will raise any additional questions or suggestions as needed:

- The Village at Grand Traverse is the applicant. VGT has indicated that my primary contact their behalf is Steve Schooler, the Director of Construction for J.R. Anderson Real Estate, Inc. of Cincinnati, OH. If you are curious about them, their website address is www.anderson-realestate.com. They are working with the local office of URS, not only regarding traffic-related issues but with general application materials as well. Chris DeGood, who represented the VGT Conceptual SUP when he was with Gourdie Fraser Associates, is now with URS and continues to work with this project on VGT's behalf.
- The contents and scope of the Phase I application are essentially identical to what was presented in November 2004 – in fact the 2004 drawings have been resubmitted. They indicate an approximately 232,000 sq. ft. Meijer store/garden center. The plans neither originally nor currently call for either a gas station or a convenience store.
- I am directly managing the application process. All information from the applicant comes to me and is disseminated to other staff, our legal team, our planning consultants, and any other parties as needed. Information returned from those various parties is returned to me for review and decisions as needed, and is then disseminated to the applicant and other parties as warranted. Wayne is my partner and back-up in this regard.
- The township is calling on the services of Beckett & Raeder and their subcontractors for planning and zoning-related project review consulting services. You are already familiar with John Iacoangeli and Dr. Chris Grobbel of their firm. Their work is authorized and performed at my direction. Please recall that Beckett & Raeder was originally hired to review this application in 2004.
- To obtain the input the Zoning Ordinance requires from state and local agencies and departments such as the Drain Commission/Soil Erosion, Health Department, Road Commission, MDOT, Fire Department, Sheriff's Department, etc., the township will be asking County Planning to convene a meeting of the Land Development Review Committee. This committee consists of representatives from all of the relevant area permitting agencies and local utilities, who participate in a group discussion and provide feedback in the form of their meeting minutes about concerns and whether the proposed development appears to generally meet their permitting guidelines. The developer must still eventually submit applications to each agency for permit approval. By gathering them all together rather than obtaining their input in a piecemeal fashion, we benefit not only through efficiency but by a synergistic discussion – we and the other participants can discover whether there are conflicting needs and priorities and work towards appropriate resolution. (I plan to use them for all our future SUP applications). If you would like to learn more about the Land Development Review Committee, you can visit this website: <http://www.co.grand->

traverse.mi.us/departments/planning/land_development_review_committee/land_development_review_committee_bylaws.htm

- The total numbers of sets of application materials needed is significant (one for each Planning Commissioner and Board member, staff and consultant copies, at least partial copies for each agency from which we require input, etc.) The size of the materials themselves is significant (5" thick notebooks), so producing them is expensive for the applicant. Staff and applicant anticipate that, pursuant to review and further discussion, the materials will require some revision, and providing copies of all the revisions again creates expense. We mutually agreed that it would be most efficient, given the planned process, if a limited number of full sets were provided initially, and for the mass-production of the rest of the sets to occur once the revision process was substantially complete. At this time we have obtained five complete sets of application materials: one each for the office, the Supervisor, the PC Chair, Beckett & Raeder, and our legal team. We have received 11 full-sized copies of the development plans as requested by County Planning Director John Sych for the Land Development Review Committee, and 2 additional sets of the traffic study updates for the Road Commission and MDOT. Additionally, I have a complete set of materials in PDF format.

The application materials are public record information, and any member of the Commission or public is free to come to our office to review the staff copy. I can also make copies of the PDF files available – I will upload them to our website on a dedicated web page, which will be public.

In the meantime, we are providing you with copies of the [approved conceptual plan](#) and the [proposed site plan for the Meijer store](#) as a start.

- The township has, of late, strayed from the review process outlined in our Zoning Ordinance. Rather than have staff work with the applicant to the maximum extent possible to ensure that the materials are complete and in compliance with requirements before bringing the entire package to the Commission for review and a recommendation to the Board for final action, we have indulged applicants' desires to bring their applications piece by piece to the Commission. In many cases they have sought to negotiate the standards of the ordinance or conditions of the review. This has resulted in processes that have lasted an average of 18 months each at great expense to the applicant for their preparations and our associated reviews and a high level of frustration with the process and the outcome on everyone's part. In short, this approach seems to have led to universal frustration and higher cost rather than more positive outcomes.

Therefore, we are returning to the "old-school" model. After the application is taken from the table, staff, applicant, and consultants will resolve as many potential issues as possible before bringing the application to the Planning Commission for a public hearing. While an application of this scale may require a public hearing longer than a single meeting, we hope this process will be more effective, more efficient, and less frustrating for all parties.

Once the application materials and any corresponding staff, consultant, or agent materials are complete, they will be reproduced and provided to the Commission at the first opportunity so that you may study them in detail and be prepared for the meetings at which they are discussed.

- At this time, I cannot say how long it will take to ensure the application is ready for public hearing. As you know, the process requires review and requests, responses, and rebuttals. My key responsibility is managing the process, and I take it very seriously. In some cases, I may be required to declare a disagreement to be insurmountable, and I wish to bring as few of those to the PC as possible. If I had to make a prediction, I would guess that the **earliest** the preliminary hearing might occur would be at the end of November; possibly at our December meeting (which tends more towards the middle than end of the month since I assume that all would prefer to have their calendars clear for the year-end holidays.) At meetings where the application is not on the agenda, we will provide a general status update on what has been accomplished, what remains to be done, and how things are progressing.
- In the meantime, you as Commissioners may very profitably spend your time preparing for your review by reviewing the documents against which the application shall be measured. Those documents are, IN ORDER OF PRECEDENCE FROM FIRST TO LAST:
 - [Judge Rodgers' February 26, 2009 ruling and the Court of Appeals opinion](#) on the validity of the Conceptual SUP and specific features of the township's review of each proposed development phase
 - [Conceptual SUP #2004-11P](#)
 - The township's Zoning Ordinance and Master Plan

To assist everyone in understanding how these documents form the framework within which the development phase reviews will occur, our legal team is preparing what we are calling a "road map." This road map will also provide you with information about some questions you have already asked about the scope of your review. As I write this memo the road map is still being drafted and reviewed by legal, Wayne, John Hull and me. I expect you to receive it a few days after this memo. **INITIALLY THE ROAD MAP WILL BE PROVIDED TO YOU AS AN ATTORNEY-CLIENT PRIVILEGED DOCUMENT - AS PRIVATE LEGAL GUIDANCE TO THE TOWNSHIP FROM ITS ATTORNEY. IT WILL BE DRAFTED SUCH THAT THE COMMISSION WILL HAVE THE OPPORTUNITY TO DECIDE WHETHER TO WAIVE PRIVILEGE AND MAKE THIS DOCUMENT A MATTER OF PUBLIC RECORD. I ASK THAT THE COMMISSION MAKE A MOTION AND TAKE A VOTE ON THIS QUESTION, WHETHER ON SEPTEMBER 28 OR AT A FUTURE MEETING.** You may feel it more prudent to maintain this information as confidential, or you may find value in making it available to the public at large in the interests of transparency and promoting better understanding of the standards of review to which you are bound. They are unique to this particular situation.