



ACME TOWNSHIP REGULAR BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
7:00 p.m. April 4, 2006

CALL TO ORDER WITH THE PLEDGE OF ALLEGIANCE AT 7:06 p.m.

Members present: B. Boltres, D. Dunville, W. Kladder, B. Kurtz, P. Scott, E. Takayama, F. Zarafonitis

Members excused: None

Staff present: S. Corpe, Township Manager/Recording Secretary
J. Hull, Zoning Administrator
T. Henkel, Parks & Maintenance Supervisor
J. Iacoangeli, Consulting Planner

INQUIRY AS TO CONFLICTS OF INTEREST: Takayama expressed a conflict of interest regarding requested inclusion of Steckley property in sewer district.

A. CONSENT CALENDAR:

Motion by Zarafonitis, support by Dunville to approve the Consent Calendar as presented, including:

RECEIVE AND FILE:

1. **Treasurer's Report** dated 02/28/06
2. **Clerk's Report** dated 03/27/06
3. Draft unapproved minutes **04/03/06 Planning Commission meeting**
4. Draft unapproved minutes **03/06/06 Farmland Preservation Advisory Committee**
5. Draft unapproved minutes **03/21/06 Yuba Creek Natural Area meeting**
6. Draft unapproved minutes **03/23/06 Infrastructure Advisory meeting**

ACTION:

8. Approval of Board meeting minutes from **03/07/06 regular** and **3/20/06 special** Township Board Meetings
9. **Accounts Payable** of \$51,577.77 through 03/27/06
10. **Approval of letter** from John Sych, County Planner

Motion carried by unanimous roll call vote.

B. LIMITED PUBLIC COMMENT: None

C. CORRESPONDENCE:

1. **Letter of Resignation** from Planning Commissioner – Diana Morgan: received and filed.

D. PUBLIC HEARINGS:

1. **Proposed Zoning Ordinance Amendment #133** which would add new **Section 7.9, Exterior Lighting Regulations, to the Zoning Ordinance:** Hull noted that the proposed ordinance amendment has been under discussion for some time. The goal is provide for adequate lighting for homes and businesses while protecting the ability to view the night sky, protecting drivers from dangerous glare and preventing nuisances.

Public Hearing opened and closed at 7:11 p.m., there being no public

comment.

Takayama stated that the Planning Commission made a thorough review of the proposed ordinance. He noted that Jerry Dobek from NMC has been extremely helpful in working to create the draft, which is a minor revision of the Whitewater Township lighting regulation ordinance.

Kurtz commented that Pat Salathiel, former Planning Commissioner was a strong and constant supporter of this ordinance amendment, and noted that the proposed ordinance is consistent with Whitewater Township's, a step in the right direction towards intergovernmental cooperation.

Kladder directed attention to page 2 of the draft and the phrase "after dark," asking for a definition. Hull opined that it refers to time after the sun goes down. Kladder is sensitive to this issue, as he was once locked into Saylor Park due to a difference between his interpretation and the maintenance worker's of "dusk." He also expressed concern about the use of the words "unnecessary glare," as being vague. Hull suggested substituting "disability glare," which is a term referring to a measurement of light glare that interferes with clear vision of a roadway. Kladder asked if "undesirable glare" would also refer to a situation where a bright light from a parking lot shines in the bedroom window of a residential neighbor.

Kladder noted that the ordinance provides for exceptions to the general rules for holiday lights. He asked when the official holiday season would begin and end. Hull proposed that the answer would vary depending on whether you ask a priest or a retailer. Kladder generally feels that the proposed draft could become a good ordinance but that too many things have been left open to interpretation. Hull disagreed, and Kladder expressed that there would be many more instances he could point out of terms he finds too vague. Takayama recalled that the Planning Commission discussed these concerns but felt comfortable that terms not specifically defined could be reasonably administered by the Zoning Administrator and the ZBA. Hull also recalled this, and discussed the philosophical roots of the debate.

Kladder asked if other more technical ordinances were reviewed as examples. Hull replied that Whitewater's ordinance was drafted by Jerry Dobek, who is an expert who has worked extensively on behalf of the national dark sky organization. At first, Hull thought the proposed ordinance was an example of "hippie nonsense," but he became persuaded of its real value once he delved into and understood the science of the subject. Kladder asked if Hull could provide a concrete example of an existing lighting situation in the township that would not exist under the new ordinance; Hull stated general unfamiliarity with the local area at night.

Lewis Griffith, 5181 Lautner Road noted that the formal public hearing has been closed already, and stated that generally there is more staff and board discussion before public comment to give the public more to comment on. He also feels that if Acme is trying to pass a regulation other places don't have, Acme must be wrong.

Motion by Takayama, support by Zarafonitis to adopt Zoning Ordinance Amendment #133. Motion carried by a vote of 6 in favor (Boltres, Dunville, Kurtz, Scott, Takayama, Zarafonitis) and 1 opposed (Kladder).

2. [Proposed Zoning Ordinance Amendment #134 to Sewer District](#)

Ordinance, deleting Section 6.11.1(1) and adding Section 6.11.2 to spell out rules and requirements for the defined sewer district: Hull stated that the township has historically considered itself as having a defined sewer district, but that Mr. Stoepker, the attorney for Meijer, Inc. stated that he felt this was not the case, providing the genesis for the proposed ordinance amendment. Corpe amplified that the township does have a defined sewer district per ordinance section 6.11.1(1), but that there had come to be an erroneous assumption that a map in the Master Plan displaying a larger area than that described in section 6.11.1(1) was the sewer district. Questions asked by Mr. Stoepker in this regard did lead to the proposed ordinance amendment. The Planning Commission directed staff that the proposed new district should contain the existing sewer district, areas outside the existing district where sewer infrastructure already exists, LochenHeath, Windward Ridge and Meijer. The existing ordinance provides that within the district sewer service must be brought to a site before it can be divided and developed, whereas the new ordinance provides for alternative on-site treatment systems in cases where regional system hookup is currently impractical.

During the course of this project, Corpe's research in the files indicated that former Supervisor Mark Ritter, former Zoning Administrator/Planner Sherrin Hood and Christopherson worked together on proposed sewer ordinance amplifications similar to the current one in 1997 and 1999. It appears that none of these earlier efforts ever made it to a public hearing, but Corpe has not been able to determine why.

There are several additional landowners who are seeking inclusion in the district, as displayed on a colored map provided in the packets. One in particular, owned by Rick Steckley on the west side of US 31, was proposed for inclusion at the Planning Commission but because Takayama abstained there were not enough votes to carry the motion. The County Planning Commission recommended that all areas surrounded by the proposed district on the west side of US 31 be included. Mike Beehler, who purchased the property formerly owned by Dan Hanna at the southeast corner of Lautner and Brackett Roads which has been divided into 7 homesites is requesting inclusion, as existing regional infrastructure extends to the southern boundary of his development. Lewis Griffith has also suggested that the area south of the Meijer parcel and north of the railroad tracks be included to square off the proposed eastern district boundary.

Public Hearing opened at 7:37 p.m.

Steven Fox, attorney for Mr. Steckley, noted that he has submitted a request that his client's property be included in the district for reasons already enumerated.

Mr. Griffith stated that he feels that failing to include the properties south of the Meijer parcels and north of the railroad tracks would constitute "spot zoning." He feels that the entire area north of the railroad tracks, west of Bates Road and south of M-72 will eventually be developed and should be within the sewer district because the landmarks mentioned constitute "natural" boundaries.

Dan Rosa, 4707 Hampshire Dr. has not looked at the proposed district map, but if there are commercial properties in the township not proposed to be included in the sewer district, they should be included. He does not believe

that the provision of infrastructure should be used as a zoning tool.

Gene Veliquette has been a Board member of the Music House for several years. The Music House had always thought it was in the district but is now hearing they are not. He is seeking clarification. Corpe reported that the Music House property is not now in the district and is not included in the proposed district. The section of the sewer system in this area can accommodate approximately 365 more benefits (residential equivalents) before infrastructure upgrades will be required. Mr. Veliquette asked that Music House property be included in the district.

Public Hearing closed at 7:44 p.m.

Boltres felt that there is not enough information to make a decision, particularly as to why some parcels that would like to be included are not currently. Corpe noted that the Planning Commission wanted to correct the existing situations where areas outside of the district are served, include LochenHeath and Windward Ridge because both projects were approved on a common misunderstanding that they were in the district and would be served, and the Meijer parcel for environmental reasons. Otherwise, they did not want to expand the district with a proposed future land use map pending, preferring to wait and coordinate these planning projects. The Infrastructure Advisory would also like to further study the effect on the need for infrastructure improvements that further district expansions would imply.

Motion by Boltres to refer the proposed ordinance amendment back to the Infrastructure Advisory for further review. Motion failed for lack of support.

Takayama noted that more and more landowners ask at every meeting to be included in the sewer district. He does not believe the entire township should be within the district, nor does he believe that it is a good idea to extend the district in the fashion described by Mr. Griffith. Takayama would support inclusion of the Music House parcel in the district. He believes that the proposed ordinance and district are a good start on the subject.

Zarafonitis asked how many housing units could be built on the Steckley property. Corpe replied that this is a difficult question to answer, as the approximately 45-acre property is zoned R-3, Urban Residential and allows for apartment buildings. Single family homes could be built on 15,000 sq. ft. lots with sewer, which are nearly 3 units per acre. Otherwise, the number of apartment units that could be built is dependent on site design, maximum impervious surface requirements, the height of buildings and the number of parking spaces required (2.5 per apartment).

Zarafonitis asked if the Beehler property would be in the same sub-area of the overall sewer system as the Music House and other properties along US 31 where it is possible to hook in approximately 365 more residential equivalents before infrastructure upgrades are needed. Corpe reported that the Beehler property is actually in a different sub-area which includes several of the housing and condominium developments at the Resort and would include the Meijer parcel. On this leg of the system, we believe somewhat over 600 benefits can be connected before improvements to a lift station and some pipes would be needed. She observed that in this sub-area, as is probably the case with many of the sub-areas, while there is sufficient capacity to accommodate ongoing development without improvements, there

is not enough capacity to accommodate full buildout of all the properties already in the districts were it to occur all at once immediately. This then adds to the considerations the question of whether the properties already in the district have some sort of vested interest in the existing infrastructure capacity that would require newcomers to the district to make immediate improvements to connect, thereby protecting those interests, or whether it's a first-built/first served, last-built buys the upgrades situation, or somewhere in between. Kurtz mentioned that questions over the expected rate and pattern of development, as well as whether or not the Resort would be redirecting some of its sanitary flows through Tribal infrastructure to their treatment plant at Turtle Creek that led to the recent bond defeasance.

Kurtz expressed regret that the Infrastructure Advisory was unable to vote on a recommendation regarding this ordinance at their last meeting. He would support Takayama's suggestion that the ordinance return to the Board next month after additional review by the advisory.

Kladder supported adoption of the ordinance as forwarded by the Planning Commission with the addition of the Steckley property, with additional review of other parcels as potential future amendments. He would also support a one month delay for further review by the advisory.

Motion by Kladder, support by Zarafonitis to refer proposed Zoning Ordinance Amendment #134 to the Infrastructure Advisory, to be returned to the Board for the May meeting. Motion carried by unanimous roll call vote.

E. OLD BUSINESS:

1. Consider **SUP Application #2004-3P by Meijer, Inc., 2929 Walker NW, Grand Rapids MI 49544 for Lautner Commons, an approximately 332,400 sq. ft. shopping center development, and Site Plan Approval for development of a 232,360 sq. ft. grocery/general merchandise store, 2,400 sq. ft. convenience store and 10 gas pumps on property located at 5896 Lautner Road (SE corner of M-72 East & Lautner Rd.) currently zoned B-3, Planned Shopping Center:** Kurtz began by noting that there are other agenda items to be covered after this matter, and that this evening is not for debate but rather for Board discussion and deliberation pursuant to the advice of consultant John Iacoangeli.

Iacoangeli provided a slide show to help educate the Board about the issues involved in the project. He noted that the Board received application binders from the applicant last month. He recommends that the Board focus on four key considerations: the Master Plan, traffic, market and environmental concerns. The goal is to reach a point where a motion regarding an SUP can be made.

Iacoangeli provided some statistics regarding the project and displayed initial and current site plans. He noted that the requested number of parking spaces had been reduced from 10:1,000 sq. ft. of retail space to 5:1,000 sq. ft.

Discussing the Master Plan, the document recommends a town center on the "Rollert" (now Village at Grand Traverse – "VGT" property) with a Meijer on the VGT site. It recognizes that a Meijer application had been pending on their site, and stated that if a Meijer were to develop on its own site it should be designed so as to serve as an anchor to and be integrated in the town center. Iacoangeli stated that the Planning Commission did not make a

finding that the proposed development has met this Master Plan goal. He displayed a "typical design" for a "neighborhood center" which included a larger retail store, some smaller stores, parking and water retention areas. He then displayed the site plan for an existing Meijer store with outlots. This was followed by a "typical" shopping center design. He stated that a shopping center typically contains one building divided into smaller leasable spaces and containing several larger anchor stores, with a large parking field in front. There are often also several outlot buildings. Iacoangeli stated that the Planning Commission accepted the proposed Meijer site plan as fitting the definition of a "shopping center." Iacoangeli provided a layout for a Traditional Neighborhood Development (TND) Center. Outlots have buildings close to the main arterial road. A large parking field is still present.

Iacoangeli provided a schematic for how the Master Plan vision might be laid out relative to M-72 and Lautner Roads. It displayed smaller commercial buildings lining Lautner Road and crossroads into the VGT and Meijer properties, with the Meijer store at the end of a boulevard through its property. He then displayed a drawing of how a Meijer project on its own site consistent with the scope of the application and with the Master Plan might look.

Turning to market justification, Iacoangeli stated that the AEG market study versions provides for a wide range of conclusions as to what the local market can support in terms of food store (28,000 – 235,000 sq. ft.), gas station (0 – 159,000 sq. ft. or 0-64 new stations at 2,500 sq. ft. each), and merchandising (70,000 – 399,000 sq. ft.). One of AEG's reasons for expanding their projections over time was an assumption that 30% of sales at the current Meijer in Garfield Township would transfer to a new store, whereas industry standard is more like 10% - 20%. AEG compared Acme Township to Otsego County where people often break their journey northwards on I-75, but Iacoangeli believes that a comparison to Emmet County or Charlevoix County would be more reasonable. Acme Township is not near an interstate exchange as is the Otsego County store.

Iacoangeli stated that the derivation of a 45% capture rate is not supported. The Grand Traverse Visitors Bureau stated that in the summer local hotels are 70-80% full, about 50-60% full in May and June and about 40% full in the winter, which suggests that the 45% capture rate is excessive. There is duplication of retailers within the market which suggests cannibalization of business from existing sites rather than service to a growing marketplace. Iacoangeli noted that the most conservative of the AEG reports would indicate that 100,000 sq. ft. of new development could be supported locally. It is clear that the scope of the proposed development is regional; while the new store would serve Acme residents the primary focus and service would be from outside the township.

Regarding traffic, no impacts to the intersection of Bunker Hill and Lautner have been assessed. Iacoangeli is concerned with the base year, opening year and 2012 completion and how traffic was forecasted. There are also issues with the peak hour factor applied to the northbound approach. Lautner Commons is expected to generate regional traffic as a regionally-based project. It will serve local residents but must bring in outside business to survive.

Environmentally there are three key issues. Site hydrology indicates that in 2/3 of soil borings groundwater is 1-18' below ground surface, so the majority

of construction excavation will encounter it. Long-term groundwater control will require ditching and sub drains and water can be expected to be encountered above finished floor grade. The average groundwater depth is about 5.5' near the proposed gas station site, while gas tanks are normally around 12' below ground. Iacoangeli displayed the proposed site plan with soil borings superimposed on them and color-coded by groundwater depth. Grobbel Environmental has proposed that stormwater treatment requires additional vegetated waterways between catch basins to filter out pollutants, that catch basins be fitted with tee and plug designs, that there be pre-treatment for gas station runoff. There are concerns with clay soils drainage and/or filling with gravel/crushed concrete.

Iacoangeli displayed a photograph of a Wal-Mart/Sam's Club store (he searched for a Meijer store to use but could not find one) in Grand Blanc township that was designed with a varied façade vs. one that is long and blank. There is streetscaping and lighting along the front. Several colors of brick and block were used, and the store at least appears to be two stories tall. A walkway through a grassy median raised above the parking pavement grade is provided; there was debate about whether or not this sort of "demarcated walkway" could be provided by the applicant as required by the ordinance at the Planning Commission level. The approach in the pictures divides a large parking field into sub areas that can be landscaped and more humanly scaled.

Iacoangeli has provided a checklist for the Board's use. Each point of the application can be evaluated on the sheet as to how it fits in with the four basic points and whether it is acceptable, acceptable with conditions or not acceptable and what conditions might be required. Information from completed sheets can be used to construct a final SUP.

Kurtz stated that he does not mean to inappropriately rush the final review process, but neither does he intend that the Board will deliberate for as long as the Planning Commission did. He thanked Iacoangeli for his excellent work in advising the township regarding this application, noting that Meijer has borne this expense. He then opened the matter to Board discussion. Iacoangeli began walking the Board through the SUP checklist.

Master Plan: for Iacoangeli the question is whether the proposed site design comports with the Master Plan requirements that a Meijer on the Meijer site integrate with and anchor a larger town center. He asked that the Board not focus on Master Plan statements that the Meijer store would be 157,000 sq. ft. in size while the current proposed size is 232,000 sq. ft. The figure in the Master Plan is, in his opinion, simply a snapshot of the Meijer proposal on the table at the time the plan was written; over time and due to market forces their standard store size has changed.

Zarafonitis asked Scott Nowakowski, Meijer Inc. how old the store near 28th Street in Grand Rapids is; 10 years old. That store has somewhat of a faux downtown building exterior design. Takayama showed other Board members a picture used at the Planning Commission that he feels would be characteristic of design consistent with the Master Plan. He does not feel that the current proposal adequately meets Master Plan design requirements, in part because it is not unique. Some changes were made through discussion, but he finds them relatively minor and disappointing. Zarafonitis concurred, stating that the façade currently proposed is not acceptable to him. He also does not believe that the proposed site plan represents the sort of "main

street” design that it should. Takayama does not feel that the proposed site plan is walkable, even with the compromise reached to lay concrete sidewalks at grade through the parking lot. He believes cars will park on them, and that raised sidewalks are needed, and that the parking area should be more broken up by landscaping. Zarafonitis doubts that people would walk from the outlots to the main store, comparing it to the Commons in Garfield Township. Kurtz read from one of Iacoangeli’s reports stating that a truly New Urbanist design fitting with the Master Plan would involve different façade design. Iacoangeli asked if the Board would feel that the plan met the Master Plan if the architecture, parking lot design and arrangement of outlots were changed. Dunville asked how the proposed gas station would fit in; Iacoangeli stated that in new design there could be a gas station if justified by market analysis, but it would not be the main entrance feature on the site. Instead there would be a park, or a “signature” or civic building. Kladder asked where the proposed car wash is; the site plan shows it adjacent to the proposed convenience store. Kurtz stated that if the public has questions or concerns they should be addressed to the Board in writing for review, inclusion in the public record and further consideration.

Iacoangeli believes the project can serve as an anchor for a town center, and that this should not be an issue of concern in the deliberations. The size of the property and proposed improvement square footage are consistent, although he has concerns about the environmental impact. Iacoangeli would characterize the situation as “acceptable with conditions.”

Market: Iacoangeli believes that the Planning Commission was somewhat daunted by the size and detail of the market study, and ended up concluding that if Meijer were willing to invest so much money in the site they must believe they can make a profit. He remains concerned by the range of swing between the conservative and aggressive versions of the study, which Zarafonitis echoed. Iacoangeli believes that the per-capita spending rate was based on Otsego County, rather than on Emmet or Charlevoix Counties which would be more representative of a waterfront tourist community or a blended state rate. Zarafonitis expressed incredulity at the idea that the community could support up to 64 new gas stations. Iacoangeli stated that some market analysts work into a new supportable space value starting from population (constant and import) and working back to square footage. AEG’s methodology appears to be different. Zarafonitis stated that if 30% of the business from the existing store were to transfer to a new store, he would expect there to be significant job cuts at the old store. Iacoangeli returned again to the concept that market analysis should be based on a different model than the one used. He also noted that the AEG market study projects that 45% of the business for the store will come from “import” – tourists. If there is a poor tourist year, and/or the economy is poor, the 45% target might not be reached. Assuming that import business would largely use hotel rooms, the hotel occupancy rate from the local visitors’ bureau does not seem to bear out the 45% import business figure. Takayama noted that he would tend to view much of Grand Traverse County as “import” traffic because they would have to come from a distance to reach the store. Iacoangeli stated that one could also look at the amount of supportable store area based on local population, with any additional store area being bonus. Market studies are only as good or as valid or as meaningful as the data input into them. If the data is not truly analogous to the situation, the results will be likewise meaningless in the situation.

Kurtz noted that the B-3 zoning ordinance calls for a “conclusive” market

study. The applicant has provided three widely varying market studies, some of which indicate that the proposed store cannot be supported in the local marketplace. Iacoangeli noted that this will be a large development, and there is a common perception that large development equals large tax revenue to the local government. In fact, the proposed store would generate only about \$20,000 in tax revenue to the township per year, and it will require new infrastructure and services. It will not be revenue positive for the township. There will be increased traffic, and perhaps increased accidents and other safety hazards. It would provide additional services to residents, and would provide new jobs, but are those things worth the trade-offs.

Mr. Stoepker asked if Meijer can comment during tonight's process. Kurtz stated that there will be no debating this evening. He is aware of recent e-mails between him and Christopherson to discuss terms for an SUP. Kurtz is eager to keep the process moving. Mr. Stoepker stated that a development of 300,000 sq. ft. is well less than the 800,000 sq. ft. supportable in the conservative version of the Master Plan. Since they are under the supportable number they see all else as irrelevant. Mr. Stoepker also feels that having a new market study review performed very late in the process is, to him, "unconscionable." He feels it is an "ambush" and asked why questions were not asked earlier in the process at the multiple meetings with various parties and agencies. Kurtz stated that the Board did not interfere with the Planning Commission process or attend their meetings. The process has now reached the Board level and the Board is performing its review. Mr. Stoepker stated that Meijer has performed and modified traffic studies and has committed to paying for extensive traffic infrastructure improvements. Now there appears to be a new review of the traffic, market and environmental issues. At the last meeting there was a commitment that the Board would submit all questions in advance to the applicant, but questions were only received from Zarafonitis. Tonight it seems as if there is a whole new set of questions being suddenly raised. Iacoangeli stated that he is simply seeking to ensure that the Board is clearly on record as to having thoroughly made its due diligence review. He noted that the Board received their application books the day before the last meeting, so they were given this month to become familiar with them. Iacoangeli sought additional traffic, market and environmental feedback regarding the studies submitted by the applicant – he did not commission competing surveys – so that the Board could be provided with competent summaries of the materials and any concerns they might raise to facilitate their deliberations. Kurtz expressed appreciation for the information, and the ability to be able to say that the Board has been made aware of the potential issues and impacts of the situation. Personally, he would prefer to see a smaller store size. He asked about the impact of the Board's evaluation of the market study. Iacoangeli replied that the ordinance calls for the township to evaluate the impact of the proposed development on the marketplace to ensure public welfare by preventing overdevelopment. The original market study stated that there was no support for a new gas station. When this was discussed at a Commission meeting, Meijer expressed that this would not be an acceptable outcome and they went back to their consultant. Two subsequent iterations each presented increased expectations for gas station supportability. Market studies do need to be evaluated carefully, because they will serve as a basis for establishment of the expected size of the market to be served by the Meijer and VGT properties. Kurtz also noted that since the market studies were performed a new grocery store has opened on Three Mile Road nearby. Mr. Nowakowski asked whether Meijer would be able to address the Board with input at this meeting, the next meeting, or whether the Board will simply direct staff as to

what will be included in the SUP document offered that would be “rammed down their throat.”

Traffic: Iacoangeli noted again that the proposed development would primarily be a regional traffic generator that would increase local traffic. While the County Road Commission did not provide written comments about the Lautner Road/Bunker Hill intersection it was discussed at meetings. The sub-regional road system will experience higher traffic volumes, not just M-72. Future local concerns about the impact won't be directed by the public to Meijer, but to the Board. The Board has to be comfortable that they have assessed this concern and managed it appropriately. Boltres stated that he has counted the housing units off Bunker Hill Road. There are 7 subdivisions with over 400 homes, which is approximately ¼ of the homes in the township. He feels that more should have been done to assess the impact on Bunker Hill Road. Laura Aylsworth-Bonzelet from URS stated that this issue was not examined early on. The Meijer site is expected to generate 1,700 – 1,800 new peak-time car trips, and approximately 100 of those are expected to use Bunker Hill Road. Boltres expressed disbelief for this figure; and Dunville commented that semis already use the road. Kladder asked who would pay for any improvements required to Bunker Hill Road. Boltres agrees – the taxpayers of Acme Township would have to support infrastructure improvements for commercial development serving a much larger area. Do our taxpayers want to do this? Mr. Stoepker stated that the property is zoned B-3, which calls for a regional type of development. The property has held this zoning designation for “a long, long time.” There was a recent referendum regarding large stores that he characterized as being largely about Meijer. Meijer has committed to leaving large amounts of open space on their site, and has agreed to a substantial level of requested site improvements from the County and from MDOT. B-3 does not imply local commercial development, but regional development.

Steve Smith, partner in VGT, stated that he thought there was a referendum stating that Acme Township residents want a Meijer store.

Iacoangeli does not hear anyone disputing the zoning designation. He believes the township is seeking to assess the impact of the B-3 type development that will cost the community money in the future. The property is zoned B-3, Planned Shopping Center. All development in the district requires SUP approval, and SUP approval requires submission and review of studies as to market justification, and traffic and environmental impacts.

Environmental: Iacoangeli characterized the site as “wet.” Dr. Chris Grobbel is available to answer questions about his review of the environmental reports if desired. Regarding the proposed gas station, there was significant discussion at the Planning Commission regarding underground gas tanks, their double-wall construction, monitoring, and impact on groundwater and how the tanks would be anchored in hydric soils. Dr. Grobbel stated that it was unclear to him from the site plans how water flow from a car wash would be handled. He also noted that wording indicates 8 outlots but the site plan indicates 9. It may be necessary to revisit wetlands loss calculations to see if additional remediation is required. The feedback he has provided dates back to May 2005. Hull expressed sympathy for Mr. Stoepker's frustration with having a new market study analysis done at this late date. He noted that he provided a market analysis regarding a gas station last summer that was largely disregarded. In his report he addressed site safety concerns. Estimates of risk need to be derived carefully, presented clearly, and

evaluated fully. He has been performing further work in this regard that is just complete. His research led to empirical results regarding real-world performance of underground gasoline storage tanks which has been provided to the Board.

Zarafonitis is concerned that gas tanks would be located in an area where the groundwater table is 3-5' deep, but he noted that gas tanks for marinas are routinely located in situations that are as challenging or more challenging. Lyle Livasy representing Meijer stated that the tops of the buried tanks would be about 4' below ground level, and that there are standard safety fittings and alarms that help to catch spills before they reach the groundwater. Plans are available physically and electronically on-site. Takayama also has environmental concerns. He believes the site is within a flood plain which may have been created or expanded inadvertently through poor engineering when major improvements to M-72 were made years ago. Kladder asked about Dr. Grobbel's comments about the proposed wetlands mitigation; Dr. Grobbel stated that the plan has been changed from the one he reviewed and commented upon by the addition of an additional outlot among other things. He thought that the DEQ remediation permit was based on an earlier version of the plan, but Chris DeGood from Gourdie Fraser asserted that the DEQ permit is based on the current proposed site plan. He also stated that the gas tank safety design elements should be provided in plan form to the township and made part of the SUP. Wastewater volume generated by the proposed car wash, as well as the customarily high level of sediment it contains, is an issue of concern. Kladder asked if the impact of a car wash was included in the traffic study, and if it is expected to generate traffic not related to those already shopping on the site. Mr. Nowakowski stated that it is largely a convenience to shoppers; Ms. Aylsworth-Bonzelet stated it would generate an extra 2 car trips a day. Mr. Livasy stated that materials extracted from wastewater from the car wash are treated as industrial waste, and the wastewater itself is released into the sanitary sewer system. There is some question as to whether or not the output of the car wash has been evaluated in terms of sanitary service needs or the impact on sanitary infrastructure.

Kladder noted that the architectural drawings Iacoangeli provided don't show any pallets of merchandise piled outside the store. Will all product and storage be indoors? Various people noted that Acme Township does not permit outdoor sales and storage. Kladder asked about outdoor storage of carts, which is prohibited at K-Mart. He asked if there would be cart corrals at the proposed Meijer, and if they are landscaped. The site plan does contain cart storage areas requested by the applicant. He is aware this requirement was enforced on K-Mart and asked if this would open the door for an amendment to K-Mart's conditions.

Zarafonitis sees a relatively small snow storage area designated on the site. Where will snow be placed – in water retention basins? Is this permitted? Mr. DeGood stated that the snow storage area is approximately 1 acre in size. Melt from the accumulated snow will enter the site stormwater management system. Takayama recalled raising the issue of whether snow would be pushed into storage basins during Commission meetings, and nobody challenged this supposition. Dr. Grobbel generally feels that infiltration is the best way to deal with snow disposal, however this site has a very high water table. If there will have to be dewatering to keep the buildings on the site dry, can the stormwater management systems handle the additional load from snow melt? Mr. DeGood stated that all of these issues were addressed through the DEQ permit, but Dr. Grobbel stated he did not see them

addressed in the documents he received.

Takayama stated that he is not satisfied with a 24-hour store operation. Mr. Nowakowski stated that Meijer will only operate 24-hour stores. Takayama opposes this, feeling that the potential convenience benefits are outweighed by public safety concerns. He also expressed concerns about all-night site lighting. Mr. Stoepker stated that the lighting plan meets the conditions of the newly-adopted lighting ordinance.

Kladder has heard that the amount of tax revenue generated to the township will be between \$18,000 - \$20,000/year. Has anyone studied the level of new costs that would be generated? Boltres stated that Corpe studied the revenue side, but the costs have not been assessed. He also stated that Meijer in Garfield has sought tax reductions over time as well.

Mr. Veliquette stated that he hopes Meijer will be given a chance to speak in response to the foregoing discussion. He believes the Board is laboring under a misperception that they were elected to halt all development in the township. He feels it would be a disservice to not allow Meijer to respond to some of the questions raised this evening, feeling that there will be an ongoing cycle of questions and delays. He finds Iacoangeli unconvincing and incorrect in most of his statements. Kurtz stated that he has allowed Meijer representatives to speak when they have raised their hands to do so this evening. He also noted that the Board needs to conduct as much of its business as it can before Boltres has to leave at 10:00 p.m. and that he does want this matter to come to conclusion expeditiously.

Mr. Stoepker stated that the only issue he heard raised about the site plan other than the façade design is the location of the gas station. It is proposed for a key corner of the property with significant landscaping. The main entrance to the site was sited to accommodate cross-connection with potential future development on the VGT site. Location of the gas station as proposed keeps it away from the key cross-connection to the VGT property. If there is concern about keeping undue traffic from Bunker Hill Road, it would seem counterproductive to move the gas station south towards that road. He feels all these consequences of moving the station on the desired function of the retail areas and traffic ways were consciously assessed. The applicant can provide a formal gas spill management plan.

Kladder asked if design can be employed to discourage people from using Bunker Hill Road as a route to and from the proposed development. Mr. Stoepker stated that one such method was the recommended reduction of speeds on Lautner Road from 55 to 35 mph. Ms. Aylsworth-Bonzelet stated that MDOT-planned improvements to the M-72/US 31 intersection will also serve this purpose. She is a resident of the area and knows that the Bunker Hill/US 31 intersection is a bottleneck that local people would not prefer to an improved M-72/US 31 intersection. Cut-through traffic is difficult to discourage in any situation, and she believes that the two actions already taken are the best things that can be done to discourage people who don't live off Bunker Hill from taking that route. Mr. Stoepker observed that some of the entrances are right in/out which will also help. Mr. DeGood echoed Ms. Aylsworth-Bonzelet's comments. Takayama asked Christopherson about discussion at the Planning Commission that the applicant is seeking to reserve the ability to add a third access point on Lautner Road at a future point in time. Christopherson stated that as the SUP draft stands right now Meijer can apply for the ability to gain the outlots and third access point and must

provide new traffic studies, subject to a full review process. Mr. Stoepker concurred. He also felt there is somewhat of a conflict between desires to create a “main street” on Lautner which would, in his opinion, encourage more traffic on that road that might lead to Bunker Hill. Takayama disagreed, noting that lowering the speed limit should redirect people seeking a speedy way from here to there. Iacoangeli stated that Lautner is being looked to as a main street because Meijer is not currently planning to locate within the VGT.

Mr. Stoepker asked that if any conditions additional to those already proposed are to be included in the draft SUP he would appreciate receiving them as soon as possible.

Motion by Zarafonitis, support by Scott directing John Iacoangeli, John Hull, Sharon Corpe, Jim Christopherson and the traffic, market and environmental consultants to prepare a list of approval conditions that will address the issues raised by the consultants’ reports and the Board’s discussion. The Board will review these conditions at their May meeting. Motion carried by unanimous roll call vote.

A recess was declared from 9:57 p.m. – 10:06 p.m. Boltres left at this time.

Motion by Kladder, support by Kurtz to extend the meeting to no later than 10:30 p.m. Motion carried unanimously.

2. **Proposed Minor Amendment to SUP #2003-1P, Kelly Restaurants to permit outdoor events and creating additional parking for outdoor events at The Williamsburg, 4230 M-72 E.:** Hull recapped concerns addressed about the proposed SUP amendment at the last Board meeting regarding noise. Hull provided notice of tonight’s discussion to all properties within 300’ of The Williamsburg property as requested and in accordance with the standard distances for noticing a hearing. Hull, Mr. Kelly, his music director and a sound man performed an experiment with several large speakers placed outdoors at the venue. They played Hip-Hop music so loudly they couldn’t stand together and talk without shouting – well louder than music would ordinarily be played. They then walked to various sites on the property to assess how much sound could be heard, including close to the banquet hall (practically nothing could be heard), the Greg Zarafonitis home (faint bass that could be drowned out by talking), and downwind of the music into the woods (no foliage at this time of year, the sound could be heard but did not seem obnoxious.) Hull was astonished at how poorly sound carried to neighboring properties. When they completed the experiment and returned to the speakers one was smoking because it was turned up so high. Regarding concerns that there were wetlands present, even after recent precipitation there was no dampness or standing water.

Hull is proposing that concerns regarding potential noise complaints be addressed with language in the permit stating that the Acme Township Noise Ordinance will serve as the standard. If three noise citations are received in one season, an automatic Board hearing for potential permit revocation would occur. “Season” could perhaps use further definition. An additional condition would be submission of an engineered site plan for the improvements plus issuance of a Soil Erosion permit. Hours of operation were taken from the Winery Ordinance to permit 9:00 a.m. – 10:00 p.m. Sunday-Thursday and 9:00 a.m. – 11:00 p.m. Friday-Saturday. Dark sky compliant lighting for the parking lot would be required, and the township would reserve the right to require additional landscaping in the future to provide noise buffering if

warranted.

Dan Kelly expressed a concern about the proposed hours of operations, since his liquor license permits him to be open until 2:00 p.m. He would prefer to be able to continue to operate until midnight every night to accommodate weddings, which would still enable his staff to clean up and leave early. Zarafonitis said he could agree to midnight on Fridays and Saturdays but would prefer 11:00 p.m. Sunday-Thursday. Mr. Kelly noted that this will be a seasonal use in the summer and fall, and that it stays light very late on summer nights in Northern Michigan. He hopes to provide an afterglow after the dinner theater shows end at about 10:15 p.m., and he finds that Tuesdays are very popular for some reason. He also hopes to host corporate events, and too early a curfew could cost him jobs. Takayama countered that this must be balanced with local people needing to get to bed at a reasonable hour to get up and go to work. Scott observed that Mr. Kelly would be subject to the noise ordinance violation provision and that it is unlikely he would jeopardize the entire operation with undue late noise. Takayama noted that officers sometimes give warnings and allow sound to be turned down rather than issuing citations, so there could be disturbances leading to many warnings but no citations. Deputy Bob Sillers stated that the township could require him to track warnings and report on them. He would be prone to issue a warning, and he uses his discretion in each situation. If he repeatedly visits the same sites for the same issues, he definitely issues citations rather than warnings. Kurtz expects that any noise issues will generate visits to the Board meetings.

Kladder asked about the further definition of "season." The Board chose to amend the proposed permit to specify "calendar year" as the cycle. Takayama confirmed that the parking area will be gravel rather than asphalt. The Board reached consensus that the midnight curfew nightly would be acceptable given the noise citation system.

Motion by Zarafonitis, support by to approve SUP #2003-1P minor amendment #2006-4P as amended. Motion carried by unanimous roll call vote.

3. **Continue discussion expiration of current assessing contract with AD Assessing:** The current contract expires at the end of April 2006. The Board authorized Kurtz and Corpe to negotiate a new contract. The proposed new contract would be for three years with a 3% annual increase.

Motion by Takayama, support by Dunville to approve the new three year contract with AD Assessing as presented. Motion carried by unanimous roll call vote.

4. **Consider Resolution of recommendation for Solid Waste Plan:** The proposed resolution is intended to represent the discussion held at the last Board meeting about Solid Waste Plan preferences. Kelly Ignace from Resource Recovery needed a resolution rather than just the minutes from the last meeting.

Kurtz is uncertain that he would support formation of a central solid waste authority. Takayama believes that not supporting one leaves too many entities involved in the process and results in no forward progress. He feels that one central entity could focus and strike the best deal for the community. Kurtz is concerned that formation of a new authority would be one more layer

of government between the public and the issues. Kladder believes that a central authority is the best way to go, but that how it is done is very important. Ongoing public and local government oversight and involvement is also important. Takayama suggested language that we would be willing to consider a central solid waste authority.

Motion by Takayama, support by Zarafonitis to adopt Resolution #R-2006-06 as amended. Motion carried by unanimous roll call vote.

Motion by Kladder, support by Takayama to extend the meeting to 11:00 p.m. Motion carried unanimously.

5. **Discuss options for Septage Treatment Plant repairs:** Kurtz reported that there will be a meeting on April 13, 7:00 p.m. at the Civic Center of the BPW to which all Board members are invited. The Sewer and Water Committee will meet at 2:00 p.m. that day. He hopes a quorum of the Board will be present; people should indicate whether they will attend so the potential for a quorum can be posted if necessary. At the current time, NTH is leaning towards recommending building remediation rather than tear-down.

F. NEW BUSINESS:

1. **Consider Resolution Approving Agreement Regarding Capacity Lease and Second Restated Operating Agreement – Michael J. Houlihan:** The DPW would have preferred action on this agenda item last month, but the proposed resolution was received very late and deferred to this month. The matter at hand is allowing Blair Township to buy into the DPW by purchasing a share of the assets and capacity at the treatment plant. Kurtz asked Michael Houlihan to provide information about the impact on the amount of remaining Acme capacity which was received this evening. Kurtz recommends that the matter be deferred to the May meeting for further study. Kladder concurred, particularly in light of the current discussions about expanding the sewer district. Kurtz noted that he had thought that capacity was measured in terms of flow, but the memo provided focuses on BOD.

Motion by Kladder, support by Scott to refer the Resolution Approving Agreement Regarding Capacity lease to the Infrastructure Advisory for review and a recommendation. Motion carried by unanimous roll call vote.

2. **Consider 2006 Proposal for Beautification at Acme Township Hall and Bayside Park – Sweetwater Evening Garden Club:** Henkel reported that he can squeeze money for at least some of the requested projects out of the Parks & Maintenance budget. Sharma Zollinger, club President, was present to answer any questions. The funding for the plantings at the township hall is already in the budget. The Board was asked to select one of four proposals for Bayside Park. Ms. Zollinger noted that many of the proposed plantings are shrubs and perennials, so the costs would be lower to maintain them in subsequent years. Takayama stated that he could obtain many of the materials at wholesale and provide a savings of several hundred dollars to the township.

Motion by Kladder, support by Zarafonitis to authorize expenditure of up to \$500 for landscaping improvements to Bayside Park. Motion carried by unanimous roll call vote.

3. **Consider changing May Board meeting from May 2, 2006, to May 9,**

2006, due to school elections:

Motion by Kladder, support by Takayama to approve meeting date change as suggested. Motion carried unanimously.

4. Consider resolution to retain local control of cable franchising (recommended by MTA):

Motion by Kladder, support by Zarafonitis to adopt Resolution #R-2006-07 as presented. Motion carried unanimously.

G. REPORTS

1. County Commissioner's Report – Larry Inman: received and filed.

H. PUBLIC COMMENT & OTHER BUSINESS THAT MAY COME BEFORE THE BOARD:

Paul Rundhaug, Bunker Hill Road, recalled the fire at Orchard Creek last week. That building was on a private water supply and the sprinkler system ran out of water. He hopes this will be considered regarding the Meijer proposal.

Meeting adjourned at 10:58 p.m.