



**ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
7:00 p.m. Monday, June 26, 2006**

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

Members present: O. Sherberneau (Chair), B. Carstens, C. David, R. Hardin, D. Krause, J. Pulcifer, E. Takayama, M. Vermetten, L. Wikle

Members excused: None

Staff present: J. Hull, Zoning Administrator
S. Corpe, Township Manager/Recording Secretary
J. Jocks, Township Counsel

1. Consent Calendar:

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

Receive and File:

- a. Draft Unapproved Minutes of
 - 1. **06/06/06 Regular Board of Trustees Meeting**
 - 2. **05/23/06 and 06/12/06 Shoreline Preservation Advisory Meeting**
 - 3. **05/25/06 Farmland Preservation Advisory Meeting**
 - 4. **05//25/06 ZBA Meetings**
- b. **March 2006 Planning & Zoning News**
- c. **May 2006 Planning & Zoning News**
- d. **Spring 2006 Planning Commissioners Journal**
- e. **Stormwater runoff control ordinance** memo
- f. **Overview of New Michigan Zoning Enabling Act**

Action:

- g. Approve minutes of the **05/22/06 regular** meeting
- h. Review and approve agenda, inquiry as to conflicts of interest:

Motion carried unanimously.

2. Correspondence:

3. Limited Public Comment:

4. Public Hearing:

- a. **Public Hearing (continued) – SUP/Site Plan Application #2006-06P by National Tower, LLC, c/o Cellere to locate and construct a cell tower just east of the Holiday Inn Express, 3536 Mt. Hope Road, Acme, Michigan:** Hull reported that one item of discussion at the previous meeting regarding this application was whether the Verizon Wireless antenna contemplated for the proposed tower could be co-located on the water tower at the Grand Traverse Resort. At the previous meeting, the applicants asserted that co-location would not be an option for them, as they were informed that the water tower was scheduled for demolition. Hull researched this question with the Grand Traverse Resort and the Grand Traverse Band of Ottawa and Chippewa Indians and learned this was not the case. The tower has been cross-connected to the water tower at Turtle Creek and will be maintained as a backup water source. Hull provided correspondence between himself, the attorney for the applicant and Resort and Tribal representatives for the Commission's consideration.

He believes the co-location issue bears further investigation.

Steven Fox, attorney for Cellere, stated that he was informed his clients had held discussion with Resort/Tribal representatives and determined that co-location there would not be an option. He had understood that discussion this evening would center on township confirmation of the applicant's RF study. He has read Hull's report stating that the proposed tower location might negatively impact a key viewshed identified in the Master Plan. Viewshed 6 as identified in the Master Plan is described as being a view of a Resort golf course and an orchard which no longer exists and which he understands may become a town center/Meijer store in the future. The Master Plan does not define the arc of the viewshed area, and does not define the viewshed as looking east towards the bay, but rather exclusively looking west. Cellere initially reviewed the Resort as a location site based on preliminary tower location search rings, but the search ring was later changed and the proposed site became preferable. Mr. Fox asserted that the Resort is neither desirable nor available for co-location at this point. He handed out color pictures with a yellow push pin designating key features.

Hull offered that Mr. Fox's argument regarding the viewshed identifications has valid points. Sherberneau felt it did not make sense to place limits on the extent of a scenic view. Corpe confirmed that the Master Plan verbally identifies directions of view and the general contents of the view. Wikle read from the description of viewshed #6, and also of viewshed #7. She felt that the proposed tower might impinge on this particular view. Vermetten also offered the opinion that while a document might describe a view, it does not limit a view. To him, a viewshed would extend *ad infinitum*. Mr. Fox disagreed. Mr. Fox noted that some of the township's identified key viewsheds are specifically of bay views. Wikle read from the paragraphs at the top of the Master Plan page regarding scenic viewsheds stating that an accompanying chart shows "designated areas of scenic value along the major roadways of the township where construction and performance standards shall be developed to preserve these views." Mr. Fox does not believe that he and the Commission have reached a mutual understanding of the definitions or intended meaning of the Master Plan in this regard, but in any event does not believe that Viewshed #6 as described has been impinged upon. David views the Master Plan, with the viewshed descriptions and other items, as having several parts, none of which define the viewshed alone. Sherberneau feels that a viewshed is not a "piece of pie" but is as far as can be seen in any direction; Mr. Fox disagreed, saying if this were the case one could pick any one point in the township and everywhere else would be in a viewshed 360 degrees around it. He stated that his office did their best to graphically represent the language in the Master Plan, which is not specific as to the extent of various views, and he does not believe that Viewshed #6 was designed to contemplate bay views.

Takayama thanked Hull for a map he provided, saying he had not paid much attention to Viewshed #6. He is concerned with the health, safety and welfare of landowners and residents who will be affected by the proposed tower. He is aware that there is significant monetary value in views. There are several neighborhoods that would be directly affected in terms of their views and property towers. The proposed location might be prime for cellular service, but there would be a significant impact on many landowners who use that view. Mr. Fox feels the first line of defense for a property owner would involve the way a viewshed is defined. He noted that there are homeowners who have a view of the bay, but only until a house is built on the lot next door, and he characterized this situation as being no different. He drew attention to the portion of the Personal Wireless Services Ordinance stating that a cell tower should not be erected in a fashion that impacts a significant viewshed, but he feels that this has not been clearly enough defined. Takayama asked

Jocks if his concerns over the impact on the welfare of landowners' welfare in protecting the views were valid. Jocks replied that the concern is valid, but that case law suggests that it does not rise to a sufficient standard to serve as a basis for denying such a request. General statements by a landowner that they feel their property values will be affected are not generally sufficient regarding cell towers, pursuant to the Telecommunications Act. Statements from recognized valuation experts might be another matter. Takayama wondered if it would be worth asking a Realtor for a professional opinion noting that Lee Bussa, a resident and local Realtor is present in the audience. Mr. Bussa stated that a cell tower could create a decrease in a property value due to impact on a view from the property. Hull stated that he tried to do some research in this regard but his results were inconclusive.

Wikle asked if the individual who performed the initial site selection is present; he is. Wikle asked about the process for site selection, which begins with identifying a likely area. She asked if the next step involves title searches or other research, or if the company approaches the first likely property owner they come across. Mr. Fox replied that each situation can be different. In this case, the applicant identified an area from which appropriate signal coverage could be provided and then sought a piece of land that appeared to meet all applicable ordinance requirements. They looked at the Resort but found it to be an unsuitable site.

Hull reported that the letters in the Commission materials were both written by the applicant, making statements regarding factors leading to their conclusion that the water tower was an unsuitable site. A representative of the Tribe countersigned the letter, but there is no evidence to suggest that he reviewed whether or not the statements in the letter were accurate or not. Sherberneau asked about involvement by Andrew Bateman, the General Manager of the Resort. Hull replied that he represents the Resort, but the water tower is not part of the Resort but is on separate Tribal land. The letter was sent from Cellere to the water tower representative at the Tribal water authority; that representative signed and returned the letter. Mr. Fox stated that Cellere spoke to an individual at the Tribe with authority over the tower and who was deemed best able to determine the suitability of the site for co-location. The letter sent from Cellere asked him to countersign to indicate agreement with their statements, which he did. Carstens feels that countersignature carries less weight than writing a separate letter would. Mr. Fox stated that he sees no evidence that township staff attempted to contact the Tribal representative to discuss the findings. That individual was not in a position to write a letter, so Cellere attempted to be helpful by providing a letter for his signature.

Mr. Fox observed that Hull tried to broker a meeting between Tribal representatives and Cellere regarding this subject, saying that the Resort had no authority in the situation. Hull disagreed with this statement, saying that he specifically recommended including Resort representatives, specifically Mr. Bateman, because if co-location on the water tower was not an option, he felt another possibly more desirable solution to placement of the tower as requested would be to place a tower near the water tower on Resort property.

Russ Harbaugh, OWL Engineering, performed the RF study confirmation for the township. His site visit found no barriers to 24/7 access to the water tower as described by the Cellere letter countersigned by the Tribe. He can't speak to structural engineering issues, but he is familiar with situations where structures have been modified to handle additional antenna loads. What he saw seemed at least superficially sufficient for an additional antenna. Mr. Fox stated that based on interaction with the Tribe, 24/7 access to the antenna itself would not have been possible, even if such access to the associated building below were. There are already

a number of other antennae on the water tower.

There are already antennae on the top and bottom of the water tower. To add the new antenna they would have to add 8,000 – 10,000 lbs. of “top hat” on which to place the needed antennae. Grand Traverse County has 85 m.p.h. wind loading requirements, but the township has a 100 m.p.h. requirement. The Tribe stated that based on the anticipated weight of such new construction the location would not be feasible. Vermetten asked if it would also be prohibitively expensive; the Cellere representative said it would not. Vermetten asked how costs would compare to construction of a new tower; it appeared costs might be similar, but since the extent of needed construction on the water tower is unknown the costs are also unknown. Vermetten stated that it sounds to him like the statements that the tower could not support another antenna setup may be “disingenuous.” It hasn’t been conclusively proven. Hull noted that the 100 m.p.h. wind loading requirement may apply to towers only and not to co-locations. Vermetten feels that the co-location on the water tower has yet to be fully explored; Mr. Fox stated that the applicant has worked to the best of their ability to make the determination and has received one that it is not feasible.

Vermetten asked if the entity performing soils evaluation at the Holiday Inn site is present this evening. The firm was Global Engineering, which performed a soil boring to a 51’ depth to check soil density to plan for foundation construction as part of a geotechnical study. The foundation needs for each tower are different depending on the local soils. Carstens asked if any particular study regarding proximity to wetlands was performed. He noted that during the Nextel application 4-5 years ago there was a concern about setbacks from wetlands areas. The currently proposed location appears to be moderately different, so the issue may or may not exist this time around.

Carstens also noted that at the last meeting Wikle shared her experiences regarding the need for grounding of similar facilities to prevent lightning strikes finding a way to ground through neighborhood wells. When she worked for Ameritech they had to replace three residential wells that were damaged in this fashion after air pockets became created underground due to air pockets created by installation vibrations that loosened grounding rods and allowed electricity to travel through sand. Mr. Fox stated that Cellere feels that they have properly engineered the site grounding.

Mr. Fox read from the township ordinance regarding tower locations and directing antennae towards township designated sites or existing antenna sites, or using technological solutions. He is unaware that the township has designated desired sites, and the applicant has already addressed and discarded the possibility of co-location. Vermetten expressed a general understanding that the higher up an antenna can be the better the signal travels. He used to work in the TV and radio industry and noted that antennae for those uses are generally atop hills. He asked if a higher location might be preferable to the proposed one, which sits in a topographic depression. Cellere representatives stated that the proposed tower location is designed to be part of a network of antennae with a goal of providing a seamless blanket of strong signal coverage for users of the US 31 and M-72 thoroughfares and residents of the township.

David feels it is important to recognize that Cellere has a business goal to locate their tower where they request, but their interests may differ from those of the township to meet the conditions of the ordinance and, to some extent, public opinion. Our goals may or may not intersect and/or mesh. He believes an applicant is required to make a good faith attempt to find suitable co-location sites, but he does not believe that by writing a letter filled with reasons why a Tribal site would not work and citing it they

have risen to the applicable standard. Mr. Fox disagreed. He stated that the location search rings were modified as a result of the Tribe's original unwillingness to consider co-location. This caused the co-location on the existing Yuba tower and the attendant need for a tower at the proposed location. Mr. Harbaugh stated that the Yuba site was developed because IPCS had a site on the Elk Rapids water tower and they were looking to extend service southward from there. Mr. Fox noted that Verizon is co-locating on the Yuba tower, stating again that they did so because the Resort turned down a co-location request. Had the Resort agreed to the co-location originally, Verizon would not have placed an antenna on the Yuba tower and would not be requesting a tower behind the Holiday Inn Express now.

Carstens asked if the applicant has explored the possibility of constructing a tower at the Resort; they have not. Mr. Fox stated that the ordinance requires an examination of whether co-location is feasible, but not whether construction of a tower in a different site is required. Hull stated it was his idea to explore placement of a tower at the Resort because of the reasons the applicant gave on the record for failure to co-locate (that the water tower was expected to be demolished, which turned out to be incorrect.) The applicant's statements have indicated that being at the Resort would be desirable from a signal coverage point of view, and the public seem strongly opposed to creation of a new tower behind the Holiday Inn Express; he was seeking a win-win situation. The ordinance requirements regarding other location options contains what may be a typographical error which points to details in a section of the ordinance which does not exist. Hull believes that the ordinance allows the township to require an applicant to pursue co-location but does not allow the township to require the applicant to pursue a different tower placement location. This interpretation has been confirmed by Jocks. Hull still believes it should be possible to engineer a co-location solution on the water tower. He also believes the question of whether or not the tower can be approved on the proposed site may revolve most closely around whether or not it is in a protected viewshed.

Public Hearing opened at 8:10 p.m.

Andy Andres, Jr. asked if the public comment could begin with recitation of the phone calls and e-mails received regarding this subject today. Corpe stated that all feedback received at the township hall has been opposed to the cell tower and gave the names and addresses as follows. The letters are available at the township hall and included and incorporated by reference:

Erin Amalia McGuire, 4125 Cranberry Lane
Frank and Del Kullman, 6825 Deepwater Point
Charles Grabiell & Caroline Armstrong, 6056 Holt Road #1
Charles & Donna McDougall, 3640 Kennedy Place
Roxanne & James Lutey, 3313 Michael Drive
James Sterk, 3119 Scenic Hills Drive
Natasha, Patricia & Daniel Schroeder, 4366 S. Rainbow Ct.
Linda Schworm, 4826 Ridge Crest
Charles Lawson, 4777 Ridge Crest
Robert & Ellen McKinnon, 5725 Apple Valley Rd.
Shirley Looney, 3309 Scenic Hills Drive

Mr. Andres Jr. spoke as a representative of his family's interests in the township. He noted that his family's centennial farm was traditionally called "Grandview Farms." The view runs primarily from the farm to the southwest across Acme Village to the bay. The family also owns about 40 acres of land off Springbrook subdivision on which some timbering will be done to open up views through the area that would be

impacted by the tower, as well as north along the shore as far as the Pulcipher farms. Mr. Andres circulated flyers in the township over the weekend to supplement the mailings required by law that were done to property owners within 300' of the subject site. He felt this was important because a tower of nearly 200' in height would have a broad impact on the community. He is not anti-business, but feels the proposed tower location is a significant concern.

Jon Stinson, 7290 Peaceful Valley Road just returned to town, but was a member of the Planning Commission when the Personal Wireless Services Ordinance was written. He stated that there was recognition that there are varieties in tower design and antenna placement options. He recalls that tower location areas were clearly defined in three different spots in the township.

Ann Rundhaug, 3733 Bunker Hill Road lives in the gully described by Vermetten. The tower would be 450' from her home, and she would be looking right at the base of it. She also sees so many people talking on phones while they drive that she doesn't perceive a need for a better signal in the area.

Paul Rundhaug, 3733 Bunker Hill Road asked if Verizon will be co-locating on the tower in East Bay Township along the TART; they will. The tower is approximately 115' tall. Mr. Rundhaug finds that tower already very visible, and the proposed tower will be nearly twice as tall. He also asked how many antennae are on the Elk Rapids water tower. A Cellere representative stated that there is one; there is a separate tower with five other antennae. Mr. Rundhaug asked why more antennae can't be added to the Resort water tower, or to the Resort hotel tower itself. Cellere representatives stated that the loading and space on the hotel tower are full.

John Kennedy, Arthur Court, stated that there is a large hill along the railroad tracks farther east of the proposed tower location that he feels might be a suitable location. He owns and/or is aware of several parcels of land near Bunker Hill Road that would be negatively impacted by a view of the tower.

Paul Fair, Scenic Hills echoed Mr. Kennedy's concerns. He owns 20 acres adjacent to Peaceful Ridge subdivision that would be negatively impacted by a view of the tower, and he feels it is bad for the community as a whole.

Lee Bussa, a representative for Lanny Johnson who developed Acme Village, stated that there are several areas in Acme Village that were designated for residential use. There is an area behind Cresthaven Hills that has some bay views on the curve of Mt. Hope Road. Those prime housing spots would be seriously negatively impacted by the proposed tower placement. Property values would be diminished. Wikle asked Mr. Bussa to provide his qualifications; he is a 30 -year Realtor and a broker who helped establish Real Estate One.

Public Hearing closed at 8:25 p.m.

Mr. Fox expressed sympathy for people who don't want to look at a tower; he wouldn't want to either. To him the question is where a tower should be located. He believes there are only four locations in the township where a tower can legally be located, and the proposed site is one of them. He believes that the proposed location is not within a critical scenic viewshed as defined in the Master Plan and/or the ordinance. He is not aware of any township-preferred location areas; Hull confirmed that there may have been a hearing to discuss defining some at one time but the proposed areas are quite distant from the subject site. Mr. Fox stated that no proof that co-location can occur on the Resort water tower is feasible, only proof that it is

not. Cellere is making a request to locate in one of a very limited number of available areas absent other alternatives. Carstens asked that Jocks comment on these statements.

Jocks referred to the Scenic Views paragraph of the ordinance. He does not interpret that a scenic view determination is required in order for the township to refuse a tower. The ordinance, Section 5B3 states “No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no Township-designated area or existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant’s proposed antenna.” Jocks agrees that the ordinance does not explicitly allow the township to require the applicant to explore the possibility of constructing an entirely new tower in a different site.

Hardin asked the applicant if they have a “plan c” in case the application is not approved as presented. Mr. Fox stated that originally Cellere wanted to locate at the Resort; barring that they feel this is the next best possible site. They have not explored other possibilities.

Vermetten drove to Centerville today, down near the Indiana border. He drove along US 131 most of the way, and he began counting cell towers. He has forgotten precisely how many he saw, but there were a lot and none of them were attractive. Throughout the drive both ways he was using cellular technology for business and personal reasons. His reading and interpretation leads him to believe that the township has the sole discretion for deciding whether the proposed location is appropriate. He is unconvinced that the application should be approved, as it is in what is proposed to be the dead center of the community and an attractive area for the community. He does not believe the Cellere letter signed by the Tribal representative on June 1 is sufficient or that there has been enough due diligence in seeking other alternatives. He does believe the site is within a proposed viewshed.

Carstens concurred with Vermetten’s comments.

Hull requested that when a motion is made, the reasons supporting the motion be very clearly set forth in compliance with the new zoning act regulations taking effect on July 1. Carstens suggested that the application be continued to the following meeting to allow more time to fully explore options involving some form of location at the Resort.

Motion by Carstens, support by Wikle to continue the hearing regarding SUP Application #2006-6P to the July meeting to permit more time for exploration of possible co-location or tower location alternatives to the proposed tower location.

Jocks suggested that it might be more appropriate to make a recommendation of approval or denial to the Board one way or the other at this time, particularly if the applicant is unwilling to explore other options, rather than continuing the hearing for another month and seeking more information. Carstens replied that he is, in part, asking the staff to explore the possibilities at the Resort more fully, partially because he feels the Cellere letter signed by the Tribal representative is “flimsy.”

Vermetten is concerned about a comment by Carstens in response to Pulcipher’s request for clarification of the motion that time be allowed to explore co-location and perhaps alternate tower location if the ordinance would permit us to do so. Vermetten wondered if the 6th Circuit Court would permit this; it is Jocks’ opinion that the court

would but that the specific authority is not contained with the personal wireless services ordinance.

Takayama stated that he has worked at the Resort and that he is confident that the Tribal representative who signed the letter is not the most appropriate person to approach for a definitive decision. He strongly recommended that someone other than the Chief Engineer be approached.

Pulcipher stated he would like to see Carstens motion amended to address only potential co-location and not alternative tower sites.

Motion amended by Carstens, with support by Wikle to be as follows: continue the hearing regarding SUP Application #2006-6P to the July meeting to permit more time for exploration of possible antenna co-location alternatives. Motion carried by a vote of 7 in favor (Carstens, Hardin, Krause, Pulcipher, Sherberneau, Vermetten, Wikle) and 2 opposed (David, Takayama).

A recess was declared from 8:50 p.m. -

5. Old Business:

- a. **Conceptual discussion of Special-use permit Application 2006-05P, open-space residential development for Cherries R Us at 9018 US Highway 31 North:** Nels Veliquette was present to support the application, which he noted was originally a request for rezoning but is now being pursued under the Open Space Development (OSD) Ordinance with a transfer of development rights to the parcel from two proposed sending parcels. Mr. Veliquette has provided a map of the current site conditions and a letter from the Health Department stating that soils are suitable for a community sewage disposal system. Mr. Veliquette is seeking to develop five homesites on approximately five acres of the total eleven acres. On some larger pictures Mr. Veliquette displayed concept elevations for the houses that would range from 1,800 sq. ft to 2,800 sq. ft., stating that he has tried to incorporate the comments he has heard over the past few months. A letter regarding the application is pending from MDOT. He would like to set a date for a site visit for the Planning Commission that will allow a conservation analysis to be performed as required by the OSD ordinance. Each individual would be given a map on which to make notes and comments.

The proposed density sending parcels would have no more than 10% wetlands as required by the OSD ordinance. Natural plants and grasses will be used to minimize the need for irrigation or fertilization. The plan seeks to maintain usable open space that would benefit the community.

Carstens asked if the proposal would be to sell vacant lots or pre-constructed homes. Mr. Veliquette responded that the idea is provide for deeded design standards while still allowing for some client personalization/flexibility, and for there to be one builder who would construct all of the homes. Vermetten asked if the ownership would be site condominium, which it would be.

Wikle asked if Mr. Veliquette will need to provide the engineering for the curb cut on US 31, which he will. Paul Wisniewski, the permitting agent for curb cuts at MDOT, offered to try to engineer the needed improved curb cuts as part of the current road maintenance, but Mr. Veliquette stated that this would be premature as the project has yet to be approved.

Carstens noted that another item for discussion this evening is proposed ordinance amendments that include a revision to the OSD ordinance. He asked how this might impact this application. Hull believes that the proposed ordinance amendment will take longer than this application will, and Mr. Veliquette believes that many of the concepts in the current ordinance and his application are similar to those proposed for the revised ordinance.

Carstens asked if there would be any ancillary structures in the proposed open space; Mr. Veliquette is not proposing such on the project site. His intention is that the eastern portion of the site remain as natural as possible.

Sherberneau complimented Mr. Veliquette on the thought he has put into the project to date, saying he would be willing to vote in favor of it were the vote today. Carstens asked about the proposed community drainfield. Mr. Alex Yockey, an engineer working on the development stated that each homesite will have a septic tank and a pump leading to the common drainfield. It may be more expensive but will require a Part 41 construction permit from the DEQ. The central system can also be conveniently hooked up to a regional sanitary system at a later date, and the central system is more likely to be appropriately maintained over time.

Takayama asked if the proposal is for one development unit to be sent from each of the identified sending parcels; Mr. Veliquette stated that two units could be sent from either and he would be willing to discuss whatever configuration of sending is favored by the Commission. One of the sending parcels contains at least a 500' segment of Yuba Creek.

Hardin asked if there might be trespass issues impinging on the proposed homesites if people walk through the proposed common area. Mr. Veliquette states that there is already some trespass from the Yuba Creek Natural Area. There is some heavy juniper that somewhat discourages this activity.

There was discussion about the ownership and use of the open space. Corpe read from the ordinance a section indicating that the open space can be owned privately by the original landowner, the new homeowners's association, could be part of individual lots or in one big lot, or could be owned by a governmental or non-profit agency. Nearly any ownership is permissible as long as a permanent conservation easement is put in place.

Motion by Vermetten, support by Takayama to set a public hearing regarding SUP Application #2006-5P for the July 24 meeting, with materials for Commissioner self-guided tours preparatory for the meeting to be expeditiously delivered. Motion carried unanimously.

6. New Business:

- a. **Preliminary discussion regarding potential Zoning Ordinance amendment that would add clustered housing options, subdivision open space plans and Planned Unit Development provisions.** John Iacoangeli of Beckett & Raeder has been retained as the township's consultant and was present to present his preliminary draft of some revised ordinances that would supercede the OSD ordinance and provide for three different options: cluster development, Open Space housing, and Planned Unit Development (PUD). The cluster option would be for a variety of housing types. The Open Space housing would be exclusively for single family detached dwellings on platted or site condominium lots. The PUD would be available in all zoning districts, allowing a developer to present a master plan for property development. Once

approved the developer would submit site plans for approval prior to actual construction. A PUD could include only one type of use, or a mixture of uses and subject to township-approved development phasing plans. Mr. Iacoangeli characterized the changes as providing more flexibility to developer and landowner alike.

Carstens noted that the current OSD ordinance requires a township assessment of the preservation value and environmental characteristics of open space to be conserved, but he does not see this in the proposed new draft. Mr. Iacoangeli recited the portion of the cluster housing draft that lists the conditions that would provide conservation value to the land, placing the responsibility on the applicant to provide the information for the township's evaluation.

Takayama stated a perception that a format as proposed has been successfully used before. He asked if landowners/developers tend to be open to flexibility-based discussions, Mr. Iacoangeli responded affirmatively. Takayama and Carstens also observed that the proposed ordinances refer to the need to satisfy the conditions of the Master Plan. It is supposed to also be designed to provide an additional density incentive for clustering in the agricultural district in conjunction with the PDR or other conservation programs. Krause and Pulcipher also expressed interest in getting away from the 5 acre minimum lot size in the agricultural district, moving towards perhaps a 1 acre minimum lot size.

Krause would also favor implementation of a procedure that might eliminate the preliminary hearing step at the Planning Commission, placing preliminary compliance reviews in the hands of a largely staff committee which would make a recommendation to the Planning Commission for further action at the public hearing. Mr. Iacoangeli observed that the entire ordinance is in need of updating, and the new Zoning Enabling Act recommends that all provisions related to the special use permit process be grouped in one portion of the ordinance. He has also talked with Hull and Corpe about creating some uses by right in the business districts, as right now all uses are by special use permit in the business districts.

Sherberneau asked Supervisor Kurtz if he would be amenable to an extra Commission meeting every other month that would be dedicated exclusively to ordinance revision work so that real progress on updating the zoning code can be made.

The Commission agreed to set a special meeting for Monday, July 10 at 7:00 p.m. for the sole purpose of discussion potential ordinance amendments.

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

Mr. Fox, representing Cellere, stated an intent to meet with Hull to discuss exploration of co-location opportunities as soon as possible, and asked if it would be possible to schedule continued discussion of the Cellere application at the July 10 date. Corpe stated that if the Commission were amenable to this idea, the township would expect the applicant to pay the standard special meeting fee, to which Mr. Fox agreed. Vermetten expressed concern about distracting the Commission from the important internal work of considering ordinance amendments. He is also concerned about placing too many demands on staff in too short a time period. Hull stated that part of his investigations may require retaining a structural engineer to discuss what would be required to co-locate an antenna on the Resort water tower, which might take time. Mr. Fox stated that his applicant is interested in proceeding as expeditiously as possible and will pay for special meetings.

David questioned whether the Commission should go down the road too far of trying to solve

applicants' problems for them, or whether we should review and accept or reject applications as they come.

Mr. Veliquette applauded the sentiment of reducing minimum lot sizes in the agricultural district if possible. He views the five acre minimum lot size as one of the most detrimental conditions to farmland preservation and the continuation of farming that there is.

Sherberneau announced that this would be his last Planning Commission meeting, as he has decided not to seek reappointment when his term expires on July 15. He is seeking a slower pace, and will continue to serve the township on the Shoreline Preservation Advisory and possibly on the Parks & Recreation Advisory.

Meeting adjourned at 10:11 p.m.