



ACME TOWNSHIP PLANNING COMMISSION MEETING
Acme Township Hall
6042 Acme Road, Williamsburg, Michigan
7:00 p.m. Monday, September 29, 2008

Meeting called to Order with the Pledge of Allegiance at 7:02 p.m.

Members present: M. Vermetten, B. Carstens (Vice Chair), C. David, R. Hardin, D. Krause, D. White, L. Wikle, P. Yamaguchi, J. Zollinger
Members excused: None
Staff Present: S. Vreeland, Township Manager/Recording Secretary
J. Hull, Zoning Administrator
M. Grant, Legal Counsel
J. Iacoangeli, Consulting Planner

INQUIRY AS TO CONFLICTS OF INTEREST: None noted.

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

1. Consent Calendar:

Motion by David, support by Yamaguchi to approve the Consent Calendar as presented, including:

Receive and File:

- a) **Draft Unapproved Minutes of:**
1. 09/02/08 Board meeting
 2. Shoreline Advisory 9/10/08
 3. Facilities Advisory 9/12/08
 4. Planning & Zoning News July 2008

Action:

5. Approve minutes of the 08/25/08 Planning Commission meeting

Motion carried unanimously.

2. Correspondence:

- a) 09/09/08 Letter from Julie Harrison on behalf of Immanuel LLC regarding their special use permit and zoning ordinance amendment processes: received and filed.
- b) 09/21/08 Letter from the Village at Grand Traverse regarding township hall location: Steve Smith, a partner with the Village at Grand Traverse (VGT) amplified that if the township does not like the location for a new hall indicated in their project plan, they would be willing to discuss it. If the township hall and fire hall were to be separated they would be willing to discuss two separate parcels. Received and filed.
- c) 09/29/08 Letter from Lee Bussa representing Lanny Johnson regarding township hall location: Mr. Bussa reported that Dr. Johnson is reconfirming the offer of land within Acme Village he made when the project was first approved. Received and filed.

3. Limited Public Comment: None

4. Preliminary Hearings: None

5. Public Hearings:

- a) **Public Hearing for amended amendment Zoning Ordinance Amendment Application #141 by Immanuel LLC, seeking to rezone all but 15 acres of the south half of a parcel of land near the intersection of M-72 E and Bates Road from R-1MH, Mobile Home Park to R-3, Urban Residential:** Vermetten reported an e-mail exchange with Joseph Quandt, attorney for the applicant this morning. Mr. Quandt mentioned the lengthy ongoing discussion about exclusionary zoning and the fact that reasonable minds can differ. He asserted that immediate damage to the applicant must be weighed carefully against potential damage to the community or other landowners later on. He also asked the Commission to consider that the township has additional options regarding exclusionary zoning. There will be other properties in the township suitable to mobile home park uses which could be rezoned accordingly. He is concerned with the level of analysis applied to establish the minimum effective parcel size for a mobile home park, and believes that Beckett & Raeder's report is biased and factually incorrect in parts. Mr. Quandt stated that he has represented the family of the applicant company for many years and has always been impressed by their high level of corporate citizenship and their level of responsible development.

Doug Mansfield, representing the applicant, displayed a map of the parcel under consideration, and stated that he believes the ordinance does not provide any level of protection for the natural features of the site as currently zoned. He believes that rezoning to R-3 can reduce the maximum development load and protect the natural resources while creating a sustainable development within the context of the other nearby developments. The applicant would like to rezone 75 of 90 acres south of the railroad tracks in the subject parcel from R-1MH to R-3, which he stated would yield a maximum of about 60-65 housing units. There are slopes ranging from 5-50%.

Mr. Mansfield felt the Beckett & Raeder report was substantially similar to that provided to the Township Board about 9 months ago, and is not objective. He feels it is also internally contradictory. The township master planning documents indicate a community desire to work with, rather than against, the natural landscape, but Mr. Mansfield does not feel that the R-1MH zoning designation provides this opportunity to this parcel. This evening Mr. Mansfield provided a copy of the township's planning report that contains mark-up comments he had about it, and went through some of those comments orally. He stated that the tables regarding the acreage sizes for several local mobile home parks are incorrect, and that the Woodland Creek development is lacking entirely.

Iacoangeli responded to Mr. Mansfield presentation by stating that CRA from Owosso wrote the Master Plan for the township in 1999, not his firm as Mr. Mansfield stated. His firm also did not help prepare the future land use map addendum, which was performed by Wade-Trim. He was examining two questions: whether the rezoning request is appropriate, and whether a remainder of 15 acres for mobile home park use is sufficient. The information he provided regarding existing mobile home parks in the area came directly from the state Mobile Housing Commission (MHCO) and was cross-checked with the County Equalization office. The 15-acre minimum in Acme Township's ordinance does not come from the state and exists in only one other local ordinance. Iacoangeli talked to Kevin DeGroat at the MHCO and to an industry representative. Both felt that the minimum size for an

operable mobile home park in today's environment is 110 units, which at a minimum lot size of 5,500 sq. ft. would require about 15 acres. An additional 15-20% is needed for infrastructure, and most parks need some public amenities to thrive. This is how the estimate of 25-30 acres for a viable mobile home park was developed.

The intent of the urban residential district as expressed in the master plan clearly states that these land uses should be where public infrastructure is available, and this site is not located within that area. Sticking with the dictates of the Master Plan, this property might most appropriately be designated for lower density housing uses. The topography with its steep slopes also indicates that lower density in land use to work with the landscape is indicated, rather than trying to place higher densities of land uses on the site.

The applicant will naturally try to pick apart Iacoangeli's recommendations, but he stands firm in the idea that according to the Master Plan the land use on this site should be more in keeping with the R-1 district than the R-3, and that to promote the viability of a mobile home park any portion left zoned as R-1MH should be larger than 15 acres.

Grant's materials for the packet directed the Commission's attention to six basic questions to be considered for rezoning requests. Is this land incorrectly zoned as it is? If so, what is the most appropriate zoning for it? What does the master plan say? The Commission has several procedural options: it can recommend approval of the request as presented by the applicant or it can approve some other rezoning course of action. Grant also provided a new letter regarding the exclusionary zoning issues, which does speak to the recent unpublished Court of Appeals case. Being unpublished this ruling is not binding or precedent-setting, but it does provide a clear indication of how the COA might rule in similar situations. The clear message is that township zoning provisions for mobile home parks had better be realistic. If a property is not commercially viable for mobile home park use but is zoned for such, this might fit the category of "unrealistic." The current zoning ordinance specifies a minimum required parcel size of 15 acres, which would be removed in favor of no minimum in an updated version of this section. However, this does not indicate that 15 acres is the minimum commercially viable parcel size, if the township is examining this to avoid exclusionary zoning.

Public Hearing opened at 7:42 p.m.

Gene Veliquette, Elk Lake Road in Whitewater Township, stated that he has attended many meetings at which this particular issue has been discussed. He feels that in general the Commission has tried to be reasonable, but that over numerous attempts to move the issue forward some advisor has given an opinion opposing the request. He feels that the outside advice is becoming more and more ridiculous over time and that perhaps it should be discounted to better benefit the township overall. Vermetten believes that all information must be evaluated and distilled in the formulation of a final decision.

Public Hearing closed at 7:45 p.m.

David expressed confusion. If the township has a stated goal of preserving terrain with the general characteristics of the subject site throughout the township, certainly leaving the entire site zoned R-1MH would create a potential higher density than a rezoning to R-1 or even R-3. If 15 acres were retained as being zoned R-1MH, with

an allowable minimum lot size of 5,000 sq. ft., this might mathematically yield over 100 units of development. Iacoangeli responded that at least 20% of the acreage is needed for roads and other infrastructure, so one can't simply divide the entire 15 acres into 5,000 sq. ft. parcels to reach the maximum feasible number of units. Mr. Mansfield has indicated that the slopes vary from 5-50%, and clearly it would be undesirable to place a mobile home or nearly any home on the steeper areas. In 1995 when the parcel was rezoned to R-1MH from B-4 the reviewing planner at the time cautioned the township about the advisability of doing so in view of the slopes. Mobile home parks need common recreation centers or swimming pools and such to be attractive in the marketplace. Open space, infrastructure, and the need to develop at least 110 homesites for economic viability all lead to his estimation of a need for 30 acres.

David wondered if requiring a larger number of acres to remain R-1MH would result in a potential developer of the site stating that much of the site is unusable due to the slopes. Iacoangeli would have recommended against rezoning the site to R-1MH at all, favoring instead the R-1 designation. David asked if the township has the ability to recommend a different rezoning than what they requested; Vermetten responded that it does. He also noted that the applicant has clearly studied what would make for the most economically viable development model for their site, and the township has not, and for this reason he advises caution. Mr. Quandt stated that all of the advice sought by Iacoangeli came from people far away who have never seen the site or become intimately acquainted with the local marketplace. He also asserted that the intents and purposes sections for the business districts cited by Iacoangeli are not in the Zoning Ordinance. He discussed this issue with Grant but they have not come to consensus. The version of the ordinance on the website as it exists today does not contain the intents and purposes statements; they can't find them anywhere.

Iacoangeli's research about the marketplace was intended to either confirm or deny the assertions made by Mr. Mansfield at a previous meeting that a 60-site development is economically viable. His version of the ordinance contains the intents and purposes section at the beginning of each business district section as he cited them – they were not invented by his office. Hull noted that as discussed throughout revision of the zoning ordinance, when the new business district ordinances were developed last year he made an error and omitted the existing intents and purposes sections from the new drafts. The Commission has been made fully and repeatedly aware of this. Perhaps the draft of the ordinance on the website still needs to be corrected for this clerical error. They are in the content-neutral rewritten ordinance as well. Vermetten noted that these are "spirit and intent" issues and not the entire defining arguments for the situation – the six basic questions are most important. Mr. Quandt stated that if the most recently enacted ordinance does not contain the sections, but the planning report does, how can it be deemed reliable? Grant stated that the sections in question were never removed from the ordinance when it was amended in 2007, so Iacoangeli's references to them are accurate. It is apparent that incorrect copy has been provided to the applicant and public, and this can be remedied.

Carstens expressed displeasure that he was presented with Mr. Mansfield's rebuttal to Iacoangeli's report at the meeting. He feels that he does not have time to appropriately evaluate it while at the same time he is being pressured to make a decision. Vermetten noted that Iacoangeli's report was dated September 22, but the applicant's rebuttal was only provided this evening. Certainly much of the information is familiar to earlier iterations, so it could not have come as a surprise.

Grant's letter is dated from last week as well. Vermetten also dislikes receiving information on the desk the evening of the meeting, but in this case it is not substantially different from anything received before. He asked the Commission to redirect its attention to the six key questions provided by Grant in November 2007, which he read aloud.

Yamaguchi began with the question of whether the current zoning designation is reasonable. The maximum possible number of units as currently zoned seems to be inconsistent with the Master Plan in her opinion. Zollinger asked whether the site is truly suitable. It has never been used for this purpose in all the years it has been zoned this way, so even if left as currently zoned there could still be an exclusionary zoning claim from a third party. Vermetten heard Iacoangeli state that when the property was rezoned in 1995 to R-1MH it was noted that the site wasn't truly suitable to the purpose. Hull confirmed this, and also noted that today's applicant for rezoning was the same entity that asked for rezoning to R-1MH in 1995. Vermetten noted that a third party who sued for exclusionary zoning would have to demonstrate that there are more suitable properties for the use and that the need for the use exists – a high standard to reach. He believes that given the topography and the prior planning advice that the site is not suitable to the current zoning. Carstens noted that one Master Plan objective is also to find suitable locations for affordable housing. This site is surrounded by sites that afford employment opportunities such as the future VGT, and Turtle Creek. It abuts the TART non-motorized trail, so in his opinion in some ways the site is at least partially suitable to the current zoning. Wikle agreed, and Vermetten did also while noting that there are more types of affordable housing than just mobile home parks. Hardin agreed that there are many forms of affordable housing, but the R-1MH district is the only one where affordable housing is practically a given – where there are few possible expensive development options.

Was there a mistake when the property was originally rezoned? Vermetten isn't sure if it was an outright mistake, but there was certainly professional advice that it was not the best course of action. David does not believe that it would be done today, and Iacoangeli already stated that he would recommend rezoning it to R-1MH.

Is there a reason to think that the current zoning is no longer reasonable? Iacoangeli stated that it is still somewhat reasonable, even if some areas won't support mobile home park development. White stated that earlier it was discussed that the current zoning is not deemed to be all that reasonable, at least not unless the site were to be bulldozed flat.

Hardin believes that the Commission is coming to the point where the only issue to be debated is the size of parcel to remain zoned R-1MH. He asked if the 15 acre site area would include a centralized sanitary system. Mr. Mansfield stated that he would not design a common sanitary system for more than 30 sites; above that a groundwater discharge system would be required. The environmental studies alone would be extremely expensive. Iacoangeli's 25% of land area for infrastructure included sanitary considerations. Hardin understands that the on-site sanitary system proposed for Bates Crossings is sized specifically for that project. He asked if the mobile home park would continue to be owned and operated by the applicant in conjunction with Bates Crossings, and could there be an issue with a separate mobile home park owner obtaining access to a treatment plant for the shopping center. Mr. Mansfield stated that the DEQ wants a sort of "business plan" for a water treatment system that lists the areas and estimates the land uses to be served to ensure it will be sustainable. It seems to Hardin that if Bates Crossings is not approved yet, the

applicant is asking the township to approve a rezoning that may rely in part upon the other approval which has yet to be finalized. The current R-1MH area is 90 acres and could contain a mobile home park with septic service, but at 15 acres an R-1MH area would have to rely on a treatment plant at Bates Crossing that is not final yet. Mr. Quandt stated that the options currently existing include a treatment plant for only residential development without the shopping center. Rezoning does not require establishment of a sanitary system. The applicant acknowledges that the 15 acre figure is completely arbitrary on their party, that they are not mobile home park developers, and that in all likelihood any portion remaining zoned R-1MH will not be built out as a mobile home park. He is unconvinced that the size of the R-1MH area should be predicated on economic viability. The Part 41 permit for operation of a wastewater treatment plant runs with the land. There is a separate permit for groundwater discharge. Kevin Vann, Generations Management, stated that it is not entirely impossible that a mobile home park might be developed on the site; there are people in the organization who are passionate about affordable housing. However, at this time they don't perceive this is where the market is. Carstens asked if the question they are looking at is whether there is a need for affordable housing, or whether there is a market for building it. Mr. Quandt stated that there is no argument about the need for affordable housing, the questions are about the exclusionary zoning risk.

Does the current zoning promoted the Township's interests related to public health, safety and welfare? The Commission generally felt the answer is no. The number of potential units on the property (upwards of 400) would create a large increase in traffic and would be burdensome to the site itself. David noted that currently the maximum allowable number of sites per mobile home park according to our ordinance is 250; Mr. Mansfield noted that the property could be divided into multiple separate mobile home parks to reach the higher density.

Would rezoning promote the Township's long-term goals as reflected in its Master Plan and elsewhere? Krause feel that the diversity of housing types permitted by the R-3 district would promote the goal of having diverse housing options and affordable housing.

Would rezoning be in the interest of public health, safety and welfare? Yamaguchi feels that in light of the foregoing discussion the answer would have to be "yes" for the variety of reasons stated.

Vermetten asked again if circumstances have changed so much that the current zoning of the property is no longer reasonable? Krause believes the answer is yes, as evidenced by the fact that it has not been developed as a mobile home park to date. Hardin noted that whatever is built on the site, it will be based largely on the ultimate developer's desires. That ultimate developer may not be the applicant, or the applicant's plans may change. Rezoning must look at the full range of what could be done with the new zoning designation, not just the currently-stated plan.

The Commission generally expressed consensus that they are prepared to recommend for or against the applicant's request as constructed, but not prepared to propose recommendation of an alternative solution.

White stated that this matter was before the Commission previously, at which time the Commission recommended that the Board approve rezoning with a "floating" 15 acre area to remain available for mobile home park use. The Board denied the

request, and the applicant amended the request to establish a fixed 15 acre mobile home park location and rezone the rest to R-3. If the township does not provide some sort of rezoning, the risk is that the site will be bulldozed and made suitable for 90 acres of mobile home park housing. He agrees that it is not suitable for such a use in its present state.

Motion by White, support by Yamaguchi to recommend approval of the application for rezoning of all but 15 acres of the subject parcel from R-1MH to R-3.

Zollinger expressed concern about whether or not the intent of the Board's motion to send the matter back to the Commission has been met. It would be unfortunate if the Commission's findings were deficient for the Board's use and the matter. Hull commented on the problems with the applicant's earlier proposal to amend the text of the R-1MH district requirements. Vreeland read the Board's motion sending the revised application back to the Commission. The motion specifically called for two items to be resolved: whether the amended proposal meets the criteria for a rezoning, and whether the property to remain in R-1MH zoning is of appropriate size and layout to support the possible development of a mobile home park. She expressed concern that at this point the Commission had only established the answer to the first question. Vermetten believes that both questions have been demonstrably answered. Carstens asked if Grant felt both questions had been adequately answered; he replied it was not for him to say.

Wikle asked Iacoangeli to repeat his statements about the size of a development parcel and the amount of the site required for infrastructure. Vermetten understood Iacoangeli's statement to be based on whether each site has individual septic and water, but all of the discussion points to the idea that there will be centralized infrastructure. Iacoangeli repeated that the advice he has received from experts in the manufactured housing arena is that at least 110 home sites are needed to make a project marketable, and that at least 25% of the site will be needed for roads, water, sewer, and development open spaces and central amenities. If centralized services are provided, the estimate was that it would take at least 300 home sites to make them cost effective, or some other development sharing those services.

Carstens asked if the R-3 districts are supposed to have some form of centralized water and sewer services. Iacoangeli reported this is the case, but they could be regional or on-site.

Motion carried by a vote of 7 in favor (David, Krause, Hardin, White, Yamaguchi, Zollinger) and 2 opposed (Carstens, Wikle).

The Chair declared a 7 minute recess.

b) Public Hearing for law-compliant neutral rewrite of the Zoning Ordinance:

FOR THOSE ACCESSING THE AGENDA VIA THE INTERNET, THE FOLLOWING ARE THE LINKS TO ALL OF THE MATERIALS USED FOR THIS PROJECT:

[The clean draft of the proposed new zoning ordinance](#)

[The zoning ordinance as it exists today](#): so you can compare the new to the old.

Explanatory memo: It's a long one, over 60 pages. But, it's important - it explains what the lawyers have suggested and why they have suggested it. Some of what they have to say might normally be subject to attorney-client privilege, but we are waiving that privilege in this instance because we believe it's critical to the public's ability to understand what we are trying to do, to reinforce that this re-write is intended to solve functional and legal problems with our current regulations and to demonstrate fully that there is no hidden agenda to change current landowner entitlements.

The "markup" draft of the old ordinance containing the revision suggestions: used during the meeting discussions.

Memo from Mike Grant 07-22-08

Letter from attorney Dick Figura regarding treatment of Town Center section of current ordinance

The minutes of all the Planning Commission Meetings at which this was discussed:

- ◆ **April 28, 2008**
- ◆ **May 12, 2008**
- ◆ **May 19, 2008**
- ◆ **June 23, 2008**
- ◆ **June 30, 2008**
- ◆ **July 14, 2008**
- ◆ **August 11, 2008**

The proposed revised ordinance has been reviewed in line-by-line detail over the past several months in a process facilitated by Grant. A clean draft has been prepared that differs from the last discussion at the Commission only in the formatting. There is one key issue to be addressed this evening, which is the question of how to treat what would now be Section 9.25, the Town Center Ordinance (page 134.) Legal advice from Dick Figura has been obtained in this regard.

Public Hearing opened at 9:05 p.m.

Mr. Gene Veliquette, 8369 Elk Lake Road, stated his ongoing contention that this is not a “neutral” rewrite of the ordinance. He began citing sections such as page 17 that he believes encourages sprawl. On page 26 the intent and purpose of the shoreline business district he read from the last sentence of the paragraph which he believes represents a significant change from the original formation of the district and will discourage any business development in the B-1S district. On page 33 in the intents and purposes paragraph of the General Business district the statement is that the intent is to recognize existing businesses – what does this mean for potential new districts. Shopping Centers are permitted by special use only. He does not believe that the “new” requirements for SUP approval in Section 8.2.5, page 82 are impossible to meet, because they would require 100% approval from everyone in the community in his opinion. Mr. Veliquette objects to what he perceives as the ability to levy unlimited charges. He believes the public should vote on the new ordinance.

Deb Zerafa, 8750 Bates Road, noted that the information on the website indicates that the Commission has identified a number of substantive changes that need to be made that are not included in the draft. They will be dealt with later on, after the ordinance is re-adopted. Vermetten stated that important issues were identified that should not be changed in the current draft, but that should be discussed for potential change in the future. Yamaguchi noted that many of the issues to be addressed later are identified in Grant's 60-ish page memo, and Vreeland observed that they are detailed in the minutes of all the meetings on this topic which are linked to the project webpage. Grant stated that issues addressed in this redrafting were organizational and involved legal compliance but did not change landowner entitlements unless required by law.

Andy Andres Jr., Traverse City asked how secure this redrafting is from legal challenge, particularly in light of the absence of current insurance coverage in the event of a takings claim seeking monetary damages. Vermetten stated his belief that the township has performed the task it was asked to do. Anyone can file a lawsuit for any reason, and if we live in an environment that does not generally recognize the concept of representative government that's a discussion for a different time and place. Grant stated that this rewrite differs from what happened earlier this evening, where the applicant asked for a substantive change to their rights and entitlements. This redrafting sought not to change landowner rights and entitlements. In cases where it was necessary for legal compliance there were changes, but generally they expanded rights rather than contracting them. Most zoning lawsuits occur because someone asked for something and was denied, and this is not the case here. Mr. Andres asked if the portion of former Amendment 138 that was legally imperative was addressed; Vermetten stated that it was through creation of Article XI, Open Space Preservation Development. This is a new use by right allowable in any zoning district that allows housing development, permitting the density for an entire tract of land to be concentrated on one half of that land if the rest is left in an undeveloped state. It is entirely new to the ordinance that we are required to provide by law.

Nels Veliquette, 311 S. Maple Street in Traverse City, asked if the OSPD replaces the OSD; it does not. Both would exist. He also asked if there was a change in the parcel size for homesites for owners of planned agricultural units; there was not (page 107.) That section was left unchanged.

Public Hearing closed at 9:20 p.m.

Vreeland responded to Mr. Gene Veliquette's comments. Whether or not one agrees with the texts excerpts he cited, most notably the intents and purposes paragraphs for various zoning districts, as according to the rules for this process for "neutrality," the text in the proposed ordinance is identical to the text in the ordinance as it exists today. It is neutral because it has not changed. Whether it should be revised is a question for the next phase of the process where substantive questions of entitlements are addressed one by one.

Discussion turned to what should be done with the former 8.26 Town Center Ordinance. Mr. Figura's conclusion was that the ordinance section still exists in the current ordinance but is unusable and it is appropriate to show it as part of the document but stricken through. However, at such time as an amendment or replacement to the ordinance is adopted – and this rewrite would be such a replacement – the section should not be included in the new document. Following this, the section would be added to the Commission's list of substantive issues to be addressed individually and could potentially be added to the new ordinance in a

revised format meeting the conditions of Judge Power's ruling. Vermetten reminded the Commission that Mr. Figura was chosen to help the township in this matter because it was felt inadvisable for Olson Bzdok & Howard to assist because of their position in the litigation giving rise to the question. Hull observed that right now the section cannot be used by our residents due to the Circuit Court ruling unless it is amended. Removing it in entirety until substantive amendment can be discussed would result in no entitlement change – either way it cannot currently be used by the landowners. Vermetten observed that removal would be consistent with the substantive changes to the ordinance made because the zoning enabling act required it. This would be a change required by case law. It is redlined – the township is currently enjoined from its use, so removal would not change the rights of the public.

Motion by Carstens, support by Krause to recommend approval of the content-neutral re-write of the Zoning Ordinance with deletion of the Town Center Ordinance (formerly Section 8.26), and to replace the current Zoning Ordinance with the new document. Motion carried by unanimous roll call vote.

6. Old Business: None

7. New Business:

Vermetten noted that he was at the Creekside Farmers Market, at which there was discussion about the lack of a TART extension between Bunker Hill and Lautner Roads. In the past there were some difficulties between various landowners between those two points. Vermetten had a meeting with Tim Brick and Bob Otwell from TART about the situation and believes that there is the opportunity to work with the township, the landowners between Bunker Hill and Lautner and also those on the north side of M-72, along with Rotary of Elk Rapids to continue the trail through the missing section and north towards Elk Rapids. There is a section of the proposed pathway in Acme Village where there is a significant wetlands complex. The cost to bridge it would be quadruple the cost of normal pathway. Vermetten will continue to work on this project and will report back to the Commission as it progresses. Steve Smith confirmed that the plans for the VGT project include the TART, and at one time he had considered a tunnel under M-72 to create a connection to the GT Resort. VGT is very open to opportunities to route the pathway through his project.

Zollinger asked about creating an action plan for dealing with the substantive ordinance examination issues. Vermetten asked staff to prepare the list for consideration before the next meeting and substantive discussion at the meeting.

8. Public Comment/ Any other Business that may come before the Commission:

Mrs. Zerafa stated an impression that once the ordinance is recommended by the Commission for approval, it would automatically be approved by the Board. Staff explained that the next step is review by County Planning, and then the Board will consider whether to approve, ask for changes, or deny.

MEETING ADJOURNED AT 9:55 P.M.