



ACME TOWNSHIP SPECIAL BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
Wednesday, February 22, 2012, 6:00 p.m.

MEETING CALLED TO ORDER WITH THE PLEDGE OF ALLEGIANCE AT 6:00 p.m.

Members present: D. Dunville, R. Hardin, W. Kladder, P. Scott, E. Takayama, L. Wikle, F. Zarafonitis

Members excused: None

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

A. LIMITED PUBLIC COMMENT:

Jim Goss, 4105 Bay Valley Drive and a principal of the VGT, stated that BATA has just completed a Bay Area Transit Study. BATA Executive Director Tom Menzel asked Mr. Goss to mention that BATA and the VGT have been in discussions for the past year regarding possible location of a transit transfer station in the VGT development. Mr. Goss provided a [copy of the study](#).

Robert Evina of Woodland Creek Furniture spoke on behalf of the Acme Business Association (“ABA”). He noted that many members of the Acme business community are present this evening. He stated that the ABA does not automatically “rubber stamp” development, noting that another developer approached their organization about developing a Wal-Mart and Bass Pro Shop north of the M-72 intersection. They listened to this developer, but they did not decide to support his cause. He read aloud a [letter](#) that largely complained about statements made in the media about the proposed VGT project and asked the Board to make a final decision on the Phase I application this evening.

Jim Heffner and Donna Hagan, 4050 Bayberry Lane, have attended the last six Planning Commission meetings and have been impressed by the performance of the Commission, staff and consultants as they tackled review of this project. The proposed development is sizeable and complex, and he commends them for their efforts.

The [letter from Concerned Citizens](#) received as correspondence at the February 7 meeting was read into the record.

Charlene Abernethy, 4312 Westridge Dr, stated that the township has expended significant time reviewing the VGT Phase I proposal and hearing public comment. She expressed understanding that the courts have ruled that the VGT project was lawfully approved subject to detailed township review and deliberation, particularly regarding traffic, market and environmental factors. She is concerned that the township require final accurate documents from the applicant before rendering a decision based on a past history of difficulties between the parties involved. [A copy of her letter is available here.](#)

Rachelle Babcock, Bartlett Road, was grateful for the opportunities throughout the years to make public comments at public meetings. She observed that the Planning Commission has passed the application to the Board with a number of recommendations made pursuant to “straw votes,” but that these votes do not represent final decisions. She feels there are several issues that still have “grey areas” and that the Board should again address several key issues including signage and architecture for the Meijer store, perimeter sidewalks and bicycle paths around the VGT site, traffic control, potential community costs for maintenance or upgrades to the local feeder road network, and water quality in Acme Creek on an ongoing basis. The Court ruled that the township still has significant say over traffic, market and environmental issues.

Chris Stoppel, 7238 Deepwater Point Road, expects the price of gasoline to reach \$5.00/gallon later this year. Therefore he would appreciate additional shopping opportunities closer to home that require less driving. He stated that there have been 10 years of debate over this proposed project.

Daniel Skippy, US 31 North, stated that he owns a small motel. Development by Meijers would bring construction worker business to his establishment. It would be good to have such a store close by instead of across town. He wondered how many people would really ride a bicycle to go shopping at a Meijer store and if we really need to be worrying about bicycle routes.

Laura Westerman, 3854 Haven Hill Lane, supports the development and would ride her bicycle to it if possible.

B. APPROVAL OF AGENDA: Motion by Dunville, support by Takayama to approve the agenda as presented. Motion carried unanimously.

C. INQUIRY AS TO CONFLICTS OF INTEREST: None noted.

D. NEW BUSINESS:

1. [SUP 2012-01P](#), **Request for Minor Amendment to Village at Grand Traverse SUP #2004-11P (Conceptual Plan):** Vreeland summarized the staff report, stating that the amendment is requested because the location the applicant has suggested for created wetland stormwater control features would displace approved locations for parking lots and buildings on the 2004 Conceptual Plan. Overall, staff does not have a conceptual concern with the idea of the proposed amendment, but finds the amended document presented to be lacking in accuracy as outlined in the report. Since this document is what all parties are relying on to represent the applicant's rights for future development of the project, it should be as accurate as possible. Of particular concern is that the mix of land use densities may have been altered by the removal of 25% of the proposed single family housing units.

Township sub-consultant Dr. Chris Grobbel confirmed that one concern with the proposed plan is that the required grassed waterways adjacent to the proposed created wetlands would otherwise go where buildings and parking lots are currently shown. When this difficulty was pointed out, applicant's consultant Terry Boyd suggested that the applicant does not intend to pave over required grassed waterways, since that area of the overall project is not proposed for current hardscape construction, the proposed conceptual plan does not need to be amended until such development on the site in that area is actually proposed. The applicant has offered final documents after SUP approval but before issuance of land use permits relative to many issues throughout the process. He also recently spoke with Robyn Schmidt from the DEQ regarding questions about the DEQ permit. She stated that based on the naturalized stormwater management system design she expects that there is no reason to be concerned that project stormwater runoff will reach the wetlands surrounding Acme Creek.

Wikle asked if there can be trails around the created wetlands. There should be space for such, but no actual trails have been proposed at this time. The features will not be fenced in, and with trails could legitimately contribute to public open space.

Ken Petterson, attorney for the applicant, confirmed the reasons for submitting the minor amendment request. By the applicant agreeing to a naturalized stormwater control system, they felt they had to move the ponds, and therefore also displace some earlier-planned buildings or parking areas. The original SUP Conceptual Plan must therefore be amended to show the changes. Mr. Petterson asserted that the conceptual plan is "a nice cartoon drawing" but not an engineering plan. He asserted that it deals only with ratios of land uses but does not imply that any particular building has to be in any particular spot. He recognized that the SUP requires buildout to be according to the plan, but feels that nobody should be "hung up" on the details of the layout at this time.

Township Consultant John Iacoangeli stated that his key concern lies with vested rights. In the original SUP there was an outline of what was allowable for amount of square footage for various types of land uses. He suggested that if there is any reduction in the square footage, it should be proportionate across all land uses.

Mr. Boyd distributed an [amended copy of the proposed amended Conceptual Plan](#). He agreed that the SUP, including the conceptual plan, sets forth the land use ratios for the project. He noted that there is no engineering in the conceptual plans whatsoever. In the future the density of the project will have to be reduced to make room for more stormwater control basins. Mr. Boyd walked the assembly through a copy of the new plan that was projected on a screen. The revised plan shows the key north/south roadway having been changed back to its original straight configuration. The road was bent to create half-mile spacing from the M-72/Lautner intersection in case the intersections were to be signalized, but now that roundabouts are to be used the road can be straight again because the precise half-mile spacing isn't needed. The updated plan represents a reduction of approximately 36,000 sq. ft., which Mr. Boyd represented as coming 58% from commercial space and 42% in residential space in keeping with the approved land use ratios. Mr. Boyd requested that the version passed out this evening be made the new attachment to their minor amendment application, replacing the version originally submitted.

Mr. Iacoangeli's calculations indicate that retail would be decreased 2%, but that mixed uses (retail and housing) were decreased 6% and townhouses 7%. Anchor retail was reduced 5% as well. This is not balanced, and retaining balance it may be needed to reduce general retail more. He recommended that to retain the mixed use quality of this project that the categories in the overall commercial/residential designations are important and that each category should be reduced by the same proportions. If retail space is to be reduced by 2%, housing should be reduced by no more than 2%. What happens today will set the stage for future similar requests.

Steve Smith, principal of the VGT, asserted that the applicant has shown a spirit of cooperation and hopes the township will as well. He stated that they don't want to be "beat over the head" for conforming to the recommendations made by the township's environmental consultant. The Conceptual Plan has to change every time there is an agreement to do something different. He asserted that as long as the ratios are kept within boundaries, things should be fine. The SUP can be amended by mutual agreement as we move along.

Vreeland and Jocks explained their point of view that the conceptual plan is more than just "a cartoon." They recognize that the precise location to the foot for each building or feature might vary slightly in final construction. However, the relative accuracy of the conceptual plan is important because it is a document that both the township and the applicant can rely upon as a representation of what is allowed in the project in terms of land use densities and how they are arranged. A great deal of the discussion and debate from 2002 through 2004 centered on how the proposed land uses were to be arranged. For instance the township would have liked to see the land uses in the proposed lifestyle portion of the project spread along streets. Or, if left in a grouping the township would have preferred to have the center contain green public space instead of parking. Mr. Iacoangeli recommends that to better conform to a traditional main street model the Meijer store should be part of a city block or better integrated to the end of a city block, or elsewhere on the site entirely than where it is proposed to be. Many citizens would agree with this point of view and completely redesign the project if they could even today, but the township does not push this point because the existing conceptual plan says that they are entitled to ask us to approve the location as proposed. Jocks noted that in more common circumstances the conceptual plan would not be as detailed. But the detailed conceptual plan is part of the approved SUP and is a standard in

this circumstance. Jocks also wanted to address the proposed change in the shape of the north/south internal road, and asked that the township's traffic sub-consultant, Steve Dearing, be asked to weigh in on this matter.

Mr. Boyd stated that the applicant has no intention of proposing drastic changes to the layout of the project.

Mr. Dearing stated that he has worked long and hard to represent the township and MDOT in moving the main access on M-72 so that it was spaced at precisely a half-mile from the Lautner/M-72 intersection so that traffic signals would work properly. If the assumption is changed to the use of roundabouts rather than traffic signals, moving the road back to its prior configuration appears acceptable to him. MDOT may be unaware of the proposal, as he was prior to arriving this evening, and should be asked.

Gary Niemi, MDOT, is just seeing this proposal for the first time. Their comments have been generally directed at only Phase I. The picture does not demonstrate that until a roundabout is provided at the main drive, commonly referred to as "drive 2", that access point must be a right in/right out point only. He confirmed that if ultimately a roundabout is at this location, half-mile spacing from the M-72/Lautner intersection is not critical.

Scott expressed understanding for the various points of view discussed about how to categorize the land uses for purposes of calculating ratios. 11 different land use categories are shown on the conceptual plan, and if they are to be lumped only into fewer broader categories dividing lines have to be chosen now and applied consistently in the future.

Kladder asked what would happen if the township approved the proposed conceptual plan drawing along with some wording, and what if later there is a perceived conflict between the conceptual plan and wording – which would the courts tend to side with? Jocks stated that in general terms both would be applicable. Both will be documented in the minutes and in an SUP amendment document.

Mr. Petterson noted that any future amendments to the original SUP or phase applications pursuant to the original SUP must be thoroughly reviewed according to all the applicable standards.

Iacoangeli asked the applicant team which of the 11 land use categories are expected to be static and unchanging in size? Mr. Boyd stated that the proposed reductions in land use areas are a function of the proposed location of the stormwater control features. They would expect to reduce the land use areas based on what land uses they displace. The 2004 SUP granted up to 210,000 sq. ft of retail anchor space and 25,000 sq. ft. of outdoor sales. The total proposed Meijer space including the garden center is approximately 215,000 sq. ft. He asked if the size of the hotel is likely to change; the applicant said it could. As the applicant's representatives continued to assert that the future land use reductions would be from unknown land use categories based on where future stormwater control features are proposed to be, while Iacoangeli continued to urge the board to require that all land uses be reduced by equal percentages to make space for stormwater controls, or else the township risks having the project cease to be a mixed use project.

Scott renewed his concern. For instance, a mixed use building may contain some retail and some residential space, so where would it be included in a model that has only residential or retail as a category? Iacoangeli agreed that each land use should be assigned to a category, and each resulting category should be reduced equally every time a reduction is needed.

Takayama is assuming based on project layout that mixed use buildings will be commercial along with retail, civic, hotel and anchor retail. Everything else would be in the "residential" bucket. Mr. Boyd stated that this alignment matches his conception, and under that model for

this amendment proposal the commercial space has been reduced by 1.69% and residential reduced by 1.35%.

Motion by Scott, support by Zarafonitis to approve Amendment 2012-01P to SUP 2004-11P to amend the Conceptual Plan as a proposed land use allocation on the condition that that for purposes of this and future land use plan changes, the required land use mix for the development will be approximately 58% commercial and 42% residential. “Retail” will include: anchor retail, retail, hotel, civic, and mixed use. “Residential” will include: multi-family, town houses, row houses, single family, senior housing and clubhouse. Motion carried unanimously.

A recess was declared by the Chair from 7:40 – 7:50 p.m.

E. OLD BUSINESS:

1. SUP 2009-01P, Village at Grand Traverse Phase I

- [Application Materials](#)
- [List of Planning Commission Motions regarding the application](#)
- [Minutes of VGT-related Planning Commission Discussions 08/2011 – 01/2012](#)
- [Updated Photometric Plan](#)
- [Proposed Township Board Finding of Fact](#)
- [E-Mail from MDOT](#)

Iacoangeli began with an overview of the project background. Five phases to the overall project were planned in the 2004 SUP, and each must go through special use permit and site plan approval. It is possible for a phase application to be denied on the basis of concerns related to traffic, market or environmental impacts. The full SUP review is required each time, rather than only site plan review, largely due to past litigation.

Market: The market study was prepared in 2003-04 and indicated a demand in the local marketplace for an additional 1 million sq. ft. of retail space. In the interim the economy has experienced a downturn. The market study was updated specific to the proposed Meijer store in 2009. Based on the mix of offerings in a standard Meijer store, and based on a Meijer market study from 2005 indicating that 45% of the business at the existing Garfield Township store would transfer to a Meijer store in Acme, Iacoangeli’s team determined that the market has the capacity to absorb the proposed store.

General Planning: Iacoangeli summarized key elements of the proposed site plan. A roundabout is proposed at M-72 and Lautner Road, and has been mutually agreed to by the township, applicant, MDOT and Road Commission as an alternative to a standard signalized intersection. Along with the roundabout and other future roundabouts, M_72 would have center medians which will provide a gateway feature for the community. The easternmost proposed driveway for the project would be right in/right out only. A pedestrian tunnel has been proposed under M-72 to connect the project to the Grand Traverse Resort that will connect to a future roadside sidewalk along the highway. A 14’ wide future bike/pedestrian path easement is shown adjacent to M-72, which the Planning Commission recommends to be built at Phase II of the project. The key internal roadways will have 4’ minimum width bike lanes along their full length and a separate sidewalk on the north and east sides of the roads. Innovative stormwater management created wetlands basins are to be provided for phase 1. Easements are to be provided for future interconnectivity between the project and adjacent properties. The number of proposed parking spaces for the Meijer has been reduced by about 300 spaces, which in turn generates a significant reduction in potential stormwater runoff and allows for some meadow areas. A central walkway feature through the parking lot provides for a future pedestrian path to future phases of the project. Proposed Meijer wall signage has been reduced from the original proposal by approximately 50%. Meijer has agreed to a widened sidewalk along the front of the building for enhanced shopper safety. Improvements were made to the proposed pharmacy drive-through design. And, Meijer has

agreed to a modified parking lot lighting plan, including that the light poles will not exceed the height of the building. Water detention basins behind and south of the building will be planted with natural grasses to absorb runoff. A central roundabout connects the two legs of the key internal road corridor and future development areas. A 14' easement along Lautner Road will be provided for future sidewalk/non-motorized pathway use, and an easement along the southern lot line and through the site to the main roadway is being provided to TART that will connect to their non-motorized features of the site and to the east of the site. Landscaped islands at the ends of the parking rows closest to the store will help provide delineation between car and pedestrian areas. Water will be provided to the site by the Grand Traverse Band of Ottawa & Chippewa Indians, and the township's sanitary sewer system will be expanded to serve the project. Some final engineering for elements such as the layout of the water and sewer lines would not be performed until after SUP/site plan approval but before issuance of land use permits. Iacoangeli stated that this will be an uncommon Meijer store due to improvements in the site plan made throughout the lengthy process of discussions between the township and applicant.

The Board and applicants have been provided with a proposed "findings of fact" document that was being revised right up to meeting time. It has been drafted by the township legal counsel, staff and consultants and required a lot of review and consideration so it couldn't be provided any earlier. It is a draft document. There will be a separate SUP document with standard SUP language; this is just the document explaining how and why the decision was made.

The finding of fact recites the history of the application and the application process, lists the key documents on which the decision is based (although additional documents are part of the application information and will be part of the final SUP document attachments and exhibits.), and goes on to make the actual findings. The presentation shows the standards for approval from the 2004 SUP in standard font, and shows the proposed township findings immediately following in italicized font. Every section of the SUP is included, and each finding references applicable documents and/or legal decisions. Relevant standards from the 2004 zoning ordinance are listed and addressed the same way.

Traffic: Dearing reported that a traffic impact study was prepared by the applicant's consultant that incorporated a broad study area around the project property. Traffic impacts from Phase I only and from proposed buildout of the entire development were projected and considered. The study indicated that there would be substantial impacts to the road network, including 4,000 additional daily trips above current levels at buildout. The next step was for the applicant to propose appropriate ways to mitigate and manage the increased traffic loads. Two viable solutions were proposed. One relied entirely on new traffic signals and portions of US 31 and much of M-72 using boulevards with "Michigan Left" turns. The other relied on the use of a series of roundabouts instead of traditional signalized intersections. At buildout the model suggests roundabouts at M-72/Lautner Road, "Drive 2" at the main entrance to the project and M-72, "Drive 5" at Lautner Road and the project entrance, and someday at the US 31/M-72 intersection. Originally 6 project access points were proposed, with 4 along M-72 and 2 along Lautner Road. Drives 1 & 3 on M-72 would be right-in/right out only. For Phase I, only one roundabout at the M-72/Lautner intersection is shown at this time, Drive 4, the easternmost on M-72, is proposed to be right in/right out only. The Planning Commission did not recommend requiring the roundabouts at Drives 2 and 5 in Phase I. The Road Commission is recommending a one-lane roundabout at drive 5 in phase 1, and that all required improvements to Lautner Road along the project frontage be completed in Phase I. Dearing concurs with the recommendation for the Drive 5 roundabout immediately due to the expected traffic generation from the Meijer store. Adding it now would be more expensive now for the developer, but building it later after the Meijer is open will be more difficult for the public. Dearing recommends that the Drive 2 roundabout be deferred until a future phase because a roundabout won't work as well with lower traffic flows and it seems likely that fewer people will use that entrance until there is development

closer to it. MDOT has indicated that until a roundabout is at Drive 2 they would prefer a right in/right out access only to enhance traffic safety, and Dearing concurs with this recommendation. Engineering measures should be taken in phase 1 improvements to the Drive 2 intersection to prevent illicit left turning movements, such as extension of the M-72 median farther to the west and/or the shaping of the curb cut features.

Environmental: Grobbel has been involved with this project since 2002. He noted that enhanced berming and landscaping have been proposed to mitigate impacts of the proposed store on the property at the southwest corner of M-72 and Lautner Road. The applicant has been open to the use of native species in the required landscaping. Wetland delineation for the site performed in 2002 has been updated within the past year. Initially the developer proposed a series of 6 stormwater detention basins were proposed, but Grobbel recommended that infiltration of stormwater be promoted to the greatest extent possible to prevent runoff from reaching Acme Creek. Soils studies performed in November 2011 confirmed suspicions that soils on the site are largely unsuitable for infiltration. So Grobbel worked with the applicant to promote redesign of the stormwater control system. The new design the applicant agreed to incorporate created wetlands with naturalized shapes and associated grassy swales to absorb any overflows.

Looking at page 9 of the proposed finding of fact, all 8 of the conditions on approval Grobbel recommended are listed. He stated that items 2, 3 and 5 have already been addressed satisfactorily and can be removed, with the numbering of the remainder amended accordingly. Only four conditions remain. He recommended that the wording of what was item 7 be amended to say “wet meadow native plant mixture” is what should be planted in the remaining detention basins.

Paragraph-by-paragraph review of the proposed findings from the beginning then occurred.

Regarding item 5, Takayama asked for the reasoning behind the recommendation that sidewalks along M-72 and Lautner Road not be constructed in Phase I. Iacoangeli stated that he does not believe that there is sufficient surrounding development with sidewalks to make such sidewalks useful at this time. The internal areas of the development contain significant non-motorized developments and a TART connection. Too often sidewalks are required from lot line to lot line that don't connect to anything, are unused, and simply deteriorate. Takayama countered that perhaps there still won't be anything for them to connect to when Phase II comes along and sidewalk construction is required, so this could be used as an argument for a request to continue deferring the construction. Iacoangeli stated that originally MDOT asked that sidewalks not be included alongside M-72 due to safety concerns, so they weren't originally included. The new proposed pathway easement alongside M-72 would not be in the public road right-of-way but on private property to alleviate this concern. Because the applicant wasn't required to provide the sidewalk earlier, they were asked to provide just an easement in Phase I at the later date. Takayama countered that right now Lautner Road is a narrow two-lane road that is difficult to bike or walk along now, let alone with additional traffic. If we want a true walkable community and village we should have the sidewalks. Dearing stated that at Phase I there won't be a village, just an auto-dependent Meijer store. With Phase II the village will begin to take shape. Even if there aren't future connections south on Lautner, new residents of the project will have a new opportunity to make a short loop for a walk, perhaps along the TART along the south side of the project to Lautner and back up the main interior road. Niemi supported waiting to install the sidewalk until Phase II.

Kladder had questions about item 7. He asked if sidewalks would be provided relative to the M-72/Lautner roundabout immediately. Dearing recommended that the design of the roundabout should provide for future construction of pedestrian elements, but that the elements not be constructed until there are pedestrian pathways to connect to them along M-72 and/or Lautner Roads. Niemi noted that none of the corners of the intersection have pedestrian features right now. If they are added there might be a need for signalization for

handicapped pedestrians. Having the proposed pedestrian tunnel to the west might be a preferable solution. Mr. Boyd indicated that they would design and build the pedestrian elements of the roundabout now and bury conduit for future required signalization.

Kladder also asked how far west the proposed M-72 median should go. Niemi indicated that the precise design of Drive 2 is a matter that can be left to the detailed engineering process between the applicant and MDOT, as there are several options. He would not be prepared to finalize the design at this time.

Kladder asked if a roundabout would definitely be warranted by traffic at project Phase II. The traffic study “phase II” was full buildout of the project. Future phasing may be different. At buildout Drive 2 will require a roundabout. The traffic study must be repeated for each project phase application and the results will determine when the roundabout installation is appropriate. Takayama expressed a concern about what would happen if the Meijer store is completed before the M-72/Lautner roundabout, causing traffic problems and diversions. Vreeland noted that Section 5.6 of the 2004 SUP requires that the internal road first course paving be complete before certificates of occupancy can be issued for the buildings. The 2004 SUP is silent as to completion of public road improvements. It was agreed that some language would be added to a later applicable section of the findings of fact to specify that the public road improvements would have to be at a functional state before a certificate of occupancy could be issued.

Under item 8, Takayama noted that the M-72 Corridor language was never adopted into the ordinance, so he asked how it could provide a standard for this project. The language of the 2004 SUP characterizes this ordinance language as “proposed,” clearly recognizing that it hadn’t been adopted while posing it as a standard. Mr. Boyd offered that the proposed landscaping plan contains over 3,900 elements.

There were questions under item 10 about the definition of “large retail store,” of which there can be only one. Jocks proposed a change to the language of the finding for this item, but Takayama expressed that the definition of a “large anchor” can be subjective. The legend of the Conceptual Plan identifies only one structure – the Meijer store – as a retail anchor store. Iacoangeli agreed that there is no standard definition for “large retail.” Smith noted that VGT has to come back to the township for each application to add a new phase to the development. Future applications will be evaluated when they are submitted. Takayama asked if the approval for Lautner Commons across the street is still in effect and was informed that it has expired.

Regarding environmental issues under item 11, Kladder asked how the creek water quality monitoring would work and what would happen if a problem is discovered. Grobbel indicated that one of his proposed conditions is that the applicant provide a satisfactory schedule of testing and maintenance. The results of all testing must be communicated to the township. If a problem is discovered it should be corrected through appropriate means. He would expect that problems would only occur if an element of the stormwater control system needs to be maintained or repaired. The system is, by design, low-maintenance. The township will be the first line of defense. Mr. Petterson indicated that an early key step would be to clearly identify the source of the problem. Grobbel noted that there will be two required testing points, one at either end of the VGT property, so we will be able to determine if any problems are occurring on-site. State standards for test results will be used to determine if a problem exists. Takayama asked if the township or other agencies will have the right of reasonable entry to the site to remove invasive species. Grobbel stated that a right of reasonable entry exists to determine if the conditions of project approval are met and maintained, but that removal of invasive species is not a reason for entry that has been included. Takayama clarified that such removal would be relative to the constructed wetlands, in which case it would be covered.

Under item 12, the applicant and Jocks have been exchanging drafts of the required easements continually. Before the meeting some additional amendments to simplify the drafts was discussed orally. The documents are 99% complete according to both parties and a successful outcome is anticipated. Kladder feels that the impacted adjacent property owners should have an opportunity to review the documents. Takayama asked if the township would be the grantee for the TART easement, and if so who would construct the trail. Julie Clark, Executive Director of TART was present. She and Steve Schooler from the applicant team indicated that TART/Road Commission and VGT are close to agreement on the final language for the TART easement. Takayama asked what it will take to get the TART actually constructed within the VGT development. He lives on Lautner Road and indicated that the TART section between Lautner and Bates is heavily traveled. He expects that the VGT portion would be heavily used as well, and it would be preferable to have them off the narrow local roads such as Lautner or Bunker Hill, particularly with the Meijer store as a new destination. Mr. Petterson stated that the applicant has provided the easement as required. VGT may or may not make a contribution towards construction, but TART will need to perform fundraising. Ms. Clark indicated that after obtaining the VGT easement there are still other properties across which easements will be needed to complete the trail to Bunker Hill Road. She hopes to continue a strong partnership with TART as the project moves forward. The TART easement will be 25' wide. Takayama expressed significant concern about the trail potentially not being actually constructed as part of Phase I. Mr. Smith offered to ask Meijer if they would be willing to help.

Regarding item 13, Iacoangeli reported that the photometric plan is very close to approvable. Mr. Boyd reported that the two outstanding issues are findings that there are areas along the rear of the store and in the garden center where the footcandles reaching the ground would be 0. Mr. Boyd stated that only Meijer can approve the wall-pak lights on the back of the building. Iacoangeli suggested that the rear of the property should not be overlit, but it should be lit along its entirety. If they need to add more lights to do so, they need to add more lights to do so. Mr. Smith echoed this comment and said that Meijer should want appropriate lighting to address liability concerns. Mr. Boyd observed that the applicant is also seeking to respect the township's dark sky requirements. Iacoangeli stated that the township still needs a clear indication of which model lights have been selected for the shorter poles in the parking lot. All noted that the Planning Commission recommended that a condition on SUP approval be that the final photometric plan be approved prior to issuance of a land use permit. Jocks requested that the same condition be placed on SUP approval relative to final approval of the required easement documents.

Under item 19, there was discussion about the concept that the one and only anchor retail store for the development has been allowed to have wall signage of sizes larger than normally permitted under the ordinance. All other signage for all other types of development within the project must conform to the requirements of the 2004 zoning ordinance.

Item 20 deals with the traffic impacts. Takayama noted that the Master Plan paragraph quoted that begins with the number 12 supports his position that sidewalks and non-motorized trails should be required to be constructed as part of Phase I.

There was discussion about whether to require Phase I construction of a roundabout at Drive 2. Dearing does not recommend that a Meijer alone will generate enough traffic for such a roundabout to function properly, and recommends right-in/right-out access only at Drive 2 for Phase I. Niemi echoed Dearing's recommendation. The Board concurred with the recommendation that in Phase I Drive 2 can be a right-in/right-out access point without roundabout.

A decision also has to be made about Drive 5, the exit to Lautner Road. The Planning Commission recommends that this be allowed to be a standard intersection at Phase I. Dearing stated there is no doubt that a roundabout is needed at this location at buildout, and

he recommends that one be required at this location in Phase I because sufficient traffic will be generated by the Meijer alone at this location in this phase. The Road Commission has also recommended this. Dearing recognizes that roundabouts are expensive and they are already building one. Mr. Boyd stated that there is also a significant right-of-way issue. Iacoangeli wonders how this could be, since Meijer owns the property on the east side of Lautner Road where a roundabout would be placed. He also believes that the Road Commission recommended that Lautner Road adjacent to the entire property frontage be improved at one time in Phase I. Dearing noted that roundabouts don't have to be centered on intersections, and that a roundabout for the Lautner/project intersection could be entirely on Road Commission right-of-way and VGT property rather than being centered on the existing right-of-way. This roundabout only needs to be a one-lane design, even at project buildout. If a roundabout is not used, an additional lane is needed to separate turning movements. Between M-72 and Drive 5 there would be two southbound lanes, one of which would feed into and through the roundabout and one of which would feed into the development. South of the roundabout to future drive 6 there would also possibly be three total lanes to allow for turning movements. If no roundabout were going in at Drive 5, the needed road improvements would be roughly as shown.

Zarafonitis stated that he believes there will be significant additional traffic on Bunker Hill and Lautner Roads and that the roundabout should be required at Drive 5 in Phase I. Wikle expressed concerns about Lautner being particularly slippery in that area. The question of truck traffic being able to navigate a small roundabout was discussed, and Dearing stated that this is planned for in the design. Hardin said that the Planning Commission was conscious of Phase I traffic projections and whether they would warrant the roundabout or not. Mr. Smith said he thought the traffic study didn't necessarily warrant installation of the Drive 5 roundabout at Phase I, so it seems like more of a preference than a requirement, and he would prefer to wait until the traffic study indicates that it is warranted. Kladder expressed puzzlement that traffic at Drive 2 will be higher than at Drive 5, yet the roundabout isn't needed in Phase I at Drive 2. Dearing agreed that there is a lot of traffic on M-72 now and at Phase I, but there will be little traffic on Drive 2. This will create an imbalance in the traffic feeding into the roundabout. The traffic anticipated to use Drive 5 and to use Lautner Road is more evenly balanced in Phase I. Disruptions to traffic to install the roundabout at Drive 5 will be painful now or later, but will be more painful once Meijer is open to the public and to Meijer. Iacoangeli added that some people who exit the development during Phase I, if they use Drive 2, will have to go around the roundabout to go west again. Many might go south on Lautner instead. The township should make it as convenient as possible for people to stay on M-72 as possible. The traffic study says that at Phase I, evening rush hour, Drive 5 is projected to have 127 vehicles exiting and turning left and 43 exiting and turning right. 70 will be northbound and 50 southbound through on Lautner, with 130 southbound and turning in to the site. The predicted Level of Service (LOS) would be B without a roundabout and A with a roundabout. These peak hour flows totaled under 200, while a three-lane road segment like this should be able to handle 1,000 cars/hour. Mr. Smith asserted that if the traffic study required a roundabout at Drive 5 at Phase I they would certainly build it, but the study does not. The estimated additional cost is \$1.2 million.

Scott feels the Drive 5 roundabout would be nice to have but is not necessary at Phase I. Takayama feels the Drive 5 roundabout can be deferred, and feels it is important for the Drive 2 roundabout being done as early as practical to make people want to use M-72 instead of the local roads, and/or the TART being paved sooner. Hardin is inclined not to require the Drive 5 roundabout now. Kladder is concerned that if it isn't built now the future tenants of the project will put pressure on the VGT and the township not to disrupt their traffic flow to do it later. Wikle would prefer to have it built immediately but she understands the financial difficulties of the situation. She feels a time will come quickly when something will have to be done, and she hopes it is done before someone is killed. Zarafonitis feels it should be required for Phase I.

Kladder asked if there is a “trigger” that could be put in place in terms of number of accidents or another appropriate scientific factor that when reached would require the Drive 5 roundabout to be constructed. Dearing replied that even at full buildout Drive 5 would never qualify for a traffic signal unless crash warrants are met. His recommended test would be LOS-based. This development will cause this area to be considered suburban or urban instead of rural. Normal standards for urban environments are that LOS D is acceptable, so the trigger would be when LOS drops to D or E. It might not be a new phase that trips the trigger, but natural increases in background traffic levels. Therefore, an LOS trigger might cause them the expense when they didn’t cause the trigger to be tripped. Iacoangeli stated that this development will open general development pressures nearby. Each phase application requires a new traffic study. The property across Lautner Road is zoned for planned shopping center. He recommended a clause in the findings of fact that at such time a traffic study yields an expected Drive 5 LOS of C, or at such time as the Meijer property across Lautner Road is developed, the roundabout must be installed and both property owners must share the expense. The township could require development on the southeast side of Lautner Road and M-72 to exit to Lautner Road as part of site plan review and approval. Mr. Boyd recommended that the LOS be D rather than the first car into LOS C. Iacoangeli countered that the time to make improvements is not after the problem has become bad, but before. Mr. Smith liked the idea of the property owners sharing the cost. The board was generally in consensus to accept this idea, particularly if the LOS C trigger is not tied to extraordinary events like Horse Shows by the Bay or Cherry Festival, but represents normal averages. Kilkenny observed that traffic studies might only be conducted when a phase is proposed unless the township performs its own traffic studies periodically. Dearing noted that sometimes a destination is more popular than predicted and the traffic study underestimates the impact.

A recess was declared between 11:04 – 11:12 p.m.

Mr. Smith stated that it is uncomfortable when people are impacted by subjective decisions. He feels that LOS C is a subjective standard, and proposed instead that a Drive 5 roundabout be imposed when an additional 200,000 sq. ft. of development is constructed on the VGT and/or Meijer Road property. Dearing does not believe LOS is subjective because it is a calculation regarding average level of delay. But, LOS is impacted by factors not related to the VGT development. A more readily evident standard can make sense and could alleviate the concern Kilkenny raised. Kladder asked what an appropriate square footage figure would be. Dearing stated that 200,000 sq. ft. is within the range of sizes from which he would have selected.

Turning to item 21, there was discussion about what applications by VGT would constitute phases that would require traffic, market and environmental study update. There was discussion about the fact that the phasing is market-driven at the applicant’s option. A phase could include multiple buildings or areas for which site plan reviews are requested separately over time. The phase would require major study updates, but the individual parts of the phase might not. Iacoangeli noted that the traffic study for Phase I was constructed to provide a solid baseline for future phases so that perhaps it can just be updated. On the other hand, the economic market can, has and will change drastically over time. The market study can’t just be updated under such conditions, but should be completely redone. This can be true for just one building or for 10 and needs to be considered on a case-by-case basis.

There was discussion about whether the finding in item 22.1 should use the word “will” or “shall” in relation to the protection of Acme Creek. In planning documents the two words are not necessarily interchangeable. In this instance Mr. Petterson felt that “will” is appropriate to indicate that the sentence is explaining a finding of a fact that the application materials demonstrate that the proposed stormwater management elements protect the creek, while “shall” would indicate a directive to do something to protect the creek. Dr. Grobbel

recommended that “shall” would be an appropriate way to express both concepts in the statement.

Takayama opined that the finding under item 17 should not indicate that the applicant is providing appropriate access to the site because the perimeter sidewalks are not proposed for Phase I construction.

Returning to the will/shall debate, Jocks proposed adding a new sentence at the beginning of the Findings section.

With review of the draft finding of fact completed, there was discussion about how long it might take for all parties to review the draft including revisions discussed this evening and complete the final compilations of all the documents that should be part of the SUP.

Motion by Scott, support by Dunville to approve the Findings of Fact as modified.

Iacoangeli asked if the Board would be approving the Findings of Fact this evening and the final SUP at the March 6 Board meeting. Mr. Petterson asked for the Board to grant approval of the Phase I SUP subject to approval of the final form of the Findings of Fact as amended and the SUP document by township counsel and final review by the Board on March 6. Iacoangeli expressed understanding for this request but still recommended that his suggestion be followed. Takayama has some remaining unanswered questions that he didn't pursue this evening because he didn't think that the Finding of Fact would be the end of the discussion. He would have no problem going through his questions tonight, but it could take some time. Hardin wonders what the difference is between approving something tonight pending final review by the Board or approving the final documents at the next meeting. Dunville would like to proceed with approval this evening. Jocks stated that even if a conditional approval is voted on this evening, he would still request a final vote on the final form of the documents at the March 6 meeting. He offered that approval of the Findings of Fact will provide very clear direction about the final outcome. Scott stated that he thought that by recommending approval of the Findings of Fact that he was recommending approval of the project, and that the completion of the documents would be an administrative detail. Mr. Smith encouraged that all additional questions be asked this evening.

Takayama's first question was the location of the gas station. The applicants replied that will not be one. Takayama asked if there is a potential that a gas station will be proposed for the Andres property immediately on the southwest corner of M-72 and Lautner in the future. Mr. Smith stated that a “somewhat offer” was made to purchase the Andres property several years ago that was refused. VGT would still be willing to negotiate with Mr. Andres. Mr. Smith stated that Meijer is not planning a gas station and that there are no pending “back room deals” with Mr. Andres.

Takayama's next question had to do with the Meijer elevation sketches. It appears that the finished grade for the store might be at about road level, while the property right now is about 8' higher than the road. Mr. Boyd stated that the more accurate drawing is the submitted cut-and-fill sheet. They will be cutting the existing grade down approximately 5-6' by his recollection.

Takayama asked if there should be a stipulation that construction traffic may not use Bunker Hill and Lautner Roads to reach the VGT site.

Takayama asked if the reduction in the parking lot resulted in a reduction of the size of the landscaped parking islands. He is concerned that the trees be able to grow. Mr. Boyd said they were not reduced in size. Vreeland offered that the 2004 ordinance requires the landscaped parking islands to be the full size of the parking spaces at 9' x 18'.

He asked if the walkway through the center of the Meijer parking lot will be raised above parking grade and was told it would be.

Takayama asked what provisions are being made for a bus stop/shelter for BATA riders. A bus shelter is shown on the north side of the building, but not directly in front of the building. BATA has clearly indicated that they would like to locate a transfer station somewhere in the VGT development fairly close to the Meijer store, which Mr. Goss stated is indicated in the BATA report provided earlier this evening.

Motion amended by Scott, support by Dunville to approve the Findings of Fact as modified and to preliminarily approve SUP application 2009-01P subject to compilation of the entire application as submitted and amended, and also subject to final approval of the SUP document for Phase I at the next township board meeting.

There was discussion initiated by Takayama about requiring that VGT construction traffic not use Bunker Hill or Lautner Roads. It seemed desirable but unlikely that the township could reasonably enforce this. Iacoangeli encouraged the applicant to put this requirement in their construction contracts. The township will see if there's anything that can be done in this regard. Of particular concern is the likelihood that sand for the project may come from the quarry on Bunker Hill Road. The applicant agreed to add a restriction to the bid contracts.

Motion carried unanimously.

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

Mr. Stoppel thanked the Board for making the approval motion on behalf of the ABA.

Noelle Knopf congratulated the community on the decision.

Mr. Petterson is a township resident and thanked the township for its professional approach, time and attention.

Planning Commission Chair Jay Zollinger feels that everyone worked hard and acted professionally. There were no shouting matches or major disagreements, and he felt tonight went well.

Mr. Goss has found the process educational. VGT has felt their development could be an economic engine for the area. He believes that Acme can have a great economy of its own and thanked the township.

Kladder thanked the staff for their efforts.

Mr. Smith thanked everyone for the time and effort they have put into the process. The outcome has been a long time coming and he hopes it will become something everyone can be proud of. He would like to work cooperatively on a variety of projects including sidewalk expansion.

Takayama thanked the development team for their cooperation and flexibility throughout the process. It has been a much different process than it was in 2004.

Hardin agreed that everyone has worked hard over a long period of time, and everyone has made compromises to get to the best possible outcome.

Wikle believes that the project will change the township in many ways, most of them good. The proof will be when we see it.

Meeting adjourned at 12:42 p.m.