



**ACME TOWNSHIP PLANNING COMMISSION MEETING  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
7:00 p.m. Monday, June 28, 2004**

**Meeting called to Order at 7:00 p.m.**

**Members present:** H. Smith (Chair), B. Carstens, D. Hoxsie, D. Krause, P. Salathiel. O. Sherberneau, M. Vermetten

**Members excused:** None

**Staff Present:** S. Corpe, Recording Secretary/Office & Planning Coordinator  
M. Daray, Legal Counsel (substituting for J. Christopherson, on vacation)  
R. Clark, Planning Consultant  
B. Kaye, Planning Consultant

**1. Consent Calendar**

**Motion by Hoxsie, support by Sherberneau to approve the Consent Calendar as presented, including:**

**Receive and File:**

- a) **Recent *Record Eagle* articles (Attachment A):**
- “Good laws, persistence, keys to shaping future” (05/28/04)
  - “Planners identify primary issues” (05/28/04)
  - “FARMLAND: Counties team up to preserve land” (06/02/04)
  - “Traverse City named a ‘cool city’” (06/03/04)
  - “Motels going, condos coming” (06/03/04)
  - “Retailers are finding new homes outside the mall” (published 05/25/04 in the *Investor’s Business Daily* – an expanded version of “Shoppers Charge to Lifestyle Centers” published in the *Record Eagle* 06/13/04)
  - “New Urbanist complex developing” (06/15/04)
  - “Project to transform pasture back to wetlands” (06/18/04)
  - “Town center: What’s the rush?” Forum article by Kelly Thayer, MLUI (06/20/04)
- b) **June 7, 2004 Letter from David Kipley with articles from *Michigan Township News* (Attachment B)**

**Action:**

- a) **Approve minutes of May 24, June 7, and June 15, 2004 meetings (Attachments C, D, E)**
- b) **Review and approve agenda, inquiry as to conflicts of interest: approved with no conflicts of interest noted.**

**Motion carried unanimously.**

**Smith suggested that agenda be adjusted to place the preliminary hearing for Organic Plant-It on the agenda before discussion regarding The Village at Grand Traverse. The suggestion was adopted by consensus.**

2. **Public Hearings:**

- a) **Continuation of Public Hearing on Application #2003-11P made by Michael & Sheryl Hedden for approval of a 16-unit, single-family dwelling Open Space Development on property located at the intersection of Kay-Ray Road and US 31 North** (Attachment F included and incorporated by reference): Doug Mansfield appeared on behalf of the applicant to provide a status update regarding the application, which has been under consideration or deferred for approximately one year now. Mr. Mansfield is the third or fourth consultant to work on the project, which is the first application to be brought under the Open Space Development Ordinance. He stated that prior to his assistance, it appears that many of the required steps in the process were performed out of order. He believes that the first proposed layout for the project was based on topographical surveys available for GIS programs, which are generally a good starting point but do not meet our requirements for a topographical survey.

Mr. Mansfield reported that the DEQ has surveyed the proposed site and has found three pockets of wetlands. The two closer to US 31 North seem to be natural retaining areas for runoff from the highway; the third appears to be a natural seasonal spring. The areas need to be further delineated and more conversation held with the DEQ about how to proceed. The seasonal spring is in the area of a proposed lot line, so the lot configuration in this area will need to be changed. Test wells for the Health Department will have to be re-dug.

A new letter from the DEQ is expected within 14 days. He understands why the Planning Commission may wish to terminate the existing application and begin the process again with a clean slate when a new plan is ready and the process can flow more smoothly.

Carstens asked about the cedar trees on the site and whether their needs for a specific soil type may indicate that the wet soils expand into a greater area than the current survey indicates. Mr. Mansfield feels that this indicates a small area of extremely high water table. The presence of cedars may not necessarily indicate a wetlands per se; the new test wells should provide some good new information to work from. Hoxsie observed that at the current time, in reality there is no firm plan for the neighborhood; Mr. Mansfield agreed that due to the issues being encountered, there is a lot of work to do to complete the identification process and draw up a new plan. He agrees that it would be in his clients' best interest to withdraw the application and come back when new information is available, and is authorized to do so.

**Public Hearing opened at 7:18 p.m.**

John Zaloudek, 10351 Kay Ray Road, continues to be concerned about the third area of wetlands that was discussed. He believes it is wet all year round. He further reports that water continuously runs into the bay from the beach at approximately the same location as this property. He is concerned about the use of individual septic fields and the impact on the health of groundwater and bay health.

**Public Hearing closed at 7:20 p.m.**

Smith noted that a letter received from Chris Bzdok and submitted as Attachment F will be maintained in the file for this matter.

**By consensus between Mr. Mansfield and the Commission, Application #2003-**

**11P is being withdrawn from further consideration. Mr. Mansfield will provide a formal letter to this effect for the township files.**

- b) **Continuation of Public Hearing on Application #2004-1P made by Dave Fielstra for Special Use Permit/ Site Plan Review to allow for the development of an office/warehousing/storage building for Concrete Cystems on property located at 6127 South Railway Commons** (Attachment G included and incorporated by reference): Corpe has staffed this application, and prepared a memo for this evening's discussion noting that the only issue holding up a recommendation on this application is for fire suppression water availability issues to be settled. Her impression is that the Commission is loathe to require storage tanks of this applicant or the other two from Railway Industrial Park on tonight's schedule when such tanks were not required of previous construction in the neighborhood. She is working to arrange a meeting of property owners in this area, representatives from Metro Fire and, if they are interested, representatives of the GT Band of Ottawa & Chippewa Indians, who own a water tower nearby. Corpe recommends that if these perceptions are correct, the Commission may wish to make a recommendation to the Board of Trustees regarding this application tonight rather than delaying it further, recognizing a risk that the discussions to take place may or may not result in an agreement to provide water to the industrial district.

Hoxsie stated that if a community water storage facility were to be developed, it might have to be handled as a special assessment district, which must be done at the property owners' request. He is reluctant to hold up the process further when a fire suppression system is in place, even if it isn't as grand as might be liked. He would prefer to recommend approval to the Board with a strong recommendation that a long-term water availability solution be found.

Carstens observed that Brian Belcher has repeatedly stressed the need for more water storage or a water system in this area, and that as the number of buildings increases, the risk rises. Three new developments within the complex is quite a number, and perhaps they need a push to address the situation. Smith noted that every time a recommendation for approval is sent to the Board, Randy Agruda mentions this concern. Smith recalls that he has even voted against approval of various applications only for this reason. Based on public safety needs, one might think the applications should be recommended for denial, but inclusion of water storage tanks hasn't been required of other property owners. How can we enhance a sense of urgency within the neighborhood? Carstens observed that the hearings could be continued for one more month to see what the outcome of the upcoming meeting might be.

**Motion by Carstens to continue the Public Hearing to the July 26 meeting.** Corpe noted that this is the continuation of a public hearing, so prior to consideration of any motion, the floor should be re-opened to public comment.

**Public Hearing opened at 7:28 p.m.**

Art Hughes, 6284 Bates Road, was the original developer of the industrial park. He adjusted the original roadways and overall design of the neighborhood to accommodate the Metro Fire Department, which then gave their approval. He has installed expensive firewalls in his own buildings. Since everyone knew what the situation was at the time the park was approved, he doesn't know why it's an issue now. He has three existing buildings in the park and an empty lot ready for development. He offered to supply his notes from his original meetings with Metro

Fire if any of the township officials were interested in looking at them.

Smith concurred that he would not favor penalizing the newest developers within the park by holding up their applications another month or two. He would favor forwarding the application to the Board with a recommendation for approval contingent upon Metro Fire's satisfaction. Salathiel supported this point of view, but also wonders what can be done to improve the situation. Hoxsie would not be comfortable holding up applications that seem to meet all of our requirements, and feels that appropriate fire suppression is ultimately Metro Fire's responsibility. The volunteer fire department can currently haul water to the site to fight fires.

Lewis Griffith, 5181 S. Lautner Road, stated that all of the buildings in the industrial park have been built according to modern fire codes, which are better than those in years gone by. He would agree that water should be available, but he doesn't believe that the buildings will actually burn that readily. Mr. Griffith does not believe the applications should be held up on this basis.

Chuck Walter, Bates Road stated that the Township Board is pursuing conversations to try to acquire water supplies in the future from the Tribe. There's nothing firm to report at this point in that regard. He spoke with Agruda this morning, who told him that in case of fire a nearby hydrant with excellent pressure that belongs to the Tribe can be accessed. There's no formal agreement, but there has been a spirit of cooperation in the past.

**Public Hearing closed at 7:30 p.m.**

**Carstens withdrew his motion.**

Hoxsie believes that the application should be recommended for approval to the Township Board at this time. It appears that all other facets of the application were satisfactory. There was a recommendation that any exterior lighting fixtures be no higher than 10' from the ground and otherwise meet all of our standard site development requirements.

**Motion by Hoxsie, support by Carstens to recommend approval of Application #2004-1P to the Township Board. Motion carried by unanimous roll call vote, with Vermetten, Sherberneau, and Carstens asking that the Board urge expedited discussions about fire suppression water issues in Railway Industrial Park.**

- c) **Public Hearing on Application #2004- 9P by Great Lakes Trim for SUP/Site Plan Approval amending SUP/Site Plan Approval #2001-16P to construct a 60' x 65' commercial building addition and parking lot expansion on property located at 6182 S. Railway Commons and zoned B-4, Material Processing & Warehousing** (Attachment H included and incorporated by reference): Tom and Jeff Crandall, owners of Great Lakes Trim, were present in support of their application. Brad Kaye, Gourdie Fraser Associates provided plan review services to the Township. Kaye summarized the request for an addition to an existing use by 50%. He mentioned prior approval of a parking lot connection between the subject property and the property to the south to facilitate traffic flow. He recalled that one concern raised by Metro Fire was a proposal to have garbage storage somewhat internally contained; they have subsequently provided approval of the proposal with the exception of the fire suppression concerns. The Drain Commission had concerns

about redesign of one spillway that have been addressed and a revised plan will be provided for the township's files. The Drain Commission and Health Department have called Corpe to state that their concerns have been addressed to their satisfaction. He sees no barrier to recommendation of approval at this time.

Smith asked if an underground sprinkling system to water the landscaping is in place; the applicant stated that it is. Hoxsie noted that the only remaining concern

**Public Hearing opened and closed at 7:44 p.m., there being no public comment.**

**Motion by Vermetten, support by Sherberneau, to approve Application #2004-9P based on the understanding that review and final approvals have been provided by the County Drain Commission and Soil Erosion Department, with an urging that fire suppression for the neighborhood be addressed. Motion carried unanimously.**

- d) **Public Hearing on Application #2004-10P by Dennis Moody/Great Lakes RV & Storage for SUP/Site Plan approval to construct a boat and RV storage facility on vacant property located at 6220 S. Railway Commons and zoned B-4, Material Processing & Warehousing** (Attachment I included and incorporated by reference): Dennis Moody was present in support of his application, and Brad Kaye provided review services for the project. This is also a plan for Railway Industrial Park. Kaye summarized his written report. The proposed operation is as a seasonal storage facility with minimal traffic at other times of the year. No on-site staffing is expected. Kaye stated that all of the township's basic requirements appear to be met with a few minor items. The parking area is proposed to be asphalt but the maneuvering area is proposed to be gravel, and he wonders whether or not the northwest corner of this parking maneuvering area should be paved. He also feels that there is a possibility that the required parking area screening can be reconfigured. Three outdoor lights are proposed, 2 at 16' high and 1 at 19' high; he is recommending that those Wal-Pak lights be lowered. The lighting will otherwise comply with the township's dark-sky requirements. Metro Fire offered their standard concern about water for fire suppression but otherwise expressed no concerns. The Health Department called and told Corpe that there are no concerns from their point of view. The Drain Commission has not been heard from yet.

Due to a typographic error in the report, it was unclear which lot number contains the proposed development; Mr. Moody stated that it is Lot 13. Salathiel asked if he would be amenable to making the suggested landscaping changes, Mr. Moody said he would be. He does have a concern about the placement of trees relative to existing underground utilities. Krause, who helped with the development plan, recognizes that it is fairly urban in nature but feels it would be best in this setting. Smith noted for the audience that since Krause is a retired landscape architect, he is generally the individual the Commission looks to for advice with those details. Kaye is suggesting that the corner in the parking lot can be turned into an arc that would reduce the impervious surface area subject to Metro Fire requirements for equipment access. He is suggesting a grouping of trees in the corner that would be created; Krause wouldn't mind a little of that approach as long as the linear landscaping is maintained.

Salathiel asked if Mr. Moody would be amenable to lowering the lighting. He replied that to do so would require them being moved from their position above the entrance doors which he feels would defeat the purpose somewhat. Also, he feels this would be less effective in conjunction with the topography of the site. He is generally

amenable to doing whatever it takes to satisfy the Township.

**Public Hearing opened at 7:58 p.m.**

Art Hughes asked about the size of the lot; approximately  $\frac{3}{4}$  of an acre. The proposed building size is just under 8,000 sq. ft. He sees no foundation landscaping on the plan. Krause noted a grouping of trees in the office area with some other small plantings.

Salathiel asked about the proposed color of the building; Mr. Moody replied that he plans a slate grey with darker trim, white doors and white roof to assist with temperature control. Smith asked if there are architectural controls in place in the subdivision; Mr. Hughes replied that there are no color controls but some sort of masonry is expected for the office portion of the building. Mr. Moody stated that he has received approval of his plans from Bob Boeve, head of the subdivision association.

**Public Hearing closed at 8:01 p.m.**

Sherberneau asked if a Dumpster location is shown. Kaye replied that none is shown, but he doesn't expect that due to the nature of the use – storage only – that garbage facilities are needed. Mr. Moody confirmed that any trash generated will be hauled off-site rather than stored outdoors.

Krause would like to see a few more plantings around the building. There are a few plantings near the entrance, but the standards in the park generally show more plantings around the office area. Mr. Moody stated that he does want to have the project look good. Carstens stated that generally expects to see landscaping on all sides of the property to provide a buffer between properties. Krause observed that no buffer is strictly required between similar uses.

**Motion by Hoxsie, support by Salathiel to approve Application #2004-10P subject to certain conditions: provision of additional plantings around office area and provision of a revised site plan reflecting all changes discussed, and with an urging that fire suppression for the neighborhood be addressed. Motion carried unanimously.**

**3. Preliminary Hearings:**

- a) **Preliminary Hearing regarding Application #2004-13P by Organic Plant-It for SUP/Site Plan Approval to operate a greenhouse establishment at 9440 US 31 North (former Yuba Trading Post), currently zoned A-1, Agricultural** (Attachment K included and incorporated by reference): Corpe provided an overview of her plan review. Douglas and Evelyn Bryant were present in support of their application. Mr. Bryant stated that he feels that lilac bushes on the edges of the property may be sufficient to provide the enhanced buffer screening between the proposed commercial land use and the neighboring residential land uses as required by the Ordinance. He has shown parking space delineation on his revised site plan, and has demonstrated the location of existing outdoor lighting, which is currently about 10' high. Mr. Bryant also noted that while there is concern about adding landscaping along the road right-of-way, he is mindful of maintaining a clear-distance area on the US 31/Yuba Road corner. The question of Dumpster location was brought up in the report; they anticipate creating only a few bags of garbage a week, as they recycle the rest of their waste. Mr. Bryant is attempting to contact John

Myers at the Health Department to see if well and septic issues are involved. He does not believe there should be any Soil Erosion issues, as they plan no changes to the amount or configuration of impervious surfaces. His business stresses an organic operation that is environmentally-conscious. They would begin their greenhouse operation possibly with small herbs and vegetables.

Hoxsie asked about the greenhouse component; it will be within the building and done in a hydroponic format largely using artificial light sources (“hydrogardens” area on revised site plan and building layout plan.) They propose no addition or exterior changes to the site. Salathiel asked about signage; a 4’ x 5’ sign on cedar posts with downlighting is proposed. Salathiel is also concerned with the lighting in place on the building; which appears to be unshielded Wal-Pak type light sources in the parking lot area with incandescent lights near the front entrance.

Sherberneau asked if a visit to the ZBA will be required. Corpe stated that it does not appear to her that the required right-of-way and parking area landscaping is either provided or contemplated. If the Commission concurs with this assessment and if the applicant wishes a variance from the requirements, a trip to the ZBA would be in order. Hoxsie noted that due to the non-conforming nature of the structure and parking in reference to lot lines may not leave much room for viable landscaping. Maintaining safe sight distances at the corner is also a factor.

Hoxsie stated the question as being one of whether or not enough information has been provided to proceed to a public hearing at this point. He would favor having the Landscaping Committee review the site to make a recommendation on the application. Sherberneau lauded the proposed re-use of the property, but does feel that more information is required before proceeding to the public hearing phase of the process. Krause suggested that the Landscaping Committee meet on site with the applicants for formulate a plan.

**Motion by Hoxsie, support by Sherberneau to schedule a Public Hearing for July 26 for #2004-13P contingent upon provision of additional information regarding landscape plan, and any required agency approval letters, and new info regarding exterior lighting. The Chair cast an unanimous ballot, there being no objection.**

**The Chair declared a recess between 8:33 p.m. and 8:41 p.m.**

- b) **Preliminary Hearing on Application #2004-11P by The Village at Grand Traverse for Special Use Permit approval for a Mixed Use Planned Development on 182 acres of land commonly referred to as “The Rollert Property” located on the south side of M-72, to the east of the Williamsburg Conference Center (formerly the GKC theater) and to the west of Lautner Road, currently zoned R-3, Urban Residential** (Attachment J included and incorporated by reference): Russ Clark is reviewing the application on behalf of the Township; Steve Hayward provided a presentation on behalf of the applicants. Mr. Hayward stated that their goal for this evening is to have a public hearing set regarding the application. He provided a summary similar or identical to the ones provided at the past several meetings, including a summary the goals of the Mixed Use Development (MUD) ordinance. Mr. Hayward stated that a market study of the project has been completed and the applicants are working to edit out any proprietary and confidential information and present the balance to the Commission. He quoted from the Town Center Report portion of the township’s Master Plan. Mr. Hayward

asserted that the plan is Smart Growth oriented and “GT Region Sensitive,” and that it meets a preponderance of the tenets of New Urbanist design.

Mr. Hayward displayed a slide showing a previous version of the proposed conceptual plan. He stated that it is currently unlikely that a legal agreement will be reached that will result in the Andres property on the southwest corner of M-72 and Lautner Road becoming part of the application and proposed development. Circles popped up on this older plan version to highlight a discussion of issues raised at the June 7 study session by the Planning Commission, including enhanced setbacks along Lautner Road and M-72, re-orientation of a hotel, softening of landscaping in the lifestyle center, correction of misplaced wetlands areas and addition of more residential units to better balance the commercial and residential plan components. They are now proposing a total of 781 residential units, noting that some categories may also foster “mother-in-law” units. Mr. Hayward mentioned that the concept of build-out neutrality has been included in the market study that has been obtained. He stated that a 40% open space calculation has been maintained.

Turning to discussion of the revised plan, Mr. Hayward stated that the buffer areas along M-72 and Lautner Roads have been substantially increased, and the grid-like nature of the internal road system has been enhanced. Nearly every portion of the grid system appeared to also provide for sidewalks. The linear park system within the lifestyle center, including the proposed esplanade appeared on the map next, along with parks in the center of the residential area and soccer and baseball fields. A layer of perimeter and internal landscaping appeared next, along with definition of wetlands and a pond system on the western side of the property. Civic use buildings were added, including a proposed township hall, possible satellite college campus and library. Mention of connection to the TART system was made that would not only serve the development but make possible connection to the GT Resort on the north side of M-72 easier. Single-family residential areas were moved farther west which changed the buffer from wetlands areas from 350’ to 250’ (still well in excess of County and Township requirements.) Townhouses (lower level parking), rowhouses (back yard detached parking), apartments, senior housing and community clubhouse were added next. A proposed ball-field would be moved from the currently-proposed location, which Clark observed has a natural 20’ elevation change.

A new road traversing the commercial and residential areas from east to west, curving north to a right-in/right-out access point on M-72 enhances linkage between different areas of the project. Proposed mixed-use buildings were added, and have been relocated in large degree to line the road infrastructure. A maintenance building to house a plow and other equipment is proposed near the south border of the property. Since the proposed roads are narrower than the Road Commission will accept and will provide for on-street parking, they will remain private roads with private maintenance. Mr. Hayward stated that road design attempts to slow traffic and give primacy to pedestrians rather than cars.

Next, Mr. Hayward provided a new map showing a conceptual grading plan for the entire project. He pointed out that no extreme changes are proposed, and that the applicants are trying to integrate the development into the natural contour of the land. New cross-sections contain examples of buildings and trees and demonstrate a transect evolution from south to north moving from more natural to more urban development.



A 3-dimensional conceptual rendering was provided, from a vantage point to the northwest and looking to the southeast. Mr. Hayward stated that they have tried to keep parking lots small and pocket like, asserting that none are larger than the Tom's parking lot. He discussed the possibilities for making multi-purpose buildings multi-story, substituting height for footprint. He discussed the use of structure placement and mass as a way to provide a visual framework.

Conceptual elevations provided a look at the proposed hotel from the south end of the esplanade in the lifestyle center. A look from the center of the lifestyle center to the southern end of the lifestyle center at the central street came next. A street-level view of the esplanade featured trees, pavers, planters, historic-style lights and benches in a park-like setting. A view of a "naturalized" area with a water feature in the lifestyle center was provided as well. A close-up of a possible restaurant elevation and surrounding natural plantings was provided.

Mr. Hayward stated that the applicants have tried to respond to the questions raised and comments made. They feel they have exceeded the requirements of the Mixed Use Development ordinance and request that a public hearing date be set.

Smith reminded the public that this application is still at the preliminary hearing stage, so discussion this evening will be primarily at the Commission level. He assured the public that some limited public comment may be entertained, and that there would be ample opportunities for commentary at the public hearing phase of the process.

Clark provided his staff report next, highlighting changes since the last presentation:

- the location of wetlands has been corrected
- the buffer along M-72 has been increased from 50' to 100'
- the buffer along Lautner Road has been increased from 25' to 50'
- the proposed hotel has been re-oriented inwards towards the development
- housing setback from wetlands has been reduced but still exceeds requirements
- locations and quantities of mixed use structures have changed, with mixed use area increasing by 46%
- the anchor building on the north end of the property has been reoriented
- residential units have increased by at least 74 units, exclusive of possible housing in mixed use structures
- Mixed use building residential density possibilities has increased
- The south buffer areas were decreased from 25' – 40' to 10' from edge of paving to property line
- No landscaping is shown within the proposed south buffer as required by the general ordinances
- Recreational fields were added but placement is questionable; Clark recommends that a multi-purpose field be created rather than two separate fields, with relocation of the clubhouse to the proposed ball diamond location
- Overall density has changed to about 2.25 million square feet of total land use
- Applicant is requesting variances from current ordinance parking standards, and have amended their request from 6 spaces/1,000 sq. ft. to 5 spaces/1,000 sq. ft. Clark still recommends use of grass pavers in some areas rather than asphalt until the grass is worn away, demonstrating a need for more paving.

- Clark highlighted the locations and numbers of proposed 75' tall structures.
- Estimated construction phasing has been provided as of June 14, including 4 phases. Both anchor stores, the south half of the lifestyle center, the civic buildings and some multi-family housing is in phase 1; phase 2 includes the balance of the lifestyle center and the hotel; the bulk of the housing is in the latter phases.
- Clark recommends:
  - At least 15' of buffer with dense evergreen screen along south property line
  - Road connection to Acme Village in phase 1
  - Graphic representation of proposed 75' tall buildings along M-72
  - Provision of all required public agency review letters (MDOT, Road Commission, DPW, Soil Erosion) prior to public hearing.

Clark recommended that if the Commission feels reasonably assured that these items can be addressed in a timely fashion, a public hearing could be set for July 26.

Carstens stated that Phase 1 seems to be very geared towards retail development. He didn't move here to "shop-'til-he-drops," and as much as he finds himself impressed by some facets of the proposed project, he feels that the early-phase focus on retail development betrays a lack of focus on the needs of the citizens of Acme Township. For this reason he feels that the plan is contrary to the Master Plan. Because 2/3 is still commercial, he sees it as a shopping center rather than a village center.

Smith felt that the development team has listened to the Commission and has made many changes to accommodate the questions and concerns raised at the previous meetings. He noted that the Town Center section of the ordinance was invalidated by the court system, leaving only the MUD ordinance to work with. He personally finds that there are many needful things that can't be readily obtained on this side of town. He shops in Acme when he can, but often finds a need to travel to the west or south sides of town. He does not believe that any sort of viable project can be built to serve only the 4,000 residents of Acme Township, and that the project will in part serve the larger region. He believes it can consolidate commercial development within the township, so that in conjunction with a future land use map and ordinance revisions pressures to allow strip development along M-72 can be successfully resisted. He believes we can therefore maintain the green nature of the M-72 Corridor, the eastern gateway into the Traverse City region. He feels the applicants are bending over backwards to provide a development that while not rural, will be a credit to the community and allow the truly rural portions of the township to be maintained.

Carstens noted that the plan says it's to be phased over 20 years. Many things might happen in 20 years, including a plan that might more closely fit the Master Plan in his view. Sherberneau asked if 20 years is a realistic time horizon, or if market forces would cause the project to build out more quickly. Mr. Hayward stated that the market study the applicants received indicates that the current local market (residents and tourists) is currently underserved by 800,000 sq. ft. The study mapped the location of services as compared to the location of population and found, as people tend to say, that current development is not where the people are. The market survey concluded that the local market has been slow to respond to existing needs, and that concentrating the development can be a good tool to prevent strip sprawl along

transportation corridors. Smith stated that he doesn't expect that the population of the township will remain at 4,000 for long. Infrastructure is in place or closer to being provided. The proposed project site is zoned for multiple family housing, and could contain approximately 600 homes as is- a significant increase in population. There is discussion of forming a DDA to capture tax revenues that currently go to other taxing authorities for public improvements such as road repairs, a boulevard for M-72, or public waterfront acquisition. He feels that too much focus has been placed on negatives. The site has slope and character, unlike the existing mall sites in Garfield Township.

Vermetten agreed that the developers listened carefully to Commission input. He agreed with Carstens that the project is conceptually exciting but poorly phased. He understands the likely arguments for a heavy retail component to the first phase to pay for the housing, but he still feels like the balance is wrong. He feels like he walks away from each session with more questions, not fewer. In reading Section 8.22 he feels the Commission has wide latitude, but that without more public input they are working in somewhat of an information vacuum.

Carstens feels that the MUD ordinance was developed specifically for the Johnson property, and is concerned that any 40-acre property in the township could develop as a MUD. At Smith's request, Corpe recited the zoning districts in which the MUD designation can and cannot currently be applied.

Krause asked about the buffer areas along M-72 and Lautner Road. He also noted that if he draws a line through the esplanade and the hotel and the movie theater, the configuration appears unchanged throughout all of the discussions. Why can't the 150' buffer from M-72 shown originally in the earlier application be maintained now? Hayward replied that the market assessment discusses "presence" or "proximity" of development. It says that people traveling along M-72 need to be buffered from the development, yet they also need to know that it is a presence. He heard the Commission say that the buffer needed to be re-expanded but not that it should be 150'. Carstens asked what the proposed new M-72 Corridor Ordinance would require in terms of a buffer; Krause, Hoxsie and Salathiel replied that it calls for a 200' buffer. Smith observed that this ordinance is not in effect yet and can't be the basis for a determination.

Krause also observed that the grading plan has changed over the past two weeks. The applicant has maintained that the grading has been left relatively unchanged, yet Krause observed that a 4:1 slope in the mixed use area to the east of the lifestyle center is no longer present on the new plans and asked for an explanation. Hayward stated that relocating the northern anchor store is the factor.

**Motion by Salathiel, support Hoxsie extend meeting to up to 11:00 p.m.**

Krause feels there aren't enough trees in the parking lots. Parking for the cinema is nearly 600' from the front door, which he says is considered "unusable." Measuring from the east side of the lifestyle center to the west side of the anchor store is a relatively unbroken 700' expanse of pavement. A cul-de-sac for single family housing between the ponds strikes him as purely suburban-style and can be improved to bring back more of a block-style development. Krause's overall point is that for him there is too much asphalt overall. He believes this is due to the near doubling of the mixed-use space while only increasing the residential space by about 1% in his estimation. He feels this betrays an additional tilt towards the commercial. Mr. Hayward stated that the applicant believes that primary housing growth will

occur in other areas of the township. Krause's feeling is that all of the mixed-use structures should be removed, and instead additional stories should be added to the core lifestyle center structures. He believes this would enhance the village atmosphere and free up space for green areas.

Carstens asked if the proposed retention ponds can handle the stormwater runoff from the proposed impervious coverage ratio. Mr. Hayward stated that the Drain Commission has already confirmed this. Carstens stated that he recalls problems with stormwater runoff reaching the Bay when he lived on Randolph Street, and he fears for East Bay (the source of the public water supply) and Acme Creek. Mr. Hayward asserted that the grassy areas within the proposed development work with the natural grade to form a natural filtration system, with vegetation working as a filtration mechanism. He also stated that they view some of the impervious areas (the esplanade) as part of the open space, but even subtracting this they have maintained 35% of the land area in green space. Like it or not, we live in a car-dependent society. He has presented discussions regarding parking needs in a variety of venues. By proposing 5 spaces/1,000 sq. ft. and showing public transit stops when public transit is not currently very available in this area, the applicants feel like they are taking a chance. They are proposing that 75% of the parking needs for the hotel be served by a subterranean area. They are trying to err on the side of caution, proposing a worst-case scenario and leaving room for improvement, rather than offering an unrealistic plan and disappointing later.

Carstens pointed out a possible discrepancy in open space calculations. Clark clarified that while total open space has been calculated by the applicant at 40%, the "usable" open space is estimated by him at about 25%, which is within Master Plan parameters. Carstens stated that he had been to a seminar where open space in Garfield Township was discussed as negligible not because it didn't exist but because it was not linked in a way that made it publicly usable.

Carstens stated that he does believe that the applicants have worked hard and that he admires much of what is being proposed, including possible inclusion of Meijer's here rather than on their own property. But, he believes that the plan will produce an Acme Township that looks like everywhere else. He feels like use of the MUD ordinance is an "end run" around the spirit and intent of the Master Plan.

Salathiel stated that she was gone for a while, and when she returned she saw a plan that seemed quite far from where she thought things were headed. How much impervious surface is proposed? Are the proposed setbacks adequate? What will happen when M-72 is widened, and what will prevent this from eventually looking like strip development? She is concerned about the doubling of mixed-use space, and wonder what was sacrificed for it. She would prefer a more significant increase in residential space and a decrease in the "overwhelming" retail space. While the mixed use space is described as possibly becoming residential space, but possibly being entirely retail and/or office space. She doesn't feel we should or we want to compete with Traverse City. She doesn't view the 10' setback on the south side of the property as adequate, and would like the proposed recreational fields available to the entire township and not just the project residents. She feels like all she sees is parking, and likes Clark's idea of turfed overflow parking – the lots at Tom's and K-Mart are never full. The idea of so many 75' tall buildings whose uses are so ill-define bothers her. Salathiel does not favor the current phasing plan, or the inclusion of two anchor stores. There are existing anchor stores within the community, and the Resort serves as an anchor as well. Within this development alone there are two

anchor stores, a hotel that can serve as an anchor, and she is confused. She feels that the inclusion of many outlot-type buildings is too like the existing malls. Salathiel is concerned that without a Main Street theme, what seems to function as a town square is a big parking lot. She would like to see buildings grouped around spaces with fountains, play areas, ice rinks and the like, but does not see people drawn to a big parking lot.

Mr. Hayward replied that the southern end of the lifestyle center is envisioned as a “piazza” that is approximately 200’ x 100’, containing a fountain in a half-acre plaza. The esplanade is 75’ x 900’ – perhaps not a square but still an integrated public space. A similar space in an existing development that isn’t as nice as what is proposed here has been shown to attract 1,000 people on a nice evening. He doesn’t believe that the general populace of the township is likely to walk to events in the development; he suspects the community will drive there. One main point the applicants discussed with Clark was whether or not the site as proposed can hold all of the growth the township will need for the next 20 years, and Mr. Hayward stated that the market survey says it cannot. If the needed growth can’t be contained on this site, it will almost certainly sprawl outside of it. Using 3 or 4 story buildings can provide the density that appears to be needed in the future in a way that is buildout-neutral over the long term without taking up the entire expanse of land. The market report apparently says that halfway measure will not work. The Master Plan stated that the question of whether Acme should remain cloistered or increasingly part of the region has not been settled, and the applicants have never set out to serve only Acme.

Salathiel replied that with so many different types of anchor uses, including civic, it seems like two anchor stores shouldn’t be needed. Mr. Steve Smith stated that the scale of the esplanade and green areas really can’t be contemplated appropriately on paper. He described the numbers of benches and layouts, but Salathiel said it didn’t seem to her like the type of space where, for instance, a band concert could be held. Mr. Goss replied that they estimate that the piazza alone could hold 4,000 people for that type of event, and that the esplanade could house the finest art show imaginable in its linear expanse. Carstens held up one of the conceptual drawings and said it could look better with more trees. Mr. Smith said that the conceptual artist was creating an early-stage, minimal picture. Krause stated that he thinks the feel would be very “New York City.”

Salathiel said she would like to see Clark’s proposed design that would have incorporated all of the same uses in a different configuration. She said that she feels badly to some extent because she feels that the applicants have bent over backwards to do something nice. She spoke to someone who moved here from Lansing who said they almost didn’t move upstate because the Eastwood Town Center was so nice. However, she still feels that the project as conceived is out of scale. Clark projected some slides showing the plan as previously approved. Mr. Goss expressed frustration, as they have offered to provide multi-story buildings as requested by the Commission. Smith noted that the Commission asked for consideration of 2-story buildings. Currently 3-5 story buildings are being proposed. Mr. Hayward said that he feels they have made significant improvements from what was previously approved. He described some of the reasons why the version proposed by Clark wouldn’t work, primarily based on a lack of convenience for the shopper. They would be happy to adopt his suggestion with parking lots behind the lifestyle center buildings if they could convince potential tenants to employ double-access approaches. Perhaps in larger markets the leverage would exist to achieve this, but

Mr. Hayward doesn't believe that leverage exists here. Krause picked up on this statement, and said that the applicant is seeking to attract the same stores. So, if the concept would work in one place, why not the other? Mr. Goss stated that the lack of rooftops here means a lack of negotiating power. Krause stated that the applicants must believe they can attract the same tenants, so why not under the same conditions. Mr. Hayward noted that the applicants are struggling to attract contracts in light of the past history of the project. He said that more users of lifestyle centers view such use as a "recreational activity" than do mall users.

Krause asked about the new mixed use density figures and on how many stories they are based. Mr. Hayward replied that they are based on two-story mixed-use buildings. He personally prefers the currently-proposed configuration of the mixed use buildings densely lining the streets rather than scattered, and he feels that going 2 or 3 stories will really create a sense of discrete spaces.

Smith asked if the current proposal contains the proper amount and configuration of landscaping required by the ordinance. Mr. Hayward is uncertain, but stated a firm commitment to meet the requirements.

Hoxsie stated that he keeps coming back to the basic premise behind the proposal: concentration of commercial space in one area. He doesn't like seeing so much parking all in one place, but he reminds himself that the idea is to pack everything that would spread along the corridor in one place. He has concluded that an Elk Rapids or Suttons Bay type development is not going to occur in Acme Township. He asked about the idea of a system whereby after so many square feet of commercial space is developed, a parking structure would be built. This could translate in additional space for more commercial and residential use to be concentrated instead of spread out. Mr. Hayward answered the question in terms of economics, stating that the cost of building a parking structure is approximately \$15,000/parking space and that this isn't cost efficient unless the land is very, very valuable. Where they can work with existing grades to create underground parking, which is sometimes favored by hotel users but not by shoppers, they will. Salathiel said to Hoxsie that right now, our ordinance provides for no assurances that development would be contained within this development. No TDR process is in place. Hoxsie asks if this means we should say no to this and still allow development to occur in these areas. He views it as an opportunity to make amendment of the ordinances a priority.

**Smith noted for the record that a quorum of Township Board members is present in the audience.**

Mr. Hayward posed the question a different way: if there is pressure on the township to grow by 700,000 sq. ft. of retail space, and if in phase one and/or two of the project all of that space can be created, why would anyone go anywhere else. From a public planning perspective, he feels that the township's Euclidian approach to zoning has created a problem and that the ordinance and the zoning and future land use maps must be updated, including possible "downzoning" of some parcels.

Smith noted that time is running short, and that he would like to allow for some public comment. He also noted that two items of information regarding the application were provided.

**Motion by Vermetten, support by Carstens to receive and file the letter from**

**MDOT and the letter from Chris Bzdok received regarding this application.**

Smith opened the floor to some brief comment from the public at 10:52 p.m.

Lewis Griffith, 5181 S. Lautner Road observed that the amount of open space provided along the right-of-way took a lot of land out of use. He also noted that some of the same people who created the current parking ordinance are now saying that there is too much parking required by our ordinance. He believes the contradiction is inappropriate. Smith stated that the Commission has acknowledged that the requirements were excessive, is granting relief and reviewing the ordinance.

Paul Rundhaug, 3733 Bunker Hill Road, stated that this is a regional mall in his opinion. At the GT Mall no parking spaces could be found for weeks before Christmas. He also noted that the Meijer property is currently zoned commercial and could be developed as such right now if they obtain necessary permits.

Jo Collins, 9260 Shaw Road, would like to know how the proposed 75' tall buildings would look.

Paul Brink, 9617 Winter Road, asked that when and if a public hearing is to be held, that a sufficient period of time is provided to inform the public so they can comment effectively.

Rachelle Babcock, 4261 Bartlett Rd., asked if any serious traffic studies have been performed on the impact of the proposed land uses. Smith replied that they are being done now in conjunction with MDOT and the Commission views this as a very important factor.

Ann Rundhaug, 3733 Bunker Hill Road, noted that there has been discussion of provision of water and fire protection for Railway Industrial Park, but there's been no discussion of this regarding this application, nor is a new fire department building in the plans.

Kelly Thayer, Michigan Land Use Institute, noted that he wrote a Forum article that was published on June 20 in the *Record Eagle* that generated a "colorful" advertisement from the development team in the June 27 newspaper. The advertisement quoted Mr. Thayer and stated he made an implication of a bribe from the development team to the township officials. He stated this implication was not his intention, and that he was simply trying to demonstrate that an undue rush was being created. He quoted from minutes indicating that the developers wished "expedited" meetings. Finally, he would like to see more opportunities to fully engage the public prior to a public hearing being held. He is grateful for the small opportunity for input that is being provided tonight. The Commission will need time to really digest information both presented and forthcoming, and so will the public. Smith stated that he found Mr. Thayer's article inflammatory and a discredit to himself and his organization. Smith feels it a "crime" that the developer should have to pay for an ad because the paper will not publish responses to free attacks such as the one Mr. Thayer made. He feels the TV reporting about this application has been the only fair and unbiased coverage of the situation provided. Dan Hanna, Lautner Road, expressed agreement.

Scott Nowakowski, Meijers, Inc., stated that his company is still very eager to be part of this project, which he feels is getting better all the time.

Smith noted that it is 11:00, the time set for the meeting to end. Mr Ken Petterson, an attorney for the development team stated that the applicant is asking that a public hearing on their application be set. He stated that his client has been very forthcoming with information and has done as the Commission has asked.

**Motion by Hoxsie, support by Sherberneau to extend the meeting by an additional 15 minutes.**

Salathiel is not ready for a public hearing yet. She feels the Commission still significantly lacks necessary information. For instance, what would the large U-shaped buildings contain? Mr. Hayward noted that the ordinance does not require that type of specific information at the overall development plan approval phase, and that this type of detail was not required of Acme Village. They feel they are providing more information than required at this juncture; notably that the market and traffic studies are not due in his opinion until site plan approval but are being prepared now. He feels they have demonstrated the ways in which they feel they meet the MUD ordinance requirements. He agrees with Mr. Thayer that getting the public involved is important, but disagrees with Mr. Thayer's proposed "amendment of state law." He noted that the hearing process is basically set forth by the law. The township is free to undertake additional activities, but not to require them of the applicant in his opinion. The applicants wish to move the process forward. Smith noted that the public hearing can be continued as needed to receive and digest all information and public input. Speaking to Mr. Brink's comments, all application materials are available to interested parties in the township hall. He noted that the staff has been "inundated" by FOIA requests, and anyone is free to request personal copies of the materials at their expense.

Krause wants to maintain the ability to "tweak" some things he feels are not yet right. Vermetten feels we may discover new things to "tweak" based on public input.

**Motion by Sherberneau, support by Vermetten to schedule a Public Hearing for July 26, 2004. Motion carried by vote of 5 in favor (Hoxsie, Smith, Sherberneau, Krause and Vermetten) and 2 opposed (Carstens, Salathiel).**

4. **New Business:**
5. **Old Business:**
6. **Any other business that may come before the Commission:**

**Meeting adjourned at 11:10 p.m.**