



APPROVED

ACME TOWNSHIP PLANNING COMMISSION
SPECIAL MEETING
ACME TOWNSHIP HALL
6042 Acme Road Williamsburg, MI 49690
September 23rd, 2019 7:00 p.m.

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE at 7:00 pm

ROLL CALL: Members present: K. Wentzloff (Chair), S. Feringa (Vice Chair), M. Timmins, D. White, D. VanHouten, B. Balentine

Members excused: D. Rosa

Staff present: L. Wolf, Planning & Zoning Administrator, S. Winter, Planning Consultant Beckett & Raeder, V. Donn, Recording Secretary

- A. **LIMITED PUBLIC COMMENT:** None
- B. **APPROVAL OF AGENDA:** Motion by Timmins to approve the agenda as presented, supported by White. Motion carried unanimously.
- C. **INQUIRY AS TO CONFLICTS OF INTEREST:** None
- D. **SPECIAL PRESENTATIONS:** None
- E. **CONSENT CALENDAR:**
 - 1. **RECEIVE AND FILE:** none
 - 2. **ACTION:** none
- F. **ITEMS REMOVED FROM THE CONSENT CALENDAR:** None
- G. **CORRESPONDENCE:** None
- H. **PUBLIC HEARINGS:** None
- I. **OLD BUSINESS:**
 - 1. **PD 2019-01: Lormax Stern Pre-Application and Review of Qualifications**

Daniel Stern with Lormax, gave an overview on the proposed planned development of the former Kmart property he has purchased. He is proposing to divide the old Kmart building partly as an indoor storage facility and the remainder as retail space. The conceptual site plan shows the construction of new buildings on the existing property's parking lot close to US-31 with a public park, pedestrian walkways, office and/or other township uses, a potential daycare, and retail businesses with the opportunity for residential attached townhomes on the north part of the property. They plan to maintain the existing wetlands, retention ponds, woods and a stormwater infrastructure to improve water quality. They also hope to network with a pedestrian walkway and bike path with connectivity to the TART trail system

Winter stated this is a revised pre-application for a planned development on the zoning ordinance. There is a list of objectives and standards the applicant would need to demonstrate satisfying before they would be approved to apply. At this point it is conceptual plan of their vision. Approval of a pre-application does not guarantee final approval of the PD, there is a whole new set of standards that needs to be satisfied through that phase. Winter included in his review this pre-application does meet the standards and gave recommendations to inform the applicant what would be needed moving forward.

- A proposed phasing plan
- 10-foot width for the non-motorized trail;
- Preservation of mature trees along US-31;
- Future cross access location on the north property line
- New buildings and the renovated façade of the Kmart building will need to adhere to the architectural standards of the district, including but not limited to minimum ground floor transparency, defined customer entrances on the front facades, offsets, building materials, façade ornamentation, etc.
- LID stormwater management techniques for all future needs
- Limiting uses in the Kmart building to those allowed in the CF District, and any others specifically approved. Although there are a number of similarities between the CF and B-3 districts, there are a number of more auto-centric uses in the B-3 that are not consistent the of the CF district of the property's future land use category. Plus, allowing all uses in the B-4 district would essentially a small industrial district within the CF, which is highly incompatible. A list is included in the packet.

Stern said the residential units would be either for sale or rent. It was discussed for him to have a list of potential uses on the property, so he knows his flexibility when going toward the planned development. The committee wants to make sure there are described phases in the plan to guarantee the end process will be completed.

Motion by Timmins to approve the pre-application for PD 2019-01 submitted by Daniel Stern of Lormax Stern LLC for a mixed used planned development at 6455 US-31 N. The findings of fact submitted in Planning & Zoning Report 2019-15 support the pre-application dated July 10, 2019, and subsequently revised, meets the minimum standards under Section 19.3 of the Acme Township Zoning Ordinance to qualify for a formal planned development application submission, supported by Balentine. Motion carried unanimously.

J. NEW BUSINESS: None

K. PUBLIC COMMENT & OTHER PC BUSINESS: Open at 7:32 pm

Various questions were asked by community members in attendance.

Asked on the parking in the site plan layout. Winter informed it was a conceptual plan for now, but when the formal application is submitted it will be looked at for what the zoning ordinance requires.

Stern was asked on the amount of potential residential attached townhouses, he answered approximately 10-15.

Closed public comment at 7:49 pm

1. **Planning & Zoning Administrator Report** – No report
2. **Township Board Report:** White informed this was his last planning commission meeting, Jean Aukerman from the board will be taking his place starting in October.
3. **Parks & Trails Committee Report:** No report

ADJOURN: Motion by Timmins to adjourn, seconded by Balentine. Meeting adjourned at 7:50 pm



ACME TOWNSHIP PLANNING COMMISSION
SPECIAL MEETING
ACME TOWNSHIP HALL
6042 Acme Road Williamsburg, MI 49690
September 23rd, 2019 7:00 p.m.

CALL TO ORDER
WITH PLEDGE OF ALLEGIANCE

ROLL CALL:

- A. LIMITED PUBLIC COMMENT:** Members of the public may address the Commission regarding any subject of community interest during public comment periods by filling out a Public Comment Card and submitting it to the Secretary. Public comments are limited to three minutes per individual. Comments during other portions of the agenda may or may not be entertained at the moderator's discretion
- B. APPROVAL OF AGENDA:**
- C. INQUIRY AS TO CONFLICTS OF INTEREST:**
- D. SPECIAL PRESENTATIONS:**
- E. CONSENT CALENDAR:** The purpose of the consent calendar is to expedite business by grouping non-controversial items together for one Commission motion without discussion. A request to remove any item for discussion later in the agenda from any member of the Commission, staff or public shall be granted.
1. **RECEIVE AND FILE:** none
 2. **ACTION:** none
- F. ITEMS REMOVED FROM THE CONSENT CALENDAR**
1. _____
 2. _____
- G. CORRESPONDENCE:**
- H. PUBLIC HEARINGS:**
- I. OLD BUSINESS:**
1. PD 2019-01: Lormax Stern Pre-Application and Review of Qualifications
- J. NEW BUSINESS:**
- K. PUBLIC COMMENT & OTHER PC BUSINESS**
1. Planning & Zoning Administrator Report – Lindsey Wolf
 2. Township Board Report – Doug White
 3. Parks & Trails Committee Report – Marcie Timmins

ADJOURN:



Lormax Stern Development Company

Planned Development Pre-Application

Parcel No. 01-234-036-00



Application Responses

A. The properties are zoned R-1, R-2, R-3, A-1, MHN, C, CF, or B-4 Districts:

Response: The property with parcel number 01-234-036-00 is zoned Commercial Flex (CF).

B. The use of this option shall not be for the sole purpose of avoiding the applicable zoning requirements. Any permission given for any activity, building, or use not normally allowed shall result in an improvement to the public health, safety, and welfare in the area affected:

Response: The PD option is being requested as a means to better meet the vision of the Township Master Plan and Future Land Use Map. The proposed public park, pedestrian walkways, an area designated for office and/or other township uses, a potential daycare, indoor self-storage, and retail businesses will have a direct positive impact to the public health, safety, and welfare of the surrounding area. Along with the above mentioned uses, the development also provides the opportunity for residential townhomes, if the demand is sufficient, on the north part of the property.

C. The PD shall not be used where the same land use objectives can be carried out by the application of conventional zoning provisions or standards. Problems or constraints presented by applicable zoning provisions shall be identified in the PD application:

Response: The existing property was previously developed as a big-box retail store and includes all of the existing infrastructure. The redevelopment and adaptive reuse of box stores can be complex and conventional zoning is limited in flexibility. Throughout the years, big box retailers have been optimizing their fleet by right sizing their footprints to sustain future growth, leaving a multitude of vacant buildings. These vacancies are now rarely fully re-occupied by a single retailer. Many of these buildings are now being re-purposed in order to accompany a variety of alternative uses that synergize with one another in order to fully occupy the premises. A common use for these property redevelopments offer indoor self-storage.

The PD process allows for the flexibility and creativity needed to successfully re-purpose the property into an integral and functional component for the community benefit. The PD supports and encourages walkability within the proposed development. Prospects include a public park to accompany a bike path, an area designated for office and/or other township uses to support the local community, opportunity for residential townhomes (if demand is sufficient), high quality landscaping, and options for café's/restaurants along US-31, which will all create a more inviting environment along the roadway.

The existing big box store will be re-designed to offer indoor self-storage on the north side of the building, with the remaining portion of the building available for alternative uses. The alternatives can be any permitted uses under the B-3 and B-4 zoning classifications as identified in the most recent zoning ordinance, with an effective date of 11/08/08 as

amended on 7/10/18. All alternative uses will also offer an aesthetically appealing street side appearance.

- D. **The PD option may be effectuated only when the proposed land use will not materially add service and facility loads beyond those considered in the Township Master Plan, and other public agency plans, unless the proponent can prove to the sole satisfaction of the Township that such added loads will be accommodated or mitigated by the proponent as part of the PD:**

Response: At this time, there has been no evidence that the proposed development would negatively affect service and facility loads. The development is located within the growth and investment area that has been determined by the Township. No additional driveways are being proposed, parking is being reduced, and green spaces are being added.

- E. **The PD shall not be allowed solely as a means of increasing density or as a substitute for a variance request; such objectives should be pursued through the normal zoning process by seeking a zoning change or variance:**

Response: The PD request does not involve density items.

- F. **The PD must meet, as a minimum, five (5) of the following nine (9) objectives of the Township. If the PD involves a density transfer it shall include objective nine (9) in addition to its five (5) objectives:**

1. To permanently preserve open space or natural features because of their exceptional characteristics, or because they can provide a permanent transition or buffer between land uses:

Response: The existing wetland, retention pond, and woods on the property will all be maintained. Greenbelts and buffers will also be put in place around specific storm water infrastructure to improve water quality and to preserve and enrich the wildlife habitat. The site plan attached to the application further demonstrates the enhancement of buffer and the preservation of the existing trees on the north side of the property.

2. To permanently establish land use patterns which are compatible or which will protect existing or planned uses:

Response: The development will be a catalyst to kick-start future planned land use changes for the US-31 corridor, north of M-72.

The development will plan for permanent connections to the adjacent former Tom's Food Store property and consider how the two properties will be compatible in the

short-term, as well as long term, with the possibility that the Tom's Food Store property will be redeveloped to support planned uses. The two properties share a property boundary line and have the opportunity to establish a fixed network of streets to improve access management and walkability.

The development offers a pedestrian friendly environment with its multitude of uses such as: a daycare, a designated area for office and/or other township uses, restaurants and future opportunity for townhomes (if demand is sufficient).

3. *To accept dedication or set aside open space areas in perpetuity:*

Response: The development will include a conservation easement, which will be located on the west side of the property, to preserve and improve water quality as well as to maintain and enhance the wildlife habitat. The exact location of the easement is shown on the site plan attached to the application.

The developer will maintain the landscaping and green spaces, offering walkability throughout the project. The development plan will also include a new community park and a bike path at the most high profile corner of the property, with the idea of enhancing the connectivity of the existing TART trail system.

4. *To provide alternative uses for parcels which can provide transition buffers to residential areas:*

Response: The development property is located in the growth and investment area of the Township, is located adjacent to the former Tom's Food Store, has an existing big box store and is constrained on one edge by a wetland and ecologically-sensitive area. Moreover, it would be difficult to allocate parcels of substantial size, other than the existing wetland, as a transition or buffer between uses. The existing wetland area along the western edge of the property will provide a natural transition and buffer to single family residential to the west.

Streets, public spaces, landscape, and open lawn areas will be the parcels that define the uses and provide a transition. A network of grid-like parking, driveways, and lawn areas becomes the transition between uses. The parking and driveways will be designed as active complete streets with sidewalks, street trees, lighting, seating, green infrastructure, and amenities that support and define the public and private spaces and provide a transition between uses. Landscaping will also be present around the different building components including residential, if the demand is sufficient.

5. *To promote the goals and objectives of the Township Master Plan. The proposed development meets or exceeds the following goals and objectives (Cornerstones) of the Township Master Plan:*

Response:

Support safe and efficient traffic flow on US-31: The development will reuse the existing entrance on US-31. The existing ingress and egress has been in place for decades and has been proven to be safe. The intersection that is the main entrance can accommodate much more traffic than both this property or the former Tom's Food Market property could create.

Connectivity to the local TART trail system: The development will include pedestrian walkways throughout the property as well as a park, all of which will provide easy access to a bike path running adjacent to the property. The bike path is intended to support the expansion of the overall TART trail system throughout the area. The walkways and bike path will also allow pedestrians and cyclists a safe passage rather than utilizing US-31.

Encourage recreation-based tourism: The development will include a mixed use of businesses that will support recreation-based tourism including outdoor dining and retail shopping. Further promoting this goal will be the public park and public walkways, which will encourage use of the bike path.

Maintain and improve the quality of surface and groundwater throughout the township: The greenbelts throughout the low impact development will filter storm water to provide additional protection to the existing wetlands and connected watershed. Additionally, storm water catch basins will be cleaned on a routine basis to mitigate sediment and debris from entering the storm sewer system.

As seen on the site plan, the property consists of a vibrant mixed use development with office and residential, if the demand sufficient. These components will encourage pedestrians and cyclists to see the project as an inviting area for non-motorized transportation.

6. *To foster the aesthetic appearance of the Township through quality building design and site development, provide trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.*

Response: The proposed development will extend beyond the minimum requirements related to site design and architecture. Leftover undesirable land that is typically deemed open space in unadventurous developments will instead be replaced with useable open space and a public park. The existing development's currently improved areas only contain a 86,000 square foot vacant building and asphalt. Attached to this application is an example of the future façade.

7. *To bring about redevelopment of sites where an orderly change of use or requirements is determined to be desirable.*

Response: The proposed development will bring about an optimistic change in use of the property that supports the Acme Township Master Plan. The current single-

use big box store with a large parking area serving only one use will be replaced with a mixed-use project supporting uses such as: restaurants, café's, a public park, retail businesses, an area for office and/or other township uses, and indoor self-storage in the north portion of the existing building and townhomes if the demand is sufficient. The use of the southern portion of the building is to be determined.

8. *To promote the goals and objectives of the Acme Township Placemaking Plan and the US-31 and M-72 Business District zoning:*

Response: The proposed development will not only support and promote the goals and objectives of the Placemaking Plan, but also will be a catalyst and role model for creative adaptive reuse of older large vacant buildings in Acme Township. The following notions explain how the development will meet the guiding principles of the Placemaking Plan:

- i. The development becomes a link to support connecting the Townships assets along US-31 including local businesses, the waterfront park, and residential neighborhoods. The development also will enhance the northern gateway to the Townships business district as it interjects life back to the west side of US-31.
 - ii. The development will support the growth and investment initiative as defined by the Grand Traverse County and the Grand Vision.
 - iii. The development will support walkability and in return, walkability supports economics, public health, quality of life, and the environment.
9. *To promote sustainable development especially on parcels with active farmland and orchards as defined by MCL 324.36201 (h), or on parcels that contain unique cultural, historical or natural features which should be preserved:*

Response: Not applicable.



WARRANTY DEED

Corporate
(Unplatted Land)

Drafted By:

Howard Rosenberg, Member
SR Acme, LLC
30665 Northwestern Hwy Ste. 200
Farmington Hills, MI 48334

Return To:

38500 Woodward Avenue , Suite 100
Bloomfield Hills , MI 48304

Send Tax Bills To:

38500 Woodward Avenue , Suite 100
Bloomfield Hills , MI 48304

Recording Fee: \$
File Number: 819355

State Transfer Tax: \$10,500.00
County Transfer Tax: \$1,540.00

Tax Parcel No.: 01-234-036-00

Know All Persons by These Presents: That **SR Acme, LLC, a Michigan limited liability company**
whose address is 30665 Northwestern Hwy Ste. 200, Farmington Hills, MI 48334

Convey(s) and Warrant(s) to **Lormax Stern Acme LLC, a Michigan limited liability company**
whose address is 38500 Woodward Avenue , Suite 100, Bloomfield Hills , MI 48304

the following described premises situated in the Township of **Acme**, County of **Grand Traverse**, State of Michigan, to
wit:

(SEE ATTACHED EXHIBIT A)

More commonly known as: **6455 US 31 North, Acme, MI 49690**

For the full consideration of: **one million four hundred thousand** Dollars (\$1,400,000.00)

Subject To:

Existing building and use restrictions, easements of record, and zoning ordinances, if any.

If the property conveyed is unplatted, the following applies:

The grantor grants to the grantee the right to make _____ division(s) under section 108 of the land division act, Act No. 288 of the Public Acts of 1967. **(If no number is inserted, the right to make divisions stays with the portion of the parent tract retained by the grantor; if all of the parent tract is conveyed, then all division rights are granted.)** This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

Dated this January 28, 2019.




First American Title Insurance Company

(Attached to and becoming a part of Warranty Deed dated: January 28, 2019 between SR Acme, LLC, a Michigan limited liability company, as Seller(s) and Lormax Stern Acme LLC, a Michigan limited liability company, as Purchaser(s).)


Seller(s):

SR Acme, LLC, a Michigan limited liability company

By: 
Name: Howard Rosenberg
Title: Member

State of Michigan
County of MACOMB

The foregoing instrument was acknowledged before me this January 28, 2019 by Howard Rosenberg, Member of SR Acme, LLC, a Michigan limited liability company.


Notary Public:
Notary County/State:
County Acting In:
Commission Expires:

Jeanne L. Gilleron
Notary Public State of Mi
County of Macomb
My Commission Expires August 16, 2024
Acting in county of

OAKLAND



First American Title Insurance Company

(Attached to and becoming a part of Warranty Deed dated: January 28, 2019 between SR Acme, LLC, a Michigan limited liability company, as Seller(s) and Lormax Stern Acme LLC, a Michigan limited liability company, as Purchaser(s).)

EXHIBIT A

Land situated in the Township of Acme, County of Grand Traverse, State of Michigan, described as follows:

FEE PARCEL:

That part of Section 34 and 35, Town 28 North, Range 10 West, more fully described as: Beginning at the quarter corner common to said Sections 34 and 35; thence South 2 degrees 03 minutes 30 seconds West, 5.00 feet; thence South 87 degrees 19 minutes 30 seconds East, 349.87 feet; thence South 27 degrees 52 minutes 00 second West, along the Westerly line of Highway U.S. 31, a distance of 460.45 feet; thence Southwesterly, along said Westerly line on the arc of a 2200.10 foot radius curve to the right, a distance of 25.93 feet (the chord of said arc being South 28 degrees 11 minutes 31 seconds West, 25.93 feet); thence North 87 degrees 35 minutes 05 seconds West, 998.32 feet; thence North 2 degrees 37 minutes 35 seconds East, 436.91 feet; thence North 2 degrees 02 minutes 10 seconds East, 101.07 feet; thence South 88 degrees 10 minutes 50 seconds East, 856.0 feet; thence South 2 degrees 02 minutes 10 seconds West, along the line between Section 34 and 35, a distance of 101.07 feet to the Point of Beginning.

EASEMENT PARCEL:

Together with a non-exclusive easement as created, limited and defined in that certain Cross Easement Agreement recorded in Liber 776, page 580, Grand Traverse County Records.

Tax Parcel Number: 01-234-036-00



First American Title Insurance Company

Date: 07.25.2019 [updated 09.17.19]
From: Shawn Winter, Planner
To: Karly Wentzloff, Chair
ACME TOWNSHIP PLANNING COMMISSION
Project: Lormax Stern Planned Development
Request: Pre-application approval for a planned development at the former Kmart site

Application No.: PD 2019-01
Location: 6455 US-31 N
Parcel No.: 28-01-234-036-00
Applicant: Daniel Stern, Lormax Stern, LLC
38500 Woodward Ave | Bloomfield Hills, MI | 48304
Owner: Lormax Stern Acme, LLC
38500 Woodward Ave | Bloomfield Hills, MI | 48304

GENERAL DESCRIPTION

The Applicant is proposing to reuse the former Kmart property for a mixed use planned development (PD) which may include restaurants, cafes, public park space, retail, indoor self-storage, and office/municipal use. The 11-acre site is zoned CF: Corridor Flex and is currently vacant.

PLANNED DEVELOPMENT PROCESS

The Planned Development (PD) option is intended to allow, with Township approval, private or public development which is substantially in accord with the goals and objectives of the Township Master Plan and Future Land Use Map.

Use of the PD option is to encourage flexibility in the control of land development by encouraging innovative design through an overall development plan that provides a variety of design and layout; to achieve economy and efficiency in the use of land, advance the goals of the community master plan, integrate and preserve

natural resources, maximize use of public services and utilities and encourage useful open spaces suited to the needs of the parcel in question.

The PD process is divided into reasonable and manageable parts.

Part 1 – PD Pre-Application Submission and Review

Part 1 is the pre-application where the Applicant requests the use of the PD option and the Planning Commission evaluates if the request is consistent with the community goals and objectives as prescribed by the Zoning Ordinance and outlined in the Acme Township Community Master Plan.

*Part 1 is the gateway to the PD process. The Applicant is required to meet the criteria outlined in Section 19.3(a. – e.) and meet at least five out of the nine objectives outlined in Section 19.3(f) of the Zoning Ordinance. These objectives tie directly to the Acme Township Community Master Plan, the Township’s goal of protecting and preserving natural resources and open space, and is the subject of this review. **Please note, approval of a PD Pre-Application does not guarantee final approval of a PD plan.***

Part 2 – PD Plan and Application Submission

The Applicant will submit a PD application with all necessary documentation and drawings to the Township. Once the Planning & Zoning Administrator confirms the application is complete, the Planning Commission Chair will be notified, and the application will be placed on the Planning Commission for preliminary review.

Part 3 – PD Application Preliminary Review

The Planning Commission will review the application for consistency with the requirements of the Zoning Ordinance and Community Master Plan, through which the Planning Commission will make any necessary recommendations to the proposed plan. This process includes holding a public hearing on the request, consistent with the procedures outlined in the Michigan Zoning Enabling Act. The Planning Commission will make a recommendation to approve or deny the request, either whole or in part, to the Township Board.

Part 4 - PD Application Final Review

Upon recommendation by the Planning Commission, the Township Board will review the findings and make a determination to approve or deny the request, either whole or in part.

PRE-APPLICATION CRITERIA EVALUATION

| Section 19.3 Criteria of Qualifications | |
|---|--|
| a. | The properties are zoned R-1, R-2, R-3, A-1, MHN, C, CF, or B-4 Districts. |
| | RESPONSE: The property with parcel number 01-234-036-00 is zoned Commercial Flex (CF). |
| | FINDING - SATISFIED: The property is currently zoned CF: Commercial Flex and eligible for a PD. |

| | |
|----|--|
| b. | <p>The use of this option shall not be for the sole purpose of avoiding the applicable zoning requirements. Any permission given for any activity, building, or use not normally allowed shall result in an improvement to the public health, safety and welfare in the area affected.</p> |
| | <p>RESPONSE: The PD option is being requested as means to better meet the vision of the Township Master Plan and Future Land Use Map. The proposed public park, pedestrian walkways, an area designated for office and/or other township uses, a potential daycare indoor self-storage, and retail businesses will have a direct positive impact to the public health, safety, and welfare of the surrounding area. Along with the above mentioned uses, the development also provides the opportunity for residential townhomes, if the demand is sufficient, on the north part of the property.</p> <p>FINDING – SATISFIED: The Applicant is proposing to use the PD option to create a mixed-use development on the site of a former single-use big box retail establishment. The proposed PD intends to utilize the former structure for an indoor self-storage facility in the majority of the building, with a to-be-determined use in the remainder. The balance of uses proposed are consistent with those allowed in the CF district and have been conceptually planned to show their integration into the site, including vehicular and pedestrian circulation, access to the former Tom’s Market site, parking, and buffering between the neighboring residential properties. However, it should be noted the Applicant is seeking approval to allow any use permitted in the B-3 and B-4 district to occur in the existing former Kmart structure. This is addressed in the Assessment of the Application below.</p> |
| c. | <p>The PD shall not be used where the same land use objectives can be carried out by the application of conventional zoning provisions or standards. Problems or constraints presented by applicable zoning provisions shall be identified in the PD application.</p> |
| | <p>RESPONSE: The existing property was previously developed as a big-box retail store and includes all of the existing infrastructure. The redevelopment and adaptive reuse of box stores can be complex and conventional zoning is limited in flexibility. Throughout the years, big box retailers have been optimizing their fleet by right sizing their footprints to sustain future growth, leaving a multitude of vacant buildings. These vacancies are now rarely fully re-occupied by a single retailer. Many of these buildings are now being re-purposed in order to accompany a variety of alternative uses that synergize with one another in order to fully occupy the premises. A common use for these property redevelopments offer indoor self-storage.</p> <p>The PD process allows for the flexibility and creativity needed to successfully re-purpose the property into an integral and functional component for the community benefit. The PD also supports and encourages walkability within the proposed development. Prospects include a public park to accompany a bike path, an area designated for office and/or other township uses to support the local economy, opportunity for residential townhomes (if demand is sufficient), high quality landscaping, options for cafe's/restaurants along US-31, which will create a more inviting environment along the roadway.</p> <p>The existing big box store will be re-designed to offer indoor self-storage on the north side of the building, with the remaining portion of the building available for alternative uses. The alternatives can be any permitted uses under the B-3 and B-4 zoning classifications as identified in the most recent zoning ordinance, with an effective date of 11/08/08 as amended on 07/10/18. All alternative uses will also offer an aesthetically appealing street side appearance.</p> |

| | |
|----|---|
| | FINDING – SATISFIED: Although the proposed uses are allowed in the CF district, the PD option is an excellent tool to plan how the different components of the development will relate to one another on the site in a cohesive manner and the proper choice for the redevelopment of the property. The proposed indoor self-storage use is not one that is allowed in the district, but can be allowed through the flexibility provided by the PD option. It's important to note the former Kmart building and associated parking is functionally obsolete in today's retail market. An indoor self-storage facility could be an appropriate fit if designed operated appropriately. However, opening up the building to any use allowed in the B-3 and B-4 districts is highly discouraged. |
| d. | The PD option may be effectuated only when the proposed land use will not materially add service and facility loads beyond those considered in the Township Master Plan, and other public agency plans, unless the proponent can prove to the sole satisfaction of the Township that such added loads will be accommodated or mitigated by the proponent as part of the PD. |
| | RESPONSE: At this time, there has been no evidence that the proposed development would negatively affect service and facility loads. The development is located within the growth and investment area that has been determined by the Township. No additional driveways are being proposed, parking is being reduced, and green spaces are being added. |
| | FINDING - SATISFIED: The property is currently served by sewer and has the potential to connect to the water supply owned and operated by the Grand Traverse Band of Ottawa and Chippewa Indians. Primary access to the site is off of US-31 and has been established through the previous use. MDOT will determine what, if any, changes would need to be made as part of an application review process. A cross-access easement is believed to exist with the neighboring Tom's Market property. A non-motorized trail will provide future connections for pedestrian and bicycle traffic. The expansive parking area and impervious roof area of Kmart building are served by an existing retention pond. Any additional stormwater management needs would be determined in a formal application and subsequent site plan approval phase. |
| e. | The PD shall not be allowed solely as a means of increasing density or as a substitute for a variance request; such objectives should be pursued through the normal zoning process by seeking a zoning change or variance. |
| | RESPONSE: The PD request does not involve density items. |
| | FINDING - SATISFIED: The Applicant does not propose a density increase above what is allowable in the CF district. |
| f. | The PD must meet, as a minimum, five (5) of the following nine (9) objectives of the Township. If the PD involves a density transfer it shall include objective f(9) in addition to its five (5) objectives. |
| 1. | To permanently preserve open space or natural features because of their exceptional characteristics, or because they can provide a permanent transition or buffer between land uses. |
| | RESPONSE: The existing wetland, retention pond, and woods on the property will all be maintained. Greenbelts and buffers will also be put in place around specific storm water infrastructure to improve water quality and to preserve and enrich the wildlife habitat. The site plan attached to the application further demonstrates the enhancement of buffer and the preservation of existing trees on the north side of the property. |

| | |
|----|---|
| | <p>FINDING – SATISFIED: The revised site plan illustrates the treed buffers along the property’s perimeter, including the along the north property line where the adjacent property is zoned residential (R-3). The proposed conservation easement on the west side of the property will help maintain a significant buffer from the residential neighborhood along Deepwater Point Rd. It is still recommended that the mature trees along US-31 be preserved to the greatest extent possible.</p> |
| 2. | <p>To permanently establish land use patterns which are compatible, or which will protect existing or planned uses.</p> |
| | <p>RESPONSE: The development will be a catalyst to kick-start future planned land use changes for the US-31 corridor, north of M-72.</p> <p>The development will plan for permanent connections to the adjacent former Tom's Food Store property and consider how the two properties will be compatible in the short-term, as well as long term with the possibility that the Tom's Food Store property will be redeveloped to support planned uses. The two properties share a property edge and have the opportunity to establish a fixed network of streets to improve access management and walkability.</p> <p>The development offers a pedestrian friendly environment with its multitude of uses such as: a daycare, a designated area for office and/or other township uses, restaurants and future opportunity for townhomes (if demand is sufficient).</p> <p>FINDING – SATISFIED: The planned uses, including the indoor self-storage facility with appropriate conditions, present no barrier to compatibility. The allowance of any use allowed in the B-3 and B-4 districts may become problematic since there are a number of uses allowed in those districts that are not compatible with the other planned uses, or consistent with the intent and purpose of the CF district.</p> |
| 3. | <p>To accept dedication or set aside open space areas in perpetuity.</p> |
| | <p>RESPONSE: The development will include a conservation easement, which will be located on the west side of the property to preserve and improve water quality as well as to maintain and enhance the wildlife habitat. The exact location of the easement is shown on the site plan attached to the application.</p> <p>The developer will maintain upscale landscaping and green spaces, offering walkability throughout the project. The development plan will also include a new community park and a bike path at the most high profile corner of the property, with the idea of enhancing the connectivity of the existing TART trail system.</p> <p>FINDING - SATISFIED: The proposed conservation easement and dedicated park land, along with the non-motorized trail will provide preserved open space on site and provide connections to other open spaces throughout the Township.</p> |
| 4. | <p>To provide alternative uses for parcels which can provide transition buffers to residential areas.</p> |
| | <p>RESPONSE: The development property is located in the growth and investment area of the township, is located adjacent to the former Tom's Food Store, has an existing big box store and is constrained on</p> |

| | |
|----|--|
| | <p>one edge by a wetland and ecologically-sensitive area. Moreover, it would be difficult to allocate parcels of substantial size, other than the existing wetland, as a transition or buffer between uses. The existing wetland area along the western edge of the property will provide a natural transition and buffer to single family residential to the west.</p> <p>Streets, public spaces, landscape, and open lawn areas will be the parcels that define the uses and provide a transition. A network of grid-like parking, driveways, and lawn areas becomes the transition between uses. The parking and driveways will be designed as active complete streets with sidewalks, street trees, lighting, seating, green infrastructure, and amenities that support and define the public and private spaces and provide a transition between uses. Landscaping will also be present around the different building components, including residential, if the demand is sufficient.</p> |
| | <p>FINDING – SATISFIED: Properly designed landscape buffers and greenbelts will provide appropriate transitions between the proposed development and adjacent residential zones/uses. The indoor self-storage facility provides an alternative use to the functionally obsolete big box retail structure that, with appropriate conditions, could serve as an appropriate transition from the higher intensity uses near the US-31 frontage, and the residential uses/districts to the north and west. Often times, self-storage facilities are a low intensity use, and being indoors will further help mitigate other nuisance issues. The previously stated caveat remains: this may not be the case if the building is opened to all uses allowed in the B-3 and B-4 districts.</p> |
| 5. | <p>To promote the goals and objectives of the Township Master Plan.</p> |
| | <p>RESPONSE:</p> <p>Support safe and efficient traffic flow on US-31: The development will reuse the existing entrance on US-31. The existing ingress and egress has been in place for decades and has been proven to be safe. The intersection that is the main entrance can accommodate much more traffic than both this property or the former Tom's Food Market property could create.</p> <p>Connectivity to the local TART trail system: The development will include pedestrian walkways throughout the property as well as a park, all of which will provide easy access to a bike path running adjacent to the property. The bike path is intended to support the expansion of the overall TART trail system throughout the area. The walkways and bike path will also allow pedestrians and cyclists a safe passage rather than utilizing US-31.</p> <p>Encourage recreation-based tourism: The development will include a mixed use of businesses that will support recreation-based tourism including outdoor dining and retail shopping. Further promoting this goal will be the public park and public walkways, which will encourage use of the bike path.</p> <p>Maintain and improve the quality of surface and groundwater throughout the township: The greenbelts throughout the low impact development will filter storm water to provide additional protection to the existing wetlands and connected watershed. Additionally, storm water catch basins will be cleaned on a routine basis to mitigate sediment and debris from entering the storm sewer system.</p> <p>As seen on the site plan, the property consists of a vibrant mixed use development with office and residential, if the demand sufficient. These components will encourage pedestrians and cyclists to see the project as an inviting area of non-motorized transportation.</p> |

FINDING – SATISFIED:

FOCUS ON PUBLIC INFRASTRUCTURE IMPROVEMENT

- The property is currently served by sewer and will be determined under the application review process if the existing capacity can support the PD.
- Future stormwater management needs and LID methods will need to be identified as the plan develops.

DEVELOP WALKING AND BIKING FACILITIES THAT CONNECT NEIGHBORHOODS, COMMERCIAL DISTRICTS, AND RECREATIONAL AMENITIES

- The plan does provide a portion of the regional TART Trail network which will provide connections to other destinations within the Township and allows for non-motorized travel modes.
- The amount of existing parking has been reduced and landscape improvements will help soften the hardscape environment. Internal pedestrian circulation has been improved.
- Maintaining cross access to the Tom's Market property will facilitate traffic flow between the two sites once Tom's is repurposed/redeveloped in the future.

CREATE A VIBRANT, HIGH-QUALITY, COMMERCIAL AND MIXED USE DISTRICT

- The proposed plan provides a complimentary balance of uses which has been improved through this revision by incorporating multifamily townhouse units, albeit repeatedly stated if demand is sufficient.
- The walkability of the front portion of the property has been improved to provide better connectivity between uses.
- Limiting the use of the Kmart building to those allowed in the district or specifically approved will ensure this goal is met, along with façade improvements required by the district's design standards.

MAINTAIN AND IMPROVE THE QUALITY OF SURFACE AND GROUNDWATER THROUGHOUT THE TOWNSHIP, REGION, AND GRAND TRAVERSE BAY WATER CENTER

- The plan does reduce some of the existing impervious parking lot for the former Kmart building.
- Future application phases will determine stormwater management needs and LID methods.

SUPPORT THE CONTINUATION OF AGRICULTURAL OPERATIONS AND PRESERVATION OF FARMLAND

- Not applicable

CREATE A COMMUNITY WITH HOUSING OPTIONS ATTRACTIVE TO ALL

- The proposed plan now includes the option for up to three multifamily townhouse buildings to be developed as the market demands. Including the residential component in the conceptual plan ensures cohesion with the other uses and overall development pattern.

6. To foster the aesthetic appearance of the Township through quality building design and site development, provide trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.

RESPONSE: The proposed development will extend beyond the minimum requirements related to site design and architecture. Leftover undesirable land that is typically deemed open space in unadventurous developments will instead be replaced with useable open space and a public park. The existing development's currently improved areas only contain a 86,000 square foot vacant building and asphalt. Attached to this application is an example of the future façade.

| | |
|----|---|
| | <p>FINDING – SATISFIED: The form, mass and placement of the new buildings, along with landscaping improvements, provide a more aesthetically pleasing and welcoming environment for patrons and future residents of the development. The details of the design and architectural standards of the new buildings and renovated Kmart building will need to adhere to the those prescribed in the form-based code for the district.</p> |
| 7. | <p>To bring about redevelopment of sites where an orderly change of use or requirements is determined to be desirable.</p> |
| | <p>RESPONSE: The proposed development will bring about an optimistic change in use of the property that supports the Acme Township Master Plan. The current single- use big box store with a large parking area serving only one use will be replaced with a mixed-use project supporting uses such as: restaurants, cafe's, a public park, retail businesses, an area for offices and/ or other township uses, and indoor self-storage in the north portion of the existing building and townhomes if the demand is sufficient. The use of the southern portion of the building is to be determined.</p> |
| | <p>FINDING – SATISFIED: Its largely understood that a large vacant building in a commercial district does little to promote economic development, and it would be in the Township's interest to see this property repurposed. The proposed plan provides a mixed-use environment that improves the current state of the property while working towards achieving the goals and objectives of the master plan. A phasing plan and limitation of uses not allowed in the district for the Kmart building will provide greater certainty this objective is met.</p> |
| 8. | <p>To promote the goals and objectives of the Acme Township Placemaking Plan and the US-31 and M-72 Business District zoning.</p> |
| | <p>RESPONSE: The proposed development will not only support and promote the goals and objectives of the Placemaking Plan, but also will be a catalyst and role model for creative adaptive reuse of older large vacant buildings in Acme Township. The following notions explain how the development will meet the guiding principles of the Placemaking Plan:</p> <ul style="list-style-type: none"> i. The development becomes a link to support connecting the Townships assets along US-31 including local businesses, the waterfront park, and residential neighborhoods. The development also will enhance the northern gateway to the Townships business district as it interjects life back to the west side of US- 31. ii. The development will support the growth and investment initiative as defined by the Grand Traverse County and the Grand Vision. iii. The development will support walkability and in return, walkability supports economics, public health, quality of life, and the environment. |
| | <p>FINDING – SATISFIED: As mentioned, the form, mass and placement of the proposed buildings, along with the supportive non-motorized connectivity, is consistent with the goals and objectives of the placemaking plan, and the intent of the US-31/M-72 Business District. A formal PD application for this property should demonstrate compliance with design and architectural standards, and appropriate uses.</p> |

| | |
|----|---|
| 9. | To promote sustainable development especially on parcels with active farmland and orchards as defined by MCL 324.36201 (h), or on parcels that contain unique cultural, historical or natural features which should be preserved. |
| | RESPONSE: Not applicable. |
| | FINDING: Not applicable. |

ASSESSMENT OF THE APPLICATION

Consistency with the Master Plan

The proposed development is located in the Township's established sewer district and the Future Growth and Investment Area¹ according to the master plan, making the future development in this location appropriate and desired. The future land use category is designated as Mixed Use Village and is described as follows:

This category of land use encourages the development of an integrated, walkable, mixed-use and mixed housing area located within the former historic Acme Village. This condensed district is intended to be walkable and connected via non-motorized trails and thoughtful sidewalk networks. It will allow residents to live in a variety of housing types, including types that match existing conditions and provide greater density, such as townhouses, apartments, and rowhouses, while being close to essential services and a mix of land uses. Public infrastructure, water, sanitary sewer, roads, and non-motorized pathways will be required to fully develop and link properties into this cohesive community mixed use district. Sanitary sewer currently serves the district's existing capacity, but with proposed higher density in this area, additional capacity should be considered. Some sidewalks are found along the major corridors but are largely missing along most roads, and evidence of informal sidewalk paths can be seen along residential streets. By increasing mixed housing options, this district can serve the changing needs of Acme residents. Encouraging new residential growth with densities of 10-14 units per acre can help foster housing for a growing workforce and aging population. Limited neighborhood commercial services are located on the corners in established neighborhoods.²

The revised application proposes a development pattern that is conceptually consistent with the future land use category as described. The PD option should be for those developments that are substantially in accord with the goals and objectives of the master plan, including the future land use map. The Applicant has resubmitted a plan that less auto-centric than what is there today or previously submitted for consideration, and reflects a more condensed, walkable community with a balance of complimentary uses.

¹ Acme Township Community Master Plan. (2019). *Economic Development Zones Map*. p. 70.

² Acme Township Community Master Plan. (2019). *Future Land Use Categories – Mixed Use Village*. p. 69.

Consistency with Zoning District

The property consists of 11 acres of land zoned CF: Corridor Flexible. The Zoning Ordinance provides the following explanation of the intent for the district:

| CF (Corridor Flex) | |
|--------------------------------|---|
| Intent | To provide for a flexible mixture of retail, office, commercial, residential and institutional uses within walkable and connected neighborhoods. The objective is to create an environment where residents can live, work and shop for day-to-day amenities in the same area. |
| Distinguishing Characteristics | Retail, workplace and civic activities mixed with attached housing types such as townhouses and apartments all developed at a community scale. |
| General Character | Predominantly attached buildings, landscaping within the public right of way, substantial pedestrian activity. |
| Desired Form | Mixed Use |
| Building Placement | Small or no setbacks, buildings oriented to street with placement and character defining a street wall |
| Frontage Types | Commercial uses front onto thoroughfare. |
| Typical Building Heights | 2 to 4 stories |
| Type of Public Open Space | Parks, plazas and squares, boulevard median landscaping |
| Transit (Where Available) | BATA / TART |



The Zoning Ordinance standards reflect the master plan, therefore, a formal PD application will need to meet the applicable standards to ensure the development meets the goals and objectives of the master plan. This includes the design and architectural standards that are not typically fine tuned in this early conceptual phase.

Consistency with the Planned Development Objectives

The application as submitted satisfies all of items a. – e. in Section 19.3, along with the minimum five of the nine objectives under item f. Based on the findings of the review the application does meet the minimum criteria of qualifications to submit a formal PD application at this time.

Recommendations and Considerations

The Applicant should be commended for their effort, not only for taking on the task of redeveloping the former Kmart property, but for taking the recommendations from the previous pre-application review and meeting with staff and the Chair to better understand the redevelopment goals and expectations for the property. This has resulted in an improved revised conceptual plan that meets the minimum criteria to submit a formal PD application. Before the Applicant invests considerable time and money into the formal PD application, it is advisable to provide recommendations to guide the process, including items of greater detail than the pre-application submission requires such as:

- A proposed phasing plan;
- 10 foot width for the non-motorized trail;
- Preservation of mature trees along US-31;
- Future cross access location on the north property line;
- New buildings and the renovated façade of the Kmart building will need to adhere to the architectural standards of the district, including but not limited to minimum ground floor transparency, defined customer entrances on the front facades, offsets, building materials, façade ornamentation, etc.;
- LID stormwater management techniques for all future needs; and
- Limiting uses in the Kmart building to those allowed in the CF District, and any others *specifically* approved. Although there are a number of similarities between the CF and B-3 districts, there are a number of more auto-centric uses in the B-3 that are not consistent the of the CF district of the property's future land use category. Plus, allowing all uses in the B-4 district would essentially a small industrial district within the CF, which is highly incompatible. Below is a table of by-right and special land uses for all three districts for comparison. Those highlighted in yellow are the ones that would be allowed that are not compatible with the CF district:

| Uses Allowed By Right | Uses Requiring A Special Use Permit |
|--|--|
| CF: Corridor Flex | |
| <ul style="list-style-type: none"> - Live/Work Unit - Home Occupation (1 person) - Home Occupation (2+ persons) | <ul style="list-style-type: none"> - General Retail w/ Alcoholic Beverages - General Retail w/ Floor Area Above 10,000 sf - General Retail w/ On-Site Production of Items Sold In or Out of Store Locations |

| | |
|---|--|
| <ul style="list-style-type: none"> - Outdoor Public Owned Parks & Recreation Facilities - Public/Private Schools - Child Care Centers - Public Uses: Critical, Supporting, & Essential - Churches w/ and w/o Assembly Halls - Parking (Public or Private) - Public Transit Stop or Station - Professional Offices - Medical/Dental Offices - Medical Urgent Care Facilities - Mixed Use w/ Residential Above 1st Floor - General Retail - Restaurants, Cafes, Coffee Shops, Bars & Taverns (no drive throughs) - Microbreweries, Small Distilleries, & Small Wineries - Movie & Performance Theaters - Convenience Markets Less Than 3,500 sf - Personal Services - Farmers Markets - Banks & Financial Institutions (no drive throughs) - Grocery Stores (w/o gas service stations) - Hotels - Tourist Homes - Vacation Homes in Single-Family Dwellings | <ul style="list-style-type: none"> - General Retail w/ Operating Hours Between 10pm & 7am - Restaurants, Cafes, Coffee Shops, Bars & Taverns w/ Outdoor Service (no drive throughs) - Shopping Centers (§9.12) - Hotels w/ Conference & Convention Facilities |
| B-3: Planned Shopping Center | |
| <ul style="list-style-type: none"> - Accessory Uses Incidental to Principal Use - Animal Hospital/Veterinary Establishment - Entertainment Facilities - Medical Offices - Banks & Financial Institutions w/ Drive-Throughs - Offices - Personal Services - Pet Stores - Printing - Professional Offices - Restaurants: Full Service - Mixed Use w/ Residential Above & Below 1st Floor - Public Uses: Critical, Essential, & Supporting - Tourist Homes | <ul style="list-style-type: none"> - Auto Wash - Commercial Recreation Facilities - Grocery Stores - Medical Urgent Care Facilities - Motels & Hotels (§9.10) - Multimode Transportation Station - Outdoor Sales - Restaurants – Drive Throughs - Restaurants – Fast Food - Retail Business - Sale (Indoor) Building Materials - Gasoline Service Stations - Planned Shopping Centers (§9.12) - Social Activities - Structural Appurtenances - Special Building Height Regulations |

| | |
|--|--|
| - Vacation Homes in Single-Family Dwellings | - Churches, Sunday Schools, Parochial Schools, Colleges, Hospitals |
| B-4: Material Processing & Warehousing | |
| <ul style="list-style-type: none"> - Processing and Distribution Facilities: <ul style="list-style-type: none"> o Distribution and transfer centers o Produce market terminals o Recycling centers (no heavy machinery) o Soda water and soft drink bottling facilities o Bakeries and confection making. o Bottling or packaging of cleaning compounds, polishes, seeds, etc. o Pattern-making shops o Printing, engraving and bookbinding shops. o Micro-brewery, distillery and wine processing and bottling operations. - Storage where operations are conducted within an enclosed building: <ul style="list-style-type: none"> o Warehouses, indoor storage and terminal buildings o Freezers and lockers o Construction Storage o Mini or self-storage; mini-warehousing facilities. - High-tech uses: <ul style="list-style-type: none"> o Research and development centers o Laboratories o Telecommunications o Data processing and computing centers o Computer electronic equipment manufacturing o Computer programming and software development - Public/quasi-public facilities <ul style="list-style-type: none"> o Medical laboratories o Essential public service buildings and storage yards, municipal buildings, municipal maintenance and repair facilities, public utility buildings, telephone exchanges, electric transformer yards, substations, gas regulator stations and associated service or storage yards - Retail establishments with less than 30,000 gross square feet of building area with an | <ul style="list-style-type: none"> - Central Dry Cleaning and Laundering Facility/Plant - Contractor Establishments with outdoor storage for materials and equipment. - Lumber and Planing Mills - Private or non-profit indoor and outdoor recreational facilities. - Retail establishments where the square footage of the enclosed (fenced) outdoor sales area is larger than the gross square footage of the principle retail building. - Structural Appurtenances: As accessory uses, the following kinds of structural appurtenances may be permitted to exceed the height limitations for the principal use: appurtenances to mechanical or structural functions, such as chimney and smoke stacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, aerials, fire and hose towers and cooling towers. No structural appurtenances permitted hereby shall be used for dwelling purposes. - Special Building Height Regulation: Any principal building may be erected to a height in excess of the maximum allowed height, provided that each front, side and rear setback minimum is increased one foot for each one foot of additional height permitted above the maximum. - Solar Energy Farms |

| | |
|---|--|
| <ul style="list-style-type: none"> enclosed (fenced) outdoor sales yards including: <ul style="list-style-type: none"> o Building and lumber supply stores, o Hardware and home improvement stores; and o Wholesale stores. - Garden centers and nurseries; - Automotive and Farm Equipment establishments: <ul style="list-style-type: none"> o Major automobile repair establishments. o Farm equipment sales and service. - Personal service: <ul style="list-style-type: none"> o Veterinary hospitals and kennels. o Carpet cleaning establishments. - Medical Marihuana Facilities: <ul style="list-style-type: none"> o Medical Marihuana Grower (3) o Medical Marihuana Processor (3) o Medical Marihuana Secure Transporter (3) o Medical Marihuana Provisioning Center (3) o Medical Marihuana Safety Compliance Facility (3) - Tourist Homes | |
|---|--|

The Planning Commission may endorse, waive or build upon these recommendations to the Applicant.

Suggested Motion for Consideration:

Motion to approve the pre-application for PD 2019-01 submitted by Daniel Stern of Lormax Stern LLC for a mixed used planned development at 6455 US-31 N. The findings of fact submitted in Planning & Zoning Report 2019-15 support the pre-application dated July 10, 2019, and subsequently revised, meets the minimum standards under Section 19.3 of the Acme Township Zoning Ordinance to qualify for a formal planned development application submission.