



**ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
7:00 p.m. Monday, April 25, 2005**

Meeting called to Order at 7:00

Members present: O. Sherberneau (Chair), B. Carstens, C. David, R. Hardin, D. Krause, D. Morgan, J. Pulcipher, E. Takayama, M. Vermetten
Members excused: None
Staff present: J. Christopherson (Consulting Legal Counsel)
C. Bzdok, Township Counsel
S. Corpe, Office & Planning Coordinator/Recording Secretary
J. Hull, Zoning Administrator

1. Consent Calendar:

Motion by Vermetten, support by Takayama to approve the Consent Calendar as printed, including: Receive and File:

- a) Notice of Intent to Petition to Submit Ordinance to Electors for Approval (referendum) dated 04/11/05 by Kimberly M. Challender

Action:

- a) Approve April 18, 2005 meeting minutes
b) Review and approve agenda, inquiry as to conflicts of interest.

Motion carried unanimously.

2. Correspondence: All correspondence was distributed to the members of the public attending the meeting along with the agendas, is on file and available at the township's offices, and is included and incorporated by reference.

a) Letters regarding Meijer, Inc. 04/11/05 letter to township residents:

1. CCAT, dated April 2005
2. Sue Coffin, dated 04/18/05
3. Jo Collins, dated 04/19/05
4. Charlene Abernethy, received 04/21/05
5. Dan & Karen LeClair, dated 04/19/05
6. Kimberly Challender, dated 04/23/05
7. LaVern "Andy" Andres, dated 04/20/05
8. Drew Bontrager, dated 04/25/05
9. Lynn Starkey, dated 04/14/05
10. Lyn & Ron Shoal, dated 04/23/05
11. Kathy Pilon, dated 04/14/05
12. Robert & Susan Shimmons, undated
13. Louann Brohl, dated 04/25/05

3. Limited Public Comment:

Gene Veliquette supports the Meijer project as good for vendors and creating jobs. He also suggested that only signed letters be accepted by the township. Ones that are typed only could have been submitted fraudulently in someone else's name.

Rachelle Babcock, 4261 Bartlett Road, submitted an additional letter for the Commission's consideration, as did Dan Hanna, 7239 Lautner Road.

Pulcipher indicated that he will refrain from voting on the LochenHeath application due to its proximity to his property.

David asked for a resolution that the meeting end by 10:00 p.m. Sherberneau indicated this would not be possible, but that every effort to conduct the meeting efficiently would be made.

4. Preliminary Hearings:

- a) **Application #2004-3P by Meijer, Inc., 2929 Walker NW, Grand Rapids MI 49544 for SUP/Site Plan Approval for development of a 232,360 sq. ft. grocery/general merchandise store, 2,400 sq. ft. convenience store with 10 gas pumps, and 100,041 sq. ft. of additional commercial space on property located at 5896 Lautner Road (the southeast corner of M-72 East and Lautner Road) and currently zoned B-3, Planned Shopping Center:** Sherberneau introduced John Iacoangeli of Beckett & Raeder, a planning consultant retained to assist the township in the planning reviews for this application and The Village at Grand Traverse, LLC. Phase I application. Iacoangeli began with a discussion of proposal basics and procedural requirements, noting that uses in the B-3 district require SUP approval. This leads to a need to review the application in light of the standards for review contained in Article VIII of the Zoning Ordinance, which he reviewed as well. The enhanced requirements for reviewing a Planned Shopping Center set forth in Section 8.12 must be met as well. After performing a review, Iacoangeli and his firm determined that the applicant had provided sufficient information to permit a preliminary hearing to proceed. The conceptual SUP and detailed site plan stages are combined under our ordinance for this type of review.

Iacoangeli gave an overview of the scope and size of the project proposal. A traffic study has been performed relative to this project indicating that peak time morning traffic would increase by over 300 cars and the peak time evening traffic would increase by 600 if this project is constructed as proposed, leading to a need for road infrastructure improvements. His firm has found the application and proposed uses generally consistent with the property's zoning district and Master Plan, although the Master Plan's Town Center Report notes that construction of a planned shopping center on the subject site would be contrary to the goals of the Master Plan by encouraging commercial sprawl along the transportation corridor and could have a detrimental impact on Yuba Creek, the headwaters of which are located on the site.

Iacoangeli questions whether the current design layout, as distinct from the concept, is consistent with the definition or intent of a "planned shopping center." The proposed development does not cluster the buildings but distributes them throughout the site, and there are indications that there may be plans for each building to be on distinct parcels of land in the future. 8 outlots are separated from the proposed Meijer store by the parking lots with no non-automobile linkage.

Iacoangeli feels that the scope of the proposed project makes a two-tier review advisable so that broad land use planning issues such as infrastructure and market need can be addressed before site plan details such as photometrics for parking lot lighting. A market study was required and submitted by the Anderson Economic Group in the form of a supplement to the original market study for The Village. These studies indicate that up to 800,000 sq. ft. of new retail space can be supported by the region if tourist traffic is figured in. They indicate that 28,000 sq. ft. of a green grocery store can be supported in this area, whereas Meijer proposes approximately 42,000 sq. ft. of grocery space within their store; no additional gas stations are deemed supportable whereas the plan includes one. If Lautner Commons is built out according to the site plan there would be a total of over 300,000 sq. ft. of retail space or 67% of the supportable space within the trade area. This would have a significant impact on the potential feasibility proposed Village at Grand Traverse, the concept plan for which has been approved by the township but is currently subject to judicial review. The market study recommends physical linkages between the Meijer's and Village projects, including pedestrian walkways and traffic calming features; Iacoangeli has found that none are proposed.

A public hearing regarding a wetlands mitigation request by Meijer will be held in May by the DEQ. His firm would like the Commission to know that the Meijer property is part of the headwaters of the Yuba Creek system and that the applicant has not done enough work to understand and mitigate the impacts of their proposed development on it.

A traffic study has been performed by URS for this project as well as for the Village. The local MDOT service center and Road Commission have not issued findings regarding the project yet; they are working jointly to produce one response and are awaiting further information as to the most likely final buildout for both the Meijer and Village projects. They are particularly concerned about impacts on the US 31/M-72 intersection, and are holding open an existing study on this issue. They don't want to do the traffic modeling until more variables are solved so that the work does not have to be redone if the proposals change. The County would also like to add in "sub-

area development” which would include existing and proposed neighborhood developments that will also impact the traffic infrastructure.

Lautner Road does not have required right-of-way to complete likely needed improvements; normally this is satisfied by the applicant providing the needed right of way to the Road Commission. The township’s ordinance specifies that each parcel will only have 1 curb cut on M-72; this project proposes 2 or 3. Sidewalks are also required when properties develop along M-72 but one is not shown on this project.

In summary, Iacoangeli feels that while the proposed land uses are appropriate to the zoning district, the design of the project may not meet the definition of a “planned shopping center” and provided examples of design that would meet the definition for review. Physical linkages to other projects are not provided, and there is concern that the proposed size of the grocery is 50% greater than what the applicant’s market study indicates the market can bear. The impacts on the Yuba Creek trout stream must be more carefully studied, and all parties need to agree as to how traffic issues will be addressed. It is therefore his firm’s recommendation that revised plans be submitted and that the preliminary hearing be continued while further data is collected and the application better defined. The ordinance gives the Commission the authority to continue the preliminary hearing until such time as they deem the application complete and satisfactory for public hearing review and input.

The township needs to make a decision as to what the required elements of the traffic study and timing of that study and MDOT/Road Commission input should be. Iacoangeli agrees that examining the traffic issues should be done on an area basis rather than parcel-by-parcel basis. The study should be done on a buildout basis. Vermetten stated that since a conceptual plan for The Village has been proposed and a site plan for Lautner Commons has been provided, the statistics for these sites are readily available. Working with the Road Commission an area from which to draw residential buildout can be defined and statistics developed.

Vermetten asked if Iacoangeli is recommending that the township ask DEQ to enlarge the scope of their study. Iacoangeli replied that DEQ’s review will be performed relative to state statute, but that the township’s plans and ordinances call for a different scope of study. Vermetten asked if the Army Corps of Engineers might become involved due to linkages ultimately to East Grand Traverse Bay; Iacoangeli stated that the impacts of the development beyond the site itself must be considered. The Grand Traverse Area Watershed Study indicates that 30% of the Yuba Creek watershed is under impervious surface, and numerous studies indicate that at levels over 15% coverage the quality of natural water features declines. Vermetten asked for a detailed citation of which portion of the ordinance permits a review scope larger than the site; Sections 8.1.3(a) and (b), Basis for Determination were cited, particularly the phrasing indicating that the review should consider impacts on “the community as a whole.”

Hardin asked how the Meijer and Village properties could be physically linked short of creating a bridge or a tunnel. Iacoangeli replied that this would be for the project designer to determine and reiterated that the applicant’s market study is very specific in its recommendation that linkages such as crosswalks, esplanades, common accesses, sidewalks, signalized intersections and on-street parking be provided. David stated that the applicants argued that a store such as Meijer should be part of a downtown area because where else could people walk from a traditional downtown area to a larger store such as this? David noted that the Meijer property is outside of the sewer district; as such on-site waste treatment is a concern that might be part of the DEQ’s scope of review. Sherberneau indicated that the Village has agreed to a sewer connection from their site to Meijer; David countered that Meijer is still outside of the sewer service district. Iacoangeli stated that his firm planned to study this issue as part of their site plan review.

David expressed surprise that Iacoangeli would recommend a market study revision to interlink Meijer and the Village. He believes that buildout of both would result in 11 million car trips passing the sites during a year and asked if this would be good for the township. Iacoangeli noted that Meijer initially produced the Village’s market study as their application market study. Township staff identified that the study did not directly address the Meijer parcel and correctly requested an addendum discussing the impact of development of the Meijer parcel as well as the impacts either development would have on the other. The supplemental market study resulted.

Mike Kinstle, Meijer's Inc. Real Estate Department began the applicant's presentation, noting that he was the first representative from Meijer to be involved with the township back in 1998. His company purchased the subject property in 1990 with the goal of developing a second store as the market area grew. Many meetings with township officials ensued to try to develop an acceptable plan. After many hours and dollars, township officials asked Meijer to consider placing their plans on hold and working to become part of an eventual town center project on the Rollert parcel. This did not fit the corporate opening schedule, so they continued pursuing their individual development plans. The Village purchased the Rollert property, and eventually a deal was worked out to propose a Meijer on the other side of the street as an anchor to The Village in what they hoped would be a positive outcome for the township and both landowners. Meijer has wanted to develop a store in Acme for a long time and feels it has "bent over backwards" to provide an acceptable plan. The township has declined to take action on the Village Phase I development plan, which would have included the Meijer store. Meijer wants a second store in this market to ensure their success in the face of other competition, and has identified Acme as the ideal location. They need to move forward with approval to meet their desired schedule, and ask that a public hearing date be set.

Tim Stoecker, attorney for the Village and Meijer, Inc. spoke next. He made reference to a memo submitted in the late afternoon of April 22 that responds to the Beckett & Raeder staff report. It is his position that a continuation of the preliminary hearing would be inappropriate and confusing, and that the application has been acknowledged as complete. They have made a request for public hearing to be scheduled five times. Specific criteria for a review exists in the ordinance, but Mr. Stoecker does not believe they permit for a tiered review that separates general SUP conditions from site plan conditions. They perceive that advantages to moving to a public hearing phase are many: it has been said that the project design does not meet township requirements, but public input into the question of design would be valuable. They believe that what they have submitted meets the ordinance standards and definitions. Mr. Stoecker stated that the applicant should not be "submitted to lists from special interest groups." He further stated that while staff or consultant does not believe the project design is acceptable, the Commission must make a determination in this regard. They feel that a one-tiered review would provide a more cohesive picture for the Commission and the public and a more productive review. He stated a perception that standard operating procedure is for the preliminary hearing to be a matter of whether or not the standards for application have been met, and that they are once again being intentionally delayed in their application process. Mr. Stoecker asked that the matter be scheduled for public hearing and stated that the applicant would answer all staff and public questions once this is done and based on the plan and data as submitted.

Mr. Stoecker addressed the question of the definition of "planned shopping center" in the Ordinance. He rejected the idea that the buildings must be grouped closely together or attached, even though the word "grouped" appears in the definition, and stated his belief that the project meets the ordinance definition as presented. If the public has design or layout concerns, the applicant would like to hear these at the same time concerns from the Commission are heard, rather than having them done serially. He contended that by holding a public hearing only after design changes have occurred at Commission request, the public is being shortchanged because their options are limited.

Mr. Stoecker also believes that delaying review pending further market studies is not permitted by the ordinance, although he promised the applicant would respond. He asserted that the township has acknowledged the existing market study as highly detailed. As to environmental impact, the applicant feels that this area has been more than adequately addressed but again are willing to provide more. He questioned whether or not Iacoangeli was aware of prior studies regarding onsite wastewater treatment that were performed several years ago, and asserted that there are no water bodies present or touching on the subject property. He stated that there has been a statement that there could be a negative impact on Yuba Creek but that no detailed information has been provided in this regard to either applicant or Commission, asserting that stormwater management plans exceed Drain Commission requirements and much travel far over or underground before reaching a water body. Mr. Stoecker stated that the applicant has retained an additional environmental consultant to address the questions that arise. He reiterated the opinion that addressing these questions further before public hearing is a way of eliminating the public from

the process.

Mr. Stoecker echoed Vermetten's earlier comments that most or all of the necessary area-wide traffic data exist and are readily available, and hinted that the applicant has been ready to sit down with all interested parties to discuss them but have been stonewalled by staff. He reiterated the request that a public hearing be scheduled.

Morgan asked Iacoangeli to repeat his earlier comments about levels of impervious surface in a watershed that cause negative impacts, and asked Mr. Stoecker how this question would be addressed. He replied that runoff is managed by collection and infiltration into the ground and that a system has been designed by the applicant to collect, store and filter stormwater better than the existing natural wetlands and constituent vegetation proposed to be mitigated. He asserted that feedback from the township's consultant has been too generalized for the applicant to provide a meaningful response. Pulcifer indicated familiarity with the environmental studies and water management plans prepared in 2001 during the previous Meijer application. Carstens indicated that sedimentation was not the only concern raised by the township; the question of water temperature pollution was also raised, as was the impact on stream morphology. Pulcifer noted that 100-year storm-sized basins were proposed to both separate out sediments and manage the rate of water release. Chris DeGood, Gourdie Fraser Associates, stated that their submissions address all standard issues; those related to cold-water trout streams are over and above what is normally expected in their experience and he views them as a delaying tactic. Carstens disagreed strongly, stating that many members of the community have demonstrated through their time and dollars their concerns with this issue. Mr. Stoecker cited the possibility of public concerns as the reason why public hearing should be set, so that Commission decision-making isn't done in a vacuum. Vermetten believes that Carstens has raised issues that should be closely examined, but is concerned with a lack of empirical data to prove that thermal pollution of the creek would occur. Therefore the township exists in a data vacuum as to whether or not a problem will or will not exist. Vermetten expressed a need to maintain civility, noting that both sides of the issue have presented their points of view and concerns and those concepts have been summarized today. He hopes to hear from many members of the community and about all of their various concerns that arise from this application, as well as responses to them. Morgan stated that in a condition of lack of empirical data, proceeding with extreme caution is advisable. Vermetten stated an opinion that Drain Commissioner McElyea has acted extraordinarily in providing a letter early in the process stating that he is impressed with the proposed stormwater management plans for the project. Both sides may provide expert advice, and their experts may or may not agree. The Commission will need to evaluate both sets of advice and form a conclusion. Mr. DeGood, Carstens and Pulcifer indicated that Iacoangeli complimented the applicant on their thorough approach to stormwater management design. Carstens further indicated a need to examine the project on a broad community impact basis.

Takayama asked the applicant about the layout of the proposed project, having received the impression that buildout of Lautner Commons is proposed in 2006. He is curious as to why Meijer would propose over 100,000 sq. ft. of additional commercial space along with their store, noting that the existing Meijer store in town exists on its own, and asked if this is a new concept trend for the corporation. Mr. Kinstle stated that many existing sites in their chain have additional components depending on whether or not their site contains excess property beyond what is needed for their store. They seek partners such as banks and sit-down restaurants that they feel will compliment their use and image. Fast food outlets are not generally what they look for. Meijer, Inc. is a retailer seeking to enhance the retail experience for their clientele rather than making fast money. On Lake Lansing Road downstate they have an Applebees, a hotel and are hoping to conclude a deal with a bank.

Takayama asked what the total percentage of impervious surface on the site after buildout of Lautner Commons phase 2 would be, wanting to know particularly because the site is so close to the headwaters of Yuba Creek. He also stated that he perceives the purpose of a preliminary hearing as ensuring that a plan meets the general intent and requirements of the Master Plan and ordinance on behalf of the elected Board by whom the Commission is appointed; after this has been assured then it is ready to be submitted to public comment. He feels that the proposed plan is a poor one that will be entirely automobile dependent, and that the big picture issues must be addressed before the public can assist with the fine tuning. David agreed, stating that if many

questions still exist it is difficult to obtain meaningful input from the public and it creates an environment of conflict. Vermetten feels that the Commission owes it to the public to listen to what they say. He feels that the plan is a generally good one, although there are things such as the additions of sidewalks that could be done and those details are what the public should have input about. There will always be people who don't like a plan. He feels the process should move forward, and that nobody but Takayama has stated that it's a good plan. Takayama stated that the packet appears complete and thorough, but he does not like the site plan. He does want to hear from the public as we did during the general election when those who were voted into office campaigned on a platform of supporting Master Plan goals of creating a walkable community scaled to serve the residents of the township. He has difficulty moving the process to a public hearing when he feels the plan is a poor one. Vermetten feels that mention of a Meijer on their property is specifically mentioned in the Master Plan as a superstore, and that their project is being confused with the Village. The township encouraged Meijer to become part of a town center on the other property, but when they did the township halted forward progress on that plan. So, they have moved back across the street to their own property. Takayama stated that the Master Plan mentions a need for careful planning to connect a Meijer store to a town center if it is not within one, and calls for essentially making Lautner Road the "Main Street" of an interconnected overall whole. It is nonsensical to him to look at the proposal relative only to it's own site, in a vacuum absent consideration of the larger community. David offered the opinion that the Commission is being pressured by Meijer to hurry through claims of intentional delay. A large project requires careful consideration without rushing. Mr. Kinstle stated that "they are not asking the township to move quickly; they are just asking it to move."

Iacoangeli stated that part of his responsibility is to guide the Commission through the process in a prudent fashion. He directed attention to page 86 of the Zoning Ordinance, Section 8.1.2(3). This section states that review may begin after an application is deemed complete, but that a public hearing will only be scheduled "after adequate review and study." He believes that there is additional information that should be submitted to the Commission for presentation to the public to prepare the public for their review and comment. He is not trying to delay the process but to make it more comprehensible and meaningful for the public. He believes that this section of the ordinance states that a public hearing is not scheduled simply because an application is submitted, but after review and study indicates that it is appropriate. Jim Christopherson, contracted legal counsel regarding this application, supported Iacoangeli's interpretation of the ordinance and the township's right to act accordingly. Carstens views the Commission as a "deliberative" body that must take the time to make careful decisions.

Motion by Carstens, support by David that the preliminary hearing for Application #2005-3P by Meijer Inc. be continued pending receipt of further information.

Krause stated that he supports having a Meijer in Acme Township; however, he believes that the property owned by Meijer, Inc. is the wrong site. It belongs on the west side of Lautner Road, and the township almost achieved having them locate there. Had this been done, there was in his opinion a good chance that the Meijer property would have become a public park. A strong group in the township felt that the plan for including the Meijer in the Village was "no good," and the township is now mired in litigation. Neither side of most debates will entirely have their way; compromise is involved. He expressed certainty that the partners in the Village wanted to meet with the township and find a middle ground many times over the past 6 months.

Carstens stated that he has not heard the public complain about having a Meijer on the west side of Lautner Road; concerns were about the ratio of commercial to residential development proposed for the Village.

Vermetten believes the developer has met statutory and ordinance requirements for their application. Krause agreed, stating that the application should go to public hearing as soon as possible. David believes it will be hard to entertain public comment until the Commission has its questions answered.

Motion failed by a vote of 4 in favor (David, Takayama, Morgan, Carstens) and 5 opposed (Krause, Hardin, Vermetten, Sherberneau, Pulcipher.)

Motion by Vermetten, support by Krause to set a public hearing at the May 23 meeting date regarding Application #2005-3P.

The public and Commission requested that Takayama asked if the motion could include a request to have Chris Grobbel provide an environmental analysis of the proposed project site. Vermetten declined to amend his motion.

Motion carried by a vote of 5 in favor (Krause, Hardin, Vermetten, Sherberneau, Pulcipher) and 4 opposed (David, Takayama, Morgan, Carstens.)

The Commission and public indicated a desire to hold the next meeting at New Hope Church if possible.

The meeting was recessed from 8:55 p.m. to 9:08 p.m.

5. Public Hearings:

- a) **Application #2004-23P by POW Investments, LLC, PO Box 681, Traverse City for Special Use Permit/Site Plan approval to construct The Cottages at Windward Ridge, a 44-unit single-family residential Open Space Development on 12.53 acres of land located at 6685 US 31 North and currently zoned R-3, Urban Residential:** Brad Kaye from Gourdie Fraser Associates presented the application, noting that a number of questions were raised at last month's meeting to be resolved in consultation with Krause. The result was Krause's determination that proposed development units are clustered as closely as possible. Units proposed for the eastern portion of the road loop were relocated to other portions of the site, making the open spaces areas more cohesive and contiguous. There was consideration of moving the road farther to the west, but the central area of the site is the steepest so this was impractical.

Mr. Kaye indicated receipt of Corpe's subsequent report and proceeded to address some of the concerns raised. One relates to a requirement in the OSD ordinance that there be a 20' landscaping buffer along rights-of-way, but the proposed location of buildings in this development does not observe this requirement. The applicant feels this requirement is intended more for corner lots than all lots in a development and protects as much privacy as possible.

Corpe's next concern has to do with a lack of firm indication that a proposed connection to the Resort water system exists, and she suggests that the ability to provide a back-up onsite water system be demonstrated. Mr. Kaye indicated that it is not possible to provide on-site water with the proposed development configuration, so if Tribal water is not obtained the project will not proceed or might have to be redesigned. The applicant requests that the township entertain an approval conditional upon receipt of Tribal water service.

Corpe noted a lack of submission of condominium documents to date; Mr. Kaye confirmed that they have not been prepared. This step is costly and the applicant is requesting that it be allowed to return at a later time after approval of the site layout.

Sandy Pownall, the applicant, discussed the proposed building design. They are seeking a cottage feel and will employ a range of colors rather than just white or taupe. Building exteriors would be a textured vinyl siding product that resembles wood and is warranted to have minimal color fade over 25 years. Building trim would be white to provide for a cottage feel. The developers would choose the exterior color of each unit; individual buyers will not have individual choice. Designer garage doors with windows will be utilized along with cultured rock and ledge-style stone for an upscale feel. A gatehouse would be provided at the intersection of Windward Way and US 31, along with somewhat decorative fencing. Each unit will have a screened porch, full basements, and 9' ceilings. Ms. Pownall indicated that the overall site is well wooded. She displayed a 7-year old photograph, noting that the trees have grown up a lot over time. Mr. Kaye indicated that street trees have been added to meet ordinance requirements and that the entrance from US 31 will be well-landscaped. A sign will eventually be added but has yet to be designed. Forested lands in the central portion of the site will be protected, as will the area adjacent to US 31. Views of the bay over the trees through the center of the site will be captures, but some views across the northern portion of the site will be lost to proposed housing units.

David asked if the units are likely to be inhabited year-round. Ms. Pownall expects they will be. Each unit will have about 1,600 sq. ft. above ground, and could be finished off to a total of around 3,000 sq. ft. including the basement. The 6 units on the west side of the property will be duplex units with the same design character of the single-family units. The project is a standard condominium system whereby everything outside of the inside of the units would be owned in common.

Vermetten asked about the reason why it would be impossible to have an on-site water system with the proposed design; Mr. Kaye responded that due to the need for a certain separation distance between a common well and other development elements, on-site water would require a reduction in the number of housing units. Vermetten noted that the condominium documents must be completed; Mr. Kaye responded that the applicant is seeking SUP approval tonight, with site plan approval including condominium documents to be deferred to a second step once the applicant has confidence that their plan has been approved.

Krause stated that earlier concerns with the plan largely involved a lack of continuity of the open space elements, and that this has been addressed. At the last meeting he indicated the housing units could be clustered together better, but when he sat down to look at the design he found that indeed it couldn't be done. He has concluded that the problem is the OSD ordinance and its permitted 20% density bonus. He feels that this matter must be addressed through some redrafting of the ordinance, and that improvements to this project have been made to his personal satisfaction. He also finds that landscaping requirements for the development have been met.

Public Hearing opened at 9:34 p.m.

Ken Engle, 8755 Bates Road, asked if the subject property is within the sewer district. It is. The applicant will need to extend the existing sewer main approximately 750' to reach the property.

Public Hearing closed at 9:35 p.m.

Krause stated that the property has demonstrated open space value due to the viewsheds being protected through the central area of the property, as well as preservation of a scenic corridor alongside US 31 and maintenance of the mature tree cover on the site. A contiguous area of open space is provided.

Motion by Vermetten, support by Morgan to recommend approval of Application #2004 to the Board of Trustees contingent upon receipt of final agency review/approval letters, provision of a sidewalk along US 31, proof of the ability to obtain water service from the GT Resort and the required condominium and conservation easement documentation.

Mr. Kaye asked if the Commission is requiring that a 20' landscape buffer be maintained between the roadways and the housing units. After discussion it was decided that because this is a full condominium project rather than a site condominium project, observance of customary setbacks from lot lines is not required.

Motion carried unanimously.

- b) **Application #2005-5P by LochenHeath LLC for Special Use Permit/Site Plan approval for an amendment to SUP #2004-5P for the LochenHeath PUD Development to allow reconfiguration of the northern housing cluster (Prestwick and Carnoustie Court) and an increase in density from 85 to 99 units on property situated on the west side of US 31 North and bounded by Woodridge Shores on the north):** Dean Connors from R. Clark Associates provided a PowerPoint presentation regarding the proposed project to increase the density of the PUD portion of LochenHeath from 85 units to the full 99 indicated as possible by staff report in 1998 when original project approval was granted, and reconfiguration of some of the development lots. One slide addressed the question of maintaining adequate air drainage for the neighboring Pulcifer cherry orchard, showing blue arrows indicating cold airflow based on site topography. He noted that a ridgeline to the west of the orchards has been lowered to provide enhanced views of the bay, which the applicant believes will actually allow for enhanced air drainage to the west. The proposed smaller lots on Prestwick and Carnoustie would be for cottage-style homes with

views of the golf course and/or the bay.

Joe Elliott, Gourdie Fraser spoke about the utility plan for the site. The lots will be served by the central water and sewer systems extant on the site, which are sized to serve 100 units. Some new sewer lines will need to be laid; existing pump stations will be utilized. There are steep slopes near the boundary of the Hullman property; care will be taken to direct and collect water away from his property. Soils investigation will occur on existing storage basins, which may be enlarged.

Sherberneau asked if Hole #6 as reconfigured will be relatively flat in contour. Neither Mr. Connors nor Mr. Elliott were certain; Russ Clark noted that two holes are being relocated. Hole 6 will play more north to south rather than east to west. The new green for Hole 7 will be somewhat lower than currently. Krause asked for the length of Hole 6; it will be a relatively short Par 3. Extensive vegetative buffering will be placed between the hole and Woodridge Shores to trap or deflect errant golf balls.

Hardin asked if there has been discussion between the development team and LochenHeath regarding air drainage. Mr. Clark stated that he and Pulcipher have not have an opportunity to discuss the air drainage slide displayed this evening, and nobody knows his air drainage as well as he does. However the development team feels confident that the ridgelines are perpendicular to the air drainways. The homes in this area will be on a ridge higher than the current low area through which the cold air flows.

Motion by Vermetten, support by Krause to extend the meeting to 10:30 p.m. Motion carried unanimously.

Public Hearing opened at 10:05 p.m.

Mark Hullman, 4259 Maitland Road, asked what the proposed housing units would be used for, and asked if they will be maintained for or placed into a rental pool. Mr. Clark responded that they are being sold as single-family residences that will be at least 1,800 sq. ft. each. LochenHeath is not a rental company and does not maintain a rental pool. Mr. Hullman asked if the entire development of unsold lots and golf course are under one ownership at the current time; Mark Krakow, one of the partners indicated that it is.

Mr. Engle expressed concerns about a new earthen berm along US 31 in relation to both air drainage and potential impact to an existing defined protected viewshed. Carstens and David both indicated that they had thought the piles of dirt in this area were temporary; Mr. Clark indicated that in this area a permanent berm is proposed. He asserted that the view of the bay is the same as it has always been, and that only views into the property have been modified. He indicated that he can provide photographic evidence to this effect.

Public Hearing closed at 10:09 p.m.

Takayama's sole concern is that there used to be a large lake in the center of the project as originally proposed. He was reminded that there will be a lake system on the new OSD portion of LochenHeath. He is concerned that the proposed reconfiguration pushes development units towards the periphery of the site and closer to adjacent landowners.

Motion by Vermetten, support by Hardin to recommend approval of Application #2005-5P amending the existing LochenHeath PUD to the Township Board contingent upon receipt of all agency conceptual approval letters and maintenance of appropriate air drainage for the Pulcipher orchards such that there will be no adverse impact on the agricultural operation.

Carstens supported Mr. Engle's suggestion that any potential impact on the viewshed be reviewed carefully. Corpe requested that photographs be submitted prior to the Board meeting on May 10; Mr. Clark indicated he would do so.

Motion carried by unanimous roll call vote, with Pulcipher abstaining.

6. Preliminary Hearings (continued):

- a) **Application #2005-6P by Breakout Vending/Susan Brosch, 3254 Holiday View, Traverse City MI 49686 for SUP/Site Plan approval to construct a warehousing facility at 6101 S.**

Railway Commons (Lot 1, Railway Industrial Park) on property currently zoned B-4, Material Processing & Warehousing: Ms. Brosch and her son Jeffrey appeared in support of her application to construct a facility to store and service video games and other vending equipment. There will be 3 employees. A more detailed site plan, including parking and landscaping is being prepared and should be ready next week. The proposed lot is just over 1 acre in size, and the proposed structure would be around 4,000 sq. ft. Sherberneau asked if there will be overhead doors; one will be located in the back of the building. Vermetten asked if the applicant has a copy of Hull's staff report detailing the items needed to appear on the plan; Hull confirmed this to be the case. He advised the applicants that the detailed plan must be presented and given a preliminary staff review prior to a public hearing being set. Hull has shared a site plan for another project in the development as an example.

Motion by Krause, support by Vermetten to continue the preliminary hearing on Application #2005-6P to the May 23 meeting pending receipt of detailed site plan information. Motion carried unanimously.

7. New Business:

Corpe mentioned that Matt McDonough from the Grand Traverse Regional Community Foundation called her, wanting to be on an upcoming Planning Commission agenda. He is working with the township on our farmland preservation initiative and helping to attract matching grants for the funds raised through millage. To qualify for consideration for state grants, the Master Plan must have a farmland preservation district map; McDonough would like to work with the Commission to put one together as soon as possible.

Motion by Morgan, support by David to schedule the next Commission study session for June 13 at 7:00 p.m. and to invite Matt McDonough to be on the agenda. Motion carried unanimously.

8. Old Business: None

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

Mr. Engle stated that based on discussions with Pat Salathiel, a Dark Sky Ordinance is nearly ready for public hearings. He feels it's important to proceed. Sherberneau noted that the Board has directed that no subcommittee meetings occur and that the number of special study session meetings is limited for fiscal reasons. The Commission added this item to the June 13 meeting agenda for the June 13 meeting.

Meeting adjourned at 10:31 p.m.