



ACME TOWNSHIP PLANNING COMMISSION MEETING
NEW HOPE CHURCH
5100 BETHESDA COURT, Williamsburg MI 49690
6:30 p.m. Monday, May 23, 2005

Meeting called to Order at 6:30 p.m.

Members present: O. Sherberneau (Chair), B. Carstens, C. David, R. Hardin, D. Krause, D. Morgan, E. Takayama, M. Vermetten
Members excused: J. Pulcipher
Staff present: J. Hull, Zoning Administrator
S. Corpe, Office & Planning Coordinator/Recording Secretary
J. Iacoangeli – Beckett & Raeder, Consulting Planner
J. Christopherson, Consulting Counsel

Roll Call of Planning Commission Members

1. Consent Calendar:

Motion by Vermetten, support by Morgan to approve the Consent Calendar as presented, including:

Receive and File:

- a) **Draft unapproved minutes of the May 10, 2005 Board of Trustees meeting**
- b) **RFP/RFQ for Planning Consultant** to assist with visioning/Master Plan Future Land Use Map

Action:

- a) Approve **April 25, 2005** meeting minutes
- b) Review and approve agenda, inquiry as to conflicts of interest: approved with no conflicts noted.

Motion carried unanimously.

2. Correspondence: None not related to the later agenda items.

3. Limited Public Comment:

Bill Castle, 1349 West Kalkaska Road asked if the Commissioners are appointed. Sherberneau responded that all Commissioners are appointed by the Board of Trustees. Mr. Castle asked if all have sworn an oath to uphold the constitutions of the state and nation; Corpe replied that this has not been done and she does not believe it is required of appointees. Mr. Castle believes it is a requirement and urged the Commission to investigate further.

Margie Goss, 4105 Bay Valley Drive, stated that at the Board meeting last week she spoke about the matter of hiring a planning consultant for visioning and production of a future land use map for the master plan. She questions the need for doing so, which seems to her to be duplicative of existing efforts. She believes that other business on the table is moving slowly because obstructions have been placed in their path and questions the need for a consultant for a visioning process for the second time as waste of money and time. Sherberneau stated that the Board of Trustees would be a better source for information in this regard.

4. Preliminary Hearings – 6:30 p.m. to 7:30 p.m.:

- 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 (continued from 04/25/05 meeting):** Ms. Brosch and John Urbain, Elmer's Engineering were present in support of the application. Breakout Vending sells and services a variety of vending machines and games, and their proposed building would serve as a facility to warehouse and repair their wares as well as office space.

A copy of the site plan was displayed. There are three employees and the site plan provides for seven parking spaces plus loading/unloading spaces. Private well and septic systems will provide necessary services to the property. An enclosed trash receptacle area and a retention basin as required by the Soil Erosion Department are provided as well. To the east, west and north the land is zoned B-4, to the south the land use is residential. Therefore, along the south property line enhanced landscaping is required.

Hull noted that since the time his report was written approval has been received from the Soil Erosion Department. Everything else that is required is in hand. Earlier there was a required berm or hedge missing from the site plan, but a berm/hedge combination has been provided and he believes the plan is ready to move to the public hearing phase of the application process. The appropriate berm size is shown on the grading plan for the site, as opposed to the size notated on the landscaping plan page of the application materials.

Takayama asked if an elevation drawing for the building is available; they were presented to Hull. A copy was passed along the table. Corpe noted that Railway Industrial Park does have an active neighborhood association and an architectural review board which must approve the design.

Motion by Vermetten, support by Takayama to set a public hearing regarding Application #2005-6P for the June 27 meeting. Motion carried by unanimous roll call vote.

- b) **Application #2005-7P by New Hope Church 5100 Bethesda Court, Williamsburg MI 49690 for amendment to the existing church Special Use Permit/Site Plan #97-3P to allow for construction of a new administration building on property located at 5100 Bethesda Court and currently zoned A-1, Agricultural:** Josh Standfest, Elmer's Engineering, was present in support of the application. Phase II of the original SUP for the property proposed a parking lot on the south end of the property to the west of the softball field. New Hope seeks an amendment to the SUP to replace some of the parking with a church staff administrative building to house staff offices, counseling rooms, and a few multi-purpose meeting rooms. This facility would serve eight existing staff members with no addition to staff expected. The building would be 8,900 sq. ft., single-story wood frame construction with brick veneer to match existing structures. Slightly more parking spaces than required will be provided, and the building would have independent well and septic systems. Landscaping would be provided in accordance with existing plans that respect concerns raised by neighboring orchardists about maintaining appropriate air drainage. For this reason they would favor use of smaller flowering varieties of trees. The facility would only be used on weekdays, and will have restrooms but no kitchen facilities. The staff has outgrown existing administrative facilities in the main church building; this space would be converted to classroom/meeting space. No additional programs are planned to be added to the church's available offerings; right now even storage areas are being used to meet current space needs. Mr. Standfest stated that no additional traffic flow to the site is expected to be generated. There are currently 420 parking spaces with 116 new spaces proposed. There will be an overall decrease in impervious surface as compared to the original SUP site plan. Preliminary approval for the site plan has been received from the Soil Erosion Department and will be provided prior to public hearing.

In his report Hull expressed concerns regarding whether or not the proposed use of the new structure as an administrative building would be permitted according to the ordinance. Churches are an allowable institutional use in the agricultural district along with a list of accessory uses such as clergy housing that does not include administration. He viewed the building as strictly an office building that would not be permissible, although Corpe disagreed and felt that the use was for a portion of the church operation. Pastor Standfest from the church has assured Hull that the proposed structure is entirely for ministry use which has made him somewhat more comfortable with any decision that might be made in this regard.

Carstens is concerned with the proximity of the proposed structure to the boundaries of the

Yuba Creek Natural Area. One concern would be with site runoff into the YCNA. He is uncertain of the hydrology in this area and whether a clay area exists underground. Mr. Standfest pointed out the retention features provided on site.

Takayama noted Hull's discussion about an unclear record in the files as to whether or not the auditorium portion of the church in which the meeting is being held was ever formally granted an SUP. Hull's review of the file seems to indicate that the auditorium was displayed as a non-permitted future phase on a 1994 permit, but was referred to by Sherrin Hood, former Planner, in a report for the 1997 SUP as having been previously approved. Hull stated that the configuration of the existing structures is permissible according to the ordinance. He has conferred with legal counsel and both are comfortable that the matter can be addressed through language in the SUP under consideration should it be proposed.

Takayama noted that there have been traffic concerns related to the church and asked if input has been received from MDOT. The church has experienced rapid growth and on Sunday mornings there are traffic delays. The Church has moved from one Sunday service to two to spread out the traffic flow. MDOT has not yet been consulted regarding the amendment application, but Takayama feels this would be advisable. Mr. Standfest noted that a deceleration/turn flare is provided that is longer than customarily required for a property the size of New Hope's. Takayama and Vermetten both feel that the northbound right deceleration/turn lane is rather short and may need revision. Vermetten also noted that the new building is proposed to be growth-neutral and to generate no new traffic, and that the purpose of this hearing is to consider whether or not it is appropriate to move to public hearing. David felt that since a concern had been raised by staff it is important to note and discuss it. Hull has spoken with Rise Rasch from the MDOT Traverse City service center, who has informed him that traffic issues are not engineering related but must be controlled by how Sunday services are scheduled.

Motion by Vermetten, support by Morgan to set a public hearing on Application #2005-7P for the June 27 meeting.

David raised the question of what might happen in the future if the Church fell on less prosperous times and needed to shrink its operations. Could they rent out the structure to another use or user? Hull indicated that some thought should be given to this matter. Corpe stated that a condition of SUP approval could be limiting use of the structure to church administrative functions only, although this does place an ongoing enforcement onus on the township.

Carstens noted that in the past some facilities have been allowed to develop fewer parking spaces than required by ordinance to minimize impervious surface. Krause stated that this has largely been in retail use situations. Carstens feels we should take every opportunity possible to reduce impervious surface if parking needs are met.

Motion carried by unanimous roll call vote.

A recess was declared from 7:17 p.m. to 7:30 p.m.

5. Public Hearings – 7:30 p.m. to 10:00 p.m.:

- 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**

1. **Applicant presentation – 7:30 p.m. to 7:50 p.m.:** Scott Nowakowski, Director of Real Estate for Meijer, Inc. began the presentation with a recitation of the property's history. His company purchased the property in 1988 and made SUP application in 2000. This application was withdrawn in the Spring of 2001 in response to concerns

raised by township citizens, largely regarding environmental issues. In the early Winter 2004 they submitted an SUP application to be part of Phase I of The Village at Grand Traverse on the opposite side of Lautner Road; this application has been delayed due to litigation. Meijer, Inc. is firm in its resolve to build a store in Acme Township on one site or the other, and has therefore submitted a new SUP application for their property on the southeast corner of M-72 and Lautner Road. The proposed architectural design is of minimalist, modern nature. Mr. Nowakowski stated that the proposed store is set back more than 250' from M-72, and would include a separate gas station and several outlot buildings.

Chris DeGood, Gourdie Fraser Associates, continued the presentation by displaying a site plan revised from that submitted for previous meetings. The number of proposed outlots has been reduced by one, and sidewalks have been added as well as cross-walk to provide connectivity to The Village at Grand Traverse. Mr. DeGood asserted that stormwater management areas are larger than required. Runoff management areas are mingled with wetlands mitigation areas on the north side of the property between the proposed store and M-72, and Mr. DeGood described how water would flow through the system.

Mr. Tim Stoepker, legal counsel for Meijer, Inc. addressed the assemblage next regarding a memo from Christopherson regarding whether or not the Meijer property would have rights to access the regional sanitary sewer system. He expressed surprise that the township would assert that they do not, since the potential Meijer development is mentioned in the Town Center report of the Master Plan and the township has expressed concerns regarding whether the site is suitable for on-site wastewater treatment. Mr. Stoepker stated that he is unaware of any sewer district ordinance adopted by the ordinance or any special assessment districts for sewer improvements/service that have been set up within the township. There is a defined sewer district in the Master Plan; Mr. Stoepker asserts that this alone is not sufficient to establish a service district from which they are excluded. Meijer understands that Acme Township is currently using half or less of the capacity available to it at the regional treatment plan, and expects to be able to extend a sewer main from The Village property to the Meijer property at their expense, to purchase benefits and hook up to the regional system and pay monthly user rates as other users do. For all of the foregoing reasons, Mr. Stoepker finds it unusual that the township would wish to or can preclude Meijer from connecting to the regional sanitary sewer system.

Matt Smith from URS, Meijer's traffic consultant, spoke to discuss revisions to the traffic studies that have been presented previously that presume complete buildout of both The Village and Meijer properties. Mr. Smith stated that they began by examining existing traffic volumes and considering adjustments for peak periods such as summer weekdays. They also factored in background growth for area properties other than The Village or Meijer to provide a complete traffic model through 2008. Achieving/maintaining acceptable levels of service, creating adequate access to the site for the general public and for emergency services were the three key goals of the study. Mr. Smith discussed the level of service (LOS) ratings and what they mean, and noted that they refer to peak hour traffic flows. The applicant's PowerPoint presentation displayed tables discussing existing and proposed LOS for existing and proposed curb cuts for Meijer and The Village. Mr. Smith stated that an LOS of "D" is considered acceptable and that with proposed road improvements this level would be maintained on public roads. There might be some LOS "F" ratings (unacceptable), but these would be internal to the site for people queuing to exit the property and not for those on the public roadways. Mr. Smith displayed a slide detailing proposed public road improvements, including a traffic signal at M-72 and Lautner and possibly a signal at the proposed main entrance to The Village, along with the addition of several lanes to both roads.

Stu Kogge, Wetland & Coastal Resources, was asked by the applicant to review

Gourdie Fraser's designed stormwater detention and wetland mitigation systems. Mr. Kogge is a former DEQ officer, and stated that that the proposed plans exceed County requirements for 25-year stormwater management, being at approximately a 100-year storm level. The design is multi-chambered, which is also favorable in their eyes. They have proposed a few changes which Meijer has agreed with them to incorporate. Mr. Kogge also stated that the proposed wetlands mitigation is expected to improve the quality of wetlands on the site and water that leaves the site along with increasing the wetlands area on site. They believe that the 1.5:1 ratio of new wetlands to mitigated wetland will be exceeded significantly. Mr. Kogge supplied a map displaying the proposed pathway of surface water discharge from the development site and how it would or would not impact the quality of Yuba Creek. He asserted that the site is over a mile away from Yuba Creek at Brackett Road where water discharged from the site would enter the creek after traveling through an extensive treatment chain. They also assert there will be no impact on Acme Creek.

2. **Township Consulting Planner's Report – 7:50 p.m. to 8:10 p.m.:** Mr. Iacoangeli expressed pleasure at seeing that a number of recommendations from the report he provided last month have been incorporated. He proceeded to highlight the contents of the report he delivered to the Commission and the applicant this evening. He began with statistics about property size and size of proposed developments (64.5 acres of site and somewhat over 17 acres of parking lot development along with buildings). He noted that Phase I of the Lautner Commons project under immediate review includes the Meijer store and gas station/convenience store but not the proposed outlots.

Next, Mr. Iacoangeli provided an outline of the extensive portions of the Zoning Ordinance applicable to this project. It is his opinion that the proposed project is not consistent with the intent of the B-3 Planned Shopping District zoning designation of the property. Supplemental market information justifying the grocery store and gas station has not yet been provided, although he was advised by the applicant that Anderson Economic Group was updating its market study. Their initial report indicates that the proposed Lautner Commons would consume 67% of the supportable retail square footage for the Grand Traverse Market, and combined with The Village both developments would exceed the supportable retail square footage for the region. Mr. Iacoangeli developed a picture that incorporates both The Village and Lautner Commons to provide a meaningful picture of the scope of the proposed development combination.

When the report was written a revised traffic study had not been submitted. A joint letter from MDOT/Road Commission indicated that they also had not received the information required for them to perform their assessment of the two projects. Mr. Iacoangeli also noted that in the B-3 district all operations must be conducted within wholly enclosed buildings, so as designed the proposed Meijer garden center would not be permissible. He further noted that clearly demarcated sidewalks within the Lautner Commons development are not provided as required and that automobile and pedestrian areas are not sufficiently separated.

The site plan calls for a drive-up pharmacy window that requires traffic to run counter to general site traffic and again does not provide sufficient automobile/pedestrian separation. Many of the perceived design flaws are due to the fact that the applicant is trying to place a big box store in an area that is designed for a planned shopping center, which is a different type of development.

Mr. Iacoangeli pointed out that the ordinance requires landscaping and parking transition strips between commercial and residential zones and uses. In this case a 200' area along all three sides of the property would be required for landscaping and parking buffers and would necessitate moving all of the outlot structures. All structures along the M-72 corridor must be setback 100' from the right-of-way;

currently the underground storage tanks for the gas station would not meet this requirement. The ordinance also requires only one curb cut per property on M-72, and the plan does not meet this requirement either.

Sign ordinance requirements for shopping centers requires that the main signage for the project must reflect the shopping center name/nature of the development with smaller slots for the names of the component businesses. At present the main sign proposed is a sign for Meijer alone which would not meet the ordinance requirements.

Parking has been provided at a rate of 1 space per 100 sq. ft. according to the ordinance, requiring 17 acres of land. The ordinance is excessive compared to industry standards of 1 space per 250 sq. ft. and can be reduced by the Planning Commission. Loading/unloading space requirements in the ordinance have not been met. The ordinance prohibits placement of parking spaces within a front yard and if outlots are not constructed as planned there would be parking spaces in the front yard of the property.

Landscaping requirements were found not to have been met; irrigation requirements were found not to have been met. It is recommended that parking rows be re-oriented to allow parking lot landscaping islands to better screen the lot from M-72 and control traffic flow. Lighting is proposed to be 33.5' above grade which is excessively high. Dark sky lighting would provide more lightpoles that are shorter. Aiming for lighting at the gas station is critical to avoid amplification and direction off-site.

Mr. Iacoangeli agrees that the issue of whether or not sanitary sewer service will be provided to the site must be addressed. All area agencies must provide input as applicable, and whether sanitary service will be on-site or regional impacts the agency input required.

Mr. Iacoangeli discussed general special land use approval concepts. The applicant is asking to do something that is not permitted by right in their zoning district. The township is therefore looking for innovation in design. The township also has a responsibility to provide for reasonable flexibility in the process.

In summary, Mr. Iacoangeli has found that the proposed plan is inconsistent with the intent of the Master Plan to discourage traditional suburban strip commercial development. The Plan does anticipate development of the site but in a more innovative manner. He has found that there has been minimal regard for existing site conditions and there are significant unresolved infrastructure impacts (sewer and traffic). It has not been demonstrated that the local market can support the proposed level of development. Mr. Iacoangeli provided some graphic examples of innovative designs of the type the township should hope to see from an application of this nature. He displayed a site plan for an Ohio Meijer store taken from their corporate website to demonstrate that the plan presented is from their typical template for development. Discussion between township and applicant is necessary to make the design more context and design appropriate for this setting.

Dr. Chris Grobbel, Ball Environmental was retained by Beckett & Raeder to assess the environmental impacts of the proposed project and to represent the township's interest at the May 11 DEQ public hearing regarding the requested wetlands mitigation permit.

Seven monitor wells are in place on the property and a study has been done with interesting findings. They stated that the majority of construction will encounter shallow ground water that might be managed by sump pumps. All topsoil would have to be removed from the site where construction would occur, which might

impact groundwater discharge. This will be particularly true if sump pumps will be running – more water than has been disclosed will issue forth from the site. There is an average 3' water table on the site in some areas and 5 – 6' in others according to the monitor well data. The gas storage tanks for the gas station would be within the water table and would have to be strapped down carefully to keep them from floating. This type of situation frequently generates gas spills, so caution should be exercised relative to the idea of placing underground tanks in this area.

In the 2000 application Meijer proposed a separator system to remove gas and oil from water at the gas station before it reaches the stormwater detention chain which is not included in the plan now but should be. Clay soils are present on the site, so if construction occurs during a wet season a lot of gravel or limestone would have to be brought in. Dr. Grobbel believes that wetlands in addition to those identified by Meijer exist, and stated that the existing wetland survey has expired according to DEQ standards and should be redone. His chief concern is the sewage disposal plan. Three ideas have been proposed: 1) connect to the regional sewer system; 2) connect to a treatment plant at Turtle Creek or 3) on-site treatment. At one time it was proposed that Meijer purchase a portion of adjacent property for an off-site localized system but for several reasons related to the soils and hydrology in the area receiving a permit for such a system from the State is not feasible. Since there is a question as to whether or not public sewer service can or will be extended to the site, the question of sanitary service for the property has not been resolved.

Dr. Grobbel stated that the County Drain Commission/Soil Erosion is willing to meet with township representatives to discuss various impact issues, but also needs the township to be aware that in its official capacity it can only address runoff control in these circumstances. He expressed willingness to work with applicant and township to find solutions to all issues.

**3. Public Comment – 8:10 p.m. to 10:00 p.m. maximum:
Public Hearing opened at 8:30 p.m.**

Bill Castle, 1349 W. Kalkaska perceives a lot of public outcry about the project, which affects individuals outside of Acme Township or Grand Traverse County. He lives in Kalkaska County, and must drive a long way to reach shopping opportunities. A Meijer on this side of town would be convenient for him. It sounds to him like this project has been pending for a long time – by some estimates as long as 10 years. Why has the process taken so long? Is it the swampy nature of the property, or interests of shop owners downtown?

Ron Reinhold, 4446 Westridge, expressed support for the Meijer project and urged the Commission to move towards approval. He urged that environmental issues be left to the DEQ for resolution, and stated that at the DEQ hearing four distinguished environmental experts spoke and corrected Dr. Grobbel several times. For this reason he believes Dr. Grobbel's conclusions should be held suspect. He expressed a feeling that the township is in jeopardy and that members of Concerned Citizens of Acme Township (CCAT) is employing devious means to block a development they do not desire at all costs. Mr. Reinhold asserted that numerous lawsuits have been brought, that most rulings to date have been unfavorable to the township and that this makes it likely that the township's insurance carrier might drop our liability coverage. Some members of the Board and Commission are being sued for conflict of interest. Mr. Reinhold has been told by County representatives that township officials are discussion a potential increase in taxes to fund lawsuit defense. He referred to the City of Novi which lost a lawsuit that cost each individual taxpayer \$23,000.

Laura Reinhold, 4446 Westridge, stated that she has lived 1 mile away from the proposed Meijer site for 20 years. They have raised children who have returned to town and are looking for a place to live. They don't find the Acme side of town to contain the amenities and conveniences they require. Mrs. Reinhold herself feels she

has to travel to the other side of town to shop too often. There is already a lot of traffic that passes through Acme from outlying areas to get to Meijers, and that they should have an opportunity to shop here instead. She favors affordable housing in The Village as well.

Shawn Husband, 4167 Cranberry Lane works for Meijer, Inc. locally. Fourteen years ago when he started working there the store was smaller. They decided to expand, so they purchased the bowling alley next door and built the largest store in the chain. In the process they discovered that Kid's Creek ran directly under the bowling alley. They revitalized and rerouted the creek, and now people fish in the creek on the Meijer property. We need to give Meijer a chance to meet our environmental expectations, and they seem to have an excellent track record. Think about the church we are in and which sits about half a mile away from Yuba Creek. It serves many happy parishioners with large buildings and a big parking lot. How much storm water from this site can run down into the Yuba Valley and contaminate the creek? How much traffic does the church generate? How would it be if the same type of resistance being put up against Meijer was put up against the congregation of this church? Everybody deserves a chance and to be treated equally. The Commission must act objectively in the face of subjective public comment.

Robert Roden, 4164 Cranberry Lane, stated that a moratorium is in place and lawsuits are derailing proposed growth. Various entities have looked at the development plans for the property and "raised red flags." The County Planning Commission recommended against a moratorium. Mr. Reinhold referred to litigation in Novi over inappropriate delays in planning reviews that ultimately cost the taxpayers. Mr. Roden worked for Fortune 50 companies for his whole career and values this area. Corporations make fiscal contingency plans to deal with hazards such as litigation. He is afraid that what is currently going on may impact his ability to send his son to college or otherwise provide for his future. He has spoken with people who have reviewed the legalities of the situation and believe that the township has an inappropriate level of liability exposure. If we lose, do we know what it might cost the citizens? Emergency plans must be communicated to the public.

Shawn Burt, 4415 Bartlett Road, asked if a public referendum has been held at any time in the past regarding the Meijer site. Corpe stated that in 1988 when the property was owned by Paul Nine he planned to build an outlet mall. He requested a rezoning to B-3, and the rezoning was upheld through referendum. Meijer purchased the property at a later point in time. Ms. Burt noted that the property has been zoned for commercial use for a long time, and the environmental issues have been present for a long time as well. Why weren't they considered earlier. She also stated that she hopes The Village and Meijer can be separated as issues. She supports a Meijer store but not a mall. She hopes that all of these issues can be addressed quickly.

Bruce Trudgen, 4613 Hampshire, addressed traffic. On a regional planning scale, the proposed development would increase traffic by redirecting traffic flows from other parts of town. He also feels it's important to encourage a large retail store to build as large as it can up front so that they don't have to abandon their store and build a larger one just down the road to serve their customers. Mr. Trudgen feels that they Meijer has been forced into a high level of expenses. We want to help them be as profitable as possible.

Dan Rosa, 4707 Hampshire Drive, stated that Meijer has owned their land for 15 years and the township has allowed them to pay their property taxes all this time. Now they want to build a store, but some of their neighbors don't want them to build it. Some neighbors don't want any growth at all. Some neighbors want to force other neighbors to preserve viewsheds and open space for them. To him this is an erosion of personal freedom, and any obstruction to Meijer is, to him, a violation of their

constitutional rights. The taxpayers would have to pay the bill. He urges approval of the Meijer plan to keep taxes down.

Louann Brohl, 4125 Holiday North Court, asked Meijer to “think outside the big box.” She has read about how Best Buy is opening smaller boutique stores. The store Meijer proposed would fit with a regional mall, but does not in her opinion fit with the small village called for by the township Master Plan. The township cannot support the proposed development environmentally or through infrastructure. Using a “baby box” approach could provide a winning situation for all. Flexibility in working with the local community to provide a new type of Meijer store would enhance their image, improve their profits and cause other communities to welcome them more readily. As the township grows and decides on a site plan it is important to remember that we depend on tourist dollars, and creating the same type of development that exists anywhere will cause those tourist dollars to go elsewhere.

Harold Mankin, 5485 Millbrook Drive, has been a Planning Commissioner and knew Fred Meijer and was his security manager when they first started their business. The business is family-oriented and would be an asset to the community. The traffic that would stop there is passing by anyway. The jobs are needed.

Virginia Tegel, 4810 Bartlett Road, appreciates the fact that Meijer has made some changes to their site plan and hopes everyone can work together on a mutually acceptable solution. She urged the Commission not to make a decision based on fear of litigation. She is concerned about the proposed size, amount of impervious surface, lack of non-motorized friendly design, the fact that runoff would reach other people’s private properties, the market study, whether or not the parking lot is proposed to be overbuilt or if empty parking lots at other stores mean that this one isn’t really needed, whether the jobs are needed. She is interested in the fact that people from outside of the township attend the hearings, which is proof that this is a regional development rather than a local one. As a property owner she has a right to safe environment. The impacts she could generate on her neighbors are much smaller than the impacts Meijer will generate. The traffic impacts on Bunker Hill Road have not been studied.

Greg Reising, Northern Michigan Environmental Action Counsel, spoke to the wetlands impacts. He stated that most wetlands mitigation efforts in the state have been failures and that manmade wetlands don’t function as well as those designed by nature. He fears that the environmental impacts have been skimmed over, and potential impact on Acme and Yuba Creeks must be studied carefully.

Paul Brink, 9617 Winter Road, feels traffic is a huge issue for local residents. He noted that the gentleman from URS stated that to maintain an LOS of D, development of Lautner Commons and The Village would require significant improvements to public roads. Who will pay for this? MDOT has no funding for road improvements for at least another five years? The intersection of US 31 and M-72 would have to be completely rebuilt to handle the traffic flows.

Jo Collins, 9260 Shaw Road, is opposed to the size of the project and impact on wetlands. The development is upstream from the Yuba Creek Natural Area, a significant resource with 5,000’ of frontage of Yuba Creek, a significant tributary flowing into the bay. The YCNA was purchased with money from the DNR and over 165 donors to protect the trout stream. It would be devastating to have this development ruin the protection effort.

Rachelle Babcock, 4261 Bartlett Road, addressed Meijer as a neighbor. She would be able to see their building from her driveway. When large superstores decide to move in it is impossible to control the outcome without strong zoning laws. It appears that Meijer’s attitude is that they can do anything with their property as long

as it results in a profit. Looking at their store across town, it sits among similar large-scale development and heavy traffic. What sort of neighborhood is it over there? What is left of their natural environment? The Meijer letter sent to Acme residents several weeks ago urged voters to ignore what township officials are trying to do with proper planning and zoning to suit Acme's character. They are urging residents to throw off safeguards, and have compounded problems by joining a lawsuit against the township and its officials. They are suing our officials just because they are governing in a way Meijer's does not like. She urged the Commission to support the elected officials.

Randy Agruda, 3879 Pleasant Ridge, was on the Board that approved much of the development under discussion. He doesn't think that the problem is that officials don't want a Meijer. He has heard discussion about the need for increased tax base, and this development can be the start of it. The township has forced Meijer outside of the proposed town center development, which doesn't make sense. He believes Meijer will be a good neighbor that helps Acme Township and urged a motion moving this matter to the Board for approval.

John Szumera, 4972 Hampshire Drive, stated that the Acme public has already approved zoning the Meijer property for large retail use. Meijer purchased the property zoned as such. He believes it is inappropriate for the township to block them from developing as they see fit. It is a shame they are seeking to develop on the east side of Lautner Road instead of in The Village on the west side. The township has, in his opinion, forced sprawl to occur rather than discouraging it. Moving past this issue can allow resources to be better used on other protection efforts.

John Nelson, Grand Traverse Baykeeper, stated that the project is proposed for a sensitive site which deserves a sensitive design. Ford Motors employed a consultant to provide a unique design for an environmentally challenged site downstate. He sees nothing innovative in the proposed Meijer site design here to help protect a high-quality watershed and feels that everyone can work together to do better. Water does flow from this site to Yuba Creek, even if it takes a while. Algae beds in the bay doubled in size between 1991 and 1998, particularly near the mouths of Acme, Yuba and Mitchell Creeks where there is substantial development. Creation of impervious surfaces has a cumulative negative effect towards destroying a watershed. The Meijer proposal is 90% impervious surface, and there are alternatives. It's not about Meijer or no Meijer; it's about employing creativity to protect the watershed and ultimately the bay. It's about doing the right thing as Gourdie Fraser did with the Kohl's site where innovations were used to protect Kid's Creek. All parties must work together.

Dan Hanna, 7239 Lautner Road, will be able to see the Meijer from his home of 52 years. He is very concerned with the Yuba Creek watershed. He has just heard that manmade wetlands don't work, but finds it hard to understand because the wetlands on the Meijer property are themselves manmade. Why should they be protected? He has farmed this property back when the Ritters owned it, and it became wetter over time due to work done on the airport and on M-72. He feels Meijer will be an excellent neighbor. His extended family feels the same way. Grandchildren who could live in the area need jobs. He might consider working there himself. Mr. Hanna believes they have the right to build on this property. He has attended many meetings over the past 3-4 years and finds the way some Commissioners have treated Meijer over the years to be shameful. He also believes that litigation hasn't been caused by Meijer but by CCAT. Mr. Hanna heard the earlier hearing about the proposed church expansion and the proposal that no non-church activities be allowed. If this were the case we wouldn't be able to have this meeting here.

Denny Rohn, 9267 Shaw Road, feels that the Meijer plan submitted in 2000 is superior to the one submitted now. They say they walked away from that plan due to

concerns raised by the township and its citizens, but this new plan raises the same number of questions or more. Traffic is a serious concern; there are already areas with LOS F. Also, what happens if there is a gas leak at the proposed gas station that runs through the Resort and other private properties, through the YCNA and through the creek to the bay? Who is responsible? These situations have also generated significant litigation.

Andy Andres, 4946 M-72 East, stated that the Meijer property belonged to his great-uncle who raised grains and cattle. It was farmed this way in the subsequent generation with a tractor that has close-set tires that wouldn't work in very wet soils. At that time the soils weren't so wet. Mr. Andres lives at the corner of M-72 and Lautner Road. He tried to rezone his property to sell for use as an antique shop. He was denied based on traffic and potential light pollution. It seems to him that every time somebody wants to oppose a project in the township they use certain things like the environment as hot buttons. He believes CCAT has told lies to members of the public during petition drives in the subdivisions off Bunker Hill

Lewis Griffith, 5181 Lautner Road, lives very close to the Meijer property and knows it well. Worries about the gas tanks leaking display a lack of common sense, as all new tanks are double-walled to capture any such leaks. Mr. Griffith said that complaints about Bunker Hill Road should be addressed to the County Road Commission because tax dollars are not being spent on road repairs that are needed. He stated that he personally created the wetlands on the Meijer site when he created his airport runway and hangars, so he can guarantee they are manmade. A culvert under M-72 caused water to back up on the property during highway expansion as well. The land had been farmed even after the airport went in. Mr. Griffith supports Meijer "100%."

Jim Lively, Michigan Land Use Institute, stated that it is true that commercial development on the site cannot be halted per the ordinance. However, the township also has the obligation to ensure that commercial development on the site is appropriate and meets all ordinance standards. He believes that Mr. Iacoangeli's report is excellent and should be heeded. An appropriate market study has not been provided; MDOT and the Road Commission have not weighed in and it is unknown who would pay for needed road improvements; parking lot requirements and pedestrian safety must be addressed; the question of sanitary service to the property, which is clearly outside of the defined sewer district in the Master Plan, is a critical concern; and Mr. Iacoangeli has stated that the proposed development is a big box and not a shopping center and does not meet the intent of the zoning designation for the property. There are issues between the Master Plan and Zoning Ordinance that need to be resolved, and the fact that a site plan of this nature could be proposed clearly demonstrates this fact. We were shown that the proposed plan is essentially the same as that of every other Meijer plan. It is also important to remember that the Commission is not considering the brand name of the occupant but the site plan. Meijer could go out of business tomorrow and the township would still have the site plan – this is what must be judged for compatibility.

Mark Nixon, 126 E. Eighth St., says he has read that every dollar spent at a Meijer returns \$0.06 to the community. What are the economic consequences of big box retail? Can't we get information on what happens to a community once it says yes to this type of development? Does it cause economic stratification? What is the difference between smaller, neighborhood scale retail marketing and big boxes? What are the public costs of regional shopping centers? How many extra police hours are needed? How much extra road maintenance? How much environmental impact? Judge on a per-capita or per-trip basis. Mr. Nixon indicated that he has available videotapes of a presentation in Charlevoix with data that would be applicable to big box retail in general (it related to Wal-Mart specifically.) Another film will be shown at the Library on June 13 called "The End of Suburbia" about

fossil fuel dependence.

Don Balcom, 2156 Landview Drive, Traverse City, favors the Meijer over a strip joint or another casino. He and his wife were in a car accident over the weekend because they had to brave the traffic crossing Traverse City, so he would appreciate the ability to shop closer to home. Engineering problems are not insurmountable. Meijer will do a good job, as they have done at other stores across the country he has visited.

Tim Burt, 4415 Bartlett Road, stated that there is a problem to be addressed. He asked the Commission to use reason as regards a "covenant they have made with Meijer." Otherwise the township will spend a long time chasing its tail in court. At some point we must say enough is enough. Meijer appears to have a basically sensible plan. At one time the land was farmed. Mr. Burt encouraged everyone to work together and try to fend off litigation from "outside forces."

A gentleman from Crawford County stated that he would invite the Commission over to dinner but he's afraid it would take 10 years to fix supper.

Walt Penrod, White Road, feels that Meijer is an excellent store that supports the communities where it does business, so the community should stand by them.

Jim Girr, Antrim County, has been in the area for many years. He was recalling Bakers Acres. What are people afraid of here? He read in the Record Eagle about the "Traverse City landmark" the Waterfront being torn down. He is a Planning Commissioner in his township. If the applicant's proposal is rightful, lawful and they have indicated willingness to meet reasonable conditions imposed on them, the township has a duty to approve them.

Public Hearing closed at 9:52 p.m.

Sherberneau noted that the meeting must end promptly at 10:00 and asked the Commission how it wished to proceed.

Motion by Carstens, support by David to continue the Public Hearing to a subsequent meeting. Motion carried by a vote of seven in favor (Takayama, Sherberneau, Carstens, David, Hardin, Krause, Morgan) and one opposed (Vermetten).

7. **New Business:** None

8. **Old Business:** None

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

Carstens asked about the assertion made by Mr. Castle that Commissioners need to take an oath of office. Christopherson will investigate.

Meeting adjourned at 9:55 p.m.